

1 AN ACT concerning revenue.

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 Manufactured Home Installation Act.

6 Section 3. Legislative intent. The General Assembly finds
7 that:

8 Manufactured homes provide the only affordable home
9 ownership resource for many citizens in Illinois.

10 Manufactured home parks play an essential role in meeting
11 the affordable housing needs of Illinois communities.

12 Manufactured home parks provide an unsubsidized affordable
13 housing option that meets the needs of society's most
14 vulnerable citizens: low-income and moderate-income
15 socio-economic groups, including senior citizens and others
16 that are less capable economically but still require safe and
17 affordable housing.

18 Manufactured home parks are licensed, regulated, or
19 inspected by government agencies to ensure that State, county,
20 and municipal rules and regulations are enforced.

21 Manufactured home park owners pay for and provide their
22 tenants with a substantial number of services that homeowners
23 outside a manufactured home park obtain through taxpayer funded

1 government sources and subsidies.

2 Manufactured home parks have a lease requirement that sets
3 standards of behavior and responsibility through the
4 enforcement of rules and regulations, and compliance with these
5 requirements can significantly diminish local government
6 police costs.

7 Section 5. Definitions. As used in this Act:

8 "Manufactured home" means a factory-assembled, completely
9 integrated structure designed for permanent habitation, with a
10 permanent chassis, and so constructed as to permit its
11 transport, on wheels temporarily or permanently attached to its
12 frame, and is a movable or portable unit that is (i) 8 body
13 feet or more in width, (ii) 40 body feet or more in length, and
14 (iii) 320 or more square feet, constructed to be towed on its
15 own chassis (comprised of frame and wheels) from the place of
16 its construction to the location, or subsequent locations, at
17 which it is installed and set up according to the
18 manufacturer's instructions and connected to utilities for
19 year-round occupancy for use as a permanent habitation, and
20 designed and situated so as to permit its occupancy as a
21 dwelling place for one or more persons. The term shall include
22 units containing parts that may be folded, collapsed, or
23 telescoped when being towed and that may be expected to provide
24 additional cubic capacity, and that are designed to be joined
25 into one integral unit capable of being separated again into

1 the components for repeated towing. The term excludes campers
2 and recreational vehicles. Mobile homes and manufactured homes
3 in mobile home parks must be assessed and taxed as chattel.
4 Mobile homes and manufactured homes outside of mobile home
5 parks must be assessed and taxed as real property. The words
6 "mobile home" and "manufactured home" are synonymous for the
7 purposes of this Act.

8 The construction of mobile type dwellings known as
9 "manufactured homes" is regulated by the U.S. Department of
10 Housing and Urban Development. All mobile type homes
11 constructed after June 15, 1976, are manufactured homes and
12 must comply with the National Manufactured Home and
13 Construction Safety Standards; State and units of local
14 government are preempted from imposing any additional
15 construction requirements. The installation of these homes
16 must comply with the Manufactured Home Quality Assurance Act
17 and the Manufactured Home Installation Code (77 Ill. Adm. Code
18 870). The location of these homes is subject to local zoning
19 and covenant codes.

20 Section 25 of the Manufactured Home Quality Assurance Act
21 requires licensed manufactured home installers to obtain from
22 the Department of Health a Manufactured Home Installation Seal.
23 The seal is to be placed on the exterior of the manufactured
24 home above the HUD label after the installation is completed by
25 the licensed manufactured home installer, in accordance with
26 the Manufactured Home Installation Code (77 Ill. Adm. Code

1 870).

2 "Mobile home park" means a tract of land or 2 contiguous
3 tracts of land that contain sites with the necessary utilities
4 for 5 or more mobile homes or manufactured homes. A mobile home
5 park may be operated either free of charge or for revenue
6 purposes. A mobile home or manufactured home installed in a
7 mobile home park must not be assessed and taxed as real
8 property and shall be taxed under the Mobile Home Local
9 Services Tax Act.

10 Section 10. Installation requirements; classification as
11 real property.

12 (a) Except as provided in subsection (b), a mobile home or
13 manufactured home installed on private property that is not in
14 a mobile home park on or after the effective date of this Act
15 must be installed in accordance with the manufacturer's
16 instructions and classified, assessed, and taxed as real
17 property.

18 (b) Mobile homes and manufactured homes that (i) are
19 located outside of mobile home parks and (ii) are taxed under
20 the Mobile Home Local Services Tax Act on the effective date of
21 this Act must continue to be taxed under the Mobile Home Local
22 Services Tax Act and shall not be classified, assessed, and
23 taxed as real property until the home is sold or transferred or
24 until the home is relocated to a different parcel of land
25 outside of a mobile home park. If a mobile home described in

1 this subsection (b) is sold, transferred, or relocated to a
2 different parcel of land outside of a mobile home park, then
3 the home shall be classified, assessed, and taxed as real
4 property. Mobile homes and manufactured homes that are
5 classified, assessed, and taxed as real property on the
6 effective date of this Act shall continue to be classified,
7 assessed, and taxed as real property. The owner of a mobile
8 home or manufactured home that is located outside of a mobile
9 home park may file a request with the Department of Revenue
10 that the home be classified, assessed, and taxed as real
11 property.

12 (c) Mobile homes and manufactured homes that are located in
13 mobile home parks must be taxed according to the Mobile Home
14 Local Services Tax Act.

15 Section 805. The Property Tax Code is amended by changing
16 Section 1-130 as follows:

17 (35 ILCS 200/1-130)

18 Sec. 1-130. Property; real property; real estate; land;
19 tract; lot.

20 (a) The land itself, with all things contained therein, and
21 also all buildings, structures and improvements, and other
22 ~~permanent~~ fixtures thereon, including all oil, gas, coal, and
23 other minerals in the land and the right to remove oil, gas and
24 other minerals, excluding coal, from the land, and all rights

1 and privileges belonging or pertaining thereto, except where
2 otherwise specified by this Code. ~~Included therein is any~~
3 ~~vehicle or similar portable structure used or so constructed as~~
4 ~~to permit its use as a dwelling place, if the structure is~~
5 ~~resting in whole on a permanent foundation.~~ Not included
6 therein are low-income housing tax credits authorized by
7 Section 42 of the Internal Revenue Code, 26 U.S.C. 42.

