

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 5-401.2 and by adding Section 5-101.2 as follows:

6 (625 ILCS 5/5-101.2 new)

7 Sec. 5-101.2. Manufactured home dealers; licensing.

8 (a) For the purposes of this Section, the following words
9 shall have the meanings ascribed to them as follows:

10 "Community-based manufactured home dealer" means an
11 individual or entity that operates a tract of land or 2 or
12 more contiguous tracts of land which contain sites with the
13 necessary utilities for 5 or more independent manufactured
14 homes for permanent habitation, either free of charge or
15 for revenue purposes, and shall include any building,
16 structure, vehicle, or enclosure used or intended for use
17 as a part of the equipment of the manufactured home park
18 who may, incidental to the operation of the manufactured
19 home community, sell, trade, or buy a manufactured home or
20 park model that is located within the manufactured home
21 community or is located in a different manufactured home
22 community that is owned or managed by the community-based
23 manufactured home dealer.

1 "Established place of business" means the place owned
2 or leased and occupied by any person duly licensed or
3 required to be licensed as a manufactured home dealer or a
4 community-based manufactured home dealer for the purpose
5 of engaging in selling, buying, bartering, displaying,
6 exchanging, or dealing in, on consignment or otherwise,
7 manufactured homes or park models and for such other
8 ancillary purposes as may be permitted by the Secretary by
9 rule. An established place of business shall include a
10 single or central office in which the manufactured home
11 dealer's or community-based manufactured home dealer's
12 records shall be separate and distinct from any other
13 business or tenant which may occupy space in the same
14 building, except as provided in this Section, and the
15 office shall not be located in a tent, temporary stand,
16 temporary address, room or rooms in a hotel or rooming
17 house, nor the premises occupied by a single or multiple
18 unit residence, unless the multiple unit residence has a
19 separate and distinct office.

20 "Manufactured home" means a factory assembled
21 structure built on a permanent chassis, transportable in
22 one or more sections in the travel mode, incapable of
23 self-propulsion, and bears a label indicating the
24 manufacturer's compliance with the United States
25 Department of Housing and Urban Development standards, as
26 applicable, that is without a permanent foundation and is

1 designed for year round occupancy as a single-family
2 residence when connected to approved water, sewer, and
3 electrical utilities.

4 "Manufactured home dealer" means an individual or
5 entity that engages in the business of acquiring or
6 disposing of a manufactured home or park model, either a
7 new manufactured home or park model, pursuant to a
8 franchise agreement with a manufacturer, or used
9 manufactured homes or park models, and who has an
10 established place of business that is not in a residential
11 community-based setting.

12 "Park model" means a vehicle that is incapable of
13 self-propulsion that is less than 400 square feet of
14 habitable space that is built to American National
15 Standards Institute (ANSI) standards that prohibits
16 occupancy on a permanent basis and is built on a vehicle
17 chassis.

18 "Supplemental license" means a license that a
19 community-based manufactured home dealer receives and
20 displays at locations in which the licensee is authorized
21 to sell, buy, barter, display, exchange, or deal in, on
22 consignment or otherwise, manufactured homes or park
23 models, but is not the established place of business of the
24 licensee.

25 (b) No person shall engage in this State in the business of
26 selling or dealing in, on consignment or otherwise,

1 manufactured homes or park models of any make, or act as an
2 intermediary, agent, or broker for any manufactured home or
3 park model purchaser, other than as a salesperson or to
4 represent or advertise that he or she is so engaged, or intends
5 to so engage, in the business, unless licensed to do so by the
6 Secretary of State under the provisions of this Section.

7 (c) An application for a manufactured home dealer's license
8 or a community-based manufactured home dealer's license shall
9 be filed with the Secretary of State and duly verified by oath,
10 on such form as the Secretary of State may by rule prescribe
11 and shall contain all of the following:

12 (1) The name and type of business organization of the
13 applicant, and his or her established and additional places
14 of business, if any, in this State.

15 (2) If the applicant is a corporation, a list of its
16 officers, directors, and shareholders having a 10% or
17 greater ownership interest in the corporation. If the
18 applicant is a sole proprietorship, a partnership, a
19 limited liability company, an unincorporated association,
20 a trust, or any similar form of business organization, the
21 name and residence address of the proprietor, or the name
22 and residence address of each partner, member, officer,
23 director, trustee, or manager.

