

# SB2203



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2203

Introduced 2/26/2021, by Sen. Elgie R. Sims, Jr.

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-101.2

Amends a Section of the Illinois Vehicle Code relating to the licensure of manufactured home dealers. Removes the requirement that the dealer sell, trade, or buy no more than 2 manufactured homes per calendar year in order to qualify as a community-based manufactured home dealer.

LRB102 15862 RAM 21231 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 5-101.2 as follows:

6 (625 ILCS 5/5-101.2)

7 Sec. 5-101.2. Manufactured home dealers; licensing.

8 (a) For the purposes of this Section, the following words  
9 shall have the meanings ascribed to them as follows:

10 "Community-based manufactured home dealer" means an  
11 individual or entity that operates a tract of land or 2 or  
12 more contiguous tracts of land which contain sites with  
13 the necessary utilities for 5 or more independent  
14 manufactured homes for permanent habitation, either free  
15 of charge or for revenue purposes, and shall include any  
16 building, structure, vehicle, or enclosure used or  
17 intended for use as a part of the equipment of the  
18 manufactured home park who may, incidental to the  
19 operation of the manufactured home community, sell, trade,  
20 or buy ~~no more than 2~~ manufactured homes or park models ~~per~~  
21 ~~calendar year~~ that are located within the manufactured  
22 home community pursuant to a franchise agreement or  
23 similar agreement with a manufacturer, or used

1 manufactured homes or park models located within the  
2 manufactured home community or additional place of  
3 business that is owned or managed by the community-based  
4 manufactured home dealer.

5 "Established place of business" means the place owned  
6 or leased and occupied by any person duly licensed or  
7 required to be licensed as a manufactured home dealer or a  
8 community-based manufactured home dealer for the purpose  
9 of engaging in selling, buying, bartering, displaying,  
10 exchanging, or dealing in, on consignment or otherwise,  
11 manufactured homes or park models and for such other  
12 ancillary purposes as may be permitted by the Secretary by  
13 rule. An established place of business shall include a  
14 single or central office in which the manufactured home  
15 dealer's or community-based manufactured home dealer's  
16 records shall be separate and distinct from any other  
17 business or tenant which may occupy space in the same  
18 building, except as provided in this Section, and the  
19 office shall not be located in a tent, temporary stand,  
20 temporary address, room or rooms in a hotel or rooming  
21 house, nor the premises occupied by a single or multiple  
22 unit residence, unless the multiple unit residence has a  
23 separate and distinct office.

24 "Manufactured home" means a factory assembled  
25 structure built on a permanent chassis, transportable in  
26 one or more sections in the travel mode, incapable of

1 self-propulsion, and bears a label indicating the  
2 manufacturer's compliance with the United States  
3 Department of Housing and Urban Development standards, as  
4 applicable, that is without a permanent foundation and is  
5 designed for year round occupancy as a single-family  
6 residence when connected to approved water, sewer, and  
7 electrical utilities.

8 "Manufactured home dealer" means an individual or  
9 entity that engages in the business of acquiring or  
10 disposing of a manufactured home or park model, either a  
11 new manufactured home or park model, pursuant to a  
12 franchise agreement with a manufacturer, or used  
13 manufactured homes or park models, and who has an  
14 established place of business that is not in a residential  
15 community-based setting.

16 "Park model" means a vehicle that is incapable of  
17 self-propulsion that is less than 400 square feet of  
18 habitable space that is built to American National  
19 Standards Institute (ANSI) standards that prohibits  
20 occupancy on a permanent basis and is built on a vehicle  
21 chassis.

22 "Supplemental license" means a license that a  
23 community-based manufactured home dealer receives and  
24 displays at locations in which the licensee is authorized  
25 to sell, buy, barter, display, exchange, or deal in, on  
26 consignment or otherwise, manufactured homes or park

1 models, but is not the established place of business of  
2 the licensee.

3 (b) No person shall engage in this State in the business of  
4 selling or dealing in, on consignment or otherwise,  
5 manufactured homes or park models of any make, or act as an  
6 intermediary, agent, or broker for any manufactured home or  
7 park model purchaser, other than as a salesperson or to  
8 represent or advertise that he or she is so engaged, or intends  
9 to so engage, in the business, unless licensed to do so by the  
10 Secretary of State under the provisions of this Section.

