

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 Section 5-402.1 as follows:

6 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

7 Sec. 5-402.1. Use of Secretary of State Uniform Invoice
8 for Essential Parts.

9 (a) Except for scrap processors, every person licensed or
10 required to be licensed under Section 5-101, 5-101.1, 5-102,
11 5-102.8, or 5-301 of this Code shall issue, in a form the
12 Secretary of State may by rule or regulation prescribe, a
13 Uniform Invoice, which may also act as a bill of sale, ~~made out~~
14 ~~in triplicate~~ with respect to each transaction in which he
15 disposes of an essential part other than quarter panels and
16 transmissions of vehicles of the first division. Such Invoice
17 shall be made out at the time of the disposition of the
18 essential part. If the licensee disposes of several essential
19 parts in the same transaction, the licensee may issue one
20 Uniform Invoice covering all essential parts disposed of in
21 that transaction.

22 (b) The following information shall be contained on the
23 Uniform Invoice:

1 (1) the business name, address and dealer license
2 number of the person disposing of the essential part;

3 (2) the name and address of the person acquiring the
4 essential part, and if that person is a dealer, the
5 Illinois or out-of-state dealer license number of that
6 dealer;

7 (3) the date of the disposition of the essential part;

8 (4) the year, make, model, color and description of
9 each essential part disposed of by the person;

10 (5) the manufacturer's vehicle identification number,
11 Secretary of State identification number or Illinois
12 Department of State Police identification number, for each
13 essential part disposed of by the person;

14 (6) the printed name and legible signature of the
15 person or agent disposing of the essential part; and

16 (7) if the person is a dealer the printed name and
17 legible signature of the dealer or his agent or employee
18 accepting delivery of the essential part.

19 (c) Except for scrap processors, and except as set forth
20 in subsection (d) of this Section, whenever a person licensed
21 or required to be licensed by Section 5-101, 5-101.1, 5-102,
22 or 5-301 accepts delivery of an essential part, other than
23 quarter panels and transmissions of vehicles of the first
24 division, that person shall, at the time of the acceptance or
25 delivery, comply with the following procedures:

26 (1) Before acquiring or accepting delivery of any

1 essential part, the licensee or his authorized agent or
2 employee shall inspect the part to determine whether the
3 vehicle identification number, Secretary of State
4 identification number, Illinois Department of State Police
5 identification number, or identification plate or sticker
6 attached to or stamped on any part being acquired or
7 delivered has been removed, falsified, altered, defaced,
8 destroyed, or tampered with. If the licensee or his agent
9 or employee determines that the vehicle identification
10 number, Secretary of State identification number, Illinois
11 Department of State Police identification number,
12 identification plate or identification sticker containing
13 an identification number, or Federal Certificate label of
14 an essential part has been removed, falsified, altered,
15 defaced, destroyed or tampered with, the licensee or agent
16 shall not accept or receive that part.

17 If that part was physically acquired by or delivered
18 to a licensee or his agent or employee while that
19 licensee, agent or employee was outside this State, that
20 licensee or agent or employee shall not bring that
21 essential part into this State or cause it to be brought
22 into this State.

23 (2) If the person disposing of or delivering the
24 essential part to the licensee is a licensed in-state or
25 out-of-state dealer, the licensee or his agent or
26 employee, after inspecting the essential part as required

1 by paragraph (1) of this subsection (c), shall examine the
2 Uniform Invoice, or bill of sale, as the case may be, to
3 ensure that it contains all the information required to be
4 provided by persons disposing of essential parts as set
5 forth in subsection (b) of this Section. If the Uniform
6 Invoice or bill of sale does not contain all the
7 information required to be listed by subsection (b) of
8 this Section, the dealer disposing of or delivering such
9 part or his agent or employee shall record such additional
10 information or other needed modifications on the Uniform
11 Invoice or bill of sale or, if needed, an attachment
12 thereto. The dealer or his agent or employee delivering
13 the essential part shall initial all additions or
14 modifications to the Uniform Invoice or bill of sale and
15 legibly print his name at the bottom of each document
16 containing his initials. If the transaction involves a
17 bill of sale rather than a Uniform Invoice, the licensee
18 or his agent or employee accepting delivery of or
19 acquiring the essential part shall affix his printed name
20 and legible signature on the space on the bill of sale
21 provided for his signature or, if no space is provided, on
22 the back of the bill of sale. If the dealer or his agent or
23 employee disposing of or delivering the essential part
24 cannot or does not provide all the information required by
25 subsection (b) of this Section, the licensee or his agent
26 or employee shall not accept or receive any essential part

1 for which that required information is not provided. If
2 such essential part for which the information required is
3 not fully provided was physically acquired while the
4 licensee or his agent or employee was outside this State,
5 the licensee or his agent or employee shall not bring that
6 essential part into this State or cause it to be brought
7 into this State.

