



Rep. Elaine Nekritz

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LRB097 17536 RPM 67849 a

1 AMENDMENT TO HOUSE BILL 4464

2 AMENDMENT NO. _____. Amend House Bill 4464, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Illinois Service Member Civil Relief Act.

7 Section 5. Legislative intent. Nothing in this Act is
8 intended to impair any existing right or benefit available to
9 any service member.

10 Section 10. Definitions. In this Act:

11 "Military service" means any full-time training or duty, no
12 matter how described under federal or State law, for which a
13 service member is ordered to report by the President, Governor
14 of a state, commonwealth, or territory of the United States, or
15 other appropriate military authority.

1 "Primary occupant" means the current residential customer
2 of record in whose name the utility company or electric
3 cooperative account is registered.

4 "Service member" means a resident of Illinois who is a
5 member of any component of the U.S. Armed Forces or the
6 National Guard of any state, the District of Columbia, a
7 commonwealth, or a territory of the United States.

8 "State Active Duty" has the same meaning ascribed to that
9 term in Section 30.10 of the Military Code of Illinois.

10 "Training or duty under Title 32 of the United States Code"
11 has the same meaning ascribed to that term in Section 30.10 of
12 the Military Code of Illinois.

13 Section 15. Cellular phone contract. Termination of a
14 cellular phone contract involving a service member who enters
15 military service shall be subject to the provisions of the
16 Military Personnel Cellular Phone Contract Termination Act.

17 Section 20. Bulk long distance telephone services. Bulk
18 long distance telephone services purchased by the Department of
19 Central Management Services and made available to persons in
20 the immediate family of service members who have entered
21 military service so that those persons in the service members'
22 families can communicate with the service members shall be
23 subject to Section 405-272 of the Department of Central
24 Management Services Law of the Civil Administrative Code of

1 Illinois.

2 Section 25. Stoppage of gas or electricity; arrearage;
3 municipality; electric company or cooperative.

4 (a) The stoppage of gas or electricity from entering the
5 residential premises of which a service member was a primary
6 occupant immediately before the service member entered
7 military service for nonpayment of service shall be subject to
8 Section 11-117-12.2 of the Illinois Municipal Code when the
9 entity providing the gas or electrical service is a
10 municipality owning a public utility, or shall be subject to
11 Section 8-201.5 of the Public Utilities Act when the entity
12 providing the gas or electrical service is a company or
13 electric cooperative.

14 (b) Payment periods offered to a residential consumer who
15 is a service member upon his or her return from military
16 service to pay off any arrearages incurred during the period of
17 the residential consumer's service period shall be subject to
18 Section 11-117-12.2 of the Illinois Municipal Code when the
19 entity offering the payment period is a municipality owning a
20 public utility, or shall be subject to Section 8-201.5 of the
21 Public Utilities Act when the entity offering the payment
22 period is a company or electric cooperative.

23 (c) In order to be eligible for the benefits granted to
24 service members under this Section, a service member must
25 provide the company or electric cooperative with a copy of the

1 orders calling the service member to military service, or
2 copies of orders further extending the service member's period
3 of service, and provide documentation of hardship. Further, in
4 the event the service member no longer claims to be the primary
5 occupant of the residential premises or the customer account of
6 record changes, then the company or electric cooperative may
7 enforce all applicable rules, regulations, and tariffs.

8 Section 30. Life insurance policy. The lapse or forfeiture
9 of an individual life insurance policy insuring the life of a
10 service member who enters military service shall be subject to
11 Section 224.05 of the Illinois Insurance Code.

12 Section 35. Action for possession of residential premises
13 of a tenant. An action for possession of residential premises
14 of a tenant, including a tenant who is a resident of a mobile
15 home park, who is a service member that has entered military
16 service, or of any member of the tenant's family who resides
17 with the tenant shall be subject to Section 9-107.10 of the
18 Code of Civil Procedure.

19 Section 40. Limitation on interest rate. Interest or
20 finance charges collected or charged to a service member who
21 has entered military service, or the spouse of that service
22 member, in connection with an obligation entered into on or
23 after the date of August 22, 2005, but prior to the date that

1 the service member entered military service, shall be subject
2 to Section 4.05 of the Interest Act.

3 Section 45. Termination of lease; motor vehicle. The
4 termination of a motor vehicle lease involving a service member
5 who has entered military service or the spouse of that service
6 member shall be subject to Section 37 of the Motor Vehicle
7 Leasing Act.

8 Section 50. Termination of property lease. The termination
9 of a lease for a mobile home lot, residential premises, or
10 non-residential premises by a service member who has entered
11 military service, or by the spouse of that service member, in
12 conjunction with a lease entered into on or after the effective
13 date of this Act is subject to Section 16 of the Landlord and
14 Tenant Act. The termination of a lease for farm or agricultural
15 real property by a service member who has entered military
16 service or by the spouse of that service member is subject to
17 Section 9-206 of the Code of Civil Procedure and Section 16 of
18 the Landlord and Tenant Act.

19 Section 55. Stay of administrative contested case
20 hearings. The stay of an administrative contested case hearing
21 involving a named party who is a service member that has
22 entered military service shall be subject to Section 10-63 of
23 the Illinois Administrative Procedure Act.

1 Section 60. Default judgment protection. Relief from a
2 final order or judgment entered by default against a service
3 member who has entered military service is subject to Section
4 2-1401.1 of the Code of Civil Procedure.

5 Section 65. Property repossession under retail installment
6 sales. The repossession of personal property pursuant to a
7 retail installment sales contract entered into before the buyer
8 has entered military service and on or after the effective date
9 of this Act that relates to the personal property of the
10 service member is subject to Section 26.5 of the Retail
11 Installment Sales Act and Section 9-610 of the Uniform
12 Commercial Code.

13 Section 70. Protection against foreclosure or a judicial
14 sale in a foreclosure. Foreclosure and a judicial sale pursuant
15 to a foreclosure against a service member who has entered
16 military service in conjunction with a mortgage agreement
17 entered into before the mortgagor entered military service and
18 on or after the effective date of this Act is subject to
19 Section 15-1501.6 of the Code of Civil Procedure.

20 Section 75. Stay of prosecution; civil matters. The stay,
21 postponement, or suspension of the enforcement of any civil
22 obligation or liability, the prosecution of any civil suit or

1 proceeding, or the entry or enforcement of any civil order,
2 writ, judgment, or decree involving a service member who has
3 entered military service shall be subject to Section 30.25 of
4 the Military Code of Illinois.

5 Section 80. School attendance and tuition. A full monetary
6 credit or refund for funds paid to any Illinois public
7 university, college, or community college on behalf of any
8 service member who enters military service shall be subject to
9 Section 30.30 of the Military Code of Illinois.

