

AN ACT concerning regulation.

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

Section 5. The Abandoned Mobile Home Act is amended by changing the title of the Act and Sections 10 and 15 and by adding Section 10.1 as follows:

(210 ILCS 117/Act title)

An Act authorizing municipalities, ~~and~~ counties, and
mobile home park owners and operators to remove and dispose of
abandoned mobile homes, amending named Acts.

(210 ILCS 117/10)

Sec. 10. Definitions. As used in this Act:

"Manufactured home" means a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis, and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, and is a movable or portable unit that is (i) 8 body feet or more in width, (ii) 40 body feet or more in length, and (iii) 320 or more square feet, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location, or subsequent locations, at which it is connected to utilities for year-round occupancy for

use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons, and specifically includes a "manufactured home" as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term excludes campers and recreational vehicles. The words "mobile home" and "manufactured home" are synonymous for the purposes of this Act.

"Abandoned mobile home" means a mobile home located inside a mobile home park that has no owner currently residing in the mobile home or authorized tenant of the owner currently residing in the mobile home to the best knowledge of the mobile home park owner or operator or municipality; has had its electricity, natural gas, sewer, and water utilities terminated or disconnected ~~payments declared delinquent~~ by the utility companies or mobile home park owner or operator that are providing such services; and for which the Mobile Home Privilege Tax, imposed under the Mobile Home Local Services Tax Act, is delinquent for at least 3 months. A mobile home affixed to a foundation and abandoned outside a mobile home park must be treated like other real property for condemnation purposes.

"Manufactured home owner" means a person who holds title to

a manufactured home.

"Manufactured home resident" means a manufactured home owner who rents space in a mobile home park from a mobile home park owner or operator for the purpose of locating his or her manufactured home or a person who rents a manufactured home in a mobile home park from a mobile home park owner or operator.

"Mobile home park" has the meaning provided under Section 2.5 of the Mobile Home Park Act.

"Municipality" means any city, village, incorporated town, or its duly authorized agent. If an abandoned mobile home is located in an unincorporated area, the county where the mobile home is located shall have all powers granted to a municipality under this Act.

(Source: P.A. 98-749, eff. 7-16-14.)

(210 ILCS 117/10.1 new)

Sec. 10.1. Proceedings.

(a) A proceeding to remove an abandoned mobile home may be maintained by the mobile home park owner or operator in the circuit court in the county in which the manufactured home is situated.

(b) A mobile home park owner or operator may commence a proceeding to obtain a judgment of the court declaring that a manufactured home has been abandoned upon proof of all of the following:

(1) The manufactured home has been vacant for a period

of not less than 180 days without notice to the mobile home park owner or operator; however, the period shall be 90 days if a judgment of eviction with respect to the manufactured home has been entered.

(2) The manufactured home resident has defaulted in the payment of rent for a period of more than 60 days.

(3) At least 30 days before commencing the proceeding, the mobile home park owner or operator has notified all known holders of liens against the manufactured home, manufactured home owners, and manufactured home residents to the last known address by certified mail, return receipt requested. The notice shall also be sent by certified mail, return receipt requested, to the last person who paid the mobile home privilege tax on the mobile home as shown on the records of the county treasurer of the county where the mobile home is located. Before commencing a proceeding under this Act, the mobile home park owner or operator shall cause a search to be done to determine whether there are any lienholders with an existing interest in the manufactured home. The notice shall include a description of the manufactured home and its location, and that proceedings will be initiated by the mobile home park owner or operator under this Section for the removal and disposal of the manufactured home. The notice shall also describe the procedure for the manufactured home owner or manufactured home resident to retrieve any household goods

or other personal property in the manufactured home before the conclusion of proceedings under this Section.

(4) At least 3 of the following factors apply:

(A) the manufactured home has no owner currently residing in the home or authorized tenant of the owner currently residing in the home to the best knowledge of the mobile home park owner or operator;

(B) electricity, natural gas, sewer, and water utility services to the manufactured home have been terminated or disconnected by the utility provider or the mobile home park owner or operator;

(C) the mobile home privilege tax, imposed under the Mobile Home Local Services Tax Act, is delinquent for at least 3 months;

(D) the manufactured home is in a state of substantial disrepair that makes the manufactured home uninhabitable; or

(E) other objective evidence of abandonment that the court finds reliable.

(c) A proceeding under this Act shall be commenced by filing a complaint naming as defendants all known holders of liens against the manufactured home, manufactured home owners, and manufactured home residents. The complaint shall comply with the requirements of a complaint under the Code of Civil Procedure. The summons shall state that if the defendant fails to answer and establish any defense that he or she may have,

then he or she may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action, that a final judgment may be entered if the court finds that the plaintiff has made the requisite showing, and that the result of that final judgment shall be the loss of the manufactured home resident's home. Service of the summons and complaint, return of process, and filing of an answer or other responsive pleading shall conform to the requirements of the Code of Civil Procedure and Supreme Court Rules.

(d) Upon the entry of a judgment that a manufactured home has been abandoned, the mobile home park owner or operator shall execute the judgment and cause the removal of the manufactured home from the mobile home park within 30 days after delivery of the judgment.

(e) The judgment shall clearly recite that a declaration of abandonment has been granted and that the manufactured home will be removed from the mobile home park no later than the 30th day after the delivery of the judgment unless an alternate disposition is ordered under subsection (f).