8 (b) Notwithstanding any other provision of law, mobile
9 homes and manufactured homes that (i) are located outside of
10 mobile home parks and (ii) are taxed under the Mobile Home
11 Local Services Tax Act on the effective date of this amendatory
12 Act of the 96th General Assembly shall continue to be taxed
13 under the Mobile Home Local Services Tax Act and shall not be
14 classified, assessed, and taxed as real property until the home
15 is sold or transferred or until the home is relocated to a
16 different parcel of land outside of a mobile home park. If a
17 mobile home described in this subsection (b) is sold,
18 transferred, or relocated to a different parcel of land outside
19 of a mobile home park, then the home shall be classified,
20 assessed, and taxed as real property. Mobile homes and
21 manufactured homes that are classified, assessed, and taxed as
22 real property on the effective date of this amendatory Act of
23 the 96th General Assembly shall continue to be classified,
24 assessed, and taxed as real property. If a mobile or
25 manufactured home that is located outside of a mobile home park
26 is relocated to a mobile home park, it must be considered

1 chattel and must be taxed according to the Mobile Home Local
2 Services Tax Act. The owner of a mobile home or manufactured
3 home that is located outside of a mobile home park may file a
4 request with the county that the home be classified, assessed,
5 and taxed as real property.

6 (c) Mobile homes and manufactured homes that are located in
7 mobile home parks must be considered chattel and must be taxed
8 according to the Mobile Home Local Services Tax Act.

9 (d) If the provisions of this Section conflict with the
10 Illinois Manufactured Housing and Mobile Home Safety Act, the
11 Mobile Home Local Services Tax Act, the Mobile Home Park Act,
12 or any other provision of law with respect to the taxation of
13 mobile homes or manufactured homes located outside of mobile
14 home parks, the provisions of this Section shall control.

15 (Source: P.A. 91-502, eff. 8-13-99.)

16 Section 810. The Mobile Home Local Services Tax Act is
17 amended by changing Sections 1 and 4 as follows:

18 (35 ILCS 515/1) (from Ch. 120, par. 1201)

19 Sec. 1. (a) Except as provided in subsections (b) and (c),
20 as ~~As~~ used in this Act, "manufactured home" means a
21 factory-assembled, completely integrated structure designed
22 for permanent habitation, with a permanent chassis, and so
23 constructed as to permit its transport, on wheels temporarily
24 or permanently attached to its frame, and is a movable or

1 portable unit that is (i) 8 body feet or more in width, (ii) 40
2 body feet or more in length, and (iii) 320 or more square feet,
3 constructed to be towed on its own chassis (comprised of frame
4 and wheels) from the place of its construction to the location,
5 or subsequent locations, at which it is installed and set up
6 according to the manufacturer's instructions and connected to
7 utilities for year-round occupancy for use as a permanent
8 habitation, and designed and situated so as to permit its
9 occupancy as a dwelling place for one or more persons. The term
10 shall include units containing parts that may be folded,
11 collapsed, or telescoped when being towed and that may be
12 expected to provide additional cubic capacity, and that are
13 designed to be joined into one integral unit capable of being
14 separated again into the components for repeated towing. The
15 term excludes campers and recreational vehicles. Mobile homes
16 and manufactured homes in mobile home parks must be assessed
17 and taxed as chattel. Mobile homes and manufactured homes
18 outside of mobile home parks must be assessed and taxed as real
19 property. The words "mobile home" and "manufactured home" are
20 synonymous for the purposes of this Act. Any "mobile home"
21 means a factory assembled structure designed for permanent
22 habitation and so constructed as to permit its transport on
23 wheels, temporarily or permanently attached to its frame, from
24 the place of its construction to the location, or subsequent
25 locations, and placement on a temporary foundation, at which it
26 is intended to be a permanent habitation, and situated so as to

1 ~~permit the occupancy thereof as a dwelling place for one or~~
2 ~~more persons, provided that any such structure located outside~~
3 ~~of a mobile home park resting in whole on a permanent~~
4 ~~foundation, with wheels, tongue and hitch removed at the time~~
5 ~~of registration provided for in Section 4 of this Act, shall~~
6 ~~not be construed as chattel a "mobile home", but must ~~shall~~ be~~
7 ~~assessed and taxed as real property as defined by Section 1-130~~
8 ~~of the Property Tax Code. All mobile homes located inside~~
9 ~~mobile home parks must be considered as chattel and taxed~~
10 ~~according to this Act. Mobile homes owned by a corporation or~~
11 ~~partnership and on which personal property taxes are paid as~~
12 ~~required under the Revenue Act of 1939 shall not be subject to~~
13 ~~this tax.~~ Mobile homes located on a dealer's lot for resale
14 purposes or as a temporary ~~an~~ office shall not be subject to
15 this tax.

16 (b) Mobile homes and manufactured homes that (i) are
17 located outside of mobile home parks and (ii) are taxed under
18 this Act on the effective date of this amendatory Act of the
19 96th General Assembly must continue to be taxed under this Act
20 and shall not be classified, assessed, and taxed as real
21 property until the home is sold, transferred, or relocated to a
22 different parcel of land outside of a mobile home park. If a
23 mobile home described in this subsection (b) is sold,
24 transferred, or relocated to a different parcel of land outside
25 of a mobile home park, then the home must be classified,
26 assessed, and taxed as real property. Mobile homes and

1 manufactured homes that are classified, assessed, and taxed as
2 real property on the effective date of this amendatory Act of
3 the 96th General Assembly must continue to be classified,
4 assessed, and taxed as real property. If a mobile or
5 manufactured home that is located outside of a mobile home park
6 is relocated to a mobile home park, the home must be considered
7 chattel and must be taxed according to the Mobile Home Local
8 Services Tax Act. The owner of a mobile home or manufactured
9 home that is located outside of a mobile home park may file a
10 request with the county that the home be classified, assessed,
11 and taxed as real property.

12 (c) Mobile homes and manufactured homes that are located in
13 mobile home parks must be considered chattel and must be taxed
14 according to this Act.

15 (Source: P.A. 88-670, eff. 12-2-94.)

