



Sen. Antonio Muñoz

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10200SB1542sam001

LRB102 15769 RAM 24917 a

1 AMENDMENT TO SENATE BILL 1542

2 AMENDMENT NO. _____. Amend Senate Bill 1542 by replacing
3 everything after the enacting clause with the following:

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

1 shall be made out at the time of the disposition of the
2 essential part. If the licensee disposes of several essential
3 parts in the same transaction, the licensee may issue one
4 Uniform Invoice covering all essential parts disposed of in
5 that transaction.

6 (b) The following information shall be contained on the
7 Uniform Invoice:

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

10 (2) the name and address of the person acquiring the
11 essential part, and if that person is a dealer, the
12 Illinois or out-of-state dealer license number of that
13 dealer;

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

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

17 (5) the manufacturer's vehicle identification number,
18 Secretary of State identification number or Illinois
19 Department of State Police identification number, for each
20 essential part disposed of by the person;

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

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

26 (c) Except for scrap processors, and except as set forth

1 in subsection (d) of this Section, whenever a person licensed
2 or required to be licensed by Section 5-101, 5-101.1, 5-102,
3 or 5-301 accepts delivery of an essential part, other than
4 quarter panels and transmissions of vehicles of the first
5 division, that person shall, at the time of the acceptance or
6 delivery, comply with the following procedures:

7 (1) Before acquiring or accepting delivery of any
8 essential part, the licensee or his authorized agent or
9 employee shall inspect the part to determine whether the
10 vehicle identification number, Secretary of State
11 identification number, Illinois Department of State Police
12 identification number, or identification plate or sticker
13 attached to or stamped on any part being acquired or
14 delivered has been removed, falsified, altered, defaced,
15 destroyed, or tampered with. If the licensee or his agent
16 or employee determines that the vehicle identification
17 number, Secretary of State identification number, Illinois
18 Department of State Police identification number,
19 identification plate or identification sticker containing
20 an identification number, or Federal Certificate label of
21 an essential part has been removed, falsified, altered,
22 defaced, destroyed or tampered with, the licensee or agent
23 shall not accept or receive that part.

24 If that part was physically acquired by or delivered
25 to a licensee or his agent or employee while that
26 licensee, agent or employee was outside this State, that

1 licensee or agent or employee shall not bring that
2 essential part into this State or cause it to be brought
3 into this State.

4 (2) If the person disposing of or delivering the
5 essential part to the licensee is a licensed in-state or
6 out-of-state dealer, the licensee or his agent or
7 employee, after inspecting the essential part as required
8 by paragraph (1) of this subsection (c), shall examine the
9 Uniform Invoice, or bill of sale, as the case may be, to
10 ensure that it contains all the information required to be
11 provided by persons disposing of essential parts as set
12 forth in subsection (b) of this Section. If the Uniform
13 Invoice or bill of sale does not contain all the
14 information required to be listed by subsection (b) of
15 this Section, the dealer disposing of or delivering such
16 part or his agent or employee shall record such additional
17 information or other needed modifications on the Uniform
18 Invoice or bill of sale or, if needed, an attachment
19 thereto. The dealer or his agent or employee delivering
20 the essential part shall initial all additions or
21 modifications to the Uniform Invoice or bill of sale and
22 legibly print his name at the bottom of each document
23 containing his initials. If the transaction involves a
24 bill of sale rather than a Uniform Invoice, the licensee
25 or his agent or employee accepting delivery of or
26 acquiring the essential part shall affix his printed name

1 and legible signature on the space on the bill of sale
2 provided for his signature or, if no space is provided, on
3 the back of the bill of sale. If the dealer or his agent or
4 employee disposing of or delivering the essential part
5 cannot or does not provide all the information required by
6 subsection (b) of this Section, the licensee or his agent
7 or employee shall not accept or receive any essential part
8 for which that required information is not provided. If
9 such essential part for which the information required is
10 not fully provided was physically acquired while the
11 licensee or his agent or employee was outside this State,
12 the licensee or his agent or employee shall not bring that
13 essential part into this State or cause it to be brought
14 into this State.

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

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

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

25 (1) If the inspection of the essential part pursuant
26 to paragraph (1) of subsection (c) reveals that the

1 vehicle identification number, Secretary of State
2 identification number, Illinois Department of State Police
3 identification number, identification plate or sticker
4 containing an identification number, or Federal
5 Certificate label of an essential part has been removed,
6 falsified, altered, defaced, destroyed or tampered with,
7 the licensee or his agent shall immediately record such
8 fact on the Uniform Invoice or bill of sale, assign the
9 part an inventory or stock number, place such inventory or
10 stock number on both the essential part and the Uniform
11 Invoice or bill of sale, and record the date of the
12 inspection of the part on the Uniform Invoice or bill of
13 sale. The licensee shall, within 7 days of such
14 inspection, return such part to the dealer from whom it
15 was acquired.

16 (2) If the examination of the Uniform Invoice or bill
17 of sale pursuant to paragraph (2) of subsection (c)
18 reveals that any of the information required to be listed
19 by subsection (b) of this Section is missing, the licensee
20 or person required to be licensed shall immediately assign
21 a stock or inventory number to such part, place such stock
22 or inventory number on both the essential part and the
23 Uniform Invoice or bill of sale, and record the date of
24 examination on the Uniform Invoice or bill of sale. The
25 licensee or person required to be licensed shall acquire
26 the information missing from the Uniform Invoice or bill

1 of sale within 7 days of the examination of such Uniform
2 Invoice or bill of sale. Such information may be received
3 by telephone conversation with the dealer from whom the
4 part was acquired. If the dealer provides the missing
5 information the licensee shall record such information on
6 the Uniform Invoice or bill of sale along with the name of
7 the person providing the information. If the dealer does
8 not provide the required information within the
9 aforementioned 7 day period, the licensee shall return the
10 part to that dealer.

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

17 (f) Except for scrap processors, any person licensed or
18 required to be licensed under Sections 5-101, 5-102 or 5-301
19 who knowingly fails to record on a Uniform Invoice any of the
20 information or entries required to be recorded by subsections
21 (a), (b) and (c) of this Section, or who knowingly places false
22 entries or other misleading information on such Uniform
23 Invoice, or who knowingly fails to retain for 3 years a copy of
24 a Uniform Invoice reflecting transactions required to be
25 recorded by subsections (a), (b) and (c) of this Section, or
26 who knowingly acquires or disposes of essential parts without

1 receiving, issuing, or executing a Uniform Invoice reflecting
2 that transaction as required by subsections (a), (b) and (c)
3 of this Section, or who brings or causes to be brought into
4 this State essential parts for which the information required
5 to be recorded on a Uniform Invoice is not recorded as
6 prohibited by subsection (c) of this Section, or who knowingly
7 fails to comply with the provisions of this Section in any
8 other manner shall be guilty of a Class 2 felony. Each
9 violation shall constitute a separate and distinct offense and
10 a separate count may be brought in the same indictment or
11 information for each essential part for which a record was not
12 kept as required by this Section or for which the person failed
13 to comply with other provisions of this Section.

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

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

20 (i) The requirements of this Section shall not apply to
21 the disposition of an essential part other than a cowl which
22 has been damaged or altered to a state in which it can no
23 longer be returned to a usable condition and which is being
24 sold or transferred to a scrap processor or for delivery to a
25 scrap processor.

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