10 Section 900. The Illinois Administrative Procedure Act is
11 amended by adding Section 10-63 as follows:

12 (5 ILCS 100/10-63 new)

13 Sec. 10-63. Stay of contested case hearings; military.

14 (a) In this Section:

15 "Military service" means any full-time training or duty no
16 matter how described under federal or State law for which a
17 service member is ordered to report by the President, Governor
18 of a state, commonwealth, or territory of the United States, or
19 other appropriate military authority.

20 "Service member" means a resident of Illinois who is a
21 member of any component of the U.S. Armed Forces or the
22 National Guard of any state, the District of Columbia, a
23 commonwealth, or a territory of the United States.

1 (b) In a contested case in which a named party is a service
2 member who has entered military service, for a period of 14
3 days that follow the conclusion of military service the
4 administrative law judge shall, upon motion made by or on
5 behalf of the service member, stay the hearing for a period of
6 90 days if the service member's ability to appear at the
7 hearing is materially affected by his or her military service.

8 (c) In order to be eligible for the benefits granted to
9 service members under this Section, a service member must
10 demonstrate that his or her military service has been in excess
11 of 29 consecutive days and has materially affected his or her
12 ability to attend the hearing by submitting a letter to the
13 administrative law judge from the service member's commanding
14 officer stating that the service member's military duty has
15 prevented the service member from appearing at the hearing and
16 that military leave has not been authorized. The service member
17 must also provide the administrative law judge with an
18 approximate date of availability.

19 (d) Additional stays of the contested case hearing shall be
20 permitted at the discretion of the administrative law judge if
21 all of the requirements of this Section are met.

22 (e) A violation of this Section constitutes a civil rights
23 violation under the Illinois Human Rights Act. All proceeds
24 from the collection of any civil penalty imposed under this
25 subsection shall be deposited into the Illinois Military Family
26 Relief Fund.

1 Section 905. The Civil Administrative Code of Illinois is
2 amended by adding Section 5-715 as follows:

3 (20 ILCS 5/5-715 new)

4 Sec. 5-715. Deadline extensions for service members.

5 (a) In this Section:

6 "Military service" means any full-time training or duty no
7 matter how described under federal or State law for which a
8 service member is ordered to report by the President, Governor
9 of state, commonwealth, or territory of the United States, or
10 other appropriate military authority.

11 "Service member" means a resident of Illinois who is a
12 member of any component of the U.S. Armed Forces or the
13 National Guard of any state, the District of Columbia, a
14 commonwealth, or a territory of the United States.

15 (b) Each director of a department is authorized to extend
16 any deadline established by that director or department for a
17 service member who has entered military service in excess of 29
18 consecutive days. The director may extend the deadline for a
19 period not more than twice the length of the service member's
20 required military service.

21 Section 910. The Department of Central Management Services
22 Law of the Civil Administrative Code of Illinois is amended by
23 changing Section 405-272 as follows:

1 (20 ILCS 405/405-272)

2 Sec. 405-272. Bulk long distance telephone services for
3 military personnel in military service ~~on active duty~~.

4 (a) In this Section:

5 ~~"Active duty" means active duty pursuant to an executive
6 order of the President of the United States, an act of the
7 Congress of the United States, or an order of the Governor.~~

8 "Immediate family" means a service member's spouse
9 residing in the service member's household, brothers and
10 sisters of the whole or of the half blood, children, including
11 adopted children and stepchildren, parents, and grandparents.

12 "Military service" means any full-time training or duty no
13 matter how described under federal or State law for which a
14 service member is ordered to report by the President, Governor
15 of a state, commonwealth, or territory of the United States, or
16 other appropriate military authority.

17 "Service member" means a resident of Illinois who is a
18 member of any component of the U.S. Armed Forces or the
19 National Guard of any state, the District of Columbia, a
20 commonwealth, or a territory of the United States ~~member of the
21 armed services or reserve forces of the United States or a
22 member of the Illinois National Guard.~~

23 (b) The Department may enter into a contract to purchase
24 bulk long distance telephone services and make them available
25 at cost, or may make bulk long distance telephone services

1 available at cost under any existing contract the Department
2 has entered into, to persons in the immediate family of service
3 members that have entered military service ~~deployed on active~~
4 ~~duty~~ so that those persons in the service members' families can
5 communicate with the service members ~~so deployed~~. If the
6 Department enters into a contract under this Section, it shall
7 do so in accordance with the Illinois Procurement Code and in a
8 nondiscriminatory manner that does not place any potential
9 vendor at a competitive disadvantage.

10 (c) In order to be eligible to use bulk long distance
11 telephone services purchased by the Department under this
12 Section, a service member or person in the service member's
13 immediate family must provide the Department with a copy of the
14 ~~military or gubernatorial~~ orders calling the service member to
15 military service in excess of 29 consecutive days ~~active duty~~
16 and of any orders further extending the service member's period
17 of military service ~~active duty~~.

18 (d) If the Department enters into a contract under this
19 Section, the Department shall adopt rules as necessary to
20 implement this Section.

21 (Source: P.A. 94-635, eff. 8-22-05.)

22 Section 915. The Military Code of Illinois is amended by
23 changing Sections 30.25 and 30.30 as follows:

24 (20 ILCS 1805/30.25)

1 Sec. 30.25. Stay of prosecution. During and for a period of
2 14 days after a period of military service ~~training or duty~~ in
3 excess of 29 days ~~either under Title 32 of the United States~~
4 ~~Code or under State Active Duty~~, a court having jurisdiction
5 over the enforcement of any civil obligation or liability, the
6 prosecution of any civil suit or proceeding, or the entry or
7 enforcement of any civil order, writ, judgment, or decree may
8 stay, postpone, or suspend the matter if the court determines
9 that a service member's ~~person's~~ failure to meet the obligation
10 is the direct result of that period of military service
11 ~~training or duty~~. The stay, postponement, or suspension of
12 proceedings does not in any way modify any condition,
13 obligation, term, or liability agreed upon or incurred by a
14 person in military service including but not limited to accrued
15 interest, late fees, or penalties. No stay, postponement, or
16 suspension shall be provided regarding any written agreement
17 entered into, or debt that is incurred, by the person during or
18 after his or her period of military service ~~training or duty~~
19 ~~either under Title 32 of the United States Code or under State~~
20 ~~Active Duty~~. A violation of this Section constitutes a civil
21 rights violation under the Illinois Human Rights Act. All
22 proceeds from the collection of any civil penalty imposed under
23 this Section shall be deposited into the Illinois Military
24 Family Relief Fund.

25 (Source: P.A. 92-716, eff. 7-24-02.)

