

1 AN ACT concerning manufactured home dealers.

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

4 Section 5. The Illinois Income Tax Act is amended by
5 changing Section 917 as follows:

6 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

7 Sec. 917. Confidentiality and information sharing.

8 (a) Confidentiality. Except as provided in this Section,
9 all information received by the Department from returns filed
10 under this Act, or from any investigation conducted under the
11 provisions of this Act, shall be confidential, except for
12 official purposes within the Department or pursuant to
13 official procedures for collection of any State tax or
14 pursuant to an investigation or audit by the Illinois State
15 Scholarship Commission of a delinquent student loan or
16 monetary award or enforcement of any civil or criminal penalty
17 or sanction imposed by this Act or by another statute imposing
18 a State tax, and any person who divulges any such information
19 in any manner, except for such purposes and pursuant to order
20 of the Director or in accordance with a proper judicial order,
21 shall be guilty of a Class A misdemeanor. However, the
22 provisions of this paragraph are not applicable to information
23 furnished to (i) the Department of Healthcare and Family

1 Services (formerly Department of Public Aid), State's
2 Attorneys, and the Attorney General for child support
3 enforcement purposes and (ii) a licensed attorney representing
4 the taxpayer where an appeal or a protest has been filed on
5 behalf of the taxpayer. If it is necessary to file information
6 obtained pursuant to this Act in a child support enforcement
7 proceeding, the information shall be filed under seal. The
8 furnishing upon request of the Auditor General, or his or her
9 authorized agents, for official use of returns filed and
10 information related thereto under this Act is deemed to be an
11 official purpose within the Department within the meaning of
12 this Section.

13 (b) Public information. Nothing contained in this Act
14 shall prevent the Director from publishing or making available
15 to the public the names and addresses of persons filing
16 returns under this Act, or from publishing or making available
17 reasonable statistics concerning the operation of the tax
18 wherein the contents of returns are grouped into aggregates in
19 such a way that the information contained in any individual
20 return shall not be disclosed.

21 (c) Governmental agencies. The Director may make available
22 to the Secretary of the Treasury of the United States or his
23 delegate, or the proper officer or his delegate of any other
24 state imposing a tax upon or measured by income, for
25 exclusively official purposes, information received by the
26 Department in the administration of this Act, but such

1 permission shall be granted only if the United States or such
2 other state, as the case may be, grants the Department
3 substantially similar privileges. The Director may exchange
4 information with the Department of Healthcare and Family
5 Services and the Department of Human Services (acting as
6 successor to the Department of Public Aid under the Department
7 of Human Services Act) for the purpose of verifying sources
8 and amounts of income and for other purposes directly
9 connected with the administration of this Act, the Illinois
10 Public Aid Code, and any other health benefit program
11 administered by the State. The Director may exchange
12 information with the Director of the Department of Employment
13 Security for the purpose of verifying sources and amounts of
14 income and for other purposes directly connected with the
15 administration of this Act and Acts administered by the
16 Department of Employment Security. The Director may make
17 available to the Illinois Workers' Compensation Commission
18 information regarding employers for the purpose of verifying
19 the insurance coverage required under the Workers'
20 Compensation Act and Workers' Occupational Diseases Act. The
21 Director may exchange information with the Illinois Department
22 on Aging for the purpose of verifying sources and amounts of
23 income for purposes directly related to confirming eligibility
24 for participation in the programs of benefits authorized by
25 the Senior Citizens and Persons with Disabilities Property Tax
26 Relief and Pharmaceutical Assistance Act. The Director may

1 exchange information with the State Treasurer's Office and the
2 Department of Employment Security for the purpose of
3 implementing, administering, and enforcing the Illinois Secure
4 Choice Savings Program Act. The Director may exchange
5 information with the State Treasurer's Office for the purpose
6 of administering the Revised Uniform Unclaimed Property Act or
7 successor Acts. The Director may make information available to
8 the Secretary of State for the purpose of administering
9 Section 5-901 of the Illinois Vehicle Code. The Director may
10 exchange information with the State Treasurer's Office for the
11 purpose of administering the Illinois Higher Education Savings
12 Program established under Section 16.8 of the State Treasurer
13 Act.

