

1 AN ACT to amend the Illinois Vehicle Code by changing
2 Sections 5-101 and 5-102.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 5-101 and 5-102 as follows:

7 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

8 Sec. 5-101. New vehicle dealers must be licensed.

9 (a) No person shall engage in this State in the business
10 of selling or dealing in, on consignment or otherwise, new
11 vehicles of any make, or act as an intermediary or agent or
12 broker for any licensed dealer or vehicle purchaser other
13 than as a salesperson, or represent or advertise that he is
14 so engaged or intends to so engage in such business unless
15 licensed to do so in writing by the Secretary of State under
16 the provisions of this Section.

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

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

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

1 director, trustee, or manager.

2 3. The make or makes of new vehicles which the
3 applicant will offer for sale at retail in this State.

4 4. The name of each manufacturer or franchised
5 distributor, if any, of new vehicles with whom the
6 applicant has contracted for the sale of such new
7 vehicles. As evidence of this fact, the application shall
8 be accompanied by a signed statement from each such
9 manufacturer or franchised distributor. If the applicant
10 is in the business of offering for sale new conversion
11 vehicles, trucks or vans, except for trucks modified to
12 serve a special purpose which includes but is not limited
13 to the following vehicles: street sweepers, fertilizer
14 spreaders, emergency vehicles, implements of husbandry or
15 maintenance type vehicles, he must furnish evidence of a
16 sales and service agreement from both the chassis
17 manufacturer and second stage manufacturer.

18 5. A statement that the applicant has been approved
19 for registration under the Retailers' Occupation Tax Act
20 by the Department of Revenue: Provided that this
21 requirement does not apply to a dealer who is already
22 licensed hereunder with the Secretary of State, and who
23 is merely applying for a renewal of his license. As
24 evidence of this fact, the application shall be
25 accompanied by a certification from the Department of
26 Revenue showing that that Department has approved the
27 applicant for registration under the Retailers'
28 Occupation Tax Act.

29 6. A statement that the applicant has complied with
30 the appropriate liability insurance requirement. A
31 Certificate of Insurance in a solvent company authorized
32 to do business in the State of Illinois shall be included
33 with each application covering each location at which he
34 proposes to act as a new vehicle dealer. The policy must

1 provide liability coverage in the minimum amounts of
2 \$100,000 for bodily injury to, or death of, any person,
3 \$300,000 for bodily injury to, or death of, two or more
4 persons in any one accident, and \$50,000 for damage to
5 property. Such policy shall expire not sooner than
6 December 31 of the year for which the license was issued
7 or renewed. The expiration of the insurance policy shall
8 not terminate the liability under the policy arising
9 during the period for which the policy was filed.
10 Trailer and mobile home dealers are exempt from this
11 requirement.

12 7. (A) An application for a new motor vehicle
13 dealer's license shall be accompanied by the
14 following license fees:

15 \$100 for applicant's established place of
16 business, and \$50 for each additional place of
17 business, if any, to which the application pertains;
18 but if the application is made after June 15 of any
19 year, the license fee shall be \$50 for applicant's
20 established place of business plus \$25 for each
21 additional place of business, if any, to which the
22 application pertains. License fees shall be
23 returnable only in the event that the application is
24 denied by the Secretary of State. All moneys
25 received by the Secretary of State as license fees
26 under this Section shall be deposited into the Motor
27 Vehicle Review Board Fund and shall be used to
28 administer the Motor Vehicle Review Board under the
29 Motor Vehicle Franchise Act.

30 (B) An application for a new vehicle dealer's
31 license, other than for a new motor vehicle dealer's
32 license, shall be accompanied by the following
33 license fees:

34 \$50 for applicant's established place of

1 business, and \$25 for each additional place of
2 business, if any, to which the application pertains;
3 but if the application is made after June 15 of any
4 year, the license fee shall be \$25 for applicant's
5 established place of business plus \$12.50 for each
6 additional place of business, if any, to which the
7 application pertains. License fees shall be
8 returnable only in the event that the application is
9 denied by the Secretary of State.

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

18 (A) The Anti Theft Laws of the Illinois
19 Vehicle Code;

20 (B) The Certificate of Title Laws of the
21 Illinois Vehicle Code;

22 (C) The Offenses against Registration and
23 Certificates of Title Laws of the Illinois Vehicle
24 Code;

25 (D) The Dealers, Transporters, Wreckers and
26 Rebuilders Laws of the Illinois Vehicle Code;

27 (E) Section 21-2 of the Criminal Code of 1961,
28 Criminal Trespass to Vehicles; or

29 (F) The Retailers' Occupation Tax Act.

