

1 AN ACT in relation 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 Section 5-401.2 as follows:

6 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)
7 Sec. 5-401.2. Licensees required to keep records and
8 make inspections.

9 (a) Every person licensed or required to be licensed
10 under Section 5-101, 5-101.1, 5-102, 5-301 or 5-302 of this
11 Code, shall, with the exception of scrap processors, maintain
12 for 3 years, in a form as the Secretary of State may by rule
13 or regulation prescribe, at his established place of
14 business, additional place of business, or principal place of
15 business if licensed under Section 5-302, the following
16 records relating to the acquisition or disposition of
17 vehicles and their essential parts possessed in this State,
18 brought into this State from another state, territory or
19 country, or sold or transferred to another person in this
20 State or in another state, territory, or country.

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

23 (A) the year, make, model, style and color of
24 the vehicle;

25 (B) the vehicle's manufacturer's
26 identification number or, if applicable, the
27 Secretary of State or Illinois Department of State
28 Police identification number;

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

30 (D) the name and address of the person from
31 whom the vehicle was acquired and, if that person is

1 a dealer, the Illinois or out-of-state dealer
2 license number of such person;

3 (E) the signature of the person making the
4 inspection of a used vehicle as required under
5 subsection (d) of this Section, if applicable;

6 (F) the purchase price of the vehicle, if
7 applicable;

8 (G) the date of the disposition of the
9 vehicle;

10 (H) the name and address of the person to whom
11 any vehicle was disposed, and if that person is a
12 dealer, the Illinois or out-of-State dealer's
13 license number of that dealer;

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

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

18 (2) (A) The following records pertaining to used
19 essential parts other than quarter panels and
20 transmissions of vehicles of the first division shall be
21 kept:

22 (i) the year, make, model, color and type of
23 such part;

24 (ii) the vehicle's manufacturer's
25 identification number, derivative number, or, if
26 applicable, the Secretary of State or Illinois
27 Department of State Police identification number of
28 such part;

29 (iii) the date of the acquisition of each
30 part;

31 (iv) the name and address of the person from
32 whom the part was acquired and, if that person is a
33 dealer, the Illinois or out-of-state dealer license
34 number of such person; if the essential part being

1 acquired is from a person other than a dealer, the
2 licensee shall verify and record that person's
3 identity by recording the identification numbers
4 from at least two sources of identification, one of
5 which shall be a drivers license or State
6 identification card;

7 (v) the uniform invoice number or out-of-state
8 bill of sale number reflecting the acquisition of
9 such part;

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

12 (vii) the date of the disposition of such
13 part;

14 (viii) the name and address of the person to
15 whom such part was disposed of and, if that person
16 is a dealer, the Illinois or out-of-state dealer
17 license number of that person;

18 (ix) the uniform invoice number reflecting the
19 disposition of such part.

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

22 (C) A separate entry containing all of the
23 information required to be recorded in subparagraph (A)
24 of paragraph (2) of subsection (a) of this Section shall
25 be made for each separate essential part. Separate
26 entries shall be made regardless of whether the part was
27 a large purchase acquisition. In addition, a separate
28 entry shall be made for each part acquired for immediate
29 sale or transfer, or for placement into the overall
30 inventory or stock to be disposed of at a later time, or
31 for use on a vehicle to be materially altered by the
32 licensee, or acquired for any other purpose or reason.
33 Failure to make a separate entry for each essential part
34 acquired or disposed of, or a failure to record any of

1 the specific information required to be recorded
2 concerning the acquisition or disposition of each
3 essential part as set forth in subparagraph (A) of
4 paragraph (2) of subsection (a) shall constitute a
5 failure to keep records.

6 (D) The vehicle's manufacturer's identification
7 number or Secretary of State or Illinois Department of
8 State Police identification number for the essential part
9 shall be ascertained and recorded even if such part is
10 acquired from a person or dealer located in a State,
11 territory, or country which does not require that such
12 information be recorded. If the vehicle's manufacturer's
13 identification number or Secretary of State or Illinois
14 Department of State Police identification number for an
15 essential part cannot be obtained, that part shall not be
16 acquired by the licensee or any of his agents or
17 employees. If such part or parts were physically acquired
18 by the licensee or any of his agents or employees while
19 the licensee or agent or employee was outside this State,
20 that licensee or agent or employee was outside the State,
21 that licensee, agent or employee shall not bring such
22 essential part into this State or cause it to be brought
23 into this State. The acquisition or disposition of an
24 essential part by a licensee without the recording of the
25 vehicle identification number or Secretary of State
26 identification number for such part or the transportation
27 into the State by the licensee or his agent or employee
28 of such part or parts shall constitute a failure to keep
29 records.

