

1 AN ACT in regard to vehicles.

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 Sections 3-821 and 5-102 as follows:

6 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

7 Sec. 3-821. Miscellaneous Registration and Title Fees.

8 (a) The fee to be paid to the Secretary of State for the  
9 following certificates, registrations or evidences of proper  
10 registration, or for corrected or duplicate documents shall  
11 be in accordance with the following schedule:

12	Certificate of Title, except for an all-terrain	
13	vehicle or off-highway motorcycle	\$65
14	Certificate of Title for an all-terrain vehicle	
15	or off-highway motorcycle	\$30
16	Certificate of Title for an all-terrain vehicle	
17	or off-highway motorcycle used for production	
18	agriculture, or accepted by a dealer in trade	13
19	Transfer of Registration or any evidence of	
20	proper registration	15
21	Duplicate Registration Card for plates or other	
22	evidence of proper registration	3
23	Duplicate Registration Sticker or Stickers, each	5
24	Duplicate Certificate of Title	65
25	Corrected Registration Card or Card for other	
26	evidence of proper registration	3
27	Corrected Certificate of Title	65
28	Salvage Certificate	4
29	Fleet Reciprocity Permit	15
30	Prorate Decal	1
31	Prorate Backing Plate	3

1           There shall be no fee paid for a Junking Certificate.

2           No fee shall be paid by a not-for-profit organization  
3           that is exempt from federal income taxation under Section  
4           501(c)(3) of the Internal Revenue Code for a certificate of  
5           title for a vehicle that has been donated to the  
6           organization.

7           (b) The Secretary may prescribe the maximum service  
8           charge to be imposed upon an applicant for renewal of a  
9           registration by any person authorized by law to receive and  
10          remit or transmit to the Secretary such renewal application  
11          and fees therewith.

12          (c) If a check is delivered to the Office of the  
13          Secretary of State as payment of any fee or tax under this  
14          Code, and such check is not honored by the bank on which it  
15          is drawn for any reason, the registrant or other person  
16          tendering the check remains liable for the payment of such  
17          fee or tax. The Secretary of State may assess a service  
18          charge of \$19 in addition to the fee or tax due and owing for  
19          all dishonored checks.

20          If the total amount then due and owing exceeds the sum  
21          of \$50 and has not been paid in full within 60 days from the  
22          date such fee or tax became due to the Secretary of State,  
23          the Secretary of State shall assess a penalty of 25% of such  
24          amount remaining unpaid.

25          All amounts payable under this Section shall be computed  
26          to the nearest dollar.

27          (d) The minimum fee and tax to be paid by any applicant  
28          for apportionment of a fleet of vehicles under this Code  
29          shall be \$15 if the application was filed on or before the  
30          date specified by the Secretary together with fees and taxes  
31          due. If an application and the fees or taxes due are filed  
32          after the date specified by the Secretary, the Secretary may  
33          prescribe the payment of interest at the rate of 1/2 of 1%  
34          per month or fraction thereof after such due date and a

1 minimum of \$8.

2 (e) Trucks, truck tractors, truck tractors with loads,  
3 and motor buses, any one of which having a combined total  
4 weight in excess of 12,000 lbs. shall file an application for  
5 a Fleet Reciprocity Permit issued by the Secretary of State.  
6 This permit shall be in the possession of any driver  
7 operating a vehicle on Illinois highways. Any foreign  
8 licensed vehicle of the second division operating at any time  
9 in Illinois without a Fleet Reciprocity Permit or other  
10 proper Illinois registration, shall subject the operator to  
11 the penalties provided in Section 3-834 of this Code. For  
12 the purposes of this Code, "Fleet Reciprocity Permit" means  
13 any second division motor vehicle with a foreign license and  
14 used only in interstate transportation of goods. The fee for  
15 such permit shall be \$15 per fleet which shall include all  
16 vehicles of the fleet being registered.

17 (f) For purposes of this Section, "all-terrain vehicle  
18 or off-highway motorcycle used for production agriculture"  
19 means any all-terrain vehicle or off-highway motorcycle used  
20 in the raising of or the propagation of livestock, crops for  
21 sale for human consumption, crops for livestock consumption,  
22 and production seed stock grown for the propagation of feed  
23 grains and the husbandry of animals or for the purpose of  
24 providing a food product, including the husbandry of blood  
25 stock as a main source of providing a food product.  
26 "All-terrain vehicle or off-highway motorcycle used in  
27 production agriculture" also means any all-terrain vehicle or  
28 off-highway motorcycle used in animal husbandry,  
29 floriculture, aquaculture, horticulture, and viticulture.

30 (Source: P.A. 90-287, eff. 1-1-98; 90-774, eff. 8-14-98;  
31 91-37, eff. 7-1-99; 91-441, eff. 1-1-00; revised 10-19-99.)