30 9. A statement that the applicant's officers,
31 directors, shareholders having a 10% or greater ownership
32 interest therein, proprietor, partner, member, officer,
33 director, trustee, manager or other principals in the
34 business have not committed in any calendar year 3 or

1 more violations, as determined in any civil, criminal or
2 administrative proceedings, of any one or more of the
3 following Acts:

4 (A) The Consumer Finance Act;

5 (B) The Consumer Installment Loan Act;

6 (C) The Retail Installment Sales Act;

7 (D) The Motor Vehicle Retail Installment Sales
8 Act;

9 (E) The Interest Act;

10 (F) The Illinois Wage Assignment Act;

11 (G) Part 8 of Article XII of the Code of Civil
12 Procedure; or

13 (H) The Consumer Fraud Act.

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

27 11. Such other information concerning the business
28 of the applicant as the Secretary of State may by rule or
29 regulation prescribe.

30 12. A statement that the applicant understands
31 Chapter One through Chapter Five of this Code.

32 (c) Any change which renders no longer accurate any
33 information contained in any application for a new vehicle
34 dealer's license shall be amended within 30 days after the

1 occurrence of such change on such form as the Secretary of
2 State may prescribe by rule or regulation, accompanied by an
3 amendatory fee of \$2.

4 (d) Anything in this Chapter 5 to the contrary
5 notwithstanding no person shall be licensed as a new vehicle
6 dealer unless:

7 1. He is authorized by contract in writing between
8 himself and the manufacturer or franchised distributor of
9 such make of vehicle to so sell the same in this State,
10 and

11 2. Such person shall maintain an established place
12 of business as defined in this Act.

13 (e) The Secretary of State shall, within a reasonable
14 time after receipt, examine an application submitted to him
15 under this Section and unless he makes a determination that
16 the application submitted to him does not conform with the
17 requirements of this Section or that grounds exist for a
18 denial of the application, under Section 5-501 of this
19 Chapter, grant the applicant an original new vehicle dealer's
20 license in writing for his established place of business and
21 a supplemental license in writing for each additional place
22 of business in such form as he may prescribe by rule or
23 regulation which shall include the following:

24 1. The name of the person licensed;

25 2. If a corporation, the name and address of its
26 officers or if a sole proprietorship, a partnership, an
27 unincorporated association or any similar form of
28 business organization, the name and address of the
29 proprietor or of each partner, member, officer, director,
30 trustee or manager;

31 3. In the case of an original license, the
32 established place of business of the licensee;

33 4. In the case of a supplemental license, the
34 established place of business of the licensee and the

1 additional place of business to which such supplemental
2 license pertains;

3 5. The make or makes of new vehicles which the
4 licensee is licensed to sell.

5 (f) The appropriate instrument evidencing the license or
6 a certified copy thereof, provided by the Secretary of State,
7 shall be kept posted conspicuously in the established place
8 of business of the licensee and in each additional place of
9 business, if any, maintained by such licensee.

10 (g) Except as provided in subsection (h) hereof, all new
11 vehicle dealer's licenses granted under this Section shall
12 expire by operation of law on December 31 of the calendar
13 year for which they are granted unless sooner revoked or
14 cancelled under the provisions of Section 5-501 of this
15 Chapter.

16 (h) A new vehicle dealer's license may be renewed upon
17 application and payment of the fee required herein, and
18 submission of proof of coverage under an approved bond under
19 the "Retailers' Occupation Tax Act" or proof that applicant
20 is not subject to such bonding requirements, as in the case
21 of an original license, but in case an application for the
22 renewal of an effective license is made during the month of
23 December, the effective license shall remain in force until
24 the application is granted or denied by the Secretary of
25 State.

26 (i) All persons licensed as a new vehicle dealer are
27 required to furnish each purchaser of a motor vehicle:

28 1. In the case of a new vehicle a manufacturer's
29 statement of origin and in the case of a used motor
30 vehicle a certificate of title, in either case properly
31 assigned to the purchaser;

32 2. A statement verified under oath that all
33 identifying numbers on the vehicle agree with those on
34 the certificate of title or manufacturer's statement of

1 origin;

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

4 4. A copy of the Uniform Invoice-transaction
5 reporting return referred to in Section 5-402 hereof;

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

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

10 (j) Except at the time of sale of the vehicle, no person
11 licensed as a new vehicle dealer shall issue to any other
12 person a newly created key to a vehicle unless that person
13 can prove that he or she is the owner of that vehicle by
14 either (i) the certificate of title or (ii) the motor vehicle
15 registration card.

