

1 AN ACT concerning government.

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

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

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

9 Section 10. Definitions. In this Act:

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

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

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

22 "State Active Duty" has the same meaning ascribed to that

1 term in Section 30.10 of the Military Code of Illinois.

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

5 Section 15. Cellular phone contract. Termination of a  
6 cellular phone contract involving a service member who enters  
7 military service shall be subject to the provisions of the  
8 Military Personnel Cellular Phone Contract Termination Act.

9 Section 20. Bulk long distance telephone services. Bulk  
10 long distance telephone services purchased by the Department of  
11 Central Management Services and made available to persons in  
12 the immediate family of service members who have entered  
13 military service so that those persons in the service members'  
14 families can communicate with the service members shall be  
15 subject to Section 405-272 of the Department of Central  
16 Management Services Law of the Civil Administrative Code of  
17 Illinois.

18 Section 25. Stoppage of gas or electricity; arrearage;  
19 municipality; electric company or cooperative.

20 (a) The stoppage of gas or electricity from entering the  
21 residential premises of which a service member was a primary  
22 occupant immediately before the service member entered  
23 military service for nonpayment of service shall be subject to

1 Section 11-117-12.2 of the Illinois Municipal Code when the  
2 entity providing the gas or electrical service is a  
3 municipality owning a public utility, or shall be subject to  
4 Section 8-201.5 of the Public Utilities Act when the entity  
5 providing the gas or electrical service is a company or  
6 electric cooperative.

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

16 (c) In order to be eligible for the benefits granted to  
17 service members under this Section, a service member must  
18 provide the company or electric cooperative with a copy of the  
19 orders calling the service member to military service, or  
20 copies of orders further extending the service member's period  
21 of service, and claim hardship. In order to establish a  
22 hardship, the primary occupant must demonstrate to the company  
23 or electric cooperative's satisfaction that as a service member  
24 his or her military service has materially and currently  
25 affected his or her ability to pay for such services when due.  
26 Further, in the event the service member no longer claims to be

1 the primary occupant of the residential premises or the  
2 customer account of record changes, then the company or  
3 electric cooperative may enforce all applicable rules,  
4 regulations, and tariffs.

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

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

16 Section 40. Limitation on interest rate. Interest or  
17 finance charges collected or charged to a service member who  
18 has entered military service, or the spouse of that service  
19 member, in connection with an obligation entered into on or  
20 after the date of August 22, 2005, but prior to the date that  
21 the service member entered military service, shall be subject  
22 to Section 4.05 of the Interest Act.

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

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

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

22           Section 60. Default judgment protection. Relief from a  
23 final order or judgment entered by default against a service

1 member who has entered military service is subject to Section  
2 2-1401.1 of the Code of Civil Procedure.

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

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

18 Section 75. Stay of prosecution; civil matters. The stay,  
19 postponement, or suspension of the enforcement of any civil  
20 obligation or liability, the prosecution of any civil suit or  
21 proceeding, or the entry or enforcement of any civil order,  
22 writ, judgment, or decree involving a service member who has  
23 entered military service shall be subject to Section 30.25 of

1 the Military Code of Illinois.

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

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

9 (5 ILCS 100/10-63 new)

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

11 (a) In this Section:

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

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

21 (b) In a contested case in which a named party is a service  
22 member who has entered military service, for a period of 14  
23 days that follow the conclusion of military service the

1 administrative law judge shall, upon motion made by or on  
2 behalf of the service member, stay the hearing for a period of  
3 90 days if the service member's ability to appear at the  
4 hearing is materially affected by his or her military service.

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

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

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

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



1 (20 ILCS 5/5-715 new)

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

3 (a) In this Section:

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

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

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

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

22 (20 ILCS 405/405-272)

23 Sec. 405-272. Bulk long distance telephone services for

1 military personnel in military service ~~on active duty~~.

2 (a) In this Section:

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

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

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

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

21 (b) The Department may enter into a contract to purchase  
22 bulk long distance telephone services and make them available  
23 at cost, or may make bulk long distance telephone services  
24 available at cost under any existing contract the Department  
25 has entered into, to persons in the immediate family of service  
26 members that have entered military service ~~deployed on active~~

1 ~~duty~~ so that those persons in the service members' families can  
2 communicate with the service members ~~so deployed~~. If the  
3 Department enters into a contract under this Section, it shall  
4 do so in accordance with the Illinois Procurement Code and in a  
5 nondiscriminatory manner that does not place any potential  
6 vendor at a competitive disadvantage.