32 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

33 Sec. 5-102. Used vehicle dealers must be licensed.

1           (a) Except as provided in subsection (a-1), no person,  
2 other than a licensed new vehicle dealer, shall engage in the  
3 business of selling or dealing in, on consignment or  
4 otherwise, 5 or more used vehicles of any make during the  
5 year (except house trailers as authorized by paragraph (j) of  
6 this Section and rebuilt salvage vehicles sold by their  
7 rebuilders to persons licensed under this Chapter), or act as  
8 an intermediary, agent or broker for any licensed dealer or  
9 vehicle purchaser (other than as a salesperson) or represent  
10 or advertise that he is so engaged or intends to so engage in  
11 such business unless licensed to do so by the Secretary of  
12 State under the provisions of this Section.

13           (a-1) The licensing requirements of this Section do not  
14 apply to a not-for-profit organization that is exempt from  
15 federal income taxation under Section 501(c)(3) of the  
16 Internal Revenue Code and that sells or consigns used  
17 vehicles that have been donated to the organization.

18           (b) An application for a used vehicle dealer's license  
19 shall be filed with the Secretary of State, duly verified by  
20 oath, in such form as the Secretary of State may by rule or  
21 regulation prescribe and shall contain:

22           1. The name and type of business organization  
23 established and additional places of business, if any, in  
24 this State.

25           2. If the applicant is a corporation, a list of its  
26 officers, directors, and shareholders having a ten  
27 percent or greater ownership interest in the corporation,  
28 setting forth the residence address of each; if the  
29 applicant is a sole proprietorship, a partnership, an  
30 unincorporated association, a trust, or any similar form  
31 of business organization, the names and residence address  
32 of the proprietor or of each partner, member, officer,  
33 director, trustee or manager.

34           3. A statement that the applicant has been approved

1 for registration under the Retailers' Occupation Tax Act  
2 by the Department of Revenue. However, this requirement  
3 does not apply to a dealer who is already licensed  
4 hereunder with the Secretary of State, and who is merely  
5 applying for a renewal of his license. As evidence of  
6 this fact, the application shall be accompanied by a  
7 certification from the Department of Revenue showing that  
8 the Department has approved the applicant for  
9 registration under the Retailers' Occupation Tax Act.

10 4. A statement that the applicant has complied with  
11 the appropriate liability insurance requirement. A  
12 Certificate of Insurance in a solvent company authorized  
13 to do business in the State of Illinois shall be included  
14 with each application covering each location at which he  
15 proposes to act as a used vehicle dealer. The policy  
16 must provide liability coverage in the minimum amounts of  
17 \$100,000 for bodily injury to, or death of, any person,  
18 \$300,000 for bodily injury to, or death of, two or more  
19 persons in any one accident, and \$50,000 for damage to  
20 property. Such policy shall expire not sooner than  
21 December 31 of the year for which the license was issued  
22 or renewed. The expiration of the insurance policy shall  
23 not terminate the liability under the policy arising  
24 during the period for which the policy was filed.  
25 Trailer and mobile home dealers are exempt from this  
26 requirement.

27 5. An application for a used vehicle dealer's  
28 license shall be accompanied by the following license  
29 fees:

30 \$50 for applicant's established place of business,  
31 and \$25 for each additional place of business, if any, to  
32 which the application pertains; however, if the  
33 application is made after June 15 of any year, the  
34 license fee shall be \$25 for applicant's established

1 place of business plus \$12.50 for each additional place  
2 of business, if any, to which the application pertains.  
3 License fees shall be returnable only in the event that  
4 the application is denied by the Secretary of State.

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

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

15 (B) The Certificate of Title Laws of the  
16 Illinois 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 Illinois Criminal Code  
23 of 1961, Criminal Trespass to Vehicles; or

24 (F) The Retailers' Occupation Tax Act.

25 7. A statement that the applicant's officers,  
26 directors, shareholders having a 10% or greater ownership  
27 interest therein, proprietor, partner, member, officer,  
28 director, trustee, manager or other principals in the  
29 business have not committed in any calendar year 3 or  
30 more violations, as determined in any civil or criminal  
31 or 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;

- 1 (C) The Retail Installment Sales Act;
- 2 (D) The Motor Vehicle Retail Installment Sales
- 3 Act;
- 4 (E) The Interest Act;
- 5 (F) The Illinois Wage Assignment Act;
- 6 (G) Part 8 of Article XII of the Code of Civil
- 7 Procedure; or
- 8 (H) The Consumer Fraud Act.