1 (20 ILCS 1805/30.30)

2 Sec. 30.30. School attendance and tuition. Any service
3 member that enters military service ~~person in federal active~~
4 ~~duty under Title 10 of the United States Code, or in training~~
5 ~~or duty under Title 32 of the United States Code, or in State~~
6 ~~Active Duty, pursuant to the orders of the Governor~~ has the
7 right to receive a full monetary credit or refund for funds
8 paid to any Illinois public university, college, or community
9 college if the service member ~~person~~ is placed into a period of
10 military service ~~with the State of Illinois pursuant to the~~
11 ~~orders of the Governor~~ and is unable to attend the university
12 or college for a period of 7 or more days. Withdrawal from the
13 course shall not impact upon the final grade point average of
14 the service member ~~person~~. If any service member ~~person~~ who has
15 been enrolled in any Illinois public university, college, or
16 community college is unable to process his or her enrollment
17 for the upcoming term, he or she shall have any and all late
18 penalties and or charges set aside, including any and all late
19 processing fees for books, lab fees, and all items that were
20 not in place because the service member ~~person~~ was engaged in
21 military service and was unable to enroll in the courses at the
22 appropriate time. The rights set forth in this Section are in
23 addition to any rights afforded to persons in military service
24 with the State of Illinois pursuant to the orders of the
25 Governor under the policies of an Illinois public university,
26 college, or community college. A violation of this Section

1 constitutes a civil rights violation under the Illinois Human
2 Rights Act. All proceeds from the collection of any civil
3 penalty imposed under this Section shall be deposited into the
4 Illinois Military Family Relief Fund.

5 (Source: P.A. 92-716, eff. 7-24-02.)

6 Section 920. The Illinois Municipal Code is amended by
7 changing Section 11-117-12.2 as follows:

8 (65 ILCS 5/11-117-12.2)

9 Sec. 11-117-12.2. Military personnel in military service
10 ~~on active duty~~; no stoppage of gas or electricity; arrearage.

11 (a) In this Section:

12 "Military service" means any full-time training or duty no
13 matter how described under federal or State law for which a
14 service member is ordered to report by the President, Governor
15 of a state, commonwealth, or territory of the United States, or
16 other appropriate military authority.

17 "Primary occupant" means the current residential customer
18 of record in whose name the account is registered with the
19 municipality owning a public utility.

20 ~~"Active duty" means active duty pursuant to an executive~~
21 ~~order of the President of the United States, an act of the~~
22 ~~Congress of the United States, or an order of the Governor.~~

23 "Service member" means a resident of Illinois who is a
24 member of any component of the U.S. Armed Forces or the

1 National Guard of any state, the District of Columbia, a
2 commonwealth, or a territory of the United States ~~member of the~~
3 ~~armed services or reserve forces of the United States or a~~
4 ~~member of the Illinois National Guard.~~

5 (b) No municipality owning a public utility shall stop gas
6 or electricity from entering the residential premises of which
7 a service member was a primary occupant immediately before the
8 service member entered military service ~~was deployed on active~~
9 ~~duty~~ for nonpayment for gas or electricity supplied to the
10 residential premises.

11 (c) Upon the return from military service ~~active duty~~ of a
12 residential consumer who is a service member, the municipality
13 shall offer the residential consumer a period equal to at least
14 the period of the residential consumer's military service
15 ~~deployment on active duty~~ to pay any arrearages incurred during
16 the period of the residential consumer's military service
17 ~~deployment~~. The municipality shall inform the residential
18 consumer that, if the period the municipality offers presents a
19 hardship to the consumer, the consumer may request a longer
20 period to pay the arrearages.

21 (d) In order to be eligible for the benefits granted to a
22 service member under this Section, a service member must
23 provide the municipality owning a public utility with a copy of
24 the orders calling the service member to military service in
25 excess of 29 consecutive days or copies of orders further
26 extending the service member's period of service and provide

1 documentation that his or her military service materially
2 affects his or her ability to pay for such services when due.
3 In the event the service member no longer claims to be the
4 primary occupant of the residential premises, or if the
5 customer account of record changes, then the municipality
6 owning a public utility may enforce all applicable rules,
7 regulations, and tariffs. ~~In order to be eligible for the~~
8 ~~benefits granted to service members under this Section, a~~
9 ~~service member must provide the municipality with a copy of the~~
10 ~~military or gubernatorial orders calling the service member to~~
11 ~~active duty and of any orders further extending the service~~
12 ~~member's period of active duty.~~

13 (e) A violation of this Section constitutes a civil rights
14 violation under the Illinois Human Rights Act.

15 All proceeds from the collection of any civil penalty
16 imposed under this subsection shall be deposited into the
17 Illinois Military Family Relief Fund.

18 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
19 95-392, eff. 8-23-07.)

20 Section 925. The Illinois Insurance Code is amended by
21 changing Section 224.05 as follows:

22 (215 ILCS 5/224.05)

23 Sec. 224.05. Military personnel in military service ~~on~~
24 ~~active duty~~; no lapse of life insurance policy.

1 (a) Except as provided in subsection (b), this Section
2 shall apply to any individual life insurance policy insuring
3 the life of a resident of Illinois who is a member of any
4 component of the U.S. Armed Forces or the National Guard of any
5 state, the District of Columbia, a commonwealth, or a territory
6 of the United States ~~member of the armed services or reserve~~
7 ~~forces of the United States or a member of the Illinois~~
8 ~~National Guard~~ who has entered any full-time training or duty
9 which the service member was ordered to by the President,
10 Governor of a state, commonwealth, or territory of the United
11 States, or other appropriate military authority, if the life
12 insurance is on active duty pursuant to an executive order of
13 ~~the President of the United States, an act of the Congress of~~
14 ~~the United States, or an order of the Governor, if the life~~
15 ~~insurance~~ policy meets both of the following conditions:

16 (1) The policy has been in force for at least 180 days.

17 (2) The policy has been brought within the
18 "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003),
19 50 U.S.C. App. 541 and following.

20 (b) This Section does not apply to any policy that was
21 cancelled or that had lapsed for the nonpayment of premiums
22 prior to the commencement of the insured's period of military
23 service.

24 (c) An individual life insurance policy described in this
25 Section shall not lapse or be forfeited for the nonpayment of
26 premiums during the military service of a service member in

1 ~~excess of 29 consecutive days member of the armed services or~~
2 ~~reserve forces of the United States or a member of the Illinois~~
3 ~~National Guard or~~ during the 2-year period subsequent to the
4 end of the member's period of military service.