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

15 (d) If the Department enters into a contract under this  
16 Section, the Department shall adopt rules as necessary to  
17 implement this Section.

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

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

21 (20 ILCS 1805/30.25)

22 Sec. 30.25. Stay of prosecution. During and for a period of  
23 14 days after a period of military service ~~training or duty~~ in  
24 excess of 29 days ~~either under Title 32 of the United States~~

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

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

23 (20 ILCS 1805/30.30)

24 Sec. 30.30. School attendance and tuition. Any service  
25 member that enters military service ~~person in federal active~~

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

1 Illinois Military Family Relief Fund.

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

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

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

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

8 (a) In this Section:

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

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

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

23 (b) No municipality owning a public utility shall stop gas  
24 or electricity from entering the residential premises of which

1 a service member was a primary occupant immediately before the  
2 service member entered military service ~~was deployed on active~~  
3 ~~duty~~ for nonpayment for gas or electricity supplied to the  
4 residential premises.

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

15 (d) In order to be eligible for the benefits granted to  
16 service members under this Section, a service member must  
17 provide the municipality with a copy of the ~~military or~~  
18 ~~gubernatorial~~ orders calling the service member to military  
19 service in excess of 29 consecutive days ~~active duty~~ and of any  
20 orders further extending the service member's period of service  
21 ~~active duty~~.

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

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

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

3 Section 925. The Illinois Insurance Code is amended by  
4 changing Section 224.05 as follows:

5 (215 ILCS 5/224.05)

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

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

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

24 (2) The policy has been brought within the



1 "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003),  
2 50 U.S.C. App. 541 and following.

3 (b) This Section does not apply to any policy that was  
4 cancelled or that had lapsed for the nonpayment of premiums  
5 prior to the commencement of the insured's period of military  
6 service.

7 (c) An individual life insurance policy described in this  
8 Section shall not lapse or be forfeited for the nonpayment of  
9 premiums during the military service of a service member ~~member~~  
10 ~~of the armed services or reserve forces of the United States or~~  
11 ~~a member of the Illinois National Guard or~~ during the 2-year  
12 period subsequent to the end of the member's period of military  
13 service.

14 (d) In order to be eligible for the benefits granted to  
15 service members under this Section, a service member must  
16 provide the life insurance company with a copy of the ~~military~~  
17 ~~or gubernatorial~~ orders calling the service member to military  
18 service ~~active duty~~ and of any orders further extending the  
19 service member's period of service ~~active duty~~.

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

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

25 All proceeds from the collection of any civil penalty  
26 imposed under this subsection shall be deposited into the

1 Illinois Military Family Relief Fund.

2 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;  
3 95-392, eff. 8-23-07.)

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

6 (220 ILCS 5/8-201.5)

7 Sec. 8-201.5. Military personnel in military service ~~on~~  
8 ~~active duty~~; no stoppage of gas or electricity; arrearage.

9 (a) In this Section:

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

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

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

24 (b) No company or electric cooperative shall stop gas or

1 electricity from entering the residential premises of which a  
2 service member was a primary occupant immediately before the  
3 service member entered military service ~~was deployed on active~~  
4 ~~duty~~ for nonpayment for gas or electricity supplied to the  
5 residential premises.

6 (c) In order to be eligible for the benefits granted to  
7 service members under this Section, a service member must  
8 provide the company or electric cooperative with a copy of the  
9 ~~military or gubernatorial~~ orders calling the service member to  
10 military service in excess of 29 consecutive days ~~active duty~~  
11 and of any orders further extending the service member's period  
12 of service ~~active duty~~.

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

1 the period of military service ~~deployment~~ or the repayment  
2 period.

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

5 All proceeds from the collection of any civil penalty  
6 imposed under this subsection shall be deposited into the  
7 Illinois Military Family Relief Fund.

8 (Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;  
9 95-392, eff. 8-23-07.)