16 (35 ILCS 515/4) (from Ch. 120, par. 1204)

17 Sec. 4. The owner of each inhabited mobile home located in
18 this State, but not located inside of a mobile home park, on
19 the effective date of this amendatory Act of the 96th General
20 Assembly Act shall, within 30 days after such date, file with
21 the township assessor, if any, or with the Supervisor of
22 Assessments or county assessor if there is no township
23 assessor, or with the county assessor in those counties in
24 which a county assessor is elected pursuant to Section 3-45 of
25 the Property Tax Code, a mobile home registration form

1 containing the information hereinafter specified and record a
2 signed copy of the title or certificate of origin in the county
3 where the home is located or surrender the signed title or
4 certificate of origin to be held by the county until such time
5 as the home is to be removed from the county. Mobile home park
6 operators shall forward a copy of the mobile home registration
7 form provided in Section 12 of "An Act to provide for, license
8 and regulate mobile homes and mobile home parks and to repeal
9 an Act named herein", approved September 8, 1971, as amended,
10 to the township assessor, if any, or to Supervisor of
11 Assessments or county assessor if there is no township
12 assessor, or to the county assessor in those counties in which
13 a county assessor is elected pursuant to Section 3-45 of the
14 Property Tax Code, within 5 days of the entry of a mobile home
15 into such park. The owner of a mobile home not located in a
16 mobile home park shall, within 30 days after initial placement
17 of such mobile home in any county and within 30 days after
18 movement of such mobile home to a new location, file with the
19 county assessor, Supervisor of Assessments or township
20 assessor, as the case may be, a mobile home registration
21 showing the name and address of the owner and every occupant of
22 the mobile home, the location of the mobile home, the year of
23 manufacture, and the square feet of floor space contained in
24 such mobile home together with the date that the mobile home
25 became inhabited, was initially installed and set up ~~placed~~ in
26 the county, or was moved to a new location. Such registration

1 shall also include the license number of such mobile home and
2 of the towing vehicle, if there be any, and the State issuing
3 such licenses. In the case of a mobile home not located in a
4 mobile home park, the ~~The~~ registration shall be signed by the
5 owner or occupant of the mobile home and the title or
6 certificate of origin shall be signed and recorded in the
7 county where the home is located or surrendered to the county
8 and held until such time the home is removed from the county.
9 Titles or certificates of origin held by a mortgage company on
10 the home shall be signed and recorded in the county where
11 located or surrendered to the county once the mortgage is
12 released. Failure to record or surrender the title or
13 certificate of origin shall not prevent the home from being
14 assessed and taxed as real property. It is the duty of each
15 township assessor, if any, and each Supervisor of Assessments
16 or county assessor if there is no township assessor, or the
17 county assessor in those counties in which a county assessor is
18 elected pursuant to Section 3-45 of the Property Tax Code, to
19 require timely filing of a properly completed registration for
20 each mobile home located in his or her township or county, as
21 the case may be. Any person furnishing misinformation for
22 purposes of registration or failing to file a required
23 registration is guilty of a Class A misdemeanor. This Section
24 applies only when the tax permitted by Section 3 has been
25 imposed on mobile homes located inside mobile home parks.

26 (Source: P.A. 88-670, eff. 12-2-94.)

1 Section 815. The Illinois Municipal Code is amended by
2 changing Section 2-3-1.1 as follows:

3 (65 ILCS 5/2-3-1.1) (from Ch. 24, par. 2-3-1.1)

4 Sec. 2-3-1.1. As used in this Division 3, "immobile
5 dwelling" means any dwelling place except a tent, camp trailer
6 or house car whether or not such tent, camp trailer or house
7 car is placed on a foundation or otherwise ~~permanently~~ affixed
8 to the realty, and except a house trailer, unless such house
9 trailer is situated on a support system ~~permanent foundation~~
10 and is assessed as real property pursuant to the Property Tax
11 Code.

12 (Source: P.A. 88-670, eff. 12-2-94.)

13 Section 900. The Mobile Home Park Act is amended by
14 changing Section 2.1 as follows:

15 (210 ILCS 115/2.1) (from Ch. 111 1/2, par. 712.1)

16 Sec. 2.1. "Manufactured home" means a factory-assembled,
17 completely integrated structure designed for permanent
18 habitation, with a permanent chassis, and so constructed as to
19 permit its transport, on wheels temporarily or permanently
20 attached to its frame, and is a movable or portable unit that
21 is (i) 8 body feet or more in width, (ii) 40 body feet or more
22 in length, and (iii) 320 or more square feet, constructed to be

1 towed on its own chassis (comprised of frame and wheels) from
2 the place of its construction to the location, or subsequent
3 locations, at which it is installed and set up according to the
4 manufacturer's instructions and connected to utilities for
5 year-round occupancy for use as a permanent habitation, and
6 designed and situated so as to permit its occupancy as a
7 dwelling place for one or more persons. The term shall include
8 units containing parts that may be folded, collapsed, or
9 telescoped when being towed and that may be expected to provide
10 additional cubic capacity, and that are designed to be joined
11 into one integral unit capable of being separated again into
12 the components for repeated towing. The term excludes campers
13 and recreational vehicles. "Mobile home" means a structure
14 designed for permanent habitation and so constructed as to
15 permit its transport on wheels, temporarily or permanently
16 attached to its frame, from the place of its construction to
17 the location, or subsequent locations, at which it is intended
18 to be a permanent habitation and designed to permit the
19 occupancy thereof as a dwelling place for 1 or more persons.
20 The term "mobile home" shall not include modular homes and
21 their support systems ~~include manufactured homes constructed~~
22 ~~after June 30, 1976, in accordance with the Federal "National~~
23 ~~Manufactured Housing Construction and Safety Standards Act of~~
24 ~~1974".~~

25 (Source: P.A. 85-565.)