11 (c) An application for a manufactured home dealer's  
12 license or a community-based manufactured home dealer's  
13 license shall be filed with the Secretary of State and duly  
14 verified by oath, on such form as the Secretary of State may by  
15 rule prescribe and shall contain all of the following:

16 (1) The name and type of business organization of the  
17 applicant, and his or her established and additional  
18 places of business, if any, in this State.

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

1 director, trustee, or manager.

2 (3) The make or makes of new manufactured homes or  
3 park models that the applicant will offer for sale at  
4 retail in the State.

5 (4) The name of each manufacturer or franchised  
6 distributor, if any, of new manufactured homes or park  
7 models with whom the applicant has contracted for the sale  
8 of new manufactured homes or park models. As evidence of  
9 this fact, the application shall be accompanied by a  
10 signed statement from each manufacturer or franchised  
11 distributor.

12 (5) A statement that the applicant has been approved  
13 for registration under the Retailers' Occupation Tax Act  
14 by the Department of Revenue, provided that this  
15 requirement does not apply to a manufactured home dealer  
16 who is already licensed with the Secretary of State, and  
17 who is merely applying for a renewal of his or her license.  
18 As evidence of this fact, the application shall be  
19 accompanied by a certification from the Department of  
20 Revenue showing that the Department has approved the  
21 applicant for registration under the Retailers' Occupation  
22 Tax Act.

23 (6) An application for:

24 (A) a manufactured home dealer's license, when the  
25 applicant is selling new manufactured homes or park  
26 models on behalf of a manufacturer of manufactured

1 homes or park models, or 5 or more used manufactured  
2 homes or park models during the calendar year, shall  
3 be accompanied by a \$1,000 license fee for the  
4 applicant's established place of business, and \$100  
5 for each additional place of business, if any, to  
6 which the application pertains. If the application is  
7 made after June 15 in any year, the license fee shall  
8 be \$500 for the applicant's established place of  
9 business, and \$50 for each additional place of  
10 business, if any, to which the application pertains.  
11 License fees shall be returnable only in the event  
12 that the application is denied by the Secretary of  
13 State; or

14 (B) a community-based manufactured home dealer's  
15 license, when the applicant is selling new  
16 manufactured homes or park models on behalf of a  
17 manufacturer of manufactured homes or park models, or  
18 5 or more used manufactured homes or park models  
19 during the calendar year, but within a community  
20 setting, shall be accompanied by a license fee of \$500  
21 for the applicant's established place of business, and  
22 \$50 for each additional place of business within a  
23 50-mile radius of the established place of business,  
24 if any to which the application pertains. If the  
25 application is made after June 15 in any year, the  
26 license fee shall be \$250 for the applicant's

1 established place of business, and \$50 for each  
2 additional place of business, if any, to which the  
3 application pertains. License fees shall be returnable  
4 only in the event that the application is denied by the  
5 Secretary of State.

6 Of the monies received by the Secretary of State  
7 as license fees under this paragraph (6), 95% shall be  
8 deposited into the General Revenue Fund and 5% into  
9 the Motor Vehicle License Plate Fund.

10 (7) A statement that the applicant's officers,  
11 directors, and shareholders having a 10% or greater  
12 ownership interest therein, proprietor, a partner, member,  
13 officer, director, trustee, manager, or other principals  
14 in the business, have not committed in the past 3 years any  
15 one violation, as determined in any civil, criminal, or  
16 administrative hearing proceeding, of any one of the  
17 following Acts:

18 (A) the Anti Theft Laws of the Illinois Vehicle  
19 Code;

20 (B) the Certificate of Title Laws of the Illinois  
21 Vehicle Code;

22 (C) the Offenses against Registration and  
23 Certificates of Title Laws of the Illinois Vehicle  
24 Code;

25 (D) the Dealers, Transporters, Wreckers, and  
26 Rebuilders Laws of the Illinois Vehicle Code;



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

3 (F) the Retailers Occupation Tax Act;

4 (G) the Consumer Finance Act;

5 (H) the Consumer Installment Loan Act;

6 (I) the Retail Installment Sales Act;

7 (J) the Motor Vehicle Retail Installment Sales  
8 Act;

9 (K) the Interest Act;

10 (L) the Illinois Wage Assignment Act;

11 (M) Part 8 of Article XII of the Code of Civil  
12 Procedure; or

13 (N) the Consumer Fraud Act.