5 (d) In order to be eligible for the benefits granted to
6 service members under this Section, a service member must
7 provide the life insurance company with a copy of the ~~military~~
8 ~~or gubernatorial~~ orders calling the service member to military
9 service ~~active duty~~ and of any orders further extending the
10 service member's period of service ~~active duty~~.

11 (e) This Section does not limit a life insurance company's
12 enforcement of provisions in the insured's policy relating to
13 naval or military service in time of war.

14 (f) A violation of this Section constitutes a civil rights
15 violation under the Illinois Human Rights Act.

16 All proceeds from the collection of any civil penalty
17 imposed under this subsection shall be deposited into the
18 Illinois Military Family Relief Fund.

19 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
20 95-392, eff. 8-23-07.)

21 Section 930. The Public Utilities Act is amended by
22 changing Section 8-201.5 as follows:

23 (220 ILCS 5/8-201.5)

24 Sec. 8-201.5. Military personnel in military service ~~on~~

1 ~~active duty~~; no stoppage of gas or electricity; arrearage.

2 (a) In this Section:

3 "Military service" means any full-time training or duty no
4 matter how described under federal or State law for which a
5 service member is ordered to report by the President, Governor
6 of a state, commonwealth, or territory of the United States, or
7 other appropriate military authority.

8 ~~"Active duty" means active duty pursuant to an executive~~
9 ~~order of the President of the United States, an act of the~~
10 ~~Congress of the United States, or an order of the Governor.~~

11 "Service member" means a resident of Illinois who is a
12 member of any component of the U.S. Armed Forces or the
13 National Guard of any state, the District of Columbia, a
14 commonwealth, or a territory of the United States ~~member of the~~
15 ~~armed services or reserve forces of the United States or a~~
16 ~~member of the Illinois National Guard.~~

17 (b) No company or electric cooperative shall stop gas or
18 electricity from entering the residential premises of which a
19 service member was a primary occupant immediately before the
20 service member entered military service ~~was deployed on active~~
21 ~~duty~~ for nonpayment for gas or electricity supplied to the
22 residential premises.

23 (c) In order to be eligible for the benefits granted to
24 service members under this Section, a service member must
25 provide the company or electric cooperative with a copy of the
26 ~~military or gubernatorial~~ orders calling the service member to

1 military service in excess of 29 consecutive days ~~active duty~~
2 and of any orders further extending the service member's period
3 of service ~~active duty~~.

4 (d) Upon the return from military service ~~active duty~~ of a
5 residential consumer who is a service member, the company or
6 electric cooperative shall offer the residential consumer a
7 period equal to at least the period of military service
8 ~~deployment on active duty~~ to pay any arrearages incurred during
9 the period of the residential consumer's military service
10 ~~deployment~~. The company or electric cooperative shall inform
11 the residential consumer that, if the period that the company
12 or electric cooperative offers presents a hardship to the
13 consumer, the consumer may request a longer period to pay the
14 arrearages and, in the case of a company that is a public
15 utility, may request the assistance of the Illinois Commerce
16 Commission to obtain a longer period. No late payment fees or
17 interest shall be charged to the residential consumer during
18 the period of military service ~~deployment~~ or the repayment
19 period.

20 (e) A violation of this Section constitutes a civil rights
21 violation under the Illinois Human Rights Act.

22 All proceeds from the collection of any civil penalty
23 imposed under this subsection shall be deposited into the
24 Illinois Military Family Relief Fund.

25 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
26 95-392, eff. 8-23-07.)

1 Section 935. The Service Member's Employment Tenure Act is
2 amended by changing Section 5.2 as follows:

3 (330 ILCS 60/5.2)

4 Sec. 5.2. School attendance and tuition.

5 (a) Any person in military service with the State of
6 Illinois or in federal active duty service pursuant to the
7 orders of the President of the United States or the Governor
8 has the right to receive a full monetary credit or refund for
9 funds paid to any Illinois public university, college or
10 community college if the person is placed into a period of
11 military service pursuant to the orders of the President of the
12 United States or the Governor and is unable to attend the
13 university or college for a period of 7 or more days.
14 Withdrawal from the course shall not impact upon the final
15 grade point average of the person. If any person who has been
16 enrolled in any Illinois public university, college, or
17 community college is unable to process his or her enrollment
18 for the upcoming term, he or she shall have any and all late
19 penalties and or charges set aside, including any and all late
20 processing fees for books, lab fees, and all items that were
21 not in place because the person was engaged in military service
22 and was unable to enroll in the courses at the appropriate
23 time.

24 A service member enrolled in an institution of higher

1 learning who is unable, because of his or her military service,
2 to attend classes on a particular day or days has the right to
3 be excused and to reschedule a course examination administered
4 on such day or days. The faculty and administrative officials
5 shall make available to the service member an equivalent
6 opportunity to make up any examination he or she has missed
7 because of his or her military service.

8 The rights set forth in this Section are in addition to any
9 rights afforded to persons in military service with the State
10 of Illinois or in federal active duty service pursuant to the
11 orders of the President of the United States or the Governor
12 under the policies of an Illinois public university, college,
13 or community college.

14 (b) For the purposes of this Section:

15 "Institution of higher learning" has the same meaning as in
16 Section 10 of the Higher Education Student Assistance Act.

17 "Military service" means any full-time training or duty, no
18 matter how described under federal or State law, for which a
19 service member is ordered to report by the President, Governor
20 of a state, commonwealth, or territory of the United States, or
21 other appropriate military authority.

22 "Service member" means a resident of Illinois who is a
23 member of any component of the U.S. Armed Forces or the
24 National Guard of any state, the District of Columbia, a
25 commonwealth, or a territory of the United States.

26 (Source: P.A. 93-822, eff. 7-28-04.)

1 Section 940. The Code of Civil Procedure is amended by
2 changing Sections 9-107.10 and 9-206 and by adding Sections
3 2-1401.1 and 15-1501.6 as follows:

4 (735 ILCS 5/2-1401.1 new)

5 Sec. 2-1401.1. Relief from default judgment; military
6 personnel in military service.

7 (a) In this Section:

8 "Military service" means any full-time training or duty no
9 matter how described under federal or State law for which a
10 service member is ordered to report by the President, Governor
11 of a state, commonwealth, or territory of the United States, or
12 other appropriate military authority.

13 "Service member" means a resident of Illinois who is a
14 member of any component of the U.S. Armed Forces or the
15 National Guard of any state, the District of Columbia, or
16 commonwealth, or a territory of the United States.