30 (E) The records of essential parts required to be
31 kept by this Section shall apply to all hulks, chassis,
32 frames or cowl, regardless of the age of those essential
33 parts. The records required to be kept by this Section
34 for essential parts other than hulks, chassis, frames or

1 cowl, shall apply only to those essential parts which
2 are 6 model years of age or newer. In determining the
3 model year of such an essential part it may be presumed
4 that the identification number of the vehicle from which
5 the essential part came or the identification number
6 affixed to the essential part itself acquired by the
7 licensee denotes the model year of that essential part.
8 This presumption, however, shall not apply if the gross
9 appearance of the essential part does not correspond to
10 the year, make or model of either the identification
11 number of the vehicle from which the essential part is
12 alleged to have come or the identification number which
13 is affixed to the essential part itself. To determine
14 whether an essential part is 6 years of age or newer
15 within this paragraph, the model year of the essential
16 part shall be subtracted from the calendar year in which
17 the essential part is acquired or disposed of by the
18 licensee. If the remainder is 6 or less, the record of
19 the acquisition or disposition of that essential part
20 shall be kept as required by this Section.

21 (F) The requirements of paragraph (2) of subsection
22 (a) of this Section shall not apply to the disposition of
23 an essential part other than a cowl which has been
24 damaged or altered to a state in which it can no longer
25 be returned to a usable condition and which is being sold
26 or transferred to a scrap processor or for delivery to a
27 scrap processor.

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

30 (A) the year, make, model, style and color of the
31 vehicle;

32 (B) the vehicle's manufacturer's identification
33 number or, if applicable, the Secretary of State or
34 Illinois Department of State Police identification

1 number;

2 (C) the date the vehicle was acquired;

3 (D) the name and address of the person from whom
4 the vehicle was acquired and, if that person is a dealer,
5 the Illinois or out-of-state dealer license number of
6 that person;

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

9 (F) the junking certificate number obtained by the
10 licensee; this entry shall be recorded at the close of
11 business of the fifth ~~second~~ business day after receiving
12 the junking certificate;

13 (G) the name and address of the person to whom the
14 junking certificate has been assigned, if applicable, and
15 if that person is a dealer, the Illinois or out-of-state
16 dealer license number of that dealer;

17 (H) if the vehicle or any part of the vehicle is
18 dismantled for its parts to be disposed of in any way, or
19 if such parts are to be used by the licensee to
20 materially alter a vehicle, those essential parts shall
21 be recorded ~~in--the-record-book-for-essential-parts~~ and
22 the entries required by paragraph (2) of subsection (a)
23 shall be made.

24 (4) The following records for rebuilt vehicles shall be
25 kept:

26 (A) the year, make, model, style and color of the
27 vehicle;

28 (B) the vehicle's manufacturer's identification
29 number of the vehicle or, if applicable, the Secretary of
30 State or Illinois Department of State Police
31 identification number;

32 (C) the date the vehicle was acquired;

33 (D) the name and address of the person from whom
34 the vehicle was acquired, and if that person is a dealer,

1 the Illinois or out-of-state dealer license number of
2 that person;

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

4 (F) the newly issued certificate of title number
5 for the vehicle;

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

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

10 (I) The sale price of the vehicle.

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

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

23 (c) All entries relating to the acquisition of a vehicle
24 or essential part required by subsection (a) of this Section
25 shall be recorded no later than the close of business on the
26 seventh calendar day following such acquisition. All entries
27 relating to the disposition of a vehicle or an essential part
28 shall be made at the time of such disposition. If the
29 vehicle or essential part was disposed of on the same day as
30 its acquisition or the day thereafter, the entries relating
31 to the acquisition of the vehicle or essential part shall be
32 made at the time of the disposition of the vehicle or
33 essential part. Failure to make the entries required in or at
34 the times prescribed by this subsection following the

1 acquisition or disposition of such vehicle or essential part
2 shall constitute a failure to keep records.

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

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

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

22 (g) Every person licensed or required to be licensed as
23 a transporter under Section 5-201 shall maintain for 3 years,
24 in such form as the Secretary of State may by rule or
25 regulation prescribe, at his principal place of business a
26 record of every vehicle transported by him, including numbers
27 of or other marks of identification thereof, the names and
28 addresses of persons from whom and to whom the vehicle was
29 delivered and the dates of delivery.

30 (h) No later than 15 days prior to going out of
31 business, selling the business, or transferring the ownership
32 of the business, the licensee shall notify the Secretary of
33 State that he is going out of business or that he is
34 transferring the ownership of the business. Failure to notify

1 under this paragraph shall constitute a failure to keep
2 records.

3 (i) (Blank) Any person who knowingly fails to keep the
4 records required by this Section or who knowingly violates
5 this Section shall be guilty of a Class 2 felony. Each
6 violation shall constitute a separate and distinct offense
7 and a separate count may be brought in the same indictment or
8 information for each vehicle or each essential part of a
9 vehicle for which a record was not kept as required by this
10 Section.

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

22 (k) Any person convicted of failing to keep the records
23 required by this Section with intent to conceal the identity
24 or origin of a vehicle or its essential parts or with intent
25 to defraud the public in the transfer or sale of vehicles or
26 their essential parts is guilty of a Class 2 felony. Each
27 violation constitutes a separate and distinct offense and a
28 separate count may be brought in the same indictment or
29 information for each vehicle or essential part of a vehicle
30 for which a record was not kept as required by this Section.

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

1 (m) The Secretary shall adopt rules necessary for
2 implementation of this Section, which may include the
3 imposition of administrative fines.

4 (Source: P.A. 91-415, eff. 1-1-00.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.