



Rep. Marcus C. Evans, Jr.

Filed: 5/15/2017

10000SB0675ham001

LRB100 06005 AXK 25835 a

1 AMENDMENT TO SENATE BILL 675

2 AMENDMENT NO. _____. Amend Senate Bill 675 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-118, 5-301, 5-503, 6-201, and 6-401 and by
6 adding Section 5-501.5 as follows:

7 (625 ILCS 5/1-118) (from Ch. 95 1/2, par. 1-118)

8 Sec. 1-118. Essential parts. All integral and body parts of
9 a vehicle of a type required to be registered hereunder, the
10 removal, alteration or substitution of which would tend to
11 conceal the identity of the vehicle or substantially alter its
12 appearance, model, type or mode of operation. "Essential parts"
13 includes the following: vehicle hulks, shells, chassis,
14 frames, front end assemblies (which may consist of headlight,
15 grill, fenders and hood), front clip (front end assembly with
16 cowl attached), rear clip (which may consist of quarter panels,

1 fenders, floor and top), doors, hatchbacks, fenders, cabs, cab
2 clips, cowls, hoods, trunk lids, deck lids, bed, front bumper,
3 rear bumper, ~~T-tops, sunroofs, moon roofs, astro roofs,~~
4 transmissions ~~of vehicles of the second division,~~ seats,
5 ~~aluminum wheels,~~ engines and similar parts. Essential parts
6 also includes fairings, fuel tanks, and forks of motorcycles.
7 Essential parts shall also include stereo radios, ~~cassette~~
8 ~~radios, compact disc radios, cassette/compact disc radios and~~
9 ~~compact disc players and compact disc changers which are either~~
10 ~~installed in dash or trunk-mounted.~~

11 An essential part which does not have affixed to it an
12 identification number as defined in Section 1-129 adopts the
13 identification number of the vehicle to which such part is
14 affixed, installed or mounted.

15 An "essential part" does not include an engine,
16 transmission, or a rear axle that is used in a glider kit.

17 (Source: P.A. 99-748, eff. 8-5-16.)

18 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

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

21 (a) No person in this State shall, except as an incident to
22 the servicing of vehicles, carry on or conduct the business of
23 an automotive parts recycler, a scrap processor, a repairer, or
24 a rebuilder, unless licensed to do so in writing by the
25 Secretary of State under this Section. No person shall rebuild

1 a salvage vehicle unless such person is licensed as a rebuilder
2 by the Secretary of State under this Section. No person shall
3 engage in the business of acquiring 5 or more previously owned
4 vehicles in one calendar year for the primary purpose of
5 disposing of those vehicles in the manner described in the
6 definition of a "scrap processor" in this Code unless the
7 person is licensed as an automotive parts recycler by the
8 Secretary of State under this Section. Each license shall be
9 applied for and issued separately, except that a license issued
10 to a new vehicle dealer under Section 5-101 of this Code shall
11 also be deemed to be a repairer license.

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

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

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

21 3. If the applicant is a corporation, a list of its
22 officers, directors, and shareholders having a ten percent
23 or greater ownership interest in the corporation, setting
24 forth the residence address of each; if the applicant is a
25 sole proprietorship, a partnership, an unincorporated
26 association, a trust, or any similar form of business

1 organization, the names and residence address of the
2 proprietor or of each partner, member, officer, director,
3 trustee or manager.

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

12 (a) The Anti-Theft Laws of the Illinois Vehicle
13 Code;

14 (b) The "Certificate of Title Laws" of the Illinois
15 Vehicle Code;

16 (c) The "Offenses against Registration and
17 Certificates of Title Laws" of the Illinois Vehicle
18 Code;

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

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

24 (f) The Retailers Occupation Tax Act.

25 5. A statement that the applicant's officers,
26 directors, shareholders having a ten percent or greater

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

7 (a) The Consumer Finance Act;

8 (b) The Consumer Installment Loan Act;

9 (c) The Retail Installment Sales Act;

10 (d) The Motor Vehicle Retail Installment Sales
11 Act;

12 (e) The Interest Act;

13 (f) The Illinois Wage Assignment Act;

14 (g) Part 8 of Article XII of the Code of Civil
15 Procedure; or

16 (h) The Consumer Fraud Act.

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

1 the Secretary of State.

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

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

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

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

17 (d) Anything in this chapter to the contrary,
18 notwithstanding, no person shall be licensed under this Section
19 unless such person shall maintain an established place of
20 business as defined in this Chapter.