17 (b) Relief from and vacation of final orders and judgments
18 after 30 days from the entry thereof entered by default against
19 a service member that has entered military service may be had
20 upon petition as provided in this Section. All relief
21 heretofore obtainable and the grounds for such relief
22 heretofore available shall be available in every case, by
23 proceedings commenced pursuant to this Section, regardless of
24 the nature of the order or judgment from which relief is sought

1 or of the proceedings in which it was entered. Except as
2 provided in Section 6 of the Illinois Parentage Act of 1984,
3 there shall be no distinction between actions and other
4 proceedings, statutory or otherwise, as to availability of
5 relief, grounds for relief or the relief obtainable.

6 (c) The petition must be filed in the same proceeding in
7 which the order or judgment was entered but is not a
8 continuation thereof. The petition must be supported by
9 affidavit or other appropriate showing as to matters not of
10 record and show that the service member did not appear in the
11 proceeding, the person's military service materially affected
12 the service member's ability to defend the case, the person has
13 a meritorious or legal defense to the action, and the petition
14 must be filed within 90 days after the service member's date of
15 release from military service. All parties to the petition
16 shall be notified as provided by rule.

17 (d) Except as provided in Section 20b of the Adoption Act
18 and Section 2-32 of the Juvenile Court Act of 1987 or in a
19 petition based upon Section 116-3 of the Code of Criminal
20 Procedure of 1963, the petition must be filed not later than 90
21 days after the service member's release from military service.
22 Time during which the person seeking relief is under legal
23 disability or duress or the ground for relief is fraudulently
24 concealed shall be excluded in computing the period for filing.

25 (e) The filing of a petition under this Section does not
26 affect the order or judgment, or suspend its operation.

1 (f) Unless lack of jurisdiction affirmatively appears from
2 the record proper, the vacation or modification of an order or
3 judgment pursuant to the provisions of this Section does not
4 affect the right, title or interest in or to any real or
5 personal property of any person, not a party to the original
6 action, acquired for value after the entry of the order or
7 judgment but before the filing of the petition, nor affect any
8 right of any person not a party to the original action under
9 any certificate of sale issued before the filing of the
10 petition, pursuant to a sale based on the order or judgment.

11 (g) Nothing contained in this Section affects any existing
12 right to relief from a void order or judgment, or to employ any
13 existing method to procure that relief.

14 (735 ILCS 5/9-107.10)

15 Sec. 9-107.10. Military personnel in military service ~~or~~
16 ~~active duty~~; action for possession.

17 (a) In this Section:

18 "Military service" means any full-time training or duty no
19 matter how described under federal or State law for which a
20 service member is ordered to report by the President, Governor
21 of a State, commonwealth, or territory of the United States, or
22 other appropriate military authority.

23 ~~"Active duty" means active duty pursuant to an executive~~
24 ~~order of the President of the United States, an act of the~~
25 ~~Congress of the United States, or an order of the Governor.~~

1 "Service member" means a resident of Illinois who is a
2 member of any component of the U.S. Armed Forces or the
3 National Guard of any state, the District of Columbia, a
4 commonwealth, or a territory of the United States ~~member of the~~
5 ~~armed services or reserve forces of the United States or a~~
6 ~~member of the Illinois National Guard.~~

7 (b) In an action for possession of residential premises of
8 a tenant, including a tenant who is a resident of a mobile home
9 park, who is a service member that has entered military service
10 ~~deployed on active duty~~, or of any member of the tenant's
11 family who resides with the tenant, if the tenant entered into
12 the rental agreement on or after the effective date of this
13 amendatory Act of the 94th General Assembly, the court may, on
14 its own motion, and shall, upon motion made by or on behalf of
15 the tenant, do either of the following if the tenant's ability
16 to pay the agreed rent is materially affected by the tenant's
17 military service ~~deployment on active duty~~:

18 (1) Stay the proceedings for a period of 90 days,
19 unless, in the opinion of the court, justice and equity
20 require a longer or shorter period of time.

21 (2) Adjust the obligation under the rental agreement to
22 preserve the interest of all parties to it.

23 (c) In order to be eligible for the benefits granted to
24 service members under this Section, a service member or a
25 member of the service member's family who resides with the
26 service member must provide the landlord or mobile home park

1 operator with a copy of the ~~military or gubernatorial~~ orders
2 calling the service member to military service in excess of 29
3 consecutive days active duty and of any orders further
4 extending the ~~service member's~~ period of service ~~active duty~~.

5 (d) If a stay is granted under this Section, the court may
6 grant the landlord or mobile home park operator such relief as
7 equity may require.

8 (e) A violation of this Section constitutes a civil rights
9 violation under the Illinois Human Rights Act. All proceeds
10 from the collection of any civil penalty imposed pursuant to
11 the Illinois Human Rights Act under this subsection shall be
12 deposited into the Illinois Military Family Relief Fund.

13 (Source: P.A. 94-635, eff. 8-22-05; 95-392, eff. 8-23-07.)

14 (735 ILCS 5/9-206) (from Ch. 110, par. 9-206)

15 Sec. 9-206. Notice to terminate tenancy of farm land.
16 Subject to the provisions of Section 16 of the Landlord and
17 Tenant Act, in ~~in~~ order to terminate tenancies from year to
18 year of farm lands, occupied on a crop share, livestock share,
19 cash rent or other rental basis, the notice to quit shall be
20 given in writing not less than 4 months prior to the end of the
21 year of letting. Such notice may not be waived in a verbal
22 lease. The notice to quit may be substantially in the following
23 form:

24 To A.B.: You are hereby notified that I have elected to
25 terminate your lease of the farm premises now occupied by you,

1 being (here describe the premises) and you are hereby further
2 notified to quit and deliver up possession of the same to me at
3 the end of the lease year, the last day of such year being
4 (here insert the last day of the lease year).

5 (Source: P.A. 82-280.)

6 (735 ILCS 5/15-1501.6 new)

7 Sec. 15-1501.6. Relief in mortgage foreclosure proceedings
8 for military personnel in military service.

9 (a) In this Section:

10 "Military service" means any full-time training or duty no
11 matter how described under federal or State law for which a
12 service member is ordered to report by the President, Governor
13 of a state, commonwealth, or territory of the United States, or
14 other appropriate military authority.

15 "Service member" means a resident of Illinois who is a
16 member of any component of the U.S. Armed Forces or the
17 National Guard of any state, the District of Columbia, a
18 commonwealth, or a territory of the United States.