9 8. A bond or Certificate of Deposit in the amount  
10 of \$20,000 for each location at which the applicant  
11 intends to act as a used vehicle dealer. The bond shall  
12 be for the term of the license, or its renewal, for which  
13 application is made, and shall expire not sooner than  
14 December 31 of the year for which the license was issued  
15 or renewed. The bond shall run to the People of the  
16 State of Illinois, with surety by a bonding or insurance  
17 company authorized to do business in this State. It  
18 shall be conditioned upon the proper transmittal of all  
19 title and registration fees and taxes (excluding taxes  
20 under the Retailers' Occupation Tax Act) accepted by the  
21 applicant as a used vehicle dealer.

22 9. Such other information concerning the business  
23 of the applicant as the Secretary of State may by rule or  
24 regulation prescribe.

25 10. A statement that the applicant understands  
26 Chapter 1 through Chapter 5 of this Code.

27 (c) Any change which renders no longer accurate any  
28 information contained in any application for a used vehicle  
29 dealer's license shall be amended within 30 days after the  
30 occurrence of each change on such form as the Secretary of  
31 State may prescribe by rule or regulation, accompanied by an  
32 amendatory fee of \$2.

33 (d) Anything in this Chapter to the contrary  
34 notwithstanding, no person shall be licensed as a used

1 vehicle dealer unless such person maintains an established  
2 place of business as defined in this Chapter.

3 (e) The Secretary of State shall, within a reasonable  
4 time after receipt, examine an application submitted to him  
5 under this Section. Unless the Secretary makes a  
6 determination that the application submitted to him does not  
7 conform to this Section or that grounds exist for a denial of  
8 the application under Section 5-501 of this Chapter, he must  
9 grant the applicant an original used vehicle dealer's license  
10 in writing for his established place of business and a  
11 supplemental license in writing for each additional place of  
12 business in such form as he may prescribe by rule or  
13 regulation which shall include the following:

- 14 1. The name of the person licensed;
- 15 2. If a corporation, the name and address of its  
16 officers or if a sole proprietorship, a partnership, an  
17 unincorporated association or any similar form of  
18 business organization, the name and address of the  
19 proprietor or of each partner, member, officer, director,  
20 trustee or manager;
- 21 3. In case of an original license, the established  
22 place of business of the licensee;
- 23 4. In the case of a supplemental license, the  
24 established place of business of the licensee and the  
25 additional place of business to which such supplemental  
26 license pertains.

27 (f) The appropriate instrument evidencing the license or  
28 a certified copy thereof, provided by the Secretary of State  
29 shall be kept posted, conspicuously, in the established place  
30 of business of the licensee and in each additional place of  
31 business, if any, maintained by such licensee.

32 (g) Except as provided in subsection (h) of this  
33 Section, all used vehicle dealer's licenses granted under  
34 this Section expire by operation of law on December 31 of the



1 calendar year for which they are granted unless sooner  
2 revoked or cancelled under Section 5-501 of this Chapter.

3 (h) A used vehicle dealer's license may be renewed upon  
4 application and payment of the fee required herein, and  
5 submission of proof of coverage by an approved bond under the  
6 "Retailers' Occupation Tax Act" or proof that applicant is  
7 not subject to such bonding requirements, as in the case of  
8 an original license, but in case an application for the  
9 renewal of an effective license is made during the month of  
10 December, the effective license shall remain in force until  
11 the application for renewal is granted or denied by the  
12 Secretary of State.

13 (i) All persons licensed as a used vehicle dealer are  
14 required to furnish each purchaser of a motor vehicle:

15 1. A certificate of title properly assigned to the  
16 purchaser;

17 2. A statement verified under oath that all  
18 identifying numbers on the vehicle agree with those on  
19 the certificate of title;

20 3. A bill of sale properly executed on behalf of  
21 such person;

22 4. A copy of the Uniform Invoice-transaction  
23 reporting return referred to in Section 5-402 of this  
24 Chapter;

25 5. In the case of a rebuilt vehicle, a copy of the  
26 Disclosure of Rebuilt Vehicle Status; and

27 6. In the case of a vehicle for which the warranty  
28 has been reinstated, a copy of the warranty.

29 (j) A real estate broker holding a valid certificate of  
30 registration issued pursuant to "The Real Estate Brokers and  
31 Salesmen License Act" may engage in the business of selling  
32 or dealing in house trailers not his own without being  
33 licensed as a used vehicle dealer under this Section; however  
34 such broker shall maintain a record of the transaction

1 including the following:

- 2 (1) the name and address of the buyer and seller,  
3 (2) the date of sale,  
4 (3) a description of the mobile home, including the  
5 vehicle identification number, make, model, and year, and  
6 (4) the Illinois certificate of title number.

7 The foregoing records shall be available for inspection  
8 by any officer of the Secretary of State's Office at any  
9 reasonable hour.

10 (Source: P.A. 88-158; 89-189, eff. 1-1-96.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.