1 Section 903. The Abandoned Mobile Home Act is amended by
2 changing Section 10 as follows:

3 (210 ILCS 117/10)

4 Sec. 10. Definitions.

5 "Manufactured home" means a factory-assembled, completely
6 integrated structure designed for permanent habitation, with a
7 permanent chassis, and so constructed as to permit its
8 transport, on wheels temporarily or permanently attached to its
9 frame, and is a movable or portable unit that is (i) 8 body
10 feet or more in width, (ii) 40 body feet or more in length, and
11 (iii) 320 or more square feet, constructed to be towed on its
12 own chassis (comprised of frame and wheels) from the place of
13 its construction to the location, or subsequent locations, at
14 which it is installed and set up according to the
15 manufacturer's instructions and connected to utilities for
16 year-round occupancy for use as a permanent habitation, and
17 designed and situated so as to permit its occupancy as a
18 dwelling place for one or more persons. The term shall include
19 units containing parts that may be folded, collapsed, or
20 telescoped when being towed and that may be expected to provide
21 additional cubic capacity, and that are designed to be joined
22 into one integral unit capable of being separated again into
23 the components for repeated towing. The term excludes campers
24 and recreational vehicles. ~~"Mobile home" means a structure~~
25 designed for permanent habitation and constructed to permit its

1 ~~transport on wheels, temporarily or permanently attached to its~~
2 ~~frame, from its place of construction to a location where it is~~
3 ~~intended to be a permanent habitation. "Mobile home" does not~~
4 ~~include a structure that is served by individual utilities and~~
5 ~~that rests on a permanent foundation with its wheels, tongue,~~
6 ~~and hitch permanently removed.~~

7 "Abandoned mobile home" means a mobile home that has no
8 owner currently residing in the mobile home or authorized
9 tenant of the owner currently residing in the mobile home to
10 the best knowledge of the municipality; has had its
11 electricity, natural gas, sewer, and water payments declared
12 delinquent by the utility companies that are providing such
13 services; and for which the Mobile Home Privilege Tax, imposed
14 under the Mobile Home Local Services Tax Act, is delinquent for
15 at least 3 months.

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

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

22 Section 905. The Illinois Manufactured Housing and Mobile
23 Home Safety Act is amended by changing Section 2 as follows:

24 (430 ILCS 115/2) (from Ch. 67 1/2, par. 502)

1 Sec. 2. Unless clearly indicated otherwise by the context,
2 the following words and terms when used in this Act, for the
3 purpose of this Act, shall have the following meanings:

4 (a) "Manufactured home" means a factory-assembled,
5 completely integrated structure designed for permanent
6 habitation, with a permanent chassis, and so constructed as to
7 permit its transport, on wheels temporarily or permanently
8 attached to its frame, and is a movable or portable unit that
9 is (i) 8 body feet or more in width, (ii) 40 body feet or more
10 in length, and (iii) 320 or more square feet, constructed to be
11 towed on its own chassis (comprised of frame and wheels) from
12 the place of its construction to the location, or subsequent
13 locations, at which it is installed and set up according to the
14 manufacturer's instructions and connected to utilities for
15 year-round occupancy for use as a permanent habitation, and
16 designed and situated so as to permit its occupancy as a
17 dwelling place for one or more persons. The term shall include
18 units containing parts that may be folded, collapsed, or
19 telescoped when being towed and that may be expected to provide
20 additional cubic capacity, and that are designed to be joined
21 into one integral unit capable of being separated again into
22 the components for repeated towing. The term excludes campers
23 and recreational vehicles. The terms "mobile home" and
24 "manufactured home" do not include modular homes or
25 manufactured housing units. ~~"Mobile home" means a movable or~~
26 ~~portable unit, which is 8 body feet or more in width and is 32~~

1 ~~body feet or more in length, and constructed to be towed on its~~
2 ~~own chassis (comprised of frame and wheels) from the place of~~
3 ~~construction to the location or subsequent locations, subject~~
4 ~~to the provisions of Chapter 15 of The Illinois Vehicle Code,~~
5 ~~and designed to be used without a permanent foundation and~~
6 ~~connected to utilities for year round occupancy with or without~~
7 ~~a permanent foundation. The term shall include: (1) units~~
8 ~~containing parts that may be folded, collapsed, or telescoped~~
9 ~~when being towed and that may be expanded to provide additional~~
10 ~~cubic capacity, and (2) units composed of two or more~~
11 ~~separately towable components designed to be joined into one~~
12 ~~integral unit capable of being separated again into the~~
13 ~~components for repeated towing. The term shall include units~~
14 ~~designed to be used for residential, commercial, educational or~~
15 ~~industrial purposes, excluding, however, recreational~~
16 ~~vehicles.~~

17 (b) "Person" means a person, partnership, corporation, or
18 other legal entity.

19 (c) "Manufacturer" means any person who manufactures
20 mobile homes or manufactured housing at the place or places,
21 either on or away from the building site, at which machinery,
22 equipment and other capital goods are assembled and operated
23 for the purpose of making, fabricating, forming or assembling
24 mobile homes or manufactured housing.

25 (d) "Department" means the Department of Public Health.

26 (e) "Director" means the Director of the Department of

1 Public Health.

2 (f) "Dealer" means any person, other than a manufacturer,
3 as defined in this Act, who sells 3 or more mobile homes or
4 manufactured housing units in any consecutive 12-month period.

5 (g) "Codes" means the safety codes for manufactured housing
6 and mobile homes promulgated by the Department. The Codes shall
7 contain the standards and requirements for manufactured
8 housing and mobile homes so that adequate performance for the
9 intended use is made the test of acceptability. The Code of
10 Standards shall permit the use of new and used technology,
11 techniques, methods and materials, for both manufactured
12 housing and mobile homes, consistent with recognized and
13 accepted codes and standards developed by the International
14 Code Council (ICC) or by the organizations that formed the ICC
15 in 1994: ~~adopted by the~~ Building Officials and Code
16 Administrators Conference of America, the International
17 Conference of Building Officials, the Southern Building Codes
18 Congress International, the National Fire Protection
19 Association, the International Association of Plumbing and
20 Mechanical Officials, the American National Standards
21 Institute, the Illinois State Plumbing Code, and the United
22 States Department of Housing and Urban Development,
23 hereinafter referred to as "HUD", applying to manufactured
24 housing and mobile homes installed and set up according to the
25 manufacturer's instructions. A copy of said safety codes,
26 including said revisions thereof is on file with the

1 Department.

2 (h) "Seal" means a device or insignia issued by the
3 Department to be displayed on the exterior of the mobile home
4 or the interior of a manufactured housing unit or modular home
5 to evidence compliance with the applicable safety code.