21 (e) The Secretary of State shall within a reasonable time
22 after receipt thereof, examine an application submitted to him
23 under this Section and unless he makes a determination that the
24 application submitted to him does not conform with the
25 requirements of this Section or that grounds exist for a denial
26 of the application, as prescribed in Section 5-501 of this

1 Chapter, grant the applicant an original license as applied for
2 in writing for his established place of business and a
3 supplemental license in writing for each additional place of
4 business in such form as he may prescribe by rule or regulation
5 which shall include the following:

6 1. The name of the person licensed;

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

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

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

18 5. In the case of a supplemental license, the
19 established place of business of the licensee and the
20 additional place of business to which such supplemental
21 license pertains.

22 (f) The appropriate instrument evidencing the license or a
23 certified copy thereof, provided by the Secretary of State
24 shall be kept, posted, conspicuously in the established place
25 of business of the licensee and in each additional place of
26 business, if any, maintained by such licensee. The licensee

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

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

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

25 (i) All automotive repairers and rebuilders shall, in
26 addition to the requirements of subsections (a) through (h) of

1 this Section, meet the following licensing requirements:

2 1. Provide proof that the property on which first time
3 applicants plan to do business is in compliance with local
4 zoning laws and regulations, and a listing of zoning
5 classification;

6 2. Provide proof that the applicant for a repairer's
7 license complies with the proper workers' compensation
8 rate code or classification, and listing the code of
9 classification for that industry;

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

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

18 5. Provide proof that applicant has proper liability
19 insurance, and listing the name of the insurer and the
20 policy number; and

21 6. Provide proof that the applicant has obtained or
22 applied for the proper State sales tax classification and
23 federal identification tax number, and listing the actual
24 numbers if available.

25 (i-1) All automotive repairers shall provide proof that
26 they comply with all requirements of the Automotive Collision

1 Repair Act.

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

5 1. Provide a statement that the applicant purchases 5
6 vehicles per year or has 5 hulks or chassis in stock;

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

11 3. Provide proof that applicant complies with the
12 proper workers' compensation rate code or classification,
13 and listing the code of classification; and

14 4. Provide proof that applicant has obtained or applied
15 for the proper State sales tax classification and federal
16 identification tax number, and listing the actual numbers
17 if available.

18 (Source: P.A. 97-832, eff. 7-20-12; 97-1150, eff. 1-25-13;
19 98-756, eff. 7-16-14.)

20 (625 ILCS 5/5-501.5 new)

21 Sec. 5-501.5. License eligibility; fraud.

22 (a) For purposes of this Section, an "automotive parts
23 recycler, scrap processor, repairer, or rebuilder" includes
24 any owners, operators, principals, shareholders, partners, or
25 directors that have ownership interest or managerial authority

1 in the business at the time the fraud or misconduct occurred.

2 (b) Notwithstanding any other provision of law to the
3 contrary, an automotive parts recycler, scrap processor,
4 repairer, or rebuilder with a business license issued by a
5 municipality that has been revoked or nonrenewed due to fraud
6 or misconduct committed against the municipality within 3 years
7 preceding the effective date of this amendatory Act of the
8 100th General Assembly or on or after the effective date of
9 this amendatory Act of the 100th General Assembly shall not be
10 eligible for a license or license renewal under Section 5-301
11 of this Code.

12 (c) No later than 30 days after the effective date of this
13 amendatory Act of the 100th General Assembly, a municipality
14 that has revoked or nonrenewed a business license under
15 subsection (b) of this Section shall:

16 (1) notify the Secretary of State of the revocation or
17 nonrenewal; and

18 (2) notify any other municipality in which the former
19 licensee is known to conduct business that the former
20 licensee's business license has been revoked or nonrenewed
21 due to fraud or misconduct committed against the
22 municipality.

23 (d) No later than 30 days after receiving a notice required
24 under paragraph (2) of subsection (c) of this Section, a
25 municipality shall take all actions necessary to revoke or, if
26 the business license is set to expire within a 30-day period of

1 the notice, prohibit renewal of the licensee's business
2 license.

3 (d-5) No later than 30 days after receiving notice under
4 paragraph (1) of subsection (c) of this Section, the Secretary
5 shall notify the former licensee that it is not eligible to
6 conduct business in this State as an automotive parts recycler,
7 scrap processor, repairer, or rebuilder.

8 (e) An automotive parts recycler, scrap processor,
9 repairer, or rebuilder shall be fined \$10,000 for each day it
10 conducts business in this State in violation of this Section.

11 (f) No unit of local government, including a home rule
12 unit, may regulate business licenses in a manner inconsistent
13 with this Section. This subsection (f) is a limitation under
14 subsection (i) of Section 6 of Article VII of the Illinois
15 Constitution on the concurrent exercise by home rule units of
16 powers and functions exercised by the State.

