



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3261

Introduced 2/15/2018, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

35 ILCS 515/11	from Ch. 120, par. 1211
210 ILCS 117/Act title	
210 ILCS 117/5	
210 ILCS 117/10	
210 ILCS 117/10.1 new	
210 ILCS 117/15 rep.	
210 ILCS 117/20 rep.	
210 ILCS 117/25 rep.	
210 ILCS 117/30 rep.	
210 ILCS 117/35 rep.	
210 ILCS 117/40 rep.	
210 ILCS 117/45 rep.	
210 ILCS 117/50 rep.	
210 ILCS 117/55 rep.	
625 ILCS 5/3-117.1	from Ch. 95 1/2, par. 3-117.1

Amends the Abandoned Mobile Homes Act. Repeals and deletes provisions authorizing a municipality to remove and dispose of an abandoned mobile home within the municipality upon notice to each owner and each lienholder and provisions regarding various matters relating to the removal or disposal of an abandoned mobile home. Adds provisions authorizing a mobile home park owner or operator to commence a proceeding seeking a declaration by a court that a manufactured home has been abandoned and seeking removal of the manufactured home if specified conditions are met. Also adds provisions regarding: procedure; execution of judgments; disposition of property; responsibility for costs; and other matters. Defines "manufactured home resident" and "manufactured home owner". Makes corresponding changes in the Mobile Home Local Services Tax Act and the Illinois Vehicle Code. Makes other changes.

LRB100 18724 MJP 33958 b

1 AN ACT concerning regulation.

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

4 Section 5. The Mobile Home Local Services Tax Act is
5 amended by changing Section 11 as follows:

6 (35 ILCS 515/11) (from Ch. 120, par. 1211)

7 Sec. 11. Before any mobile home subject to the tax imposed
8 by this Act may be moved, the transporting company must obtain
9 a permit from the county treasurer certifying that the tax on
10 the mobile home has been paid for the current tax period and
11 all previous tax periods for which taxes remain due. It shall
12 be a Class B misdemeanor for any person or entity to move any
13 mobile home or cause it to be moved a distance of more than one
14 mile without having received such permit from the taxpayer. It
15 shall be a Class B misdemeanor for any taxpayer to move any
16 mobile home or cause it to be moved a distance of more than one
17 mile without such permit having been issued by the county
18 treasurer. This Section does not apply to (i) any person or
19 entity who moves a mobile home or causes it to be moved
20 pursuant to a court order, nor does this Section apply to any
21 person ~~or municipality~~ that moves a mobile home under the
22 Abandoned Mobile Home Act or (ii) a mobile home park owner that
23 moves an abandoned mobile home for its disposal as scrap or

1 otherwise without further use as a mobile home.

2 (Source: P.A. 94-358, eff. 7-29-05.)

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

6 (210 ILCS 117/Act title)

7 An Act concerning ~~authorizing municipalities and counties~~
8 ~~to remove and dispose of~~ abandoned mobile homes, amending named
9 Acts.

10 (210 ILCS 117/5)

11 Sec. 5. Legislative intent and policy. The General Assembly
12 finds that abandoned mobile homes are a nuisance because they
13 cause blight and depress property values. Existing laws create
14 unnecessary impediments to their speedy and efficient removal
15 and disposal. ~~This Act is intended to provide local governments~~
16 ~~with the authority to remove abandoned mobile homes while~~
17 ~~protecting property rights.~~

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

19 (210 ILCS 117/10)

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

21 "Manufactured home" means a factory-assembled, completely
22 integrated structure designed for permanent habitation, with a