14 The Director may make available to any State agency,
15 including the Illinois Supreme Court, which licenses persons
16 to engage in any occupation, information that a person
17 licensed by such agency has failed to file returns under this
18 Act or pay the tax, penalty and interest shown therein, or has
19 failed to pay any final assessment of tax, penalty or interest
20 due under this Act. The Director may make available to any
21 State agency, including the Illinois Supreme Court,
22 information regarding whether a bidder, contractor, or an
23 affiliate of a bidder or contractor has failed to file returns
24 under this Act or pay the tax, penalty, and interest shown
25 therein, or has failed to pay any final assessment of tax,
26 penalty, or interest due under this Act, for the limited

1 purpose of enforcing bidder and contractor certifications. For
2 purposes of this Section, the term "affiliate" means any
3 entity that (1) directly, indirectly, or constructively
4 controls another entity, (2) is directly, indirectly, or
5 constructively controlled by another entity, or (3) is subject
6 to the control of a common entity. For purposes of this
7 subsection (a), an entity controls another entity if it owns,
8 directly or individually, more than 10% of the voting
9 securities of that entity. As used in this subsection (a), the
10 term "voting security" means a security that (1) confers upon
11 the holder the right to vote for the election of members of the
12 board of directors or similar governing body of the business
13 or (2) is convertible into, or entitles the holder to receive
14 upon its exercise, a security that confers such a right to
15 vote. A general partnership interest is a voting security.

16 The Director may make available to any State agency,
17 including the Illinois Supreme Court, units of local
18 government, and school districts, information regarding
19 whether a bidder or contractor is an affiliate of a person who
20 is not collecting and remitting Illinois Use taxes, for the
21 limited purpose of enforcing bidder and contractor
22 certifications.

23 The Director may also make available to the Secretary of
24 State information that a corporation which has been issued a
25 certificate of incorporation by the Secretary of State has
26 failed to file returns under this Act or pay the tax, penalty

1 and interest shown therein, or has failed to pay any final
2 assessment of tax, penalty or interest due under this Act. An
3 assessment is final when all proceedings in court for review
4 of such assessment have terminated or the time for the taking
5 thereof has expired without such proceedings being instituted.
6 For taxable years ending on or after December 31, 1987, the
7 Director may make available to the Director or principal
8 officer of any Department of the State of Illinois,
9 information that a person employed by such Department has
10 failed to file returns under this Act or pay the tax, penalty
11 and interest shown therein. For purposes of this paragraph,
12 the word "Department" shall have the same meaning as provided
13 in Section 3 of the State Employees Group Insurance Act of
14 1971.

15 (d) The Director shall make available for public
16 inspection in the Department's principal office and for
17 publication, at cost, administrative decisions issued on or
18 after January 1, 1995. These decisions are to be made
19 available in a manner so that the following taxpayer
20 information is not disclosed:

21 (1) The names, addresses, and identification numbers
22 of the taxpayer, related entities, and employees.

23 (2) At the sole discretion of the Director, trade
24 secrets or other confidential information identified as
25 such by the taxpayer, no later than 30 days after receipt
26 of an administrative decision, by such means as the

1 Department shall provide by rule.

2 The Director shall determine the appropriate extent of the
3 deletions allowed in paragraph (2). In the event the taxpayer
4 does not submit deletions, the Director shall make only the
5 deletions specified in paragraph (1).

6 The Director shall make available for public inspection
7 and publication an administrative decision within 180 days
8 after the issuance of the administrative decision. The term
9 "administrative decision" has the same meaning as defined in
10 Section 3-101 of Article III of the Code of Civil Procedure.
11 Costs collected under this Section shall be paid into the Tax
12 Compliance and Administration Fund.