19 (b) In an action for foreclosure, a mortgagor who is a
20 service member that has entered military service for a period
21 greater than 29 consecutive days or any member of the
22 mortgagor's family who resides with the mortgagor at the
23 mortgaged premises, if the mortgagor entered into the mortgage
24 agreement before the mortgagor received orders for military
25 service on or after the effective date of this amendatory Act

1 of the 97th General Assembly, may file a motion for relief and
2 the court shall, if the mortgagor's ability to pay the agreed
3 mortgage payments or to defend the foreclosure proceedings is
4 materially affected by the mortgagor's military service, do one
5 or more of the following:

6 (1) stay the proceedings for a period of 90 days after
7 the mortgagor returns from military service, unless, in the
8 opinion of the court, justice and equity require a longer
9 or shorter period of time; or

10 (2) adjust the obligation under the mortgage agreement
11 by reducing the monthly payments for a period lasting up to
12 90 days after the mortgagor returns from military service
13 and extending the term of the mortgage, provided that the
14 adjustment preserves the interest of all parties to it.

15 (c) In order to be eligible for the benefits granted to a
16 service member under this Section, a service member or a member
17 of the service member's family who resides with the service
18 member at the mortgaged premises must provide the court and the
19 mortgagee with a copy of the orders calling the service member
20 to military service in excess of 29 consecutive days and of any
21 orders further extending the service member's period of
22 service.

23 (d) If a stay is granted under this Section, the court may
24 grant the mortgagee such relief as equity may require.

25 (e) The forms of relief available under this Section shall
26 continue to be available up to 90 days after the completion of

1 the service member's military service.

2 (f) In addition to any sanction available to the court for
3 violation of a stay or order, a violation of this Section
4 constitutes a civil rights violation under the Illinois Human
5 Rights Act. All proceeds from the collection of any civil
6 penalty imposed pursuant to the Illinois Human Rights Act under
7 this subsection shall be deposited into the Illinois Military
8 Family Relief Fund.

9 Section 945. The Landlord and Tenant Act is amended by
10 adding Section 16 as follows:

11 (765 ILCS 705/16 new)

12 Sec. 16. Military personnel in military service; right to
13 terminate lease.

14 (a) In this Section:

15 "Military service" means any full-time training or duty no
16 matter how described under federal or State law for which a
17 service member is ordered to report by the President, Governor
18 of the state, commonwealth, or territory of the United States,
19 or other appropriate military authority.

20 "Service member" means a resident of Illinois who is a
21 member of any component of the U.S. Armed Forces or the
22 National Guard of any state, the District of Columbia, a
23 commonwealth, or a territory of the United States.

24 (b) A tenant who is a service member that has entered

1 military service for a period greater than 29 consecutive days
2 or any member of the tenant's family who resides with the
3 tenant at the leased premises may terminate a lease for a
4 mobile home lot, residential premises, non-residential
5 premises, or farm or agricultural real property if the tenant
6 enters military service for greater than 29 consecutive days
7 after executing the lease or the tenant, while in military
8 service, receives military orders for a permanent change of
9 station or to deploy with a military unit or as an individual
10 in support of a military operation for a period of not less
11 than 90 days, regardless of whether the lease was signed before
12 or during military service. This provision applies to leases
13 executed on or after the effective date of this amendatory Act
14 of the 97th General Assembly.

15 (c) In order to exercise the right to terminate the lease
16 granted to a service member under this Section, a service
17 member or a member of the service member's family who resides
18 with the service member at the leased premises must provide the
19 landlord or mobile home park operator with a copy of the orders
20 calling the service member to military service in excess of 29
21 consecutive days and of any orders further extending the
22 service member's period of service.

23 (d) Termination of the lease is effective 30 days after the
24 delivery of the notice to the landlord, except that if rent is
25 paid in monthly installments the termination is effective 30
26 days after the next rental payment due date after the date of

1 the notice to the landlord. If any rent payment was made in
2 advance, the landlord must return any unearned portion and the
3 landlord must return any security deposit paid, except to the
4 extent that there are actual damages or repairs to be paid from
5 the security deposit as provided in the lease agreement.

6 (e) A landlord's failure to accept a service member's
7 termination of a lease that is effected pursuant to this
8 Section imposed by this Section constitutes a civil rights
9 violation under the Illinois Human Rights Act. All proceeds
10 from the collection of any civil penalty imposed under this
11 subsection shall be deposited into the Illinois Military Family
12 Relief Fund.

13 Section 950. The Illinois Human Rights Act is amended by
14 changing Section 6-102 as follows:

15 (775 ILCS 5/6-102)

16 Sec. 6-102. Violations of other Acts. A person who violates
17 the Military Leave of Absence Act, the Public Employee Armed
18 Services Rights Act, Section 11-117-12.2 of the Illinois
19 Municipal Code, Section 224.05 of the Illinois Insurance Code,
20 Section 8-201.5 of the Public Utilities Act, Sections 2-1401.1,
21 9-107.10, 9-107.11, and 15-1501.6 ~~Section 9-107.10~~ of the Code
22 of Civil Procedure, Section 4.05 of the Interest Act, the
23 Military Personnel Cellular Phone Contract Termination Act,
24 Section 405-272 of the Civil Administrative Code of Illinois,

1 Section 10-63 of the Illinois Administrative Procedure Act,
2 Sections 30.25 and 30.30 of the Military Code of Illinois,
3 Section 16 of the Landlord and Tenant Act, Section 26.5 of the
4 Retail Installment Sales Act, or Section 37 of the Motor
5 Vehicle Leasing Act commits a civil rights violation within the
6 meaning of this Act.

7 (Source: P.A. 95-392, eff. 8-23-07.)

8 Section 955. The Uniform Commercial Code is amended by
9 changing Section 9-610 as follows:

10 (810 ILCS 5/9-610)

11 Sec. 9-610. Disposition of collateral after default.

12 (a) Disposition after default. After default, a secured
13 party may sell, lease, license, or otherwise dispose of any or
14 all of the collateral in its present condition or following any
15 commercially reasonable preparation or processing.

16 (b) Commercially reasonable disposition. Every aspect of a
17 disposition of collateral, including the method, manner, time,
18 place, and other terms, must be commercially reasonable. If
19 commercially reasonable, a secured party may dispose of
20 collateral by public or private proceedings, by one or more
21 contracts, as a unit or in parcels, and at any time and place
22 and on any terms.

23 (c) Purchase by secured party. A secured party may purchase
24 collateral:

1 (1) at a public disposition; or

2 (2) at a private disposition only if the collateral is
3 of a kind that is customarily sold on a recognized market
4 or the subject of widely distributed standard price
5 quotations.

6 (d) Warranties on disposition. A contract for sale, lease,
7 license, or other disposition includes the warranties relating
8 to title, possession, quiet enjoyment, and the like which by
9 operation of law accompany a voluntary disposition of property
10 of the kind subject to the contract.

11 (e) Disclaimer of warranties. A secured party may disclaim
12 or modify warranties under subsection (d):

13 (1) in a manner that would be effective to disclaim or
14 modify the warranties in a voluntary disposition of
15 property of the kind subject to the contract of
16 disposition; or

17 (2) by communicating to the purchaser a record
18 evidencing the contract for disposition and including an
19 express disclaimer or modification of the warranties.