1 permanent chassis, and so constructed as to permit its
2 transport, on wheels temporarily or permanently attached to its
3 frame, and is a movable or portable unit that is (i) 8 body
4 feet or more in width, (ii) 40 body feet or more in length, and
5 (iii) 320 or more square feet, constructed to be towed on its
6 own chassis (comprised of frame and wheels) from the place of
7 its construction to the location, or subsequent locations, at
8 which it is connected to utilities for year-round occupancy for
9 use as a permanent habitation, and designed and situated so as
10 to permit its occupancy as a dwelling place for one or more
11 persons, and specifically includes a "manufactured home" as
12 defined in subdivision (53) of Section 9-102 of the Uniform
13 Commercial Code. The term shall include units containing parts
14 that may be folded, collapsed, or telescoped when being towed
15 and that may be expected to provide additional cubic capacity,
16 and that are designed to be joined into one integral unit
17 capable of being separated again into the components for
18 repeated towing. The term excludes campers and recreational
19 vehicles. The words "mobile home" and "manufactured home" are
20 synonymous for the purposes of this Act.

21 "Abandoned mobile home" means a mobile home located inside
22 a mobile home park that has no owner currently residing in the
23 mobile home or authorized tenant of the owner currently
24 residing in the mobile home to the best knowledge of the mobile
25 home park owner municipality; has had its electricity, natural
26 gas, sewer, and water payments declared delinquent by the

1 utility companies that are providing such services; and for
2 which the Mobile Home Privilege Tax, imposed under the Mobile
3 Home Local Services Tax Act, is delinquent for at least 3
4 months. A mobile home affixed to a foundation and abandoned
5 outside a mobile home park must be treated like other real
6 property for condemnation purposes.

7 "Manufactured home owner" means a person who holds title to
8 a manufactured home.

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

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

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

20 (210 ILCS 117/10.1 new)

21 Sec. 10.1. Proceedings.

22 (a) A proceeding to remove an abandoned mobile home may be
23 maintained in the circuit court in the county in which the
24 manufactured home is situated.

25 (b) A mobile home park owner or operator may commence a

1 proceeding to obtain a judgment of the court declaring that a
2 manufactured home has been abandoned upon proof of all of the
3 following:

4 (1) The manufactured home has been vacant for a period
5 of not less than 180 days without notice to the mobile home
6 park owner or operator; however, the period shall be 90
7 days if a judgment of eviction with respect to the
8 manufactured home has been entered.

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

11 (3) The mobile home park owner or operator has notified
12 all known holders of liens against the manufactured home.
13 Before commencing a proceeding under this Act, the mobile
14 home park owner or operator shall cause a search to be done
15 to determine whether there are any lienholders with an
16 existing interest in the manufactured home.

17 (4) At least 2 of the following factors apply:

18 (A) the manufactured home resident has removed
19 substantially all of the personal property from the
20 manufactured home;

21 (B) utility service to the manufactured home has
22 been terminated or disconnected by the utility
23 provider or the manufactured home resident for at least
24 60 days;

25 (C) the manufactured home is in a state of
26 substantial disrepair that makes the manufactured home

1 uninhabitable; or

2 (D) other objective evidence of abandonment that
3 the court finds reliable.

4 (c) A proceeding under this Act shall be commenced by
5 filing a complaint. The complaint shall comply with the
6 requirements of a complaint under the Code of Civil Procedure.
7 The summons shall state that if the defendant fails to answer
8 and establish any defense that he or she may have, then he or
9 she may be precluded from asserting such defense or the claim
10 on which it is based in any other proceeding or action, that a
11 final judgment may be entered if the court finds that the
12 plaintiff has made the requisite showing, and that the result
13 of that final judgment shall be the loss of the manufactured
14 home resident's home. Service of the summons and complaint,
15 return of process, and filing of an answer or other responsive
16 pleading shall conform to the requirements of the Code of Civil
17 Procedure and Supreme Court Rules.

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

23 (e) The judgment shall clearly recite that a declaration of
24 abandonment has been granted and that the manufactured home
25 will be removed from the mobile home park no later than the
26 30th day after the delivery of the judgment.