6 (i) "Modular home" ~~"Manufactured housing" or "manufactured~~
7 ~~housing unit"~~ means a building assembly or system of building
8 sub-assemblies, designed for habitation as a dwelling for one
9 or more persons, including the necessary electrical, plumbing,
10 heating, ventilating and other service systems, which is of
11 closed or open construction and which is made or assembled by a
12 manufacturer, on or off the building site, for installation, or
13 assembly and installation, on the building site, installed and
14 set up according to the manufacturer's instructions on an
15 approved foundation and support system. The construction of
16 modular dwelling units located in Illinois is regulated by the
17 Illinois Department of Public Health. ~~with a permanent~~
18 ~~foundation.~~

19 (j) "Closed construction" is any building, component,
20 assembly or system manufactured in such a manner that all
21 portions cannot readily be inspected at the installation site
22 without disassembly, damage to, or destruction thereof.

23 (k) "Open construction" is any building, component,
24 assembly or system manufactured in such a manner that all
25 portions can be readily inspected at the installation site
26 without disassembly, damage to, or destruction thereof.

1 (1) "Approved foundation and support system" ~~"Permanent~~
2 ~~foundation"~~ means, for a modular home or modular dwelling unit,
3 a closed perimeter formation consisting of materials such as
4 concrete, mortared concrete block, or mortared brick extending
5 into the ground below the frost line which shall include, but
6 not necessarily be limited to, cellars, basements, or crawl
7 spaces, and does include ~~but does exclude~~ the use of piers
8 supporting the marriage wall of the home that extend below the
9 frost line.

10 (m) "Code compliance certificate" means the certificate
11 provided by the manufacturer to the Department that warrants
12 that the manufactured housing unit or mobile home complies with
13 the applicable code.

14 (n) "Manufactured housing", "manufactured housing unit",
15 "modular dwelling", and "modular home" shall not be confused
16 with "manufactured home" or "mobile home".

17 (Source: P.A. 79-731.)

18 Section 910. The Manufactured Home Quality Assurance Act is
19 amended by changing Section 10 as follows:

20 (430 ILCS 117/10)

21 Sec. 10. Definitions. In this Act:

22 "Department" means the Illinois Department of Public
23 Health.

24 "Licensed installer" means a person who has successfully

1 completed a manufactured home installation course approved by
2 the Department and paid the required fees.

3 "Manufactured home" means a factory-assembled, completely
4 integrated structure designed for permanent habitation, with a
5 permanent chassis, and so constructed as to permit its
6 transport, on wheels temporarily or permanently attached to its
7 frame, and is a movable or portable unit that is (i) 8 body
8 feet or more in width, (ii) 40 body feet or more in length, and
9 (iii) 320 or more square feet, constructed to be towed on its
10 own chassis (comprised of frame and wheels) from the place of
11 its construction to the location, or subsequent locations, at
12 which it is installed and set up according to the
13 manufacturer's instructions and connected to utilities for
14 year-round occupancy for use as a permanent habitation, and
15 designed and situated so as to permit its occupancy as a
16 dwelling place for one or more persons. The term shall include
17 units containing parts that may be folded, collapsed, or
18 telescoped when being towed and that may be expected to provide
19 additional cubic capacity, and that are designed to be joined
20 into one integral unit capable of being separated again into
21 the components for repeated towing. The term excludes campers
22 and recreational vehicles. "Manufactured home" is synonymous
23 with "mobile home" and means a structure that is a
24 factory-assembled, completely integrated structure designed
25 for permanent habitation, with a permanent chassis and so
26 constructed as to permit its transport, on wheels temporarily

1 ~~er permanently attached to its frame, from the place of its~~
2 ~~construction to the location, or subsequent locations, at which~~
3 ~~it is placed on a support system for use as a permanent~~
4 ~~habitation, and designed and situated so as to permit its~~
5 ~~occupancy as a dwelling place for one or more persons,~~
6 ~~provided, that any such structure resting wholly on a permanent~~
7 ~~foundation, which is a continuous perimeter foundation of~~
8 ~~material such as mortared concrete block, mortared brick, or~~
9 ~~concrete which extends into the ground below the established~~
10 ~~frost depth and to which the home is secured with foundation~~
11 ~~bolts at least one-half inch in diameter, spaced at intervals~~
12 ~~of no more than 6 feet and within one foot of the corners, and~~
13 ~~embedded at least 7 inches into concrete foundations or 15~~
14 ~~inches into block foundations, shall not be construed as a~~
15 ~~mobile home or manufactured home. The term "manufactured home"~~
16 ~~includes manufactured homes constructed after June 30, 1976 in~~
17 ~~accordance with the federal National Manufactured Housing~~
18 ~~Construction and Safety Standards Act of 1974 and does not~~
19 ~~include an immobilized mobile home as defined in Section 2.10~~
20 ~~of the Mobile Home Park Act.~~

21 "Manufacturer" means a manufacturer of a manufactured
22 home, whether the manufacturer is located within or outside of
23 the State of Illinois.

24 "Mobile home" or "manufactured home" does not include a
25 modular home. ~~means a manufactured home.~~

26 "Mobile home park" means a tract of land or 2 contiguous

1 tracts of land that contain sites with the necessary utilities
2 for 5 or more mobile homes or manufactured homes. A mobile home
3 park may be operated either free of charge or for revenue
4 purposes. ~~a tract of land or 2 or more contiguous tracts of~~
5 ~~land which contain sites with the necessary utilities for 5 or~~
6 ~~more manufactured homes either free of charge or for revenue~~
7 ~~purposes.~~

8 (Source: P.A. 92-410, eff. 1-1-02.)

9 Section 915. The Mobile Home Landlord and Tenant Rights Act
10 is amended by changing Section 3 as follows:

11 (765 ILCS 745/3) (from Ch. 80, par. 203)

12 Sec. 3. Definitions. Unless otherwise expressly defined,
13 all terms in this Act shall be construed to have their
14 ordinarily accepted meanings or such meaning as the context
15 therein requires.

16 (a) "Person" means any legal entity, including but not
17 limited to, an individual, firm, partnership, association,
18 trust, joint stock company, corporation or successor of any of
19 the foregoing.