8 (3) If the person disposing of the essential part is
9 not a licensed dealer, the licensee or his agent or
10 employee shall, after inspecting the essential part as
11 required by paragraph (1) of subsection (c) of this
12 Section verify the identity of the person disposing of the
13 essential part by examining 2 sources of identification,
14 one of which shall be either a driver's license or state
15 identification card. The licensee or his agent or employee
16 shall then prepare a Uniform Invoice listing all the
17 information required to be provided by subsection (b) of
18 this Section. In the space on the Uniform Invoice provided
19 for the dealer license number of the person disposing of
20 the part, the licensee or his agent or employee shall list
21 the numbers taken from the documents of identification
22 provided by the person disposing of the part. The person
23 disposing of the part shall affix his printed name and
24 legible signature on the space on the Uniform Invoice
25 provided for the person disposing of the essential part
26 and the licensee or his agent or employee acquiring the

1 part shall affix his printed name and legible signature on
2 the space provided on the Uniform Invoice for the person
3 acquiring the essential part. If the person disposing of
4 the essential part cannot or does not provide all the
5 information required to be provided by this paragraph, or
6 does not present 2 satisfactory forms of identification,
7 the licensee or his agent or employee shall not acquire
8 that essential part.

9 (d) If an essential part other than quarter panels and
10 transmissions of vehicles of the first division was delivered
11 by a licensed commercial delivery service delivering such part
12 on behalf of a licensed dealer, the person required to comply
13 with subsection (c) of this Section may conduct the inspection
14 of that part required by paragraph (1) of subsection (c) and
15 examination of the Uniform Invoice or bill of sale required by
16 paragraph (2) of subsection (c) of this Section immediately
17 after the acceptance of the part.

18 (1) If the inspection of the essential part pursuant
19 to paragraph (1) of subsection (c) reveals that the
20 vehicle identification number, Secretary of State
21 identification number, Illinois Department of State Police
22 identification number, identification plate or sticker
23 containing an identification number, or Federal
24 Certificate label of an essential part has been removed,
25 falsified, altered, defaced, destroyed or tampered with,
26 the licensee or his agent shall immediately record such

1 fact on the Uniform Invoice or bill of sale, assign the
2 part an inventory or stock number, place such inventory or
3 stock number on both the essential part and the Uniform
4 Invoice or bill of sale, and record the date of the
5 inspection of the part on the Uniform Invoice or bill of
6 sale. The licensee shall, within 7 days of such
7 inspection, return such part to the dealer from whom it
8 was acquired.

9 (2) If the examination of the Uniform Invoice or bill
10 of sale pursuant to paragraph (2) of subsection (c)
11 reveals that any of the information required to be listed
12 by subsection (b) of this Section is missing, the licensee
13 or person required to be licensed shall immediately assign
14 a stock or inventory number to such part, place such stock
15 or inventory number on both the essential part and the
16 Uniform Invoice or bill of sale, and record the date of
17 examination on the Uniform Invoice or bill of sale. The
18 licensee or person required to be licensed shall acquire
19 the information missing from the Uniform Invoice or bill
20 of sale within 7 days of the examination of such Uniform
21 Invoice or bill of sale. Such information may be received
22 by telephone conversation with the dealer from whom the
23 part was acquired. If the dealer provides the missing
24 information the licensee shall record such information on
25 the Uniform Invoice or bill of sale along with the name of
26 the person providing the information. If the dealer does

1 not provide the required information within the
2 aforementioned 7 day period, the licensee shall return the
3 part to that dealer.

4 (e) Except for scrap processors, all persons licensed or
5 required to be licensed who acquire or dispose of essential
6 parts other than quarter panels and transmissions of vehicles
7 of the first division shall retain a copy of the Uniform
8 Invoice required to be made by subsections (a), (b) and (c) of
9 this Section for a period of 3 years.

10 (f) Except for scrap processors, any person licensed or
11 required to be licensed under Sections 5-101, 5-102 or 5-301
12 who knowingly fails to record on a Uniform Invoice any of the
13 information or entries required to be recorded by subsections
14 (a), (b) and (c) of this Section, or who knowingly places false
15 entries or other misleading information on such Uniform
16 Invoice, or who knowingly fails to retain for 3 years a copy of
17 a Uniform Invoice reflecting transactions required to be
18 recorded by subsections (a), (b) and (c) of this Section, or
19 who knowingly acquires or disposes of essential parts without
20 receiving, issuing, or executing a Uniform Invoice reflecting
21 that transaction as required by subsections (a), (b) and (c)
22 of this Section, or who brings or causes to be brought into
23 this State essential parts for which the information required
24 to be recorded on a Uniform Invoice is not recorded as
25 prohibited by subsection (c) of this Section, or who knowingly
26 fails to comply with the provisions of this Section in any

1 other manner shall be guilty of a Class 2 felony. Each
2 violation shall constitute a separate and distinct offense and
3 a separate count may be brought in the same indictment or
4 information for each essential part for which a record was not
5 kept as required by this Section or for which the person failed
6 to comply with other provisions of this Section.

7 (g) The records required to be kept by this Section may be
8 examined by a person or persons making a lawful inspection of
9 the licensee's premises pursuant to Section 5-403.

10 (h) The records required to be kept by this Section shall
11 be retained by the licensee at his principal place of business
12 for a period of 3 7 years.

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

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