

1 AN ACT concerning regulation.

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

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

7 (210 ILCS 117/Act title)

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

11 (210 ILCS 117/10)

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

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

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

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

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

1 a manufactured home.

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

7 "Mobile home park" has the meaning provided under Section
8 2.5 of the Mobile Home Park Act.

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

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

15 (210 ILCS 117/10.1 new)

16 Sec. 10.1. Proceedings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (e) The judgment shall clearly recite that a declaration of
16 abandonment has been granted and that the manufactured home
17 will be removed from the mobile home park no later than the
18 30th day after the delivery of the judgment unless an alternate
19 disposition is ordered under subsection (f).

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

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

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

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

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

7 (210 ILCS 117/15)

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

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

24 Section 10. The Illinois Vehicle Code is amended by

1 changing Section 3-117.1 as follows:

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

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

5 (a) Except as provided in Chapter 4 and Section 3-117.3 of
6 this Code, a person who possesses a junk vehicle shall within
7 15 days cause the certificate of title, salvage certificate,
8 certificate of purchase, or a similarly acceptable out of state
9 document of ownership to be surrendered to the Secretary of
10 State along with an application for a junking certificate,
11 except as provided in Section 3-117.2, whereupon the Secretary
12 of State shall issue to such a person a junking certificate,
13 which shall authorize the holder thereof to possess, transport,
14 or, by an endorsement, transfer ownership in such junked
15 vehicle, and a certificate of title shall not again be issued
16 for such vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1.1) When a vehicle of a self-insured company is to be
6 sold in the State of Illinois and has sustained damaged by
7 collision, fire, theft, rust corrosion, or other means so
8 that the self-insured company determines the vehicle to be
9 a total loss, or if the cost of repairing the damage,
10 including labor, would be greater than 70% of its fair
11 market value without that damage, the vehicle shall be
12 considered salvage. The self-insured company shall
13 promptly deliver the certificate of title along with proper
14 application and fee to the Secretary of State, and a
15 salvage certificate shall be issued in the name of the
16 self-insured company. A self-insured company making
17 payment of damages on a total loss claim for the theft of a
18 vehicle may exchange the salvage certificate for a
19 certificate of title if the vehicle is recovered without
20 damage. In such a situation, the self-insured shall fill
21 out and sign a form prescribed by the Secretary of State
22 which contains an affirmation under penalty of perjury that
23 the vehicle was recovered without damage and the Secretary
24 of State may, by rule, require photographs to be submitted.

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

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

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

1 If the lienholder determines that such vehicle is damaged
2 in excess of 33 1/3% of such fair market value, the
3 lienholder shall, before sale, transfer or assignment of
4 the vehicle, make application for a salvage certificate,
5 and shall submit with such application the proper fee and
6 evidence of possession. If the facts required to be shown
7 in subsection (f) of Section 3-114 are satisfied, the
8 Secretary of State shall issue a salvage certificate in the
9 name of the lienholder making the application. In any case
10 wherein the vehicle repossessed is not damaged in excess of
11 33 1/3% of its fair market value, the lienholder shall
12 comply with the requirements of subsections (f), (f-5), and
13 (f-10) of Section 3-114, except that the affidavit of
14 repossession made by or on behalf of the lienholder shall
15 also contain an affirmation under penalty of perjury that
16 the vehicle on the date of sale is not damaged in excess of
17 33 1/3% of its fair market value. If the facts required to
18 be shown in subsection (f) of Section 3-114 are satisfied,
19 the Secretary of State shall issue a certificate of title
20 as set forth in Section 3-116 of this Code. The Secretary
21 of State may by rule or regulation require photographs to
22 be submitted.

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

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

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

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

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

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

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

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

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