



Sen. Rachel Ventura

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10400SB2787sam002

LRB104 16964 JDS 35359 a

1 AMENDMENT TO SENATE BILL 2787

2 AMENDMENT NO. _____. Amend Senate Bill 2787 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Vehicle History Report Requirements for Used or Pre-Owned
6 Vehicle Sales Act.

7 Section 5. Purpose. The purpose of this Act is to require
8 dealers to provide vehicle history reports for used or
9 pre-owned vehicles sold to a retail consumer in this State,
10 ensuring transparency and consumer protection.

11 Section 10. Definitions. As used in this Act:

12 "Dealer" means an entity licensed under Section 5-101,
13 5-102, or 5-102.8 of the Illinois Vehicle Code.

14 "Junk vehicle" has the meaning given in Section 1-134.1 of
15 the Illinois Vehicle Code.

1 "National Motor Vehicle Title Information System" or
2 "NMVTIS" means the National Motor Vehicle Title Information
3 System established under 49 U.S.C. Chapter 305.

4 "National Motor Vehicle Title Information System data
5 provider" or "NMVTIS data provider" means a person authorized
6 by the NMVTIS as an access portal provider for the NMVTIS.

7 "Retail consumer" means a person who purchases or
8 contracts for the purchase of a used or pre-owned vehicle not
9 for resale in the ordinary course of the person's trade or
10 business.

11 "Salvage vehicle" means a vehicle that has been issued a
12 salvage certificate under the Illinois Vehicle Code or a
13 similar certificate by another state or jurisdiction.

14 "Used or pre-owned vehicle" means any vehicle that has
15 been previously titled or registered. "Used or pre-owned
16 vehicle" does not include a salvage vehicle or junk vehicle.

17 "Vehicle" means every device, in, upon, or by which any
18 person or property is or may be transported or drawn upon a
19 highway, except (1) devices moved by human power, (2) devices
20 used exclusively upon stationary rails or tracks, (3)
21 snowmobiles as defined in the Snowmobile Registration and
22 Safety Act, and (4) vehicles of the Second Division under
23 Section 1-146 of the Illinois Vehicle Code.

24 Section 15. Requirement to provide vehicle history
25 reports.

1 (a) Every dealer in this State must obtain and provide, to
2 each retail consumer to whom the dealer sells a used or
3 pre-owned vehicle, a vehicle history report from a NMVTIS data
4 provider or from a provider of vehicle history reports that
5 uses a commercially available system equivalent to the NMVTIS
6 that, at a minimum, maintains records from those states
7 participating in data sharing with the NMVTIS.

8 (b) The vehicle history report must be:

9 (1) specific to the vehicle identification number of
10 the vehicle being sold; and

11 (2) generated no more than 3 days before the day of the
12 sale.

13 (c) The vehicle history report must include:

14 (1) the date of the report;

15 (2) the current state of title and last title date for
16 the vehicle;

17 (3) the brand history of the vehicle;

18 (4) the odometer reading of the vehicle; and

19 (5) the total loss and salvage history of the vehicle.

20 (d) The vehicle history report may include, if applicable:

21 (1) the recall information for the vehicle;

22 (2) the accident or crash history of the vehicle;

23 (3) the theft history of the vehicle;

24 (4) the maintenance or repair records for the vehicle;

25 and

26 (5) any other pertinent historical data related to the

1 vehicle.

2 (e) A dealer in this State may not knowingly provide false
3 or misleading vehicle history information to a retail
4 consumer. This subsection (e) does not create:

5 (1) any legal duty upon a dealer related to the
6 accuracy, errors, or omissions contained in a vehicle
7 history report that is obtained from a NMVTIS data
8 provider or a provider of vehicle history reports that
9 uses an equivalent commercially available system to the
10 NMVTIS; or

11 (2) any legal duty to provide information added to a
12 vehicle history report after the dealer obtained the
13 vehicle history report.

14 (f) This Section does not apply to a used or pre-owned
15 vehicle for which neither a NMVTIS data provider nor any
16 provider of vehicle history reports that uses a commercially
17 available system equivalent to the NMVTIS has a record,
18 provided the dealer has attempted to obtain a vehicle history
19 report for the vehicle.

20 (g) If all NMVTIS data providers and all providers of
21 vehicle history reports that use a commercially available
22 system equivalent to the NMVTIS cease to make vehicle history
23 reports available to the public, this Section shall become
24 inoperative.

25 Section 20. Acknowledgment by retail consumer.

1 (a) Except as provided in subsection (f) of Section 15,
2 before assuming ownership of a used or pre-owned vehicle, the
3 retail consumer must acknowledge receipt of the vehicle
4 history report and confirm the retail consumer had an
5 opportunity to review the report.

6 (b) The acknowledgment required under this Section may be
7 made by:

8 (1) written signature;

9 (2) electronic signature, in compliance with the
10 Uniform Electronic Transactions Act, including in a remote
11 sale; or

12 (3) other verifiable electronic or digital means that
13 reasonably demonstrate the retail consumer's receipt and
14 review of the vehicle history report.

15 (c) The acknowledgment document must include the following
16 notices: "The provision of a vehicle history report does not
17 disclaim any obligation of the dealer to disclose any prior
18 issue or defect not otherwise disclosed on the vehicle history
19 report of which the dealer is aware or should have been aware.
20 The provided vehicle history report may not be inclusive due
21 to reporting delays or errors. The retail consumer may request
22 to have a third-party inspection before assuming ownership of
23 the vehicle."

24 (d) A dealer must retain each vehicle history report
25 acknowledgment form for 3 years, either in paper or digital
26 form.

1 Section 25. Duty to accurately report mileage. If a
2 dealer, body shop, or other organization reports the mileage
3 of a used or pre-owned vehicle being bought, sold, serviced,
4 or inspected, then the dealer, body shop, or other
5 organization must accurately report the mileage of the used or
6 pre-owned vehicle.

7 Section 30. Enforcement by Attorney General.

8 (a) A violation of this Act constitutes an unlawful
9 business practice under the Consumer Fraud and Deceptive
10 Business Practices Act and is grounds for suspension or
11 revocation of a dealer's license under paragraph 3 of
12 subsection (a) of Section 5-501 of the Illinois Vehicle Code.

13 (b) In determining whether to impose a civil penalty under
14 this Act and the amount of any such penalty, a court shall
15 consider the nature, circumstances, extent, and gravity of the
16 violation, including:

17 (1) whether the conduct was committed with intent to
18 defraud;

19 (2) whether the conduct involved concealment or
20 misrepresentation of material information; and

21 (3) any other factors the court determines to be
22 appropriate.

23 (c) Any civil penalty collected under this Section shall
24 be deposited into the Dealer Recovery Trust Fund.

1 Section 35. Applicability. This Act applies exclusively to
2 retail sales of used or pre-owned vehicles sold to a retail
3 consumer within this State."