24 (3) The make or makes of new manufactured homes or park
25 models that the applicant will offer for sale at retail in
26 the State.

1 (4) The name of each manufacturer or franchised
2 distributor, if any, of new manufactured homes or park
3 models with whom the applicant has contracted for the sale
4 of new manufactured homes or park models. As evidence of
5 this fact, the application shall be accompanied by a signed
6 statement from each manufacturer or franchised
7 distributor.

8 (5) A statement that the applicant has been approved
9 for registration under the Retailers' Occupation Tax Act by
10 the Department of Revenue, provided that this requirement
11 does not apply to a manufactured home dealer who is already
12 licensed with the Secretary of State, and who is merely
13 applying for a renewal of his or her license. As evidence
14 of this fact, the application shall be accompanied by a
15 certification from the Department of Revenue showing that
16 the Department has approved the applicant for registration
17 under the Retailers' Occupation Tax Act.

18 (6) An application for:

19 (A) a manufactured home dealer's license, when the
20 applicant is selling new manufactured homes or park
21 models on behalf of a manufacturer of manufactured
22 homes or park models, or 5 or more used manufactured
23 homes or park models during the calendar year, shall be
24 accompanied by a \$1,000 license fee for the applicant's
25 established place of business, and \$100 for each
26 additional place of business, if any, to which the

1 application pertains. If the application is made after
2 June 15 in any year, the license fee shall be \$500 for
3 the applicant's established place of business, and \$50
4 for each additional place of business, if any, to which
5 the application pertains. License fees shall be
6 returnable only in the event that the application is
7 denied by the Secretary of State; or

8 (B) a community-based manufactured home dealer's
9 license, when the applicant is selling 5 or more
10 manufactured homes during the calendar year not on
11 behalf of a manufacturer of manufactured homes, but
12 within a community setting, shall be accompanied by a
13 license fee of \$500 for the applicant's established
14 place of business, and \$50 for each additional place of
15 business, if any, to which the application pertains. If
16 the application is made after June 15 in any year, the
17 license fee shall be \$250 for the applicant's
18 established place of business, and \$50 for each
19 additional place of business, if any, to which the
20 application pertains. License fees shall be returnable
21 only in the event that the application is denied by the
22 Secretary of State.

23 Of the monies received by the Secretary of State as
24 license fees under this paragraph (6), 95% shall be
25 deposited into the General Revenue Fund and 5% into the
26 Motor Vehicle License Plate Fund.

1 (7) A statement that the applicant's officers,
2 directors, and shareholders having a 10% or greater
3 ownership interest therein, proprietor, a partner, member,
4 officer, director, trustee, manager, or other principals
5 in the business, have not committed in the past 3 years any
6 one violation, as determined in any civil, criminal, or
7 administrative hearing proceeding, of any one of the
8 following Acts:

9 (A) the Anti Theft Laws of the Illinois Vehicle
10 Code;

11 (B) the Certificate of Title Laws of the Illinois
12 Vehicle Code;

13 (C) the Offenses against Registration and
14 Certificates of Title Laws of the Illinois Vehicle
15 Code;

16 (D) the Dealers, Transporters, Wreckers, and
17 Rebuilders Laws of the Illinois Vehicle Code;

18 (E) Section 21-2 of the Criminal Code of 2012
19 (criminal trespass to vehicles);

20 (F) the Retailers Occupation Tax Act;

21 (G) the Consumer Finance Act;

22 (H) the Consumer Installment Loan Act;

23 (I) the Retail Installment Sales Act;

24 (J) the Motor Vehicle Retail Installment Sales
25 Act;

26 (K) the Interest Act;

1 (L) the Illinois Wage Assignment Act;

2 (M) Part 8 of Article XII of the Code of Civil
3 Procedure; or

4 (N) the Consumer Fraud Act.

5 (8) A statement that the applicant's officers,
6 directors, and shareholders having a 10% or greater
7 ownership interest therein, proprietor, a partner, member,
8 officer, director, trustee, manager, or other principals
9 in the business, have not been convicted in any calendar
10 year, as determined in any criminal proceeding, of a
11 forcible felony under the Criminal Code of 1961, the
12 Criminal Code of 2012, or a similar out-of-state offense.
13 For the purposes of this paragraph, "forcible felony" has
14 the meaning as defined in Section 2-8 of the Criminal Code
15 of 2012.