20 (f) Record sufficient to disclaim warranties. A record is
21 sufficient to disclaim warranties under subsection (e) if it
22 indicates "There is no warranty relating to title, possession,
23 quiet enjoyment, or the like in this disposition" or uses words
24 of similar import.

25 (g) The provisions of this Section are subject to Section
26 26.5 of the Retail Installment Sales Act.

1 (Source: P.A. 91-893, eff. 7-1-01.)

2 Section 960. The Interest Act is amended by changing
3 Section 4.05 as follows:

4 (815 ILCS 205/4.05)

5 Sec. 4.05. Military personnel in military service ~~on active~~
6 ~~duty~~; limitation on interest rate.

7 (a) In this Section:

8 "Military service" means any full-time training or duty no
9 matter how described under federal or State law for which a
10 service member is ordered to report by the President, Governor
11 of a state, commonwealth, or territory of the United States, or
12 other appropriate military authority.

13 ~~"Active duty" means active duty pursuant to an executive~~
14 ~~order of the President of the United States, an act of the~~
15 ~~Congress of the United States, or an order of the Governor.~~

16 "Obligation" means any retail installment sales contract,
17 other contract for the purchase of goods or services, or bond,
18 bill, note, or other instrument of writing for the payment of
19 money arising out of a contract or other transaction for the
20 purchase of goods or services.

21 "Service member" means a resident of Illinois who is a
22 member of any component of the U.S. Armed Forces or the
23 National Guard of any state, the District of Columbia, a
24 commonwealth, or a territory of the United States ~~member of the~~

1 ~~armed services or reserve forces of the United States or a~~
2 ~~member of the Illinois National Guard.~~

3 (b) Notwithstanding any contrary provision of State law,
4 but subject to the federal Servicemembers Civil Relief Act, no
5 creditor in connection with an obligation entered into on or
6 after the effective date of this amendatory Act of the 94th
7 General Assembly, but prior to a service member's period of
8 military service deployment on active duty, shall charge or
9 collect from a service member who has entered military service
10 ~~is deployed on active duty~~, or the spouse of that service
11 member, interest or finance charges exceeding 6% per annum
12 during the period of military service ~~that the service member~~
13 ~~is deployed on active duty~~.

14 (c) Notwithstanding any contrary provision of law,
15 interest or finance charges in excess of 6% per annum that
16 otherwise would be incurred but for the prohibition in
17 subsection (b) are forgiven.

18 (d) The amount of any periodic payment due from a service
19 member who has entered military service ~~is deployed on active~~
20 ~~duty~~, or the spouse of that service member, under the terms of
21 the obligation shall be reduced by the amount of the interest
22 and finance charges forgiven under subsection (c) that is
23 allocable to the period for which the periodic payment is made.

24 (e) In order for an obligation to be subject to the
25 interest and finance charges limitation of this Section, the
26 service member who has entered military service ~~deployed on~~

1 ~~active duty~~, or the spouse of that service member, shall
2 provide the creditor with written notice of and a copy of the
3 ~~military or gubernatorial~~ orders calling the service member to
4 military service in excess of 29 consecutive days ~~active duty~~
5 and of any orders further extending the service member's period
6 of service ~~active duty~~, not later than 180 days after the date
7 of the service member's termination of or release from military
8 service ~~active duty~~.

9 (f) Upon receipt of the written notice and a copy of the
10 orders referred to in subsection (e), the creditor shall treat
11 the obligation in accordance with subsection (b), effective as
12 of the date on which the service member entered military
13 service ~~is deployed to active duty~~.

14 (g) A court may grant a creditor relief from the interest
15 and finance charges limitation of this Section, if, in the
16 opinion of the court, the ability of the service member who has
17 entered military service ~~deployed on active duty~~, or the spouse
18 of that service member, to pay interest or finance charges with
19 respect to the obligation at a rate in excess of 6% per annum
20 is not materially affected by reason of the service member's
21 military service ~~deployment on active duty~~.

22 (h) A violation of this Section constitutes a civil rights
23 violation under the Illinois Human Rights Act.

24 All proceeds from the collection of any civil penalty
25 imposed under this subsection shall be deposited into the
26 Illinois Military Family Relief Fund.

1 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
2 95-392, eff. 8-23-07.)

3 Section 965. The Retail Installment Sales Act is amended by
4 adding Section 26.5 as follows:

5 (815 ILCS 405/26.5 new)

6 Sec. 26.5. Relief concerning a retail installment contract
7 default for military personnel in military service.

8 (a) In this Section:

9 "Military service" means any full-time training or duty no
10 matter how described under federal or State law for which a
11 service member is ordered to report by the President, Governor
12 of a state, commonwealth, or territory of the United States, or
13 other appropriate military authority.

14 "Service member" means a resident of Illinois who is a
15 member of any component of the U.S. Armed Forces or the
16 National Guard of any state, the District of Columbia, a
17 commonwealth, or a territory of the United States.

18 (b) With respect to any act taken by a holder pursuant to
19 Section 26, a buyer who is a service member that has entered
20 military service, if the buyer entered into the retail
21 installment contract before the buyer entered military service
22 and on or after the effective date of this amendatory Act of
23 the 97th General Assembly may file a petition for relief, and
24 the court shall do one or more of the following if the buyer's

1 ability to pay the agreed retail installment contract payments
2 is materially affected by the buyer's military service:

3 (1) stay any repossession of goods subject to the
4 retail install contract for a period of 90 days after the
5 buyer returns from military service, unless, in the opinion
6 of the court, justice and equity require a longer or
7 shorter period of time;

8 (2) adjust the obligation under the retail installment
9 contract by reducing the monthly payments and extending the
10 term of the contract, provided that the adjustment
11 preserves the interest of all parties to the contract; or

12 (3) stay the repossession of the goods or collateral
13 subject to the retail install contract or stay the
14 disposition of repossessed goods or collateral subject to
15 the retail install contract.

16 (c) In order to be eligible for the benefits granted to a
17 service member under this Section, a service member must
18 provide the court and the holder with a copy of the orders
19 calling the service member to military service in excess of 29
20 consecutive days and of any orders further extending the
21 service member's period of service.

22 (d) If a stay is granted under this Section, the court may
23 grant the holder such relief as equity may require.

24 (e) In addition to any sanction available to the court for
25 violation of a stay or order, a violation of this Section
26 constitutes a civil rights violation under the Illinois Human

1 Rights Act. All proceeds from the collection of any civil
2 penalty imposed pursuant to the Illinois Human Rights Act under
3 this subsection shall be deposited into the Illinois Military
4 Family Relief Fund.