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

12 (330 ILCS 60/5.2)

13 Sec. 5.2. School attendance and tuition.

14 (a) Any person in military service with the State of  
15 Illinois or in federal active duty service pursuant to the  
16 orders of the President of the United States or the Governor  
17 has the right to receive a full monetary credit or refund for  
18 funds paid to any Illinois public university, college or  
19 community college if the person is placed into a period of  
20 military service pursuant to the orders of the President of the  
21 United States or the Governor and is unable to attend the  
22 university or college for a period of 7 or more days.  
23 Withdrawal from the course shall not impact upon the final  
24 grade point average of the person. If any person who has been

1 enrolled in any Illinois public university, college, or  
2 community college is unable to process his or her enrollment  
3 for the upcoming term, he or she shall have any and all late  
4 penalties and or charges set aside, including any and all late  
5 processing fees for books, lab fees, and all items that were  
6 not in place because the person was engaged in military service  
7 and was unable to enroll in the courses at the appropriate  
8 time.

9 A service member enrolled in an institution of higher  
10 learning who is unable, because of his or her military service,  
11 to attend classes on a particular day or days has the right to  
12 be excused and to reschedule a course examination administered  
13 on such day or days. The faculty and administrative officials  
14 shall make available to the service member an equivalent  
15 opportunity to make up any examination he or she has missed  
16 because of his or her military service.

17 The rights set forth in this Section are in addition to any  
18 rights afforded to persons in military service with the State  
19 of Illinois or in federal active duty service pursuant to the  
20 orders of the President of the United States or the Governor  
21 under the policies of an Illinois public university, college,  
22 or community college.

23 (b) For the purposes of this Section:

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

26 "Military service" means any full-time training or duty, no

1 matter how described under federal or State law, for which a  
2 service member is ordered to report by the President, Governor  
3 of a state, commonwealth, or territory of the United States, or  
4 other appropriate military authority.

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

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

10 Section 940. The Code of Civil Procedure is amended by  
11 changing Sections 9-107.10 and 9-206 and by adding Sections  
12 2-1401.1 and 15-1501.6 as follows:

13 (735 ILCS 5/2-1401.1 new)

14 Sec. 2-1401.1. Relief from default judgment; military  
15 personnel in military service.

16 (a) In this Section:

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

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

1 commonwealth, or a territory of the United States.

2 (b) Relief from and vacation of final orders and judgments  
3 after 30 days from the entry thereof entered by default against  
4 a service member that has entered military service may be had  
5 upon petition as provided in this Section. All relief  
6 heretofore obtainable and the grounds for such relief  
7 heretofore available shall be available in every case, by  
8 proceedings commenced pursuant to this Section, regardless of  
9 the nature of the order or judgment from which relief is sought  
10 or of the proceedings in which it was entered. Except as  
11 provided in Section 6 of the Illinois Parentage Act of 1984,  
12 there shall be no distinction between actions and other  
13 proceedings, statutory or otherwise, as to availability of  
14 relief, grounds for relief or the relief obtainable.

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

26 (d) Except as provided in Section 20b of the Adoption Act

1 and Section 2-32 of the Juvenile Court Act of 1987 or in a  
2 petition based upon Section 116-3 of the Code of Criminal  
3 Procedure of 1963, the petition must be filed not later than 90  
4 days after the service member's release from military service.  
5 Time during which the person seeking relief is under legal  
6 disability or duress or the ground for relief is fraudulently  
7 concealed shall be excluded in computing the period for filing.

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

10 (f) Unless lack of jurisdiction affirmatively appears from  
11 the record proper, the vacation or modification of an order or  
12 judgment pursuant to the provisions of this Section does not  
13 affect the right, title or interest in or to any real or  
14 personal property of any person, not a party to the original  
15 action, acquired for value after the entry of the order or  
16 judgment but before the filing of the petition, nor affect any  
17 right of any person not a party to the original action under  
18 any certificate of sale issued before the filing of the  
19 petition, pursuant to a sale based on the order or judgment.

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

23 (735 ILCS 5/9-107.10)

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



1 (a) In this Section:

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

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

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

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

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

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

6           (c) In order to be eligible for the benefits granted to  
7 service members under this Section, a service member or a  
8 member of the service member's family who resides with the  
9 service member must provide the landlord or mobile home park  
10 operator with a copy of the ~~military or gubernatorial~~ orders  
11 calling the service member to military service in excess of 29  
12 consecutive days active duty and of any orders further  
13 extending the ~~service member's~~ period of service active duty.