16 (9) A bond or certificate of deposit in the amount of
17 \$20,000 for each license holder applicant intending to act
18 as a manufactured home dealer or community-based
19 manufactured home dealer under this Section. The bond shall
20 be for the term of the license, for which application is
21 made, and shall expire not sooner than December 31 of the
22 year for which the license was issued. The bond shall run
23 to the People of the State of Illinois, with surety by a
24 bonding or insurance company authorized to do business in
25 this State. It shall be conditioned upon the proper
26 transmittal of all title and registration fees and taxes

1 (excluding taxes under the Retailers' Occupation Tax Act)
2 accepted by the applicant as a manufactured home dealer.

3 (10) Dealers in business for over 5 years may
4 substitute a certificate of insurance in lieu of the bond
5 or certificate of deposit upon renewing their license.

6 (11) Any other information concerning the business of
7 the applicant as the Secretary of State may by rule
8 prescribe.

9 (12) A statement that the applicant has read and
10 understands Chapters 1 through 5 of this Code.

11 (d) Any change which renders no longer accurate any
12 information contained in any application for a license under
13 this Section shall be amended within 30 days after the
14 occurrence of the change on a form the Secretary of State may
15 prescribe, by rule, accompanied by an amendatory fee of \$25.

16 (e) The Secretary of State shall, within a reasonable time
17 after receipt, examine an application submitted to him or her
18 under this Section, and unless he or she makes a determination
19 that the application submitted to him or her does not conform
20 with the requirements of this Section or that grounds exist for
21 a denial of the application under Section 5-501 of this
22 Chapter, grant the applicant an initial manufactured home
23 dealer's license or a community-based manufactured home
24 dealer's license in writing for his or her established place of
25 business and a supplemental license in writing for each
26 additional place of business in a form the Secretary may

1 prescribe by rule, which shall include the following:

2 (1) the name of the person or entity licensed;

3 (2) if a corporation, the name and address of its
4 officers; if a sole proprietorship, a partnership, an
5 unincorporated association, or any similar form of
6 business organization, the name and address of the
7 proprietor, or the name and address of each partner,
8 member, officer, director, trustee or manager; or if a
9 limited liability company, the name and address of the
10 general partner or partners, or managing member or members;

11 (3) in the case of an original license, the established
12 place of business of the licensee;

13 (4) in the case of a supplemental license, the
14 established place of business of the licensee and the
15 additional place of business to which the supplemental
16 license pertains; and

17 (5) if applicable, the make or makes of new
18 manufactured homes or park models to which a manufactured
19 home dealer is licensed to sell.

20 (f) The appropriate instrument evidencing the license or a
21 certified copy of the instrument, provided by the Secretary of
22 State, shall be kept posted conspicuously in the established
23 place of business of the licensee and in each additional place
24 of business, if any, maintained by the licensee, unless the
25 licensee is a community-based manufactured home dealer, then
26 the license shall be posted in the community-based manufactured

1 home dealer's central office and it shall include a list of the
2 other locations that the community-based manufactured home
3 dealer may oversee.

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

9 (h) All persons licensed as a manufactured home dealer or a
10 community-based manufactured home dealer are required to
11 furnish each purchaser of a manufactured home or park model:

12 (1) in the case of a new manufactured home or park
13 model, a manufacturer's statement of origin, and in the
14 case of a previously owned manufactured home or park model,
15 a certificate of title, in either case properly assigned to
16 the purchaser;

17 (2) a statement verified under oath that all
18 identifying numbers on the vehicle match the identifying
19 numbers on the certificate of title or manufacturer's
20 statement of origin;

21 (3) a bill of sale properly executed on behalf of the
22 purchaser;

23 (4) a copy of the Uniform Invoice-transaction
24 reporting return form referred to in Section 5-402; and

25 (5) for a new manufactured home or park model, a
26 warranty, and in the case of a manufactured home or park

1 model for which the warranty has been reinstated, a copy of
2 the warranty; if no warranty is provided, a disclosure or
3 statement that the manufactured home or park model is being
4 sold "AS IS".

5 (i) This Section shall not apply to a (i) seller who
6 privately owns his or her manufactured home or park model as
7 his or her main residence and is selling the manufactured home
8 or park model to another individual or to a licensee; (ii) a
9 retailer or entity licensed under either Section 5-101 or 5-102
10 of this Code; or (iii) an individual or entity licensed to sell
11 truck campers, travel trailers, motor homes, or mini motor
12 homes as defined by this Code. Any vehicle not covered by this
13 Section that requires an individual or entity to obtain a
14 license to sell 5 or more vehicles must obtain a license under
15 the relevant provisions of this Code.