13 (e) Nothing contained in this Act shall prevent the
14 Director from divulging information to any person pursuant to
15 a request or authorization made by the taxpayer, by an
16 authorized representative of the taxpayer, or, in the case of
17 information related to a joint return, by the spouse filing
18 the joint return with the taxpayer.

19 (Source: P.A. 102-61, eff. 7-9-21; 102-129, eff. 7-23-21;
20 revised 8-10-21.)

21 Section 10. The Retailers' Occupation Tax Act is amended
22 by changing Section 11 as follows:

23 (35 ILCS 120/11) (from Ch. 120, par. 450)

24 Sec. 11. All information received by the Department from

1 returns filed under this Act, or from any investigation
2 conducted under this Act, shall be confidential, except for
3 official purposes, and any person, including a third party as
4 defined in the Local Government Revenue Recapture Act, who
5 divulges any such information in any manner, except in
6 accordance with a proper judicial order or as otherwise
7 provided by law, including the Local Government Revenue
8 Recapture Act, shall be guilty of a Class B misdemeanor with a
9 fine not to exceed \$7,500.

10 Nothing in this Act prevents the Director of Revenue from
11 publishing or making available to the public the names and
12 addresses of persons filing returns under this Act, or
13 reasonable statistics concerning the operation of the tax by
14 grouping the contents of returns so the information in any
15 individual return is not disclosed.

16 Nothing in this Act prevents the Director of Revenue from
17 divulging to the United States Government or the government of
18 any other state, or any officer or agency thereof, for
19 exclusively official purposes, information received by the
20 Department in administering this Act, provided that such other
21 governmental agency agrees to divulge requested tax
22 information to the Department.

23 The Department's furnishing of information derived from a
24 taxpayer's return or from an investigation conducted under
25 this Act to the surety on a taxpayer's bond that has been
26 furnished to the Department under this Act, either to provide

1 notice to such surety of its potential liability under the
2 bond or, in order to support the Department's demand for
3 payment from such surety under the bond, is an official
4 purpose within the meaning of this Section.

5 The furnishing upon request of information obtained by the
6 Department from returns filed under this Act or investigations
7 conducted under this Act to the Illinois Liquor Control
8 Commission for official use is deemed to be an official
9 purpose within the meaning of this Section.

10 Notice to a surety of potential liability shall not be
11 given unless the taxpayer has first been notified, not less
12 than 10 days prior thereto, of the Department's intent to so
13 notify the surety.

14 The furnishing upon request of the Auditor General, or his
15 authorized agents, for official use, of returns filed and
16 information related thereto under this Act is deemed to be an
17 official purpose within the meaning of this Section.

18 Where an appeal or a protest has been filed on behalf of a
19 taxpayer, the furnishing upon request of the attorney for the
20 taxpayer of returns filed by the taxpayer and information
21 related thereto under this Act is deemed to be an official
22 purpose within the meaning of this Section.

23 The furnishing of financial information to a municipality
24 or county, upon request of the chief executive officer
25 thereof, is an official purpose within the meaning of this
26 Section, provided the municipality or county agrees in writing

1 to the requirements of this Section. Information provided to
2 municipalities and counties under this paragraph shall be
3 limited to: (1) the business name; (2) the business address;
4 (3) the standard classification number assigned to the
5 business; (4) net revenue distributed to the requesting
6 municipality or county that is directly related to the
7 requesting municipality's or county's local share of the
8 proceeds under the Use Tax Act, the Service Use Tax Act, the
9 Service Occupation Tax Act, and the Retailers' Occupation Tax
10 Act distributed from the Local Government Tax Fund, and, if
11 applicable, any locally imposed retailers' occupation tax or
12 service occupation tax; and (5) a listing of all businesses
13 within the requesting municipality or county by account
14 identification number and address. On and after July 1, 2015,
15 the furnishing of financial information to municipalities and
16 counties under this paragraph may be by electronic means. If
17 the Department may furnish financial information to a
18 municipality or county under this paragraph, then the chief
19 executive officer of the municipality or county may, in turn,
20 provide that financial information to a third party pursuant
21 to the Local Government Revenue Recapture Act. However, the
22 third party shall agree in writing to the requirements of this
23 Section and meet the requirements of the Local Government
24 Revenue Recapture Act.