20 (b) "Manufactured home" means a factory-assembled,
21 completely integrated structure designed for permanent
22 habitation, with a permanent chassis, and so constructed as to
23 permit its transport, on wheels temporarily or permanently
24 attached to its frame, and is a movable or portable unit that

1 is (i) 8 body feet or more in width, (ii) 40 body feet or more
2 in length, and (iii) 320 or more square feet, constructed to be
3 towed on its own chassis (comprised of frame and wheels) from
4 the place of its construction to the location, or subsequent
5 locations, at which it is installed and set up according to the
6 manufacturer's instructions and connected to utilities for
7 year-round occupancy for use as a permanent habitation, and
8 designed and situated so as to permit its occupancy as a
9 dwelling place for one or more persons. The term shall include
10 units containing parts that may be folded, collapsed, or
11 telescoped when being towed and that may be expected to provide
12 additional cubic capacity, and that are designed to be joined
13 into one integral unit capable of being separated again into
14 the components for repeated towing. The term excludes campers
15 and recreational vehicles. "Mobile Home" means a structure
16 designed for permanent habitation and so constructed as to
17 permit its transport on wheels, temporarily or permanently
18 attached to its frame, from the place of its construction to
19 the location or subsequent locations at which it is intended to
20 be a permanent habitation and designed to permit the occupancy
21 thereof as a dwelling place of one or more persons, provided
22 that any such structure served by individual utilities and
23 resting on a permanent foundation, with wheels, tongue and
24 hitch permanently removed, shall not be construed as a "mobile
25 home".

26 (c) "Mobile Home Park" or "Park" means a tract of land or 2

1 contiguous tracts of land that contain sites with the necessary
2 utilities for 5 or more mobile homes or manufactured homes. A
3 mobile home park may be operated either free of charge or for
4 revenue purposes. ~~an area of land or lands upon which five or~~
5 ~~more independent mobile homes are harbored for rent.~~

6 (d) "Park Owner" means the owner of a mobile home park and
7 any person authorized to exercise any aspect of the management
8 of the premises, including any person who directly or
9 indirectly receives rents and has no obligation to deliver the
10 whole of such receipts to another person.

11 (e) "Tenant" means any person who occupies a mobile home
12 rental unit for dwelling purposes or a lot on which he parks a
13 mobile home for an agreed upon consideration.

14 (f) "Rent" means any money or other consideration given for
15 the right of use, possession and occupancy of property, be it a
16 lot, ~~a~~ or mobile home, or both.

17 (g) "Master antenna television service" means any and all
18 services provided by or through the facilities of any closed
19 circuit coaxial cable communication system, or any microwave or
20 similar transmission services other than a community antenna
21 television system as defined in Section 11-42-11 of the
22 Illinois Municipal Code.

23 (Source: P.A. 85-990.)

24 Section 920. The Uniform Commercial Code is amended by
25 changing Section 9-102 as follows:

1 (810 ILCS 5/9-102) (from Ch. 26, par. 9-102)
2 Sec. 9-102. Definitions and index of definitions.

3 (a) Article 9 definitions. In this Article:

4 (1) "Accession" means goods that are physically united
5 with other goods in such a manner that the identity of the
6 original goods is not lost.

7 (2) "Account", except as used in "account for", means a
8 right to payment of a monetary obligation, whether or not
9 earned by performance, (i) for property that has been or is
10 to be sold, leased, licensed, assigned, or otherwise
11 disposed of, (ii) for services rendered or to be rendered,
12 (iii) for a policy of insurance issued or to be issued,
13 (iv) for a secondary obligation incurred or to be incurred,
14 (v) for energy provided or to be provided, (vi) for the use
15 or hire of a vessel under a charter or other contract,
16 (vii) arising out of the use of a credit or charge card or
17 information contained on or for use with the card, or
18 (viii) as winnings in a lottery or other game of chance
19 operated or sponsored by a State, governmental unit of a
20 State, or person licensed or authorized to operate the game
21 by a State or governmental unit of a State. The term
22 includes health-care-insurance receivables. The term does
23 not include (i) rights to payment evidenced by chattel
24 paper or an instrument, (ii) commercial tort claims, (iii)
25 deposit accounts, (iv) investment property, (v)

1 letter-of-credit rights or letters of credit, or (vi)
2 rights to payment for money or funds advanced or sold,
3 other than rights arising out of the use of a credit or
4 charge card or information contained on or for use with the
5 card.

6 (3) "Account debtor" means a person obligated on an
7 account, chattel paper, or general intangible. The term
8 does not include persons obligated to pay a negotiable
9 instrument, even if the instrument constitutes part of
10 chattel paper.

11 (4) "Accounting", except as used in "accounting for",
12 means a record:

13 (A) authenticated by a secured party;

14 (B) indicating the aggregate unpaid secured
15 obligations as of a date not more than 35 days earlier
16 or 35 days later than the date of the record; and

17 (C) identifying the components of the obligations
18 in reasonable detail.

19 (5) "Agricultural lien" means an interest, other than a
20 security interest, in farm products:

21 (A) which secures payment or performance of an
22 obligation for goods or services furnished in
23 connection with a debtor's farming operation;

24 (B) which is created by statute in favor of a
25 person that in the ordinary course of its business
26 furnished goods or services to a debtor in connection

1 with a debtor's farming operation; and

2 (C) whose effectiveness does not depend on the
3 person's possession of the personal property.

4 (6) "As-extracted collateral" means:

5 (A) oil, gas, or other minerals that are subject to
6 a security interest that:

7 (i) is created by a debtor having an interest
8 in the minerals before extraction; and

9 (ii) attaches to the minerals as extracted; or

10 (B) accounts arising out of the sale at the
11 wellhead or minehead of oil, gas, or other minerals in
12 which the debtor had an interest before extraction.

13 (7) "Authenticate" means:

14 (A) to sign; or

15 (B) to execute or otherwise adopt a symbol, or
16 encrypt or similarly process a record in whole or in
17 part, with the present intent of the authenticating
18 person to identify the person and adopt or accept a
19 record.

20 (8) "Bank" means an organization that is engaged in the
21 business of banking. The term includes savings banks,
22 savings and loan associations, credit unions, and trust
23 companies.

24 (9) "Cash proceeds" means proceeds that are money,
25 checks, deposit accounts, or the like.

26 (10) "Certificate of title" means a certificate of

1 title with respect to which a statute provides for the
2 security interest in question to be indicated on the
3 certificate as a condition or result of the security
4 interest's obtaining priority over the rights of a lien
5 creditor with respect to the collateral.