16 (j) This Section shall not apply to any person licensed
17 under the Real Estate License Act of 2000.

18 (k) The Secretary of State may adopt any rules necessary to
19 implement this Section.

20 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

21 Sec. 5-401.2. Licensees required to keep records and make
22 inspections.

23 (a) Every person licensed or required to be licensed under
24 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-301 or 5-302 of this
25 Code, shall, with the exception of scrap processors, maintain

1 for 3 years, in a form as the Secretary of State may by rule or
2 regulation prescribe, at his established place of business,
3 additional place of business, or principal place of business if
4 licensed under Section 5-302, the following records relating to
5 the acquisition or disposition of vehicles and their essential
6 parts possessed in this State, brought into this State from
7 another state, territory or country, or sold or transferred to
8 another person in this State or in another state, territory, or
9 country.

10 (1) The following records pertaining to new or used
11 vehicles shall be kept:

12 (A) the year, make, model, style and color of the
13 vehicle;

14 (B) the vehicle's manufacturer's identification
15 number or, if applicable, the Secretary of State or
16 Illinois Department of State Police identification
17 number;

18 (C) the date of acquisition of the vehicle;

19 (D) the name and address of the person from whom
20 the vehicle was acquired and, if that person is a
21 dealer, the Illinois or out-of-state dealer license
22 number of such person;

23 (E) the signature of the person making the
24 inspection of a used vehicle as required under
25 subsection (d) of this Section, if applicable;

26 (F) the purchase price of the vehicle, if

1 applicable;

2 (G) the date of the disposition of the vehicle;

3 (H) the name and address of the person to whom any
4 vehicle was disposed, and if that person is a dealer,
5 the Illinois or out-of-State dealer's license number
6 of that dealer;

7 (I) the uniform invoice number reflecting the
8 disposition of the vehicle, if applicable; and

9 (J) The sale price of the vehicle, if applicable.

10 (2) (A) The following records pertaining to used
11 essential parts other than quarter panels and
12 transmissions of vehicles of the first division shall be
13 kept:

14 (i) the year, make, model, color and type of such
15 part;

16 (ii) the vehicle's manufacturer's identification
17 number, derivative number, or, if applicable, the
18 Secretary of State or Illinois Department of State
19 Police identification number of such part;

20 (iii) the date of the acquisition of each part;

21 (iv) the name and address of the person from whom
22 the part was acquired and, if that person is a dealer,
23 the Illinois or out-of-state dealer license number of
24 such person; if the essential part being acquired is
25 from a person other than a dealer, the licensee shall
26 verify and record that person's identity by recording

1 the identification numbers from at least two sources of
2 identification, one of which shall be a drivers license
3 or State identification card;

4 (v) the uniform invoice number or out-of-state
5 bill of sale number reflecting the acquisition of such
6 part;

7 (vi) the stock number assigned to the essential
8 part by the licensee, if applicable;

9 (vii) the date of the disposition of such part;

10 (viii) the name and address of the person to whom
11 such part was disposed of and, if that person is a
12 dealer, the Illinois or out-of-state dealer license
13 number of that person;

14 (ix) the uniform invoice number reflecting the
15 disposition of such part.

16 (B) Inspections of all essential parts shall be
17 conducted in accordance with Section 5-402.1.

18 (C) A separate entry containing all of the information
19 required to be recorded in subparagraph (A) of paragraph
20 (2) of subsection (a) of this Section shall be made for
21 each separate essential part. Separate entries shall be
22 made regardless of whether the part was a large purchase
23 acquisition. In addition, a separate entry shall be made
24 for each part acquired for immediate sale or transfer, or
25 for placement into the overall inventory or stock to be
26 disposed of at a later time, or for use on a vehicle to be

1 materially altered by the licensee, or acquired for any
2 other purpose or reason. Failure to make a separate entry
3 for each essential part acquired or disposed of, or a
4 failure to record any of the specific information required
5 to be recorded concerning the acquisition or disposition of
6 each essential part as set forth in subparagraph (A) of
7 paragraph (2) of subsection (a) shall constitute a failure
8 to keep records.