25 Information so provided shall be subject to all
26 confidentiality provisions of this Section. The written

1 agreement shall provide for reciprocity, limitations on
2 access, disclosure, and procedures for requesting information.
3 For the purposes of furnishing financial information to a
4 municipality or county under this Section, "chief executive
5 officer" means the mayor of a city, the village board
6 president of a village, the mayor or president of an
7 incorporated town, the county executive of a county that has
8 adopted the county executive form of government, the president
9 of the board of commissioners of Cook County, or the
10 chairperson of the county board or board of county
11 commissioners of any other county.

12 The Department may make available to the Board of Trustees
13 of any Metro East Mass Transit District information contained
14 on transaction reporting returns required to be filed under
15 Section 3 of this Act that report sales made within the
16 boundary of the taxing authority of that Metro East Mass
17 Transit District, as provided in Section 5.01 of the Local
18 Mass Transit District Act. The disclosure shall be made
19 pursuant to a written agreement between the Department and the
20 Board of Trustees of a Metro East Mass Transit District, which
21 is an official purpose within the meaning of this Section. The
22 written agreement between the Department and the Board of
23 Trustees of a Metro East Mass Transit District shall provide
24 for reciprocity, limitations on access, disclosure, and
25 procedures for requesting information. Information so provided
26 shall be subject to all confidentiality provisions of this

1 Section.

2 The Director may make available to any State agency,
3 including the Illinois Supreme Court, which licenses persons
4 to engage in any occupation, information that a person
5 licensed by such agency has failed to file returns under this
6 Act or pay the tax, penalty and interest shown therein, or has
7 failed to pay any final assessment of tax, penalty or interest
8 due under this Act. The Director may make available to any
9 State agency, including the Illinois Supreme Court,
10 information regarding whether a bidder, contractor, or an
11 affiliate of a bidder or contractor has failed to collect and
12 remit Illinois Use tax on sales into Illinois, or any tax under
13 this Act or pay the tax, penalty, and interest shown therein,
14 or has failed to pay any final assessment of tax, penalty, or
15 interest due under this Act, for the limited purpose of
16 enforcing bidder and contractor certifications. The Director
17 may make available to units of local government and school
18 districts that require bidder and contractor certifications,
19 as set forth in Sections 50-11 and 50-12 of the Illinois
20 Procurement Code, information regarding whether a bidder,
21 contractor, or an affiliate of a bidder or contractor has
22 failed to collect and remit Illinois Use tax on sales into
23 Illinois, file returns under this Act, or pay the tax,
24 penalty, and interest shown therein, or has failed to pay any
25 final assessment of tax, penalty, or interest due under this
26 Act, for the limited purpose of enforcing bidder and

1 contractor certifications. For purposes of this Section, the
2 term "affiliate" means any entity that (1) directly,
3 indirectly, or constructively controls another entity, (2) is
4 directly, indirectly, or constructively controlled by another
5 entity, or (3) is subject to the control of a common entity.
6 For purposes of this Section, an entity controls another
7 entity if it owns, directly or individually, more than 10% of
8 the voting securities of that entity. As used in this Section,
9 the term "voting security" means a security that (1) confers
10 upon the holder the right to vote for the election of members
11 of the board of directors or similar governing body of the
12 business or (2) is convertible into, or entitles the holder to
13 receive upon its exercise, a security that confers such a
14 right to vote. A general partnership interest is a voting
15 security.

16 The Director may make available to any State agency,
17 including the Illinois Supreme Court, units of local
18 government, and school districts, information regarding
19 whether a bidder or contractor is an affiliate of a person who
20 is not collecting and remitting Illinois Use taxes for the
21 limited purpose of enforcing bidder and contractor
22 certifications.