17 (625 ILCS 5/5-503) (from Ch. 95 1/2, par. 5-503)

18 Sec. 5-503. Failure to obtain dealer's license, operation
19 of a business with a suspended or revoked license. (a) Any
20 person operating a business for which he is required to be
21 licensed under Section 5-101, 5-102, 5-201 or 5-301 who fails
22 to apply for such a license or licenses within 15 days after
23 being informed in writing by the Secretary of State that he
24 must obtain such a license or licenses is subject to a civil
25 action brought by the Secretary of State for operating a

1 business without a license in the circuit court in the county
2 in which the business is located. If the person is found to be
3 in violation of Section 5-101, 5-102, 5-201 or 5-301 by
4 carrying on a business without being properly licensed, that
5 person shall be fined \$300 for each business day he conducted
6 his business without such a license after the expiration of the
7 15 day period specified in this subsection (a).

8 (b) Any person who, having had his license or licenses
9 issued under Section 5-101, 5-102, 5-201 or 5-301 suspended,
10 revoked, nonrenewed, cancelled, or denied by the Secretary of
11 State under Section 5-501 or 5-501.5 of this Code, continues to
12 operate business after the effective date of such revocation,
13 nonrenewal, suspension, cancellation, or denial may be sued in
14 a civil action by the Secretary of State in the county in which
15 the established or additional place of such business is
16 located. Except as provided in subsection (e) of Section
17 5-501.5 of this Code, if ~~if~~ such person is found by the court
18 to have operated such a business after the license or licenses
19 required for conducting such business have been suspended,
20 revoked, nonrenewed, cancelled, or denied, that person shall be
21 fined \$500 for each day he conducted business thereafter.

22 (Source: P.A. 86-444.)

23 (625 ILCS 5/6-201)

24 Sec. 6-201. Authority to cancel licenses and permits.

25 (a) The Secretary of State is authorized to cancel any

1 license or permit upon determining that the holder thereof:

2 1. was not entitled to the issuance thereof hereunder;

3 or

4 2. failed to give the required or correct information
5 in his application; or

6 3. failed to pay any fees, civil penalties owed to the
7 Illinois Commerce Commission, or taxes due under this Act
8 and upon reasonable notice and demand; or

9 4. committed any fraud in the making of such
10 application; or

11 5. is ineligible therefor under the provisions of
12 Section 6-103 of this Act, as amended; or

13 6. has refused or neglected to submit an alcohol, drug,
14 and intoxicating compound evaluation or to submit to
15 examination or re-examination as required under this Act;
16 or

17 7. has been convicted of violating the Cannabis Control
18 Act, the Illinois Controlled Substances Act, the
19 Methamphetamine Control and Community Protection Act, or
20 the Use of Intoxicating Compounds Act while that individual
21 was in actual physical control of a motor vehicle. For
22 purposes of this Section, any person placed on probation
23 under Section 10 of the Cannabis Control Act, Section 410
24 of the Illinois Controlled Substances Act, or Section 70 of
25 the Methamphetamine Control and Community Protection Act
26 shall not be considered convicted. Any person found guilty

1 of this offense, while in actual physical control of a
2 motor vehicle, shall have an entry made in the court record
3 by the judge that this offense did occur while the person
4 was in actual physical control of a motor vehicle and order
5 the clerk of the court to report the violation to the
6 Secretary of State as such. After the cancellation, the
7 Secretary of State shall not issue a new license or permit
8 for a period of one year after the date of cancellation.
9 However, upon application, the Secretary of State may, if
10 satisfied that the person applying will not endanger the
11 public safety, or welfare, issue a restricted driving
12 permit granting the privilege of driving a motor vehicle
13 between the petitioner's residence and petitioner's place
14 of employment or within the scope of the petitioner's
15 employment related duties, or to allow transportation for
16 the petitioner or a household member of the petitioner's
17 family for the receipt of necessary medical care, or
18 provide transportation for the petitioner to and from
19 alcohol or drug remedial or rehabilitative activity
20 recommended by a licensed service provider, or for the
21 petitioner to attend classes, as a student, in an
22 accredited educational institution. The petitioner must
23 demonstrate that no alternative means of transportation is
24 reasonably available; provided that the Secretary's
25 discretion shall be limited to cases where undue hardship,
26 as defined by the rules of the Secretary of State, would

1 result from a failure to issue such restricted driving
2 permit. In each case the Secretary of State may issue such
3 restricted driving permit for such period as he deems
4 appropriate, except that such permit shall expire within
5 one year from the date of issuance. A restricted driving
6 permit issued hereunder shall be subject to cancellation,
7 revocation and suspension by the Secretary of State in like
8 manner and for like cause as a driver's license issued
9 hereunder may be cancelled, revoked or suspended; except
10 that a conviction upon one or more offenses against laws or
11 ordinances regulating the movement of traffic shall be
12 deemed sufficient cause for the revocation, suspension or
13 cancellation of a restricted driving permit. The Secretary
14 of State may, as a condition to the issuance of a
15 restricted driving permit, require the applicant to
16 participate in a driver remedial or rehabilitative
17 program. In accordance with 49 C.F.R. 384, the Secretary of
18 State may not issue a restricted driving permit for the
19 operation of a commercial motor vehicle to a person holding
20 a CDL whose driving privileges have been revoked,
21 suspended, cancelled, or disqualified under this Code; or

