

SB2233



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2233

Introduced 1/11/2006, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-301
815 ILCS 308/76 new

from Ch. 95 1/2, par. 5-301

Amends the Illinois Vehicle Code. Provides that all automotive repairers and rebuilders shall provide proof that they comply with all the requirements of the Automotive Collision Repair Act. Amends the Automotive Collision Repair Act. Provides that, if a person is engaged in activities associated with automotive collision repair as covered in the Act, that person shall comply with the provisions of the Act.

LRB094 15582 DRH 50782 b

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 changing
5 Section 5-301 as follows:

6 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

7 Sec. 5-301. Automotive parts recyclers, scrap processors,
8 repairers and rebuilders must be licensed.

9 (a) No person in this State shall, except as an incident to
10 the servicing of vehicles, carry on or conduct the business of
11 a automotive parts recyclers, a scrap processor, a repairer, or
12 a rebuilder, unless licensed to do so in writing by the
13 Secretary of State under this Section. No person shall rebuild
14 a salvage vehicle unless such person is licensed as a rebuilder
15 by the Secretary of State under this Section. Each license
16 shall be applied for and issued separately, except that a
17 license issued to a new vehicle dealer under Section 5-101 of
18 this Code shall also be deemed to be a repairer license.

19 (b) Any application filed with the Secretary of State,
20 shall be duly verified by oath, in such form as the Secretary
21 of State may by rule or regulation prescribe and shall contain:

22 1. The name and type of business organization of the
23 applicant and his principal or additional places of
24 business, if any, in this State.

25 2. The kind or kinds of business enumerated in
26 subsection (a) of this Section to be conducted at each
27 location.

28 3. If the applicant is a corporation, a list of its
29 officers, directors, and shareholders having a ten percent
30 or greater ownership interest in the corporation, setting
31 forth the residence address of each; if the applicant is a
32 sole proprietorship, a partnership, an unincorporated

1 association, a trust, or any similar form of business
2 organization, the names and residence address of the
3 proprietor or of each partner, member, officer, director,
4 trustee or manager.

5 4. A statement that the applicant's officers,
6 directors, shareholders having a ten percent or greater
7 ownership interest therein, proprietor, partner, member,
8 officer, director, trustee, manager, or other principals
9 in the business have not committed in the past three years
10 any one violation as determined in any civil or criminal or
11 administrative proceedings of any one of the following
12 Acts:

13 (a) The Anti Theft Laws of the Illinois Vehicle
14 Code;

15 (b) The "Certificate of Title Laws" of the Illinois
16 Vehicle Code;

17 (c) The "Offenses against Registration and
18 Certificates of Title Laws" of the Illinois Vehicle
19 Code;

20 (d) The "Dealers, Transporters, Wreckers and
21 Rebuilders Laws" of the Illinois Vehicle Code;

22 (e) Section 21-2 of the Criminal Code of 1961,
23 Criminal Trespass to Vehicles; or

24 (f) The Retailers Occupation Tax Act.

25 5. A statement that the applicant's officers,
26 directors, shareholders having a ten percent or greater
27 ownership interest therein, proprietor, partner, member,
28 officer, director, trustee, manager or other principals in
29 the business have not committed in any calendar year 3 or
30 more violations, as determined in any civil or criminal or
31 administrative proceedings, of any one or more of the
32 following Acts:

33 (a) The Consumer Finance Act;

34 (b) The Consumer Installment Loan Act;

35 (c) The Retail Installment Sales Act;

36 (d) The Motor Vehicle Retail Installment Sales

1 Act;

2 (e) The Interest Act;

3 (f) The Illinois Wage Assignment Act;

4 (g) Part 8 of Article XII of the Code of Civil
5 Procedure; or

6 (h) The Consumer Fraud Act.

7 6. An application for a license shall be accompanied by
8 the following fees: \$50 for applicant's established place
9 of business; \$25 for each additional place of business, if
10 any, to which the application pertains; provided, however,
11 that if such an application is made after June 15 of any
12 year, the license fee shall be \$25 for applicant's
13 established place of business plus \$12.50 for each
14 additional place of business, if any, to which the
15 application pertains. License fees shall be returnable
16 only in the event that such application shall be denied by
17 the Secretary of State.

18 7. A statement that the applicant understands Chapter 1
19 through Chapter 5 of this Code.

20 8. A statement that the applicant shall comply with
21 subsection (e) of this Section.

22 (c) Any change which renders no longer accurate any
23 information contained in any application for a license filed
24 with the Secretary of State shall be amended within 30 days
25 after the occurrence of such change on such form as the
26 Secretary of State may prescribe by rule or regulation,
27 accompanied by an amendatory fee of \$2.

28 (d) Anything in this chapter to the contrary,
29 notwithstanding, no person shall be licensed under this Section
30 unless such person shall maintain an established place of
31 business as defined in this Chapter.