23 The Director may also make available to the Secretary of
24 State information that a limited liability company, which has
25 filed articles of organization with the Secretary of State, or
26 corporation which has been issued a certificate of

1 incorporation by the Secretary of State has failed to file
2 returns under this Act or pay the tax, penalty and interest
3 shown therein, or has failed to pay any final assessment of
4 tax, penalty or interest due under this Act. An assessment is
5 final when all proceedings in court for review of such
6 assessment have terminated or the time for the taking thereof
7 has expired without such proceedings being instituted.

8 The Director shall make available for public inspection in
9 the Department's principal office and for publication, at
10 cost, administrative decisions issued on or after January 1,
11 1995. These decisions are to be made available in a manner so
12 that the following taxpayer information is not disclosed:

13 (1) The names, addresses, and identification numbers
14 of the taxpayer, related entities, and employees.

15 (2) At the sole discretion of the Director, trade
16 secrets or other confidential information identified as
17 such by the taxpayer, no later than 30 days after receipt
18 of an administrative decision, by such means as the
19 Department shall provide by rule.

20 The Director shall determine the appropriate extent of the
21 deletions allowed in paragraph (2). In the event the taxpayer
22 does not submit deletions, the Director shall make only the
23 deletions specified in paragraph (1).

24 The Director shall make available for public inspection
25 and publication an administrative decision within 180 days
26 after the issuance of the administrative decision. The term

1 "administrative decision" has the same meaning as defined in
2 Section 3-101 of Article III of the Code of Civil Procedure.
3 Costs collected under this Section shall be paid into the Tax
4 Compliance and Administration Fund.

5 Nothing contained in this Act shall prevent the Director
6 from divulging information to any person pursuant to a request
7 or authorization made by the taxpayer or by an authorized
8 representative of the taxpayer.

9 The furnishing of information obtained by the Department
10 from returns filed under Public Act 101-10 to the Department
11 of Transportation for purposes of compliance with Public Act
12 101-10 regarding aviation fuel is deemed to be an official
13 purpose within the meaning of this Section.

14 The Director may make information available to the
15 Secretary of State for the purpose of administering Section
16 5-901 of the Illinois Vehicle Code.

17 (Source: P.A. 101-10, eff. 6-5-19; 101-628, eff. 6-1-20;
18 102-558, eff. 8-20-21.)

19 Section 10. The Illinois Vehicle Code is amended by adding
20 Article IX to Chapter 5 as follows:

21 (625 ILCS 5/Ch. 5 Art. IX heading new)

22 ARTICLE IX. MANUFACTURED HOME DEALERS

23 (625 ILCS 5/5-901 new)

1 Sec. 5-901. Regulation of manufactured home dealers.

2 (a) As used in this Article:

3 "Established place of business" means the place owned or
4 leased and occupied by any person duly licensed or required to
5 be licensed as a manufactured home dealer for the purpose of
6 engaging in selling, buying, bartering, displaying,
7 exchanging, or dealing in, on consignment or otherwise,
8 manufactured homes and for such other ancillary purposes as
9 may be permitted by the Secretary by rule.

10 "Manufactured home" means a factory-assembled structure
11 built on a permanent chassis, transportable in one or more
12 sections in the travel mode, incapable of self-propulsion,
13 bears a label indicating the manufacturer's compliance with
14 the United States Department of Housing and Urban Development
15 standards, as applicable, and is designed for year-round
16 occupancy as a single-family residence when connected to
17 approved water, sewer, and electrical utilities.

18 "Manufactured home dealer" means: (1) an individual or
19 entity that engages in the business of acquiring or disposing
20 of new or used manufactured homes; (2) an individual or entity
21 who advertises or otherwise holds the individual or the entity
22 out as being engaged in the business of acquiring or selling
23 new or used manufactured homes; or (3) an individual or entity
24 who buys or sells more than 2 new or used manufactured homes
25 within a 12-month period.

26 (b) No person shall engage in this State in the business of

1 selling or dealing in, on consignment or otherwise,
2 manufactured homes of any make, or act as an intermediary,
3 agent, or broker for any manufactured home purchaser, other
4 than as a salesperson, or to represent or advertise that he or
5 she is so engaged, or intends to so engage, in the business,
6 unless licensed to do so by the Secretary of State under this
7 Section.