9 (D) The vehicle's manufacturer's identification number
10 or Secretary of State or Illinois Department of State
11 Police identification number for the essential part shall
12 be ascertained and recorded even if such part is acquired
13 from a person or dealer located in a State, territory, or
14 country which does not require that such information be
15 recorded. If the vehicle's manufacturer's identification
16 number or Secretary of State or Illinois Department of
17 State Police identification number for an essential part
18 cannot be obtained, that part shall not be acquired by the
19 licensee or any of his agents or employees. If such part or
20 parts were physically acquired by the licensee or any of
21 his agents or employees while the licensee or agent or
22 employee was outside this State, that licensee or agent or
23 employee was outside the State, that licensee, agent or
24 employee shall not bring such essential part into this
25 State or cause it to be brought into this State. The
26 acquisition or disposition of an essential part by a

1 licensee without the recording of the vehicle
2 identification number or Secretary of State identification
3 number for such part or the transportation into the State
4 by the licensee or his agent or employee of such part or
5 parts shall constitute a failure to keep records.

6 (E) The records of essential parts required to be kept
7 by this Section shall apply to all hulks, chassis, frames
8 or cowls, regardless of the age of those essential parts.
9 The records required to be kept by this Section for
10 essential parts other than hulks, chassis, frames or cowls,
11 shall apply only to those essential parts which are 6 model
12 years of age or newer. In determining the model year of
13 such an essential part it may be presumed that the
14 identification number of the vehicle from which the
15 essential part came or the identification number affixed to
16 the essential part itself acquired by the licensee denotes
17 the model year of that essential part. This presumption,
18 however, shall not apply if the gross appearance of the
19 essential part does not correspond to the year, make or
20 model of either the identification number of the vehicle
21 from which the essential part is alleged to have come or
22 the identification number which is affixed to the essential
23 part itself. To determine whether an essential part is 6
24 years of age or newer within this paragraph, the model year
25 of the essential part shall be subtracted from the calendar
26 year in which the essential part is acquired or disposed of

1 by the licensee. If the remainder is 6 or less, the record
2 of the acquisition or disposition of that essential part
3 shall be kept as required by this Section.

4 (F) The requirements of paragraph (2) of subsection (a)
5 of this Section shall not apply to the disposition of an
6 essential part other than a cowl which has been damaged or
7 altered to a state in which it can no longer be returned to
8 a usable condition and which is being sold or transferred
9 to a scrap processor or for delivery to a scrap processor.

10 (3) the following records for vehicles on which junking
11 certificates are obtained shall be kept:

12 (A) the year, make, model, style and color of the
13 vehicle;

14 (B) the vehicle's manufacturer's identification number
15 or, if applicable, the Secretary of State or Illinois
16 Department of State Police identification number;

17 (C) the date the vehicle was acquired;

18 (D) the name and address of the person from whom the
19 vehicle was acquired and, if that person is a dealer, the
20 Illinois or out-of-state dealer license number of that
21 person;

22 (E) the certificate of title number or salvage
23 certificate number for the vehicle, if applicable;

24 (F) the junking certificate number obtained by the
25 licensee; this entry shall be recorded at the close of
26 business of the fifth business day after receiving the

1 junking certificate;

2 (G) the name and address of the person to whom the
3 junking certificate has been assigned, if applicable, and
4 if that person is a dealer, the Illinois or out-of-state
5 dealer license number of that dealer;

6 (H) if the vehicle or any part of the vehicle is
7 dismantled for its parts to be disposed of in any way, or
8 if such parts are to be used by the licensee to materially
9 alter a vehicle, those essential parts shall be recorded
10 and the entries required by paragraph (2) of subsection (a)
11 shall be made.

12 (4) The following records for rebuilt vehicles shall be
13 kept:

14 (A) the year, make, model, style and color of the
15 vehicle;

16 (B) the vehicle's manufacturer's identification number
17 of the vehicle or, if applicable, the Secretary of State or
18 Illinois Department of State Police identification number;

19 (C) the date the vehicle was acquired;

20 (D) the name and address of the person from whom the
21 vehicle was acquired, and if that person is a dealer, the
22 Illinois or out-of-state dealer license number of that
23 person;

24 (E) the salvage certificate number for the vehicle;

25 (F) the newly issued certificate of title number for
26 the vehicle;

1 (G) the date of disposition of the vehicle;

2 (H) the name and address of the person to whom the
3 vehicle was disposed, and if a dealer, the Illinois or
4 out-of-state dealer license number of that dealer;

5 (I) The sale price of the vehicle.