32 (e) The Secretary of State shall within a reasonable time
33 after receipt thereof, examine an application submitted to him
34 under this Section and unless he makes a determination that the
35 application submitted to him does not conform with the
36 requirements of this Section or that grounds exist for a denial

1 of the application, as prescribed in Section 5-501 of this
2 Chapter, grant the applicant an original license as applied for
3 in writing for his established place of business and a
4 supplemental license in writing for each additional place of
5 business in such form as he may prescribe by rule or regulation
6 which shall include the following:

7 1. The name of the person licensed;

8 2. If a corporation, the name and address of its
9 officers or if a sole proprietorship, a partnership, an
10 unincorporated association or any similar form of business
11 organization, the name and address of the proprietor or of
12 each partner, member, officer, director, trustee or
13 manager;

14 3. A designation of the kind or kinds of business
15 enumerated in subsection (a) of this Section to be
16 conducted at each location;

17 4. In the case of an original license, the established
18 place of business of the licensee;

19 5. In the case of a supplemental license, the
20 established place of business of the licensee and the
21 additional place of business to which such supplemental
22 license pertains.

23 (f) The appropriate instrument evidencing the license or a
24 certified copy thereof, provided by the Secretary of State
25 shall be kept, posted, conspicuously in the established place
26 of business of the licensee and in each additional place of
27 business, if any, maintained by such licensee. The licensee
28 also shall post conspicuously in the established place of
29 business and in each additional place of business a notice
30 which states that such business is required to be licensed by
31 the Secretary of State under Section 5-301, and which provides
32 the license number of the business and the license expiration
33 date. This notice also shall advise the consumer that any
34 complaints as to the quality of service may be brought to the
35 attention of the Attorney General. The information required on
36 this notice also shall be printed conspicuously on all

1 estimates and receipts for work by the licensee subject to this
2 Section. The Secretary of State shall prescribe the specific
3 format of this notice.

4 (g) Except as provided in subsection (h) hereof, licenses
5 granted under this Section shall expire by operation of law on
6 December 31 of the calendar year for which they are granted
7 unless sooner revoked or cancelled under the provisions of
8 Section 5-501 of this Chapter.

9 (h) Any license granted under this Section may be renewed
10 upon application and payment of the fee required herein as in
11 the case of an original license, provided, however, that in
12 case an application for the renewal of an effective license is
13 made during the month of December, such effective license shall
14 remain in force until such application is granted or denied by
15 the Secretary of State.

16 (i) All automotive repairers and rebuilders shall, in
17 addition to the requirements of subsections (a) through (h) of
18 this Section, meet the following licensing requirements:

19 1. Provide proof that the property on which first time
20 applicants plan to do business is in compliance with local
21 zoning laws and regulations, and a listing of zoning
22 classification;

23 2. Provide proof that the applicant for a repairer's
24 license complies with the proper workers' compensation
25 rate code or classification, and listing the code of
26 classification for that industry;

27 3. Provide proof that the applicant for a rebuilder's
28 license complies with the proper workers' compensation
29 rate code or classification for the repair industry or the
30 auto parts recycling industry and listing the code of
31 classification;

32 4. Provide proof that the applicant has obtained or
33 applied for a hazardous waste generator number, and listing
34 the actual number if available or certificate of exemption;

35 5. Provide proof that applicant has proper liability
36 insurance, and listing the name of the insurer and the

1 policy number; and

2 6. Provide proof that the applicant has obtained or
3 applied for the proper State sales tax classification and
4 federal identification tax number, and listing the actual
5 numbers if available.

6 (i-1) All automotive repairers shall provide proof that
7 they comply with all requirements of the Automotive Collision
8 Repair Act.

9 (j) All automotive parts recyclers shall, in addition to
10 the requirements of subsections (a) through (h) of this
11 Section, meet the following licensing requirements:

12 1. A statement that the applicant purchases 5 vehicles
13 per year or has 5 hulks or chassis in stock;

14 2. Provide proof that the property on which all first
15 time applicants will do business does comply to the proper
16 local zoning laws in existence, and a listing of zoning
17 classifications;

18 3. Provide proof that applicant complies with the
19 proper workers' compensation rate code or classification,
20 and listing the code of classification; and

21 4. Provide proof that applicant has obtained or applied
22 for the proper State sales tax classification and federal
23 identification tax number, and listing the actual numbers
24 if available.

25 (Source: P.A. 89-189, eff. 1-1-96.)

26 Section 10. The Automotive Collision Repair Act is amended
27 by adding Section 76 as follows:

28 (815 ILCS 308/76 new)

29 Sec. 76. Compliance with Act. If a person is engaged in
30 activities associated with automotive collision repair as
31 covered in this Act, that person shall comply with the
32 provisions of this Act.