22 8. failed to submit a report as required by Section
23 6-116.5 of this Code; or

24 9. has been convicted of a sex offense as defined in
25 the Sex Offender Registration Act. The driver's license
26 shall remain cancelled until the driver registers as a sex

1 offender as required by the Sex Offender Registration Act,
2 proof of the registration is furnished to the Secretary of
3 State and the sex offender provides proof of current
4 address to the Secretary; or

5 10. is ineligible for a license or permit under Section
6 6-107, 6-107.1, or 6-108 of this Code; or

7 11. refused or neglected to appear at a Driver Services
8 facility to have the license or permit corrected and a new
9 license or permit issued or to present documentation for
10 verification of identity; or

11 12. failed to submit a medical examiner's certificate
12 or medical variance as required by 49 C.F.R. 383.71 or
13 submitted a fraudulent medical examiner's certificate or
14 medical variance; or

15 13. has had his or her medical examiner's certificate,
16 medical variance, or both removed or rescinded by the
17 Federal Motor Carrier Safety Administration; or

18 14. failed to self-certify as to the type of driving in
19 which the CDL driver engages or expects to engage; or

20 15. has submitted acceptable documentation indicating
21 out-of-state residency to the Secretary of State to be
22 released from the requirement of showing proof of financial
23 responsibility in this State; or

24 16. was convicted of fraud relating to the testing or
25 issuance of a CDL or CLP, in which case only the CDL or CLP
26 shall be cancelled. After cancellation, the Secretary

1 shall not issue a CLP or CDL for a period of one year from
2 the date of cancellation; or

3 17. has a special restricted license under subsection
4 (g) of Section 6-113 of this Code and failed to submit the
5 required annual vision specialist report that the special
6 restricted license holder's vision has not changed; or

7 18. has a special restricted license under subsection
8 (g) of Section 6-113 of this Code and was convicted or
9 received court supervision for a violation of this Code
10 that occurred during nighttime hours or was involved in a
11 motor vehicle accident during nighttime hours in which the
12 restricted license holder was at fault; or -

13 19. has assisted an out-of-state resident in acquiring
14 an Illinois driver's license or identification card by
15 providing or allowing the out-of-state resident to use his
16 or her Illinois address of residence and is complicit in
17 distributing and forwarding the Illinois driver's license
18 or identification card to the out-of-state resident.

19 (b) Upon such cancellation the licensee or permittee must
20 surrender the license or permit so cancelled to the Secretary
21 of State.

22 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
23 Secretary of State shall have exclusive authority to grant,
24 issue, deny, cancel, suspend and revoke driving privileges,
25 drivers' licenses and restricted driving permits.

26 (d) The Secretary of State may adopt rules to implement

1 this Section.

2 (Source: P.A. 97-208, eff. 1-1-12; 97-229; eff. 7-28-11;
3 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-176 (see Section
4 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the
5 effective date of changes made by P.A. 98-176); 98-178, eff.
6 1-1-14; 98-747, eff. 1-1-15; 98-756, eff. 7-16-14.)

7 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

8 Sec. 6-401. Driver training schools-license required.

9 (a) No person, firm, association, partnership or
10 corporation shall operate a driver training school or engage in
11 the business of giving instruction for hire or for a fee in (1)
12 the driving of motor vehicles; or (2) the preparation of an
13 applicant for examination given by the Secretary of State for a
14 drivers license or permit, unless a license therefor has been
15 issued by the Secretary. No public schools or educational
16 institutions shall contract with entities engaged in the
17 business of giving instruction for hire or for a fee in the
18 driving of motor vehicles for the preparation of an applicant
19 for examination given by the Secretary of State for a driver's
20 license or permit, unless a license therefor has been issued by
21 the Secretary.

22 This subsection (a) ~~Section~~ shall not apply to (i) public
23 schools or to educational institutions in which driving
24 instruction is part of the curriculum, (ii) employers giving
25 instruction to their employees, or (iii) schools that teach

1 enhanced driving skills to licensed drivers as set forth in
2 Article X of Chapter 6 of this Code.

3 (b) Any person, firm, association, partnership, or
4 corporation that violates subsection (a) of this Section shall
5 be guilty of a Class A misdemeanor for a first offense and a
6 Class 4 felony for a second or subsequent offense.

7 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 97-229,
8 eff. 7-28-11.)

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