6 (a-1) A person licensed or required to be licensed under
7 Section 5-101 or Section 5-102 of this Code who issues
8 temporary registration permits as permitted by this Code and by
9 rule must electronically file the registration with the
10 Secretary and must maintain records of the registration in the
11 manner prescribed by the Secretary.

12 (b) A failure to make separate entries for each vehicle
13 acquired, disposed of, or assigned, or a failure to record any
14 of the specific information required to be recorded concerning
15 the acquisition or disposition of each vehicle as set forth in
16 paragraphs (1), (3) and (4) of subsection (a) shall constitute
17 a failure to keep records.

18 (c) All entries relating to the acquisition of a vehicle or
19 essential part required by subsection (a) of this Section shall
20 be recorded no later than the close of business on the seventh
21 calendar day following such acquisition. All entries relating
22 to the disposition of a vehicle or an essential part shall be
23 made at the time of such disposition. If the vehicle or
24 essential part was disposed of on the same day as its
25 acquisition or the day thereafter, the entries relating to the
26 acquisition of the vehicle or essential part shall be made at

1 the time of the disposition of the vehicle or essential part.
2 Failure to make the entries required in or at the times
3 prescribed by this subsection following the acquisition or
4 disposition of such vehicle or essential part shall constitute
5 a failure to keep records.

6 (d) Every person licensed or required to be licensed shall,
7 before accepting delivery of a used vehicle, inspect the
8 vehicle to determine whether the manufacturer's public vehicle
9 identification number has been defaced, destroyed, falsified,
10 removed, altered, or tampered with in any way. If the person
11 making the inspection determines that the manufacturer's
12 public vehicle identification number has been altered,
13 removed, defaced, destroyed, falsified or tampered with he
14 shall not acquire that vehicle but instead shall promptly
15 notify law enforcement authorities of his finding.

16 (e) The information required to be kept in subsection (a)
17 of this Section shall be kept in a manner prescribed by rule or
18 regulation of the Secretary of State.

19 (f) Every person licensed or required to be licensed shall
20 have in his possession a separate certificate of title, salvage
21 certificate, junking certificate, certificate of purchase,
22 uniform invoice, out-of-state bill of sale or other acceptable
23 documentary evidence of his right to the possession of every
24 vehicle or essential part.

25 (g) Every person licensed or required to be licensed as a
26 transporter under Section 5-201 shall maintain for 3 years, in

1 such form as the Secretary of State may by rule or regulation
2 prescribe, at his principal place of business a record of every
3 vehicle transported by him, including numbers of or other marks
4 of identification thereof, the names and addresses of persons
5 from whom and to whom the vehicle was delivered and the dates
6 of delivery.

7 (h) No later than 15 days prior to going out of business,
8 selling the business, or transferring the ownership of the
9 business, the licensee shall notify the Secretary of State that
10 he is going out of business or that he is transferring the
11 ownership of the business. Failure to notify under this
12 paragraph shall constitute a failure to keep records.

13 (i) (Blank).

14 (j) A person who knowingly fails to comply with the
15 provisions of this Section or knowingly fails to obey, observe,
16 or comply with any order of the Secretary or any law
17 enforcement agency issued in accordance with this Section is
18 guilty of a Class B misdemeanor for the first violation and a
19 Class A misdemeanor for the second and subsequent violations.
20 Each violation constitutes a separate and distinct offense and
21 a separate count may be brought in the same indictment or
22 information for each vehicle or each essential part of a
23 vehicle for which a record was not kept as required by this
24 Section.

25 (k) Any person convicted of failing to keep the records
26 required by this Section with intent to conceal the identity or

1 origin of a vehicle or its essential parts or with intent to
2 defraud the public in the transfer or sale of vehicles or their
3 essential parts is guilty of a Class 2 felony. Each violation
4 constitutes a separate and distinct offense and a separate
5 count may be brought in the same indictment or information for
6 each vehicle or essential part of a vehicle for which a record
7 was not kept as required by this Section.

8 (l) A person may not be criminally charged with or
9 convicted of both a knowing failure to comply with this Section
10 and a knowing failure to comply with any order, if both
11 offenses involve the same record keeping violation.

12 (m) The Secretary shall adopt rules necessary for
13 implementation of this Section, which may include the
14 imposition of administrative fines.

15 (Source: P.A. 91-415, eff. 1-1-00; 92-773, eff. 8-6-02.)