**Section 1020.10 Dealers Established Place of Business**

a) Each person or entity seeking to be or already duly licensed as a new or used vehicle dealer under the Illinois Vehicle Code (IVC) [625 ILCS 5] shall maintain an established place of business that shall, in addition to those requirements in IVC Section 5-100, meet the following requirements:

1) Have office facilities in a building for maintaining and keeping books and records as are required. The office facilities shall be permanently mounted on a fixed foundation and may not include a trailer with axle attached and still moveable. It may include, however, a house trailer in a licensed mobile home park or dealership lot with tires removed and utilities attached.

2) Be properly and permanently equipped with the necessary office equipment and machines and documents and papers adequate to properly conduct business as a dealer and must be within a permanent building or structure as required in subsection (a)(1).

3) Be equipped with an operating telephone for inbound and outbound calls, have the business telephone number published in the telephone directory generally available in the dealership area, and be adequately equipped with operating electric lights.

4) Have the name of the dealership posted on the front entrance door.

5) Have posted on the front entrance door a sign setting forth the days and regular and reasonable hours when open for business. A dealership shall not be deemed as being open for business unless at least one employee, who is able to conduct regular business, is on the premises and available to the public. The dealership must be operated consistent with general dealer practices. The dealership must be open for business at least 5 days out of each 7 days in a week, and a minimum of 4 consecutive hours per day. However, dealers who operate their dealerships less than 12 months shall state in the license application those months in which the dealership is closed and shall not be required to maintain regular business hours during the period of closure. The months of closure shall also be posted in a prominent place for the public to see in the dealership office.

6) Maintain a lot (the area not occupied by a building) that shall be surfaced with rock or better surface material, and that shall be properly illuminated, if open after sundown, so that vehicles for sale can be properly inspected by any prospective customer.

A) The lot used for sale of vehicles shall be separate and apart from any other business. In addition, if a dealer is selling both new and used cars, the new cars shall be parked separately and apart from used cars.

B) The lot requirement described in this subsection (a)(6) shall not be applicable if the place of business has an indoor showroom, properly illuminated, for the display of vehicles held for sale.

C) The separate lot requirement specified in subsection (a)(6)(A) shall not prohibit the operation by the dealer of other businesses on the same premises, which shall include the lot, provided that the businesses are reasonably related to the sale or operation of new or used automobiles, if the sale of new or used automobiles constitutes at least 50% of the gross revenues of the license holder. Businesses reasonably related to the sale or operation of automobiles shall include only the sale of automobile parts and accessories, the sale of gasoline, diesel fuel, oil and lubricant, the sale of automobile tires, the leasing of automobiles, insuring automobiles, and financing of automobiles sold by the licensed dealers engaged in these businesses. Licensed dealers engaged in operating businesses other than those stated in this subsection (a)(6)(C) shall remove unauthorized businesses or modify them to comply with this Section within 60 days after notification by the Secretary of State, or be subject to the revocation or suspension of their dealer's license.

7) Dealership in a Department Store − When a dealer maintains a place of business within a department store, the dealership shall be separated from other operations of the department store.

8) Sign – Display a permanent sign bearing the name of the dealership, which shall be properly illuminated if open after sundown and which shall be visible from the highway, as defined at IVC Section 1-126, leading to the established place of business.

9) Display a federally required pricing document on all new motor vehicles held for sale.

10) If the premises are leased, the lease must be for at least the duration of the current licensed period.

b) Supplemental Lots

An Illinois licensed dealer may operate as an additional place of business a permanent supplemental lot that meets all the requirements of subsection (a), except the records required to be kept shall be maintained at the principal place of business of the dealership, as defined by IVC Section 1-164, unless the supplemental lot is more than one mile from the main dealership. The one mile shall be measured by the most direct road between the dealership and the supplemental lot.

1) A licensed dealer shall apply for the supplemental lot authorization when he/she files the application required by IVC Section 5-101 or 5-102 or he or she may file an application to add a supplemental lot during the license period.

2) The fee for a license to operate a supplemental lot is $25 or $12.50 as provided in IVC Sections 5-101(b)(7) and 5-102(b)(5).

3) No vehicle sales at supplemental lots shall be allowed on Sundays except as provided for in IVC Section 5-106.

c) Trade Show Exhibition, Display Exhibition and Off Site Sale

A licensed dealer may operate as an additional place of business an exhibition area in a trade show exhibition, display exhibition or off site sale, provided:

1) The trade show exhibition, display exhibition or off site sale must be conducted separately and away from the licensed dealer's established and additional places of business.