16 This amendatory Act of 1983 shall be applicable to the
17 1984 registration year and thereafter.

18 (Source: P.A. 88-158; 89-145, eff. 7-14-95; 89-189, eff.
19 1-1-96; 89-433, eff. 12-15-95.)

20 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

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

22 (a) No person, other than a licensed new vehicle dealer,
23 shall engage in the business of selling or dealing in, on
24 consignment or otherwise, 5 or more used vehicles of any make
25 during the year (except house trailers as authorized by
26 paragraph (j) of this Section and rebuilt salvage vehicles
27 sold by their rebuilders to persons licensed under this
28 Chapter), or act as an intermediary, agent or broker for any
29 licensed dealer or vehicle purchaser (other than as a
30 salesperson) or represent or advertise that he is so engaged
31 or intends to so engage in such business unless licensed to
32 do so by the Secretary of State under the provisions of this
33 Section.

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

5 1. The name and type of business organization
6 established and additional places of business, if any, in
7 this State.

8 2. If the applicant is a corporation, a list of its
9 officers, directors, and shareholders having a ten
10 percent or greater ownership interest in the corporation,
11 setting forth the residence address of each; if the
12 applicant is a sole proprietorship, a partnership, an
13 unincorporated association, a trust, or any similar form
14 of business organization, the names and residence address
15 of the proprietor or of each partner, member, officer,
16 director, trustee or manager.

17 3. A statement that the applicant has been approved
18 for registration under the Retailers' Occupation Tax Act
19 by the Department of Revenue. However, this requirement
20 does not apply to a dealer who is already licensed
21 hereunder with the Secretary of State, and who is merely
22 applying for a renewal of his license. As evidence of
23 this fact, the application shall be accompanied by a
24 certification from the Department of Revenue showing that
25 the Department has approved the applicant for
26 registration under the Retailers' Occupation Tax Act.

27 4. A statement that the applicant has complied with
28 the appropriate liability insurance requirement. A
29 Certificate of Insurance in a solvent company authorized
30 to do business in the State of Illinois shall be included
31 with each application covering each location at which he
32 proposes to act as a used vehicle dealer. The policy
33 must provide liability coverage in the minimum amounts of
34 \$100,000 for bodily injury to, or death of, any person,

1 \$300,000 for bodily injury to, or death of, two or more
2 persons in any one accident, and \$50,000 for damage to
3 property. Such policy shall expire not sooner than
4 December 31 of the year for which the license was issued
5 or renewed. The expiration of the insurance policy shall
6 not terminate the liability under the policy arising
7 during the period for which the policy was filed.
8 Trailer and mobile home dealers are exempt from this
9 requirement.

10 5. An application for a used vehicle dealer's
11 license shall be accompanied by the following license
12 fees:

13 \$50 for applicant's established place of business,
14 and \$25 for each additional place of business, if any, to
15 which the application pertains; however, if the
16 application is made after June 15 of any year, the
17 license fee shall be \$25 for applicant's established
18 place of business plus \$12.50 for each additional place
19 of business, if any, to which the application pertains.
20 License fees shall be returnable only in the event that
21 the application is denied by the Secretary of State.

22 6. A statement that the applicant's officers,
23 directors, shareholders having a 10% or greater ownership
24 interest therein, proprietor, partner, member, officer,
25 director, trustee, manager or other principals in the
26 business have not committed in the past 3 years any one
27 violation as determined in any civil, criminal or
28 administrative proceedings of any one of the following
29 Acts:

30 (A) The Anti Theft Laws of the Illinois
31 Vehicle Code;

32 (B) The Certificate of Title Laws of the
33 Illinois Vehicle Code;

34 (C) The Offenses against Registration and

1 Certificates of Title Laws of the Illinois Vehicle
2 Code;

3 (D) The Dealers, Transporters, Wreckers and
4 Rebuilders Laws of the Illinois Vehicle Code;

5 (E) Section 21-2 of the Illinois Criminal Code
6 of 1961, Criminal Trespass to Vehicles; or

7 (F) The Retailers' Occupation Tax Act.