8 (c) An application for a manufactured home dealer's
9 license shall be filed with the Secretary of State Vehicle
10 Services Department and duly verified by oath, on such form as
11 the Secretary of State may prescribe, and shall contain all of
12 the following:

13 (1) The name and type of business organization of the
14 applicant, and his or her established place of business in
15 this State.

16 (2) If the applicant is a corporation, a list of its
17 officers, directors, and shareholders having a 10% or
18 greater ownership interest in the corporation. If the
19 applicant is a sole proprietorship, a partnership, a
20 limited liability company, an unincorporated association,
21 a trust, or any similar form of business organization, the
22 name and residence address of the proprietor, or the name
23 and residence address of each partner, member, officer,
24 director, trustee, or manager.

25 (3) A statement that the applicant has been approved
26 for registration under the Retailers' Occupation Tax Act

1 by the Department of Revenue, except that this requirement
2 does not apply to a manufactured home dealer who is
3 already licensed with the Secretary of State, and who is
4 only applying for a renewal of his or her license. As
5 evidence of this fact, the application shall be
6 accompanied by a certification from the Department of
7 Revenue showing that the Department has approved the
8 applicant for registration under the Retailers' Occupation
9 Tax Act.

10 (4) An application for a manufactured home dealer's
11 license shall be accompanied by a \$1,000 license fee for
12 the applicant's established place of business. If the
13 application is made after June 15 of any year, the license
14 fee shall be \$500 for the applicant's established place of
15 business. License fees shall be returnable only if the
16 application is denied by the Secretary of State.

17 Of the money received by the Secretary of State as
18 license fees under this paragraph (4), 95% shall be
19 deposited into the General Revenue Fund and 5% into the
20 Motor Vehicle License Plate Fund.

21 (5) A statement that no officer, director, shareholder
22 having a 10% or greater ownership interest, proprietor,
23 partner, member, officer, director, trustee, manager, or
24 other principal in the business of the applicant has
25 committed in the past 3 years any violation, as determined
26 in any civil, criminal, or administrative hearing

1 proceeding, of any one of the following Acts:

2 (A) the Anti-Theft Laws of this Code;

3 (B) the Certificate of Title Laws of this Code;

4 (C) the Offenses against Registration and
5 Certificates of Title Laws of this Code;

6 (D) the Dealers, Transporters, Wreckers, and
7 Rebuilders Laws of this Code;

8 (E) Section 21-2 of the Criminal Code of 2012,
9 criminal trespass to vehicles;

10 (F) the Retailers' Occupation Tax Act;

11 (G) the Consumer Installment Loan Act;

12 (H) the Retail Installment Sales Act;

13 (I) the Interest Act;

14 (J) the Illinois Wage Assignment Act;

15 (K) Part 8 of Article XII of the Code of Civil
16 Procedure; or

17 (L) the Consumer Fraud and Deceptive Business
18 Practices Act.

19 (6) A bond or certificate of deposit in the amount of
20 \$150,000 for each license holder applicant intending to
21 act as a manufactured home dealer under this Section. The
22 bond shall be for the term of the license for which
23 application is made and shall expire not sooner than
24 December 31st of the year for which the license was
25 issued. The bond shall run to the People of the State of
26 Illinois and to customers asserting financial claims

1 against the dealer, with surety by a bonding or insurance
2 company authorized to do business in this State. It shall
3 be conditioned upon the proper transmittal of all title
4 and registration fees and taxes (excluding taxes under the
5 Retailers' Occupation Tax Act) accepted by the applicant
6 as a manufactured home dealer, and the execution of all of
7 the dealer's obligations to the customer, including
8 financial duties related to the acceptance and
9 disbursement of any funds paid to the dealer by the
10 customer, and conveyance of possession or ownership
11 documents of a manufactured home.