1 (f) In lieu of ordering the removal of the manufactured
2 home, the court may, upon good cause shown, provide for an
3 alternate disposition of the manufactured home, including, but
4 not limited to, sale, assignment of title, or destruction.

5 (g) If any household goods or other personal property of
6 the defendant remain in the manufactured home at the time of
7 its disposition under this Act, then the mobile home park owner
8 or operator shall provide for the storage of the household
9 goods and personal property for a period of not less than 30
10 days from the date of the final judgment of the court providing
11 for the disposition of the manufactured home. If the household
12 goods or other personal property are stored in a self-storage
13 facility, then an amount equal to the charges imposed for such
14 storage may be recovered from the defendant. Upon the
15 expiration of such period, the mobile home park owner or
16 operator: (1) has no further liability for the storage or
17 safekeeping of such household goods or personal property; and
18 (2) may provide for the destruction or other disposition of
19 such household goods or personal property.

20 (210 ILCS 117/15 rep.)

21 (210 ILCS 117/20 rep.)

22 (210 ILCS 117/25 rep.)

23 (210 ILCS 117/30 rep.)

24 (210 ILCS 117/35 rep.)

25 (210 ILCS 117/40 rep.)

1 (210 ILCS 117/45 rep.)

2 (210 ILCS 117/50 rep.)

3 (210 ILCS 117/55 rep.)

4 Section 15. The Abandoned Mobile Home Act is amended by
5 repealing Sections 15, 20, 25, 30, 35, 40, 45, 50, and 55.

6 Section 20. The Illinois Vehicle Code is amended by
7 changing Section 3-117.1 as follows:

8 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

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

11 (a) Except as provided in Chapter 4 and Section 3-117.3 of
12 this Code, a person who possesses a junk vehicle shall within
13 15 days cause the certificate of title, salvage certificate,
14 certificate of purchase, or a similarly acceptable out of state
15 document of ownership to be surrendered to the Secretary of
16 State along with an application for a junking certificate,
17 except as provided in Section 3-117.2, whereupon the Secretary
18 of State shall issue to such a person a junking certificate,
19 which shall authorize the holder thereof to possess, transport,
20 or, by an endorsement, transfer ownership in such junked
21 vehicle, and a certificate of title shall not again be issued
22 for such vehicle.

23 A licensee who possesses a junk vehicle and a Certificate
24 of Title, Salvage Certificate, Certificate of Purchase, or a

1 similarly acceptable out-of-state document of ownership for
2 such junk vehicle, may transport the junk vehicle to another
3 licensee prior to applying for or obtaining a junking
4 certificate, by executing a uniform invoice. The licensee
5 transferor shall furnish a copy of the uniform invoice to the
6 licensee transferee at the time of transfer. In any case, the
7 licensee transferor shall apply for a junking certificate in
8 conformance with Section 3-117.1 of this Chapter. The following
9 information shall be contained on a uniform invoice:

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

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

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

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

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

26 (6) The printed name and legible signature of the

1 person or agent disposing of the vehicle, junk vehicle or
2 vehicle cowl; and

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

6 The Secretary of State may certify a junking manifest in a
7 form prescribed by the Secretary of State that reflects those
8 vehicles for which junking certificates have been applied or
9 issued. A junking manifest may be issued to any person and it
10 shall constitute evidence of ownership for the vehicle listed
11 upon it. A junking manifest may be transferred only to a person
12 licensed under Section 5-301 of this Code as a scrap processor.
13 A junking manifest will allow the transportation of those
14 vehicles to a scrap processor prior to receiving the junk
15 certificate from the Secretary of State.