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

17           (e) A violation of this Section constitutes a civil rights  
18 violation under the Illinois Human Rights Act. All proceeds  
19 from the collection of any civil penalty imposed pursuant to  
20 the Illinois Human Rights Act under this subsection shall be  
21 deposited into the Illinois Military Family Relief Fund.

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

23 (735 ILCS 5/9-206) (from Ch. 110, par. 9-206)

24 Sec. 9-206. Notice to terminate tenancy of farm land.  
25 Subject to the provisions of Section 16 of the Landlord and

1 Tenant Act, in ~~In~~ order to terminate tenancies from year to  
2 year of farm lands, occupied on a crop share, livestock share,  
3 cash rent or other rental basis, the notice to quit shall be  
4 given in writing not less than 4 months prior to the end of the  
5 year of letting. Such notice may not be waived in a verbal  
6 lease. The notice to quit may be substantially in the following  
7 form:

8 To A.B.: You are hereby notified that I have elected to  
9 terminate your lease of the farm premises now occupied by you,  
10 being (here describe the premises) and you are hereby further  
11 notified to quit and deliver up possession of the same to me at  
12 the end of the lease year, the last day of such year being  
13 (here insert the last day of the lease year).

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

15 (735 ILCS 5/15-1501.6 new)

16 Sec. 15-1501.6. Relief in mortgage foreclosure proceedings  
17 for military personnel in military service.

18 (a) In this Section:

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

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

1 National Guard of any state, the District of Columbia, a  
2 commonwealth, or a territory of the United States.

3 (b) In an action for foreclosure, a mortgagor who is a  
4 service member that has entered military service for a period  
5 greater than 29 consecutive days or any member of the  
6 mortgagor's family who resides with the mortgagor at the  
7 mortgaged premises, if the mortgagor entered into the mortgage  
8 agreement before the mortgagor received orders for military  
9 service on or after the effective date of this amendatory Act  
10 of the 97th General Assembly, may file a motion for relief and  
11 the court shall, if the mortgagor's ability to pay the agreed  
12 mortgage payments or to defend the foreclosure action or  
13 judicial sale is materially affected by the mortgagor's  
14 military service, do one or more of the following:

15 (1) stay the proceedings for a period of 90 days after  
16 the mortgagor returns from active duty, unless, in the  
17 opinion of the court, justice and equity require a longer  
18 or shorter period of time;

19 (2) adjust the obligation under the mortgage agreement  
20 by reducing the monthly payments and extend the term of the  
21 mortgage, provided that the adjustment preserves the  
22 interest of all parties to it; or

23 (3) stay a judicial sale of the property.

24 (c) If a mortgagor or any member of the mortgagor's family  
25 who resides with the mortgagor at the mortgaged premises files  
26 a motion under this Section, no judicial sale under this

1 Article may advance without a court order showing that the  
2 court considered the mortgagor's motion and considered staying  
3 the judicial sale.

4 (d) In order to be eligible for the benefits granted to a  
5 service member under this Section, a service member or a member  
6 of the service member's family who resides with the service  
7 member at the mortgaged premises must provide the court and the  
8 mortgagee with a copy of the orders calling the service member  
9 to military service in excess of 29 consecutive days and of any  
10 orders further extending the service member's period of  
11 service.

12 (e) If a stay is granted under this Section, the court may  
13 grant the mortgagee such relief as equity may require.

14 (f) The forms of relief available under this Section shall  
15 continue to be available up to 90 days after the completion of  
16 the service member's military service.

17 (g) In addition to any sanction available to the court for  
18 violation of a stay or order, a violation of this Section  
19 constitutes a civil rights violation under the Illinois Human  
20 Rights Act. All proceeds from the collection of any civil  
21 penalty imposed pursuant to the Illinois Human Rights Act under  
22 this subsection shall be deposited into the Illinois Military  
23 Family Relief Fund.

