

SB1896



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1896

Introduced 2/9/2023, by Sen. Patrick J. Joyce

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-102.1

from Ch. 95 1/2, par. 5-102.1

Amends the Illinois Vehicle Code. Provides that an Illinois licensed new or used motor vehicle dealer is authorized to conduct sales activities, including the collection of electronic signatures, via the Internet and deliver vehicles to a customer at the customer's residence or other suitable location, if the sale, lease, or delivery is requested by the customer. Provides that any documents that State or federal law require to be signed in person may be signed at the time of delivery without constituting an off site sale that is subject to the permit requirements for off site sales.

LRB103 25075 HEP 51410 b

A BILL FOR

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 5-102.1 as follows:

6 (625 ILCS 5/5-102.1) (from Ch. 95 1/2, par. 5-102.1)

7 Sec. 5-102.1. Permits for off site sales and exhibitions.

8 (a) A licensed new or used motor vehicle dealer licensed
9 under Section 5-101 or 5-102 shall not engage in any off site
10 sale without an off site sale permit issued by the Secretary
11 under this Section.

12 The Secretary shall issue an off site sale permit to a
13 dealer if:

14 (1) an application therefor is received by the
15 Secretary prior to the beginning date of the proposed off
16 site sale, accompanied by a fee of \$25;

17 (2) the applicant is a licensed new vehicle dealer or
18 used vehicle dealer in good standing; and

19 (3) the Secretary determines that the proposed off
20 site sale will conform with the requirements imposed by
21 law.

22 However, in no event shall an off site sale permit be
23 issued to any licensed new or used vehicle dealer for any off

1 site sale to be conducted outside that dealer's relevant
2 market area, as that term is defined in this Chapter, except
3 that this restriction shall not apply to off site sales of
4 motor homes or recreational vehicles.

5 The provisions of this subsection shall not apply to
6 self-contained motor homes, mini motor homes, van campers, and
7 recreational trailers, including trailers designed and used to
8 transport vessels or watercraft.

9 An off site sale permit does not authorize the sale of
10 vehicles on a Sunday.

11 (b) Only a new or used vehicle dealer licensed under
12 Section 5-101 or 5-102 may participate in a display exhibition
13 and shall obtain a display exhibition permit issued by the
14 Secretary under this Section.

15 The Secretary shall issue a display exhibition permit to a
16 dealer if:

17 (1) an application therefor is received by the
18 Secretary prior to the beginning date of the proposed
19 exhibition, accompanied by a fee of \$10;

20 (2) the applicant is a licensed new vehicle dealer or
21 used vehicle dealer in good standing; and

22 (3) the Secretary determines that the proposed
23 exhibition will conform with the requirements imposed by
24 law.

25 A display exhibition permit shall be valid for a period of
26 no longer than 30 days.

1 (c) A licensed new or used motor vehicle dealer under
2 Section 5-101 or 5-102, or any other person as defined in this
3 Section, may participate in a trade show exhibition and must
4 obtain a trade show exhibition permit issued by the Secretary
5 under this Section.

6 The Secretary shall issue a trade show exhibition permit
7 if:

8 (1) an application is received by the Secretary before
9 the beginning date of the proposed trade show exhibition,
10 accompanied by a fee of \$10;

11 (2) the applicant is a licensed new vehicle dealer or
12 used vehicle dealer in good standing; and

13 (3) the Secretary determines that the proposed trade
14 show exhibition shall conform with the requirements
15 imposed by law.

16 A trade show exhibition permit shall be valid for a period
17 of no longer than 30 days.

18 The provisions of this subsection shall not apply to
19 self-contained motor homes, mini motor homes, van campers, and
20 recreational trailers, including trailers designed and used to
21 transport vessels or watercraft.

22 The term "any other person" shall mean new or used vehicle
23 dealers licensed by other states; provided however, a trade
24 show exhibition of new vehicles shall only be participated in
25 by licensed new vehicle dealers, at least 2 of which must be
26 licensed under Section 5-101.

1 (d) An Illinois or out-of-state licensed new or used
2 trailer dealer, manufactured home dealer, motor home dealer,
3 mini motor home dealer, or van camper dealer shall not engage
4 in any off site sale or trade show exhibition without first
5 acquiring a permit issued by the Secretary under this
6 subsection. However, the provisions of this Section shall not
7 apply to a licensed trailer dealer selling a mobile home or
8 manufactured housing, as defined in the Illinois Manufactured
9 Housing and Mobile Home Safety Act, if the manufactured
10 housing or mobile home has utilities permanently attached. The
11 Secretary shall issue a permit to an Illinois dealer if:

12 (1) an application is received by the Secretary before
13 the beginning date of the proposed off site sale or trade
14 show exhibition, accompanied by a fee of \$25;

15 (2) the applicant is a licensed new or used vehicle
16 dealer in good standing; and

17 (3) the Secretary determines that the proposed off
18 site sale or trade show exhibition will conform with the
19 requirements imposed by law.

20 The Secretary shall issue a permit to an out-of-state
21 dealer if the requirements of subdivisions (1), (2), and (3)
22 of this subsection (d) are met and at least 2 licensed Illinois
23 dealers will participate in the off site sale or trade show
24 exhibition.

25 A permit issued pursuant to this subsection shall allow
26 for the sale of vehicles at either an off site sale or at a

1 trade show exhibition. The permit shall be valid for a period
2 not to exceed 30 days.

3 (e) The Secretary of State may adopt rules regulating the
4 conduct of off site sales and exhibitions, and governing the
5 issuance and enforcement of the permits authorized under this
6 Section. An Illinois licensed new or used motor vehicle dealer
7 is authorized to conduct sales activities, including the
8 collection of electronic signatures, via the Internet and
9 deliver vehicles to a customer at the customer's residence or
10 other suitable location, if the sale, lease, or delivery is
11 requested by the customer. Any documents that State or federal
12 law require to be signed in person may be signed at the time of
13 delivery without constituting an off site sale that is subject
14 to this Section.

15 (Source: P.A. 90-718, eff. 1-1-99; 90-774, eff. 8-14-98;
16 91-357, eff. 7-29-99.)