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

19 (1) When an insurance company makes a payment of
20 damages on a total loss claim for a vehicle, the insurance
21 company shall be deemed to be the owner of such vehicle and
22 the vehicle shall be considered to be salvage except that
23 ownership of (i) a vehicle that has incurred only hail
24 damage that does not affect the operational safety of the
25 vehicle or (ii) any vehicle 9 model years of age or older
26 may, by agreement between the registered owner and the

1 insurance company, be retained by the registered owner of
2 such vehicle. The insurance company shall promptly deliver
3 or mail within 20 days the certificate of title along with
4 proper application and fee to the Secretary of State, and a
5 salvage certificate shall be issued in the name of the
6 insurance company. Notwithstanding the foregoing, an
7 insurer making payment of damages on a total loss claim for
8 the theft of a vehicle shall not be required to apply for a
9 salvage certificate unless the vehicle is recovered and has
10 incurred damage that initially would have caused the
11 vehicle to be declared a total loss by the insurer.

12 (1.1) When a vehicle of a self-insured company is to be
13 sold in the State of Illinois and has sustained damaged by
14 collision, fire, theft, rust corrosion, or other means so
15 that the self-insured company determines the vehicle to be
16 a total loss, or if the cost of repairing the damage,
17 including labor, would be greater than 70% of its fair
18 market value without that damage, the vehicle shall be
19 considered salvage. The self-insured company shall
20 promptly deliver the certificate of title along with proper
21 application and fee to the Secretary of State, and a
22 salvage certificate shall be issued in the name of the
23 self-insured company. A self-insured company making
24 payment of damages on a total loss claim for the theft of a
25 vehicle may exchange the salvage certificate for a
26 certificate of title if the vehicle is recovered without

1 damage. In such a situation, the self-insured shall fill
2 out and sign a form prescribed by the Secretary of State
3 which contains an affirmation under penalty of perjury that
4 the vehicle was recovered without damage and the Secretary
5 of State may, by rule, require photographs to be submitted.

6 (2) When a vehicle the ownership of which has been
7 transferred to any person through a certificate of purchase
8 from acquisition of the vehicle at an auction, other
9 dispositions as set forth in Sections 4-208 and 4-209 of
10 this Code or, a lien arising under Section 18a-501 of this
11 Code, ~~or a public sale under the Abandoned Mobile Home Act~~
12 shall be deemed salvage or junk at the option of the
13 purchaser. The person acquiring such vehicle in such manner
14 shall promptly deliver or mail, within 20 days after the
15 acquisition of the vehicle, the certificate of purchase
16 and, the proper application and fee, ~~and, if the vehicle is~~
17 ~~an abandoned mobile home under the Abandoned Mobile Home~~
18 ~~Act, a certification from a local law enforcement agency~~
19 ~~that the vehicle was purchased or acquired at a public sale~~
20 ~~under the Abandoned Mobile Home Act~~ to the Secretary of
21 State and a salvage certificate or junking certificate
22 shall be issued in the name of that person. The salvage
23 certificate or junking certificate issued by the Secretary
24 of State under this Section shall be free of any lien that
25 existed against the vehicle prior to the time the vehicle
26 was acquired by the applicant under this Code.

1 (3) A vehicle which has been repossessed by a
2 lienholder shall be considered to be salvage only when the
3 repossessed vehicle, on the date of repossession by the
4 lienholder, has sustained damage by collision, fire,
5 theft, rust corrosion, or other means so that the cost of
6 repairing such damage, including labor, would be greater
7 than 33 1/3% of its fair market value without such damage.
8 If the lienholder determines that such vehicle is damaged
9 in excess of 33 1/3% of such fair market value, the
10 lienholder shall, before sale, transfer or assignment of
11 the vehicle, make application for a salvage certificate,
12 and shall submit with such application the proper fee and
13 evidence of possession. If the facts required to be shown
14 in subsection (f) of Section 3-114 are satisfied, the
15 Secretary of State shall issue a salvage certificate in the
16 name of the lienholder making the application. In any case
17 wherein the vehicle repossessed is not damaged in excess of
18 33 1/3% of its fair market value, the lienholder shall
19 comply with the requirements of subsections (f), (f-5), and
20 (f-10) of Section 3-114, except that the affidavit of
21 repossession made by or on behalf of the lienholder shall
22 also contain an affirmation under penalty of perjury that
23 the vehicle on the date of sale is not damaged in excess of
24 33 1/3% of its fair market value. If the facts required to
25 be shown in subsection (f) of Section 3-114 are satisfied,
26 the Secretary of State shall issue a certificate of title

1 as set forth in Section 3-116 of this Code. The Secretary
2 of State may by rule or regulation require photographs to
3 be submitted.