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

16 (A) The Consumer Finance Act;

17 (B) The Consumer Installment Loan Act;

18 (C) The Retail Installment Sales Act;

19 (D) The Motor Vehicle Retail Installment Sales
20 Act;

21 (E) The Interest Act;

22 (F) The Illinois Wage Assignment Act;

23 (G) Part 8 of Article XII of the Code of Civil
24 Procedure; or

25 (H) The Consumer Fraud Act.

26 8. A bond or Certificate of Deposit in the amount
27 of \$20,000 for each location at which the applicant
28 intends to act as a used vehicle dealer. The bond shall
29 be for the term of the license, or its renewal, for which
30 application is made, and shall expire not sooner than
31 December 31 of the year for which the license was issued
32 or renewed. The bond shall run to the People of the
33 State of Illinois, with surety by a bonding or insurance
34 company authorized to do business in this State. It

1 shall be conditioned upon the proper transmittal of all
2 title and registration fees and taxes (excluding taxes
3 under the Retailers' Occupation Tax Act) accepted by the
4 applicant as a used vehicle dealer.

5 9. Such other information concerning the business
6 of the applicant as the Secretary of State may by rule or
7 regulation prescribe.

8 10. A statement that the applicant understands
9 Chapter 1 through Chapter 5 of this Code.

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

16 (d) Anything in this Chapter to the contrary
17 notwithstanding, no person shall be licensed as a used
18 vehicle dealer unless such person maintains an established
19 place of business as defined in this Chapter.

20 (e) The Secretary of State shall, within a reasonable
21 time after receipt, examine an application submitted to him
22 under this Section. Unless the Secretary makes a
23 determination that the application submitted to him does not
24 conform to this Section or that grounds exist for a denial of
25 the application under Section 5-501 of this Chapter, he must
26 grant the applicant an original used vehicle dealer's license
27 in writing for his established place of business and a
28 supplemental license in writing for each additional place of
29 business in such form as he may prescribe by rule or
30 regulation which shall include the following:

- 31 1. The name of the person licensed;
- 32 2. If a corporation, the name and address of its
33 officers or if a sole proprietorship, a partnership, an
34 unincorporated association or any similar form of

1 business organization, the name and address of the
2 proprietor or of each partner, member, officer, director,
3 trustee or manager;

4 3. In case of an original license, the established
5 place of business of the licensee;

6 4. In the case of a supplemental license, the
7 established place of business of the licensee and the
8 additional place of business to which such supplemental
9 license pertains.

10 (f) The appropriate instrument evidencing the license or
11 a certified copy thereof, provided by the Secretary of State
12 shall be kept posted, conspicuously, in the established place
13 of business of the licensee and in each additional place of
14 business, if any, maintained by such licensee.

15 (g) Except as provided in subsection (h) of this
16 Section, all used vehicle dealer's licenses granted under
17 this Section expire by operation of law on December 31 of the
18 calendar year for which they are granted unless sooner
19 revoked or cancelled under Section 5-501 of this Chapter.

20 (h) A used vehicle dealer's license may be renewed upon
21 application and payment of the fee required herein, and
22 submission of proof of coverage by an approved bond under the
23 "Retailers' Occupation Tax Act" or proof that applicant is
24 not subject to such bonding requirements, as in the case of
25 an original license, but in case an application for the
26 renewal of an effective license is made during the month of
27 December, the effective license shall remain in force until
28 the application for renewal is granted or denied by the
29 Secretary of State.

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

32 1. A certificate of title properly assigned to the
33 purchaser;

34 2. A statement verified under oath that all

1 identifying numbers on the vehicle agree with those on
2 the certificate of title;

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

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

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

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

12 (j) A real estate broker holding a valid certificate of
13 registration issued pursuant to "The Real Estate Brokers and
14 Salesmen License Act" may engage in the business of selling
15 or dealing in house trailers not his own without being
16 licensed as a used vehicle dealer under this Section; however
17 such broker shall maintain a record of the transaction
18 including the following:

19 (1) the name and address of the buyer and seller,

20 (2) the date of sale,

21 (3) a description of the mobile home, including the
22 vehicle identification number, make, model, and year, and

23 (4) the Illinois certificate of title number.

24 The foregoing records shall be available for inspection
25 by any officer of the Secretary of State's Office at any
26 reasonable hour.

27 (k) Except at the time of sale of the vehicle, no person
28 licensed as a used vehicle dealer shall issue to any other
29 person a newly created key to a vehicle unless that person
30 can prove that he or she is the owner of that vehicle by
31 either (i) the certificate of title or (ii) the motor vehicle
32 registration card.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.