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

1 (765 ILCS 705/16 new)

2 Sec. 16. Military personnel in military service; right to  
3 terminate lease.

4 (a) In this Section:

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

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

14 (b) A tenant who is a service member that has entered  
15 military service for a period greater than 29 consecutive days  
16 or any member of the tenant's family who resides with the  
17 tenant at the leased premises may terminate a lease for a  
18 mobile home lot, residential premises, non-residential  
19 premises, or farm or agricultural real property if the tenant  
20 enters military service for greater than 29 consecutive days  
21 after executing the lease or the tenant, while in military  
22 service, receives military orders for a permanent change of  
23 station or to deploy with a military unit or as an individual  
24 in support of a military operation for a period of not less  
25 than 90 days, regardless of whether the lease was signed before

1 or during military service. This provision applies to leases  
2 executed on or after the effective date of this amendatory Act  
3 of the 97th General Assembly.

4 (c) In order to exercise the right to terminate the lease  
5 granted to a service member under this Section, a service  
6 member or a member of the service member's family who resides  
7 with the service member at the leased premises must provide the  
8 landlord or mobile home park operator with a copy of the orders  
9 calling the service member to military service in excess of 29  
10 consecutive days and of any orders further extending the  
11 service member's period of service.

12 (d) Termination of the lease is effective 30 days after the  
13 delivery of the notice to the landlord, except that if rent is  
14 paid in monthly installments the termination is effective 30  
15 days after the next rental payment due date after the date of  
16 the notice to the landlord. If any rent payment was made in  
17 advance, the landlord must return any unearned portion and the  
18 landlord must return any security deposit paid, except to the  
19 extent that there are actual damages or repairs to be paid from  
20 the security deposit as provided in the lease agreement.

21 (e) A landlord's failure to accept a service member's  
22 termination of a lease that is effected pursuant to this  
23 Section imposed by this Section constitutes a civil rights  
24 violation under the Illinois Human Rights Act. All proceeds  
25 from the collection of any civil penalty imposed under this  
26 subsection shall be deposited into the Illinois Military Family

1 Relief Fund.

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

4 (775 ILCS 5/6-102)

5 Sec. 6-102. Violations of other Acts. A person who violates  
6 the Military Leave of Absence Act, the Public Employee Armed  
7 Services Rights Act, Section 11-117-12.2 of the Illinois  
8 Municipal Code, Section 224.05 of the Illinois Insurance Code,  
9 Section 8-201.5 of the Public Utilities Act, Sections 2-1401.1,  
10 9-107.10, 9-107.11, and 15-1501.6 ~~Section 9-107.10~~ of the Code  
11 of Civil Procedure, Section 4.05 of the Interest Act, the  
12 Military Personnel Cellular Phone Contract Termination Act,  
13 Section 405-272 of the Civil Administrative Code of Illinois,  
14 Section 10-63 of the Illinois Administrative Procedure Act,  
15 Sections 30.25 and 30.30 of the Military Code of Illinois,  
16 Section 16 of the Landlord and Tenant Act, Section 26.5 of the  
17 Retail Installment Sales Act, or Section 37 of the Motor  
18 Vehicle Leasing Act commits a civil rights violation within the  
19 meaning of this Act.

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

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



1 (810 ILCS 5/9-610)

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

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

7 (b) Commercially reasonable disposition. Every aspect of a  
8 disposition of collateral, including the method, manner, time,  
9 place, and other terms, must be commercially reasonable. If  
10 commercially reasonable, a secured party may dispose of  
11 collateral by public or private proceedings, by one or more  
12 contracts, as a unit or in parcels, and at any time and place  
13 and on any terms.

14 (c) Purchase by secured party. A secured party may purchase  
15 collateral:

16 (1) at a public disposition; or

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

21 (d) Warranties on disposition. A contract for sale, lease,  
22 license, or other disposition includes the warranties relating  
23 to title, possession, quiet enjoyment, and the like which by  
24 operation of law accompany a voluntary disposition of property  
25 of the kind subject to the contract.

26 (e) Disclaimer of warranties. A secured party may disclaim

1 or modify warranties under subsection (d):

2 (1) in a manner that would be effective to disclaim or  
3 modify the warranties in a voluntary disposition of  
4 property of the kind subject to the contract of  
5 disposition; or

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

9 (f) Record sufficient to disclaim warranties. A record is  
10 sufficient to disclaim warranties under subsection (e) if it  
11 indicates "There is no warranty relating to title, possession,  
12 quiet enjoyment, or the like in this disposition" or uses words  
13 of similar import.