6 (11) "Chattel paper" means a record or records that
7 evidence both a monetary obligation and a security interest
8 in specific goods, a security interest in specific goods
9 and software used in the goods, a security interest in
10 specific goods and license of software used in the goods, a
11 lease of specific goods, or a lease of specified goods and
12 a license of software used in the goods. In this paragraph,
13 "monetary obligation" means a monetary obligation secured
14 by the goods or owed under a lease of the goods and
15 includes a monetary obligation with respect to software
16 used in the goods. The term does not include (i) charters
17 or other contracts involving the use or hire of a vessel or
18 (ii) records that evidence a right to payment arising out
19 of the use of a credit or charge card or information
20 contained on or for use with the card. If a transaction is
21 evidenced by records that include an instrument or series
22 of instruments, the group of records taken together
23 constitutes chattel paper.

24 (12) "Collateral" means the property subject to a
25 security interest or agricultural lien. The term includes:

26 (A) proceeds to which a security interest

1 attaches;

2 (B) accounts, chattel paper, payment intangibles,
3 and promissory notes that have been sold; and

4 (C) goods that are the subject of a consignment.

5 (13) "Commercial tort claim" means a claim arising in
6 tort with respect to which:

7 (A) the claimant is an organization; or

8 (B) the claimant is an individual and the claim:

9 (i) arose in the course of the claimant's
10 business or profession; and

11 (ii) does not include damages arising out of
12 personal injury to or the death of an individual.

13 (14) "Commodity account" means an account maintained
14 by a commodity intermediary in which a commodity contract
15 is carried for a commodity customer.

16 (15) "Commodity contract" means a commodity futures
17 contract, an option on a commodity futures contract, a
18 commodity option, or another contract if the contract or
19 option is:

20 (A) traded on or subject to the rules of a board of
21 trade that has been designated as a contract market for
22 such a contract pursuant to federal commodities laws;
23 or

24 (B) traded on a foreign commodity board of trade,
25 exchange, or market, and is carried on the books of a
26 commodity intermediary for a commodity customer.

1 (16) "Commodity customer" means a person for which a
2 commodity intermediary carries a commodity contract on its
3 books.

4 (17) "Commodity intermediary" means a person that:

5 (A) is registered as a futures commission merchant
6 under federal commodities law; or

7 (B) in the ordinary course of its business provides
8 clearance or settlement services for a board of trade
9 that has been designated as a contract market pursuant
10 to federal commodities law.

11 (18) "Communicate" means:

12 (A) to send a written or other tangible record;

13 (B) to transmit a record by any means agreed upon
14 by the persons sending and receiving the record; or

15 (C) in the case of transmission of a record to or
16 by a filing office, to transmit a record by any means
17 prescribed by filing-office rule.

18 (19) "Consignee" means a merchant to which goods are
19 delivered in a consignment.

20 (20) "Consignment" means a transaction, regardless of
21 its form, in which a person delivers goods to a merchant
22 for the purpose of sale and:

23 (A) the merchant:

24 (i) deals in goods of that kind under a name
25 other than the name of the person making delivery;

26 (ii) is not an auctioneer; and

1 (iii) is not generally known by its creditors
2 to be substantially engaged in selling the goods of
3 others;

4 (B) with respect to each delivery, the aggregate
5 value of the goods is \$1,000 or more at the time of
6 delivery;

7 (C) the goods are not consumer goods immediately
8 before delivery; and

9 (D) the transaction does not create a security
10 interest that secures an obligation.

11 (21) "Consignor" means a person that delivers goods to
12 a consignee in a consignment.

13 (22) "Consumer debtor" means a debtor in a consumer
14 transaction.

15 (23) "Consumer goods" means goods that are used or
16 bought for use primarily for personal, family, or household
17 purposes.

18 (24) "Consumer-goods transaction" means a consumer
19 transaction in which:

20 (A) an individual incurs an obligation primarily
21 for personal, family, or household purposes; and

22 (B) a security interest in consumer goods secures
23 the obligation.

24 (25) "Consumer obligor" means an obligor who is an
25 individual and who incurred the obligation as part of a
26 transaction entered into primarily for personal, family,

1 or household purposes.

2 (26) "Consumer transaction" means a transaction in
3 which (i) an individual incurs an obligation primarily for
4 personal, family, or household purposes, (ii) a security
5 interest secures the obligation, and (iii) the collateral
6 is held or acquired primarily for personal, family, or
7 household purposes. The term includes consumer-goods
8 transactions.

9 (27) "Continuation statement" means an amendment of a
10 financing statement which:

11 (A) identifies, by its file number, the initial
12 financing statement to which it relates; and

13 (B) indicates that it is a continuation statement
14 for, or that it is filed to continue the effectiveness
15 of, the identified financing statement.

16 (28) "Debtor" means:

17 (A) a person having an interest, other than a
18 security interest or other lien, in the collateral,
19 whether or not the person is an obligor;

20 (B) a seller of accounts, chattel paper, payment
21 intangibles, or promissory notes; or

22 (C) a consignee.

23 (29) "Deposit account" means a demand, time, savings,
24 passbook, nonnegotiable certificates of deposit,
25 uncertificated certificates of deposit, nontransferrable
26 certificates of deposit, or similar account maintained

1 with a bank. The term does not include investment property
2 or accounts evidenced by an instrument.

3 (30) "Document" means a document of title or a receipt
4 of the type described in Section 7-201(b).

5 (31) "Electronic chattel paper" means chattel paper
6 evidenced by a record or records consisting of information
7 stored in an electronic medium.

8 (32) "Encumbrance" means a right, other than an
9 ownership interest, in real property. The term includes
10 mortgages and other liens on real property.

11 (33) "Equipment" means goods other than inventory,
12 farm products, or consumer goods.

13 (34) "Farm products" means goods, other than standing
14 timber, with respect to which the debtor is engaged in a
15 farming operation and which are:

16 (A) crops grown, growing, or to be grown,
17 including:

18 (i) crops produced on trees, vines, and
19 bushes; and

20 (ii) aquatic goods produced in aquacultural
21 operations;

22 (B) livestock, born or unborn, including aquatic
23 goods produced in aquacultural operations;

24 (C) supplies used or produced in a farming
25 operation; or

26 (D) products of crops or livestock in their

1 unmanufactured states.

2 (35) "Farming operation" means raising, cultivating,
3 propagating, fattening, grazing, or any other farming,
4 livestock, or aquacultural operation.

5 (36) "File number" means the number assigned to an
6 initial financing statement pursuant to Section 9-519(a).