14 (8) A bond or certificate of deposit in the amount of  
15 \$20,000 for each license holder applicant intending to act  
16 as a manufactured home dealer or community-based  
17 manufactured home dealer under this Section. The bond  
18 shall be for the term of the license, for which  
19 application is made, and shall expire not sooner than  
20 December 31 of the year for which the license was issued.  
21 The bond shall run to the People of the State of Illinois,  
22 with surety by a bonding or insurance company authorized  
23 to do business in this State. It shall be conditioned upon  
24 the proper transmittal of all title and registration fees  
25 and taxes (excluding taxes under the Retailers' Occupation  
26 Tax Act) accepted by the applicant as a manufactured home

1 dealer.

2 (9) Dealers in business for over 5 years may  
3 substitute a certificate of insurance in lieu of the bond  
4 or certificate of deposit upon renewing their license.

5 (10) Any other information concerning the business of  
6 the applicant as the Secretary of State may by rule  
7 prescribe.

8 (11) A statement that the applicant has read and  
9 understands Chapters 1 through 5 of this Code.

10 (d) Any change which renders no longer accurate any  
11 information contained in any application for a license under  
12 this Section shall be amended within 30 days after the  
13 occurrence of the change on a form the Secretary of State may  
14 prescribe, by rule, accompanied by an amendatory fee of \$25.

15 (e) The Secretary of State shall, within a reasonable time  
16 after receipt, examine an application submitted to him or her  
17 under this Section, and unless he or she makes a determination  
18 that the application submitted to him or her does not conform  
19 with the requirements of this Section or that grounds exist  
20 for a denial of the application under Section 5-501 of this  
21 Chapter, grant the applicant an initial manufactured home  
22 dealer's license or a community-based manufactured home  
23 dealer's license in writing for his or her established place  
24 of business and a supplemental license in writing for each  
25 additional place of business in a form the Secretary may  
26 prescribe by rule, which shall include the following:

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

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

11 (3) in the case of an original license, the  
12 established place of business of the licensee;

13 (4) in the case of a supplemental license, the  
14 established place of business of the licensee and the  
15 distance to each additional place of business to which the  
16 supplemental license pertains; and

17 (5) if applicable, the make or makes of new  
18 manufactured homes or park models to which a manufactured  
19 home dealer is licensed to sell.

20 (e-5) A manufactured home dealer may operate a  
21 supplemental lot if the lot is located within 50 miles of the  
22 manufactured home dealer's principal place of business.  
23 Records pertaining to a supplemental lot may be maintained at  
24 the principal place of business.

25 (f) 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 and in each additional place  
3 of business, if any, maintained by the licensee, unless the  
4 licensee is a community-based manufactured home dealer, then  
5 the license shall be posted in the community-based  
6 manufactured home dealer's central office and it shall include  
7 a list of the other locations that the community-based  
8 manufactured home dealer may oversee.

9 (g) Except as provided in subsection (i) of this Section,  
10 all licenses granted under this Section shall expire by  
11 operation of law on December 31 of the calendar year for which  
12 the licenses were granted, unless sooner revoked or cancelled  
13 under the provisions of Section 5-501 of this Chapter.

14 (h) All persons licensed as a manufactured home dealer or  
15 a community-based manufactured home dealer are required to  
16 furnish each purchaser of a manufactured home or park model:

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

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

26 (3) a bill of sale properly executed on behalf of the

1 purchaser;

2 (4) a copy of the Uniform Invoice-transaction  
3 reporting return form referred to in Section 5-402; and

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

10 (i) This Section shall not apply to a (i) seller who  
11 privately owns his or her manufactured home or park model as  
12 his or her main residence and is selling the manufactured home  
13 or park model to another individual or to a licensee; (ii) a  
14 retailer or entity licensed under either Section 5-101 or  
15 5-102 of this Code; or (iii) an individual or entity licensed  
16 to sell truck campers, travel trailers, motor homes, or mini  
17 motor homes as defined by this Code. Any vehicle not covered by  
18 this Section that requires an individual or entity to obtain a  
19 license to sell 5 or more vehicles must obtain a license under  
20 the relevant provisions of this Code.

21 (j) This Section shall not apply to any person licensed  
22 under the Real Estate License Act of 2000.

23 (k) The Secretary of State may adopt any rules necessary  
24 to implement this Section.

25 (Source: P.A. 101-407, eff. 8-16-19.)