12 (7) Dealers in business for over 10 years may
13 substitute a certificate of insurance in lieu of the bond
14 or certificate of deposit upon renewing their license.

15 (8) Any other information concerning the business of
16 the applicant as the Secretary of State may by rule
17 prescribe.

18 (d) Any change that renders no longer accurate any
19 information contained in any application for a license under
20 this Section shall be amended within 30 days after the
21 occurrence of the change on a form the Secretary of State may
22 prescribe, by rule, accompanied by an amendatory fee of \$25.

23 (e) The Secretary of State shall, within a reasonable time
24 after receipt, examine an application submitted under this
25 Section, and unless the Secretary makes a determination that
26 the application submitted does not conform with the

1 requirements of this Section or that grounds exist for a
2 denial of the application under subsection (f), grant the
3 applicant an initial manufactured home dealer's license in
4 writing for the established place of business of the applicant
5 in a form the Secretary may prescribe by rule, which shall
6 include the following:

7 (1) the name of the person or entity licensed;

8 (2) if a corporation, the name and address of its
9 officers; if a sole proprietorship, a partnership, an
10 unincorporated association, or any similar form of
11 business organization, the name and address of the
12 proprietor, or the name and address of each partner,
13 member, officer, director, trustee or manager; or if a
14 limited liability company, the name and address of the
15 general partner or partners, or managing member or
16 members; and

17 (3) the established place of business of the licensee.

18 (f) A license issued under this Section may be denied,
19 revoked, or suspended if the Secretary of State finds that the
20 applicant, or the officer, director, shareholder having a 10%
21 or greater ownership interest in the corporation, owner,
22 partner, trustee, manager, employee or the licensee has:

23 (1) violated this Section;

24 (2) made any material misrepresentation to the
25 Secretary of State in connection with an application for a
26 license, title, or registration;

1 (3) committed a fraudulent act in connection with
2 selling, bartering, exchanging, offering for sale, or
3 otherwise dealing in manufactured homes;

4 (4) not maintained an established place of business as
5 defined in this Section;

6 (5) failed to file or produce to the Secretary of
7 State any application, report, document, or other
8 pertinent books, records, documents, letters, contracts
9 required to be filed or produced under this Section or any
10 rule adopted by the Secretary of State pursuant to this
11 Section;

12 (6) failed to pay any fees or taxes due under this
13 Code, or has failed to transmit any fees or taxes received
14 by him or her for transmittal by him or her to the
15 Secretary of State or the State of Illinois;

16 (7) failed to transfer title to a manufactured home
17 when legally required to do so; or

18 (8) violated any of the following:

19 (A) the Anti-Theft Laws of this Code;

20 (B) the Certificate of Title Laws of this Code;

21 (C) the Offenses against Registration and
22 Certificates of Title Laws of this Code;

23 (D) the Dealers, Transporters, Wreckers, and
24 Rebuilders Laws of this Code;

25 (E) Section 21-2 of the Criminal Code of 2012,
26 criminal trespass to vehicles;

1 (F) the Retailers' Occupation Tax Act;

2 (G) the Consumer Installment Loan Act;

3 (H) the Retail Installment Sales Act;

4 (I) the Interest Act;

5 (J) the Illinois Wage Assignment Act;

6 (K) Part 8 of Article XII of the Code of Civil
7 Procedure; or

8 (L) the Consumer Fraud and Deceptive Business
9 Practices Act.

10 (g) In addition to other grounds specified in this
11 Section, the Secretary of State, on complaint of the
12 Department of Revenue, shall refuse the issuance or renewal of
13 a license, or suspend or revoke such a license, for any of the
14 following violations of the Retailers' Occupation Tax Act, the
15 tax imposed on corporations under subsection (b) of Section
16 201 of the Illinois Income Tax Act, the Personal Property Tax
17 Replacement Income Tax imposed under subsections (c) and (d)
18 of Section 201 of the Illinois Income Tax Act, or the tax
19 imposed under Section 704A of the Illinois Income Tax Act:

20 (1) failure to make a tax return;

21 (2) the filing of a fraudulent return;

22 (3) failure to pay all or part of any tax or penalty
23 finally determined to be due;

24 (4) failure to comply with the bonding requirements of
25 the Retailers' Occupation Tax Act.