(f) As used in this subsection, "diligent inquiry" means sending a notice by certified mail to the last known address.

In lieu of ordering the removal of a manufactured home, the court may, upon good cause shown, provide for an alternate disposition of the manufactured home, including, but not limited to, sale, assignment of title, or destruction. When a manufactured home is disposed of under this Section through a

sale of the manufactured home, the mobile home park owner or operator shall, after payment of all outstanding rent, fees, costs, and expenses to the community, and payment in priority order to lienholders, including providers of any utility services, pay any remaining balance to the title holder of the manufactured home. If the title holder cannot be found through diligent inquiry after 90 days, then the funds shall be forfeited.

(g) If any household goods or other personal property of the defendant remain in the manufactured home at the conclusion of proceedings under this Act, then the mobile home park owner or operator shall provide for the storage of the household goods and personal property for a period of not less than 30 days after the date of the final judgment of the court providing for the disposition of the manufactured home. If the household goods or other personal property are stored in a self-storage facility, then an amount equal to the charges imposed for such storage may be recovered from the defendant. Upon the expiration of such period, the mobile home park owner or operator: (1) has no further liability for the storage or safekeeping of such household goods or personal property; and (2) may provide for the destruction or other disposition of such household goods or personal property. At least 20 days before removing any household goods or other personal property of the defendant that remains in the manufactured home at the conclusion of proceedings under this Act, the mobile home park

owner or operator shall send all known manufactured home owners and manufactured home residents written notice to the last known address by certified mail, return receipt requested. The notice shall include a description of the procedures, deadlines, and costs for the retrieval of items being stored in accordance with this subsection (g).

(210 ILCS 117/15)

Sec. 15. Authorization. The corporate authority of a municipality may remove and dispose of any abandoned mobile home found within the municipality and may legally enter upon any land to do so if the mobile home park owner or operator of the mobile home park where the abandoned mobile home is located has not initiated proceedings under Section 10.1 of this Act within 45 days after written notice to the mobile home park owner or operator by certified mail, return receipt requested stating that the corporate authority intends to take action under this Act. The notice to the mobile home park owner or operator shall specify the location of the abandoned mobile home in the park. This amendatory Act of the 100th General Assembly shall not be construed to affect any other authorization or obligation of the corporate authority under this Act.

(Source: P.A. 88-516.)

Section 10. The Illinois Vehicle Code is amended by

changing Section 3-117.1 as follows:

(625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.

(a) Except as provided in Chapter 4 and Section 3-117.3 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle.

A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in

conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

(1) The business name, address and dealer license number of the person disposing of the vehicle, junk vehicle or vehicle cowl;

(2) The name and address of the person acquiring the vehicle, junk vehicle or vehicle cowl, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

(3) The date of the disposition of the vehicle, junk vehicle or vehicle cowl;

(4) The year, make, model, color and description of each vehicle, junk vehicle or vehicle cowl disposed of by such person;

(5) The manufacturer's vehicle identification number, Secretary of State identification number or Illinois Department of State Police number, for each vehicle, junk vehicle or vehicle cowl part disposed of by such person;

(6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle or vehicle cowl; and

(7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle or vehicle cowl.

The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those

vehicles for which junking certificates have been applied or issued. A junking manifest may be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the registered owner of such vehicle. The insurance company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. Notwithstanding the foregoing, an insurer making payment of damages on a total loss claim for

the theft of a vehicle shall not be required to apply for a salvage certificate unless the vehicle is recovered and has incurred damage that initially would have caused the vehicle to be declared a total loss by the insurer.

(1.1) When a vehicle of a self-insured company is to be sold in the State of Illinois and has sustained damaged by collision, fire, theft, rust corrosion, or other means so that the self-insured company determines the vehicle to be a total loss, or if the cost of repairing the damage, including labor, would be greater than 70% of its fair market value without that damage, the vehicle shall be considered salvage. The self-insured company shall promptly deliver the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the self-insured company. A self-insured company making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the self-insured shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase

from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, or a lien arising under Section 18a-501 of this Code, ~~or a public sale under the Abandoned Mobile Home Act~~ shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or acquired at a public sale under the Abandoned Mobile Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of its fair market value without such damage.

If the lienholder determines that such vehicle is damaged in excess of 33 1/3% of such fair market value, the lienholder shall, before sale, transfer or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 33 1/3% of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of perjury that the vehicle on the date of sale is not damaged in excess of 33 1/3% of its fair market value. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has

sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 33 1/3% of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 33 1/3% of its fair market value, the owner shall so state in a written affirmation on a form prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a "flood vehicle". A flood vehicle shall be considered to be salvage

only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without that damage. The salvage certificate issued under this Section shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 33 1/3% of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as "flood" in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle.

(6) When any licensed rebuilder, repairer, new or used vehicle dealer, or remittance agent has submitted an application for title to a vehicle (other than an application for title to a rebuilt vehicle) that he or she knows or reasonably should have known to have sustained damages in excess of 33 1/3% of the vehicle's fair market value without that damage; provided, however, that any application for a salvage certificate for a vehicle recovered from theft and acquired from an insurance company shall be made as required by paragraph (1) of this subsection (b).

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph (5) of subsection (b) of this Section is guilty of a business offense and shall be fined not less than \$1,000 nor more than \$5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(e) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.

Public Act 100-1083

SB3261 Enrolled

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(Source: P.A. 99-932, eff. 6-1-17; 100-104, eff. 11-9-17.)