5 Section 970. The Military Personnel Cellular Phone
6 Contract Termination Act is amended by changing Sections 5, 10,
7 15, and 22 as follows:

8 (815 ILCS 633/5)

9 Sec. 5. Definition. In this Act:

10 "Military service" means any full-time training or duty no
11 matter how described under federal or State law for which a
12 service member is ordered to report by the President, Governor
13 of a state, commonwealth, or territory of the United States, or
14 other appropriate military authority.

15 ~~"Active duty" means active duty pursuant to an executive~~
16 ~~order of the President of the United States, an act of the~~
17 ~~Congress of the United States, or an order of the Governor.~~

18 "Service member" means a resident of Illinois who is a
19 member of any component of the U.S. Armed Forces or the
20 National Guard of any state, the District of Columbia, a
21 commonwealth, or a territory of the United States ~~member of the~~
22 ~~armed services or reserve forces of the United States or a~~
23 ~~member of the Illinois National Guard.~~

24 (Source: P.A. 94-635, eff. 8-22-05.)

1 (815 ILCS 633/10)

2 Sec. 10. Termination of cellular phone contract without
3 penalty. Any service member who enters military service ~~is~~
4 ~~deployed on active duty~~, or the spouse of that service member,
5 may terminate, without penalty, a cellular phone contract by
6 giving notice via e-mail or regular mail to an address
7 specified by the cellular telephone company or, if the provider
8 permits, via phone call to the provider's customer service
9 center of the intention to terminate, when the cellular phone
10 contract ~~that~~ meets all ~~both~~ of the following requirements:

11 (1) The contract is entered into on or after the
12 effective date of this Act.

13 (2) The contract is executed by or on behalf of the
14 service member who has entered military service ~~is deployed~~
15 ~~on active duty~~.

16 (3) The service member's military service is at a
17 location that is outside the coverage area of the cellular
18 telephone company that supports the contract.

19 (Source: P.A. 94-635, eff. 8-22-05.)

20 (815 ILCS 633/15)

21 Sec. 15. Effective date of termination. Termination of the
22 cellular phone contract shall not be effective until:

23 (1) thirty days after the service member who has
24 entered military service ~~is deployed on active duty~~ or the

1 service member's spouse gives notice by certified mail,
2 return receipt requested, of the intention to terminate the
3 cellular phone contract together with a copy of the
4 ~~military or gubernatorial~~ orders calling the service
5 member to military service ~~active duty~~ and of any orders
6 further extending the service member's period of service
7 ~~active duty~~; and

8 (2) unless the service member who enters military
9 service ~~is deployed on active duty~~ owns the cellular phone,
10 the cellular phone is returned to the custody or control of
11 the cellular telephone company, or the service member who
12 enters military service ~~is deployed on active duty~~ or the
13 service member's spouse agrees in writing to return the
14 cellular phone as soon as practical after the military
15 service ~~deployment~~ is completed.

16 (Source: P.A. 94-635, eff. 8-22-05.)

17 (815 ILCS 633/22)

18 Sec. 22. Violation. A violation of this Act constitutes a
19 civil rights violation under the Illinois Human Rights Act. All
20 proceeds from the collection of any civil penalty imposed under
21 this Section shall be deposited into the Illinois Military
22 Family Relief Fund.

23 (Source: P.A. 95-392, eff. 8-23-07.)

24 Section 975. The Motor Vehicle Leasing Act is amended by

1 changing Section 37 as follows:

2 (815 ILCS 636/37)

3 Sec. 37. Military personnel in military service ~~on active~~
4 ~~duty~~; termination of lease.

5 (a) In this Act:

6 "Military service" means any full-time training or duty no
7 matter how described under federal or State law for which a
8 service member is ordered to report by the President, Governor
9 of a state, commonwealth, or territory of the United States, or
10 other appropriate military authority.

11 ~~"Active duty" means active duty pursuant to an executive~~
12 ~~order of the President of the United States, an act of the~~
13 ~~Congress of the United States, or an order of the Governor.~~

14 "Motor vehicle" means any automobile, car minivan,
15 passenger van, sport utility vehicle, pickup truck, or other
16 self-propelled vehicle not operated or driven on fixed rails or
17 track.

18 "Service member" means a resident of Illinois who is a
19 member of any component of the U.S. Armed Forces or the
20 National Guard of any state, the District of Columbia, a
21 commonwealth, or a territory of the United States ~~member of the~~
22 ~~armed services or reserve forces of the United States or a~~
23 ~~member of the Illinois National Guard.~~

24 (b) Any service member who enters military service ~~is~~
25 ~~deployed on active duty~~ for a period of not less than 180 days,

1 or the spouse of that service member, may terminate any motor
2 vehicle lease that meets both of the following requirements:

3 (1) The lease is entered into on or after the effective
4 date of this amendatory Act of the 94th General Assembly.

5 (2) The lease is executed by or on behalf of the
6 service member who has entered military service ~~is deployed~~
7 ~~on active duty~~.

8 (c) Termination of the motor vehicle lease shall not be
9 effective until:

10 (1) the service member who has entered military service
11 ~~is deployed on active duty~~, or the service member's spouse,
12 gives the lessor by certified mail, return receipt
13 requested, a notice of the intention to terminate the lease
14 together with a copy of the ~~military or gubernatorial~~
15 orders calling the service member to military service
16 ~~active duty~~ and of any orders further extending the service
17 member's period of service ~~active duty~~; and

18 (2) the motor vehicle subject to the lease is returned
19 to the custody or control of the lessor not later than 15
20 days after the delivery of the written notice.

21 (d) Lease amounts unpaid for the period preceding the
22 effective date of the lease's termination shall be paid on a
23 prorated basis. The lessor may not impose an early termination
24 charge, but any taxes, costs of summons, and title or
25 registration fees and any other obligation and liability of the
26 lessee under the terms of the lease, including reasonable

1 charges to the lessee for excess wear, use, and mileage, that
2 are due and unpaid at the time of the lease's termination shall
3 be paid by the lessee.

4 (e) The lessor shall refund to the lessee lease amounts
5 paid in advance for a period after the effective date of the
6 lease's termination within 30 days after the effective date of
7 the lease's termination.

8 (f) Upon application by the lessor to a court before the
9 effective date of the lease's termination, relief granted by
10 this Section may be modified as justice and equity require.

11 (g) A violation of this Section constitutes a civil rights
12 violation under the Illinois Human Rights Act.

13 All proceeds from the collection of any civil penalty
14 imposed under this subsection shall be deposited into the
15 Illinois Military Family Relief Fund.

16 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;
17 95-392, eff. 8-23-07.)".