4 (4) A vehicle which is a part of a fleet of more than 5
5 commercial vehicles registered in this State or any other
6 state or registered proportionately among several states
7 shall be considered to be salvage when such vehicle has
8 sustained damage by collision, fire, theft, rust,
9 corrosion or similar means so that the cost of repairing
10 such damage, including labor, would be greater than 33 1/3%
11 of the fair market value of the vehicle without such
12 damage. If the owner of a fleet vehicle desires to sell,
13 transfer, or assign his interest in such vehicle to a
14 person within this State other than an insurance company
15 licensed to do business within this State, and the owner
16 determines that such vehicle, at the time of the proposed
17 sale, transfer or assignment is damaged in excess of 33
18 1/3% of its fair market value, the owner shall, before such
19 sale, transfer or assignment, make application for a
20 salvage certificate. The application shall contain with it
21 evidence of possession of the vehicle. If the fleet vehicle
22 at the time of its sale, transfer, or assignment is not
23 damaged in excess of 33 1/3% of its fair market value, the
24 owner shall so state in a written affirmation on a form
25 prescribed by the Secretary of State by rule or regulation.
26 The Secretary of State may by rule or regulation require

1 photographs to be submitted. Upon sale, transfer or
2 assignment of the fleet vehicle the owner shall mail the
3 affirmation to the Secretary of State.

4 (5) A vehicle that has been submerged in water to the
5 point that rising water has reached over the door sill and
6 has entered the passenger or trunk compartment is a "flood
7 vehicle". A flood vehicle shall be considered to be salvage
8 only if the vehicle has sustained damage so that the cost
9 of repairing the damage, including labor, would be greater
10 than 33 1/3% of the fair market value of the vehicle
11 without that damage. The salvage certificate issued under
12 this Section shall indicate the word "flood", and the word
13 "flood" shall be conspicuously entered on subsequent
14 titles for the vehicle. A person who possesses or acquires
15 a flood vehicle that is not damaged in excess of 33 1/3% of
16 its fair market value shall make application for title in
17 accordance with Section 3-116 of this Code, designating the
18 vehicle as "flood" in a manner prescribed by the Secretary
19 of State. The certificate of title issued shall indicate
20 the word "flood", and the word "flood" shall be
21 conspicuously entered on subsequent titles for the
22 vehicle.

23 (6) When any licensed rebuilder, repairer, new or used
24 vehicle dealer, or remittance agent has submitted an
25 application for title to a vehicle (other than an
26 application for title to a rebuilt vehicle) that he or she

1 knows or reasonably should have known to have sustained
2 damages in excess of 33 1/3% of the vehicle's fair market
3 value without that damage; provided, however, that any
4 application for a salvage certificate for a vehicle
5 recovered from theft and acquired from an insurance company
6 shall be made as required by paragraph (1) of this
7 subsection (b).

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

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

24 (e) Any vehicle which is salvage or junk may not be driven
25 or operated on roads and highways within this State. A
26 violation of this subsection is a Class A misdemeanor. A

1 salvage vehicle displaying valid special plates issued under
2 Section 3-601(b) of this Code, which is being driven to or from
3 an inspection conducted under Section 3-308 of this Code, is
4 exempt from the provisions of this subsection. A salvage
5 vehicle for which a short term permit has been issued under
6 Section 3-307 of this Code is exempt from the provisions of
7 this subsection for the duration of the permit.

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