14 (g) The provisions of this Section are subject to Section  
15 26.5 of the Retail Installment Sales Act.

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

17 Section 960. The Interest Act is amended by changing  
18 Section 4.05 as follows:

19 (815 ILCS 205/4.05)

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

22 (a) In this Section:

23 "Military service" means any full-time training or duty no  
24 matter how described under federal or State law for which a

1 service member is ordered to report by the President, Governor  
2 of a state, commonwealth, or territory of the United States, or  
3 other appropriate military authority.

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

7 "Obligation" means any retail installment sales contract,  
8 other contract for the purchase of goods or services, or bond,  
9 bill, note, or other instrument of writing for the payment of  
10 money arising out of a contract or other transaction for the  
11 purchase of goods or services.

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

18 (b) Notwithstanding any contrary provision of State law,  
19 but subject to the federal Servicemembers Civil Relief Act, no  
20 creditor in connection with an obligation entered into on or  
21 after the effective date of this amendatory Act of the 94th  
22 General Assembly, but prior to a service member's period of  
23 military service ~~deployment on active duty~~, shall charge or  
24 collect from a service member who has entered military service  
25 ~~is deployed on active duty~~, or the spouse of that service  
26 member, interest or finance charges exceeding 6% per annum

1 during the period of military service ~~that the service member~~  
2 ~~is deployed on active duty.~~

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

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

13 (e) In order for an obligation to be subject to the  
14 interest and finance charges limitation of this Section, the  
15 service member who has entered military service ~~deployed on~~  
16 ~~active duty~~, or the spouse of that service member, shall  
17 provide the creditor with written notice of and a copy of the  
18 ~~military or gubernatorial~~ orders calling the service member to  
19 military service in excess of 29 consecutive days ~~active duty~~  
20 and of any orders further extending the service member's period  
21 of service ~~active duty~~, not later than 180 days after the date  
22 of the service member's termination of or release from military  
23 service ~~active duty~~.

24 (f) Upon receipt of the written notice and a copy of the  
25 orders referred to in subsection (e), the creditor shall treat  
26 the obligation in accordance with subsection (b), effective as

1 of the date on which the service member entered military  
2 service ~~is deployed to active duty.~~

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

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

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

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

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

20 (815 ILCS 405/26.5 new)

21 Sec. 26.5. Relief concerning a retail installment contract  
22 default for military personnel in military service.

23 (a) In this Section:

24 "Military service" means any full-time training or duty no

1 matter how described under federal or State law for which a  
2 service member is ordered to report by the President, Governor  
3 of a state, commonwealth, or territory of the United States, or  
4 other appropriate military authority.

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

9 (b) With respect to any act taken by a holder pursuant to  
10 Section 26, a buyer who is a service member that has entered  
11 military service, if the buyer entered into the retail  
12 installment contract before the buyer entered military service  
13 and on or after the effective date of this amendatory Act of  
14 the 97th General Assembly may file a petition for relief, and  
15 the court shall do one or more of the following if the buyer's  
16 ability to pay the agreed retail installment contract payments  
17 is materially affected by the buyer's military service:

18 (1) stay any repossession of goods subject to the  
19 retail install contract for a period of 90 days after the  
20 buyer returns from military service, unless, in the opinion  
21 of the court, justice and equity require a longer or  
22 shorter period of time;

23 (2) adjust the obligation under the retail installment  
24 contract by reducing the monthly payments and extending the  
25 term of the contract, provided that the adjustment  
26 preserves the interest of all parties to the contract; or

1           (3) stay the repossession of the goods or collateral  
2           subject to the retail install contract or stay the  
3           disposition of repossessed goods or collateral subject to  
4           the retail install contract.

5           (c) In order to be eligible for the benefits granted to a  
6           service member under this Section, a service member must  
7           provide the court and the holder with a copy of the orders  
8           calling the service member to military service in excess of 29  
9           consecutive days and of any orders further extending the  
10          service member's period of service.

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

13          (e) In addition to any sanction available to the court for  
14          violation of a stay or order, a violation of this Section  
15          constitutes a civil rights violation under the Illinois Human  
16          Rights Act. All proceeds from the collection of any civil  
17          penalty imposed pursuant to the Illinois Human Rights Act under  
18          this subsection shall be deposited into the Illinois Military  
19          Family Relief Fund.