2) The licensed dealer has a currently valid new or used vehicle dealer's license issued by the Secretary of State of Illinois or another state where applicable.

3) The applicant dealer meets the requirements of subsection (c)(7), (8) or (9).

4) No permit granted for an additional location in a trade show exhibition, display exhibition or off site sale may be transferred or removed to another location.

5) Regardless of the dates of the trade show exhibition, display exhibition or off site sale, no vehicle sales will be allowed on Sunday except as provided for in IVC Section 5-106.

6) The licensed dealer has provided the Secretary of State with a copy of:

A) the written contract with the agency, person or other entity sponsoring, creating or supervising the trade show exhibition, display exhibition or off site sale; and

B) an application for the trade show exhibition, display exhibition or off site sale permit:

i) containing the name of the dealership, its license number, the location and dates of the trade show exhibition, display exhibition or off site sale; and

ii) signed by the licensed dealer.

7) Trade Show Exhibitions

A) A permit for an additional location granted for a trade show exhibition shall in no event be valid for more than 30 days from the date of the first day of the trade show exhibition for which it is granted.

B) The fee for a permit to operate in a trade show exhibition shall be $10.00 per permit.

C) No vehicles may be offered for sale.

D) Each trade show exhibition must have a minimum of 3 licensed participants, at least two of whom must be licensed under IVC Section 5-101 or 5-102, who all meet the requirements in subsections (c)(1) through (6).

E) A trade show exhibition of new vehicles shall only have participants licensed as new vehicle dealers, at least two of whom must be licensed under IVC Section 5-101 and meet the requirements in subsections (c)(1) through (6).

8) Display Exhibitions

A) Only a new or used vehicle dealer licensed under IVC Section 5-101 or 5-102, who also meets the requirements of subsections (c)(1) through (6), may participate in a display exhibition.

B) A permit for an additional location granted for a display exhibition shall in no event be valid for more than 30 days from the date of the first day of the display exhibition for which it is granted.

C) The fee for a permit to operate in a display exhibition shall be $10.00 per permit.

D) No vehicles may be offered for sale.

9) Off Site Sales

A) Only a dealer licensed under IVC Section 5-101 or 5-102, who also meets the requirements of subsections (c)(1) through (6), may conduct an off site sale.

B) The off site sale must not be conducted out of the licensed dealer's relevant market area, as defined in IVC Section 5-100. This does not apply to off site sales of motor homes or recreational vehicles.

C) A permit for an additional location granted for an off site sale shall in no event be valid for more than 7 days from the date of the first day of the off site sale for which it is granted.

D) The fee for a permit to operate an off site sale shall be $25 per permit.

d) Each person seeking to be or already duly licensed as a scrap processor, automotive parts recycler, rebuilder, repairer or out-of-state salvage buyer under the IVC shall maintain an established place of business that meets the requirements of subsection (a), except that no lot as set forth in subsection (a)(6) is required. However, if open after sundown, the premises shall be adequately illuminated so that prospective purchasers may inspect the items held for sale.

e) In lieu of a criminal complaint, the Secretary of State Department of Police may issue an administrative citation to a party licensed under IVC Chapter 5 for any violation of the IVC or any administrative rule adopted by the Secretary under the IVC. If an administrative citation is issued, then a minimum of 3 separate violations must be present at the time of the investigation or inspection and any violations shall result in a $50 penalty per violation. Any party that receives an administrative citation that results in a monetary penalty may either pay the penalty or contest the administrative citation through the Secretary's administrative hearing process (see 92 Ill. Adm. Code 1000.Subpart A). If a licensee agrees to pay the administrative citation, the licensee waives his or her ability to contest the administrative citation through the administrative hearing process. If a licensee pays the penalty as a result of an administrative citation but receives subsequent administrative citations pursuant to a subsequent investigation or inspection, and the licensee disputes the subsequent administrative citations through the administrative hearing process, the Secretary may use any previous administrative citations as evidence to establish a pattern or habit of violations. A licensee shall have 90 calendar days after receiving the administrative citation to either pay the penalty or file a request for an administrative hearing. Failure to either pay the administrative citation or file a timely request for an administrative hearing may result in the denial of a license renewal until the penalty is paid in full or an administrative hearing is scheduled to adjudicate the contested administrative citations.

f) None of the requirements of this Section shall apply to the place of business of a vehicle auctioneer licensed under IVC Chapter 5, Article VII.

(Source: Amended at 38 Ill. Reg. 2291, effective December 26, 2013)