26 (h) A license issued under this Section may be canceled by

1 the Secretary of State prior to its expiration in any of the
2 following situations:

3 (1) if a license is voluntarily surrendered by the
4 licensed person;

5 (2) if the business enterprise is a sole
6 proprietorship and the sole proprietor dies or is
7 imprisoned for any period exceeding 30 days; or

8 (3) if the license was issued to the wrong person or
9 corporation or contains an error on its face.

10 If any person whose license has been canceled wishes to
11 apply for another license, whether during the same license
12 year or any other year, that person shall be treated as a new
13 applicant and the cancellation of the person's prior license
14 shall not, in and of itself, be a bar to the issuance of a new
15 license.

16 (i) A license issued under this Section may be canceled
17 without a hearing if the Secretary of State is notified that
18 the applicant, or any officer, director, shareholder having a
19 10% or greater ownership interest, owner, partner, trustee,
20 manager, employee, or member of the applicant or the licensee
21 has been convicted of any forcible felony or any felony
22 involving the selling, bartering, exchanging, offering for
23 sale, or otherwise dealing in ownership documents relating to
24 any of the above actions.

25 (j) The appropriate instrument evidencing the license or a
26 certified copy of the instrument, provided by the Secretary of

1 State, shall be kept posted conspicuously in the established
2 place of business of the licensee.

3 (k) All records related to the purchase, sale, or
4 acceptance for sale on consignment of any manufactured home
5 shall be maintained at the licensee's established place of
6 business. These records shall be retained for a period of not
7 less than 7 years, and shall be made available for inspection
8 upon the request of a Secretary of State auditor or an
9 investigator with the Secretary of State Department of Police.

10 (l) Except as provided in subsection (i), all licenses
11 granted under this Section shall expire by operation of law on
12 December 31st of the calendar year for which the licenses were
13 granted, unless sooner revoked or canceled under subsection
14 (f).

15 (m) Each person licensed as a manufactured home dealer is
16 required to furnish each purchaser of a manufactured home:

17 (1) in the case of a new manufactured home, a
18 manufacturer's statement of origin, and in the case of a
19 previously owned manufactured home, a certificate of
20 title, in either case properly assigned to the purchaser;

21 (2) a statement verified under oath that all
22 identifying numbers on the vehicle match the identifying
23 numbers on the certificate of title or manufacturer's
24 statement of origin;

25 (3) a bill of sale properly executed on behalf of the
26 purchaser; and

1 (4) for a new manufactured home, a warranty, and in
2 the case of a manufactured home for which the warranty has
3 been reinstated, a copy of the warranty; if no warranty is
4 provided, a disclosure or statement that the manufactured
5 home is being sold "AS IS".

6 (n) This Section does not apply to a seller who privately
7 owns his or her manufactured home as his or her main residence
8 and is selling the manufactured home to another individual or
9 to a licensee so long as that individual does not sell more
10 than 2 manufactured homes in one 12-month period.

11 (o) This Section does not apply to any person licensed
12 under the Real Estate License Act of 2000.

13 (p) The Secretary of State may adopt any rules necessary
14 to implement this Section.

15 (q) Any individual or entity licensed as a manufactured
16 home dealer or a community-based manufactured home dealer on
17 the effective date of this Section shall be entitled to act as
18 a manufactured home dealer under this Section for the duration
19 of any license in effect on the effective date of this
20 amendatory Act of the 102nd General Assembly, and shall be
21 eligible to be issued a manufactured home dealer's license
22 under this Section upon the expiration of any such license.

23 (625 ILCS 5/5-101.2 rep.)

24 Section 15. The Illinois Vehicle Code is amended by
25 repealing Section 5-101.2.

1 Section 99. Effective date. This Act takes effect July 1,
2 2022.