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

23           (815 ILCS 633/5)

24           Sec. 5. Definition. In this Act:

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

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

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

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

16       (815 ILCS 633/10)

17       Sec. 10. Termination of cellular phone contract without  
18 penalty. Any service member who enters military service ~~is~~  
19 ~~deployed on active duty~~, or the spouse of that service member,  
20 may terminate, without penalty, a cellular phone contract that  
21 meets all ~~both~~ of the following requirements:

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

24           (2) The contract is executed by or on behalf of the  
25 service member who has entered military service ~~is deployed~~



1 ~~on active duty.~~

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

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

6 (815 ILCS 633/15)

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

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

18 (2) unless the service member who enters military  
19 service ~~is deployed on active duty~~ owns the cellular phone,  
20 the cellular phone is returned to the custody or control of  
21 the cellular telephone company, or the service member who  
22 enters military service ~~is deployed on active duty~~ or the  
23 service member's spouse agrees in writing to return the  
24 cellular phone as soon as practical after the military  
25 service ~~deployment~~ is completed.

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

2 (815 ILCS 633/22)

3 Sec. 22. Violation. A violation of this Act constitutes a  
4 civil rights violation under the Illinois Human Rights Act. All  
5 proceeds from the collection of any civil penalty imposed under  
6 this Section shall be deposited into the Illinois Military  
7 Family Relief Fund.

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

9 Section 975. The Motor Vehicle Leasing Act is amended by  
10 changing Section 37 as follows:

11 (815 ILCS 636/37)

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

14 (a) In this Act:

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

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

23 "Motor vehicle" means any automobile, car minivan,

1 passenger van, sport utility vehicle, pickup truck, or other  
2 self-propelled vehicle not operated or driven on fixed rails or  
3 track.

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

10 (b) Any service member who enters military service ~~is~~  
11 ~~deployed on active duty~~ for a period of not less than 180 days,  
12 or the spouse of that service member, may terminate any motor  
13 vehicle lease that meets both of the following requirements:

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

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

19 (c) Termination of the motor vehicle lease shall not be  
20 effective until:

21 (1) the service member who has entered military service  
22 ~~is deployed on active duty~~, or the service member's spouse,  
23 gives the lessor by certified mail, return receipt  
24 requested, a notice of the intention to terminate the lease  
25 together with a copy of the ~~military or gubernatorial~~  
26 orders calling the service member to military service

1       ~~active duty~~ and of any orders further extending the service  
2       member's period of service ~~active duty~~; and

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

6       (d) Lease amounts unpaid for the period preceding the  
7       effective date of the lease's termination shall be paid on a  
8       prorated basis. The lessor may not impose an early termination  
9       charge, but any taxes, costs of summons, and title or  
10       registration fees and any other obligation and liability of the  
11       lessee under the terms of the lease, including reasonable  
12       charges to the lessee for excess wear, use, and mileage, that  
13       are due and unpaid at the time of the lease's termination shall  
14       be paid by the lessee.

15       (e) The lessor shall refund to the lessee lease amounts  
16       paid in advance for a period after the effective date of the  
17       lease's termination within 30 days after the effective date of  
18       the lease's termination.

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

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

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

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

1	INDEX
2	Statutes amended in order of appearance
3	New Act
4	5 ILCS 100/10-63 new
5	20 ILCS 5/5-715 new
6	20 ILCS 405/405-272
7	20 ILCS 1805/30.25
8	20 ILCS 1805/30.30
9	65 ILCS 5/11-117-12.2
10	215 ILCS 5/224.05
11	220 ILCS 5/8-201.5
12	330 ILCS 60/5.2
13	735 ILCS 5/2-1401.1 new
14	735 ILCS 5/9-107.10
15	735 ILCS 5/9-206 from Ch. 110, par. 9-206
16	735 ILCS 5/15-1501.6 new
17	765 ILCS 705/16 new
18	775 ILCS 5/6-102
19	810 ILCS 5/9-610
20	815 ILCS 205/4.05
21	815 ILCS 405/26.5 new
22	815 ILCS 633/5
23	815 ILCS 633/10
24	815 ILCS 633/15
25	815 ILCS 633/22

1 815 ILCS 636/37