7 (37) "Filing office" means an office designated in
8 Section 9-501 as the place to file a financing statement.

9 (38) "Filing-office rule" means a rule adopted
10 pursuant to Section 9-526.

11 (39) "Financing statement" means a record or records
12 composed of an initial financing statement and any filed
13 record relating to the initial financing statement.

14 (40) "Fixture filing" means the filing of a financing
15 statement covering goods that are or are to become fixtures
16 and satisfying Section 9-502(a) and (b). The term includes
17 the filing of a financing statement covering goods of a
18 transmitting utility which are or are to become fixtures.

19 (41) "Fixtures" means goods that have become so related
20 to particular real property that an interest in them arises
21 under real property law.

22 (42) "General intangible" means any personal property,
23 including things in action, other than accounts, chattel
24 paper, commercial tort claims, deposit accounts,
25 documents, goods, instruments, investment property,
26 letter-of-credit rights, letters of credit, money, and

1 oil, gas, or other minerals before extraction. The term
2 includes payment intangibles and software.

3 (43) "Good faith" means honesty in fact and the
4 observance of reasonable commercial standards of fair
5 dealing.

6 (44) "Goods" means all things that are movable when a
7 security interest attaches. The term includes (i)
8 fixtures, (ii) standing timber that is to be cut and
9 removed under a conveyance or contract for sale, (iii) the
10 unborn young of animals, (iv) crops grown, growing, or to
11 be grown, even if the crops are produced on trees, vines,
12 or bushes, and (v) manufactured homes. The term also
13 includes a computer program embedded in goods and any
14 supporting information provided in connection with a
15 transaction relating to the program if (i) the program is
16 associated with the goods in such a manner that it
17 customarily is considered part of the goods, or (ii) by
18 becoming the owner of the goods, a person acquires a right
19 to use the program in connection with the goods. The term
20 does not include a computer program embedded in goods that
21 consist solely of the medium in which the program is
22 embedded. The term also does not include accounts, chattel
23 paper, commercial tort claims, deposit accounts,
24 documents, general intangibles, instruments, investment
25 property, letter-of-credit rights, letters of credit,
26 money, or oil, gas, or other minerals before extraction.

1 (45) "Governmental unit" means a subdivision, agency,
2 department, county, parish, municipality, or other unit of
3 the government of the United States, a State, or a foreign
4 country. The term includes an organization having a
5 separate corporate existence if the organization is
6 eligible to issue debt on which interest is exempt from
7 income taxation under the laws of the United States.

8 (46) "Health-care-insurance receivable" means an
9 interest in or claim under a policy of insurance which is a
10 right to payment of a monetary obligation for health-care
11 goods or services provided.

12 (47) "Instrument" means a negotiable instrument or any
13 other writing that evidences a right to the payment of a
14 monetary obligation, is not itself a security agreement or
15 lease, and is of a type that in ordinary course of business
16 is transferred by delivery with any necessary indorsement
17 or assignment. The term does not include (i) investment
18 property, (ii) letters of credit, (iii) nonnegotiable
19 certificates of deposit, (iv) uncertificated certificates
20 of deposit, (v) nontransferrable certificates of deposit,
21 or (vi) writings that evidence a right to payment arising
22 out of the use of a credit or charge card or information
23 contained on or for use with the card.

24 (48) "Inventory" means goods, other than farm
25 products, which:

26 (A) are leased by a person as lessor;

1 (B) are held by a person for sale or lease or to be
2 furnished under a contract of service;

3 (C) are furnished by a person under a contract of
4 service; or

5 (D) consist of raw materials, work in process, or
6 materials used or consumed in a business.

7 (49) "Investment property" means a security, whether
8 certificated or uncertificated, security entitlement,
9 securities account, commodity contract, or commodity
10 account.

11 (50) "Jurisdiction of organization", with respect to a
12 registered organization, means the jurisdiction under
13 whose law the organization is organized.

14 (51) "Letter-of-credit right" means a right to payment
15 or performance under a letter of credit, whether or not the
16 beneficiary has demanded or is at the time entitled to
17 demand payment or performance. The term does not include
18 the right of a beneficiary to demand payment or performance
19 under a letter of credit.

20 (52) "Lien creditor" means:

21 (A) a creditor that has acquired a lien on the
22 property involved by attachment, levy, or the like;

23 (B) an assignee for benefit of creditors from the
24 time of assignment;

25 (C) a trustee in bankruptcy from the date of the
26 filing of the petition; or

1 (D) a receiver in equity from the time of
2 appointment.

3 (53) "Manufactured home" means a factory-assembled,
4 completely integrated structure designed for permanent
5 habitation, with a permanent chassis, and so constructed as
6 to permit its transport, on wheels temporarily or
7 permanently attached to its frame, and is a movable or
8 portable unit that is (i) 8 body feet or more in width,
9 (ii) 40 body feet or more in length, and (iii) 320 or more
10 square feet, constructed to be towed on its own chassis
11 (comprised of frame and wheels) from the place of its
12 construction to the location, or subsequent locations, at
13 which it is installed and set up according to the
14 manufacturer's instructions and connected to utilities for
15 year-round occupancy for use as a permanent habitation, and
16 designed and situated so as to permit its occupancy as a
17 dwelling place for one or more persons. The term shall
18 include units containing parts that may be folded,
19 collapsed, or telescoped when being towed and that may be
20 expected to provide additional cubic capacity, and that are
21 designed to be joined into one integral unit capable of
22 being separated again into the components for repeated
23 towing. The term shall exclude campers and recreational
24 vehicles. "Manufactured home" means a structure,
25 transportable in one or more sections, which, in the
26 traveling mode, is eight body feet or more in width or 40

1 ~~body feet or more in length, or, when erected on site, is~~
2 ~~320 or more square feet, and which is built on a permanent~~
3 ~~chassis and designed to be used as a dwelling with or~~
4 ~~without a permanent foundation when connected to the~~
5 ~~required utilities, and includes the plumbing, heating,~~
6 ~~air conditioning, and electrical systems contained~~
7 ~~therein. The term includes any structure that meets all of~~
8 ~~the requirements of this paragraph except the size~~
9 ~~requirements and with respect to which the manufacturer~~
10 ~~voluntarily files a certification required by the United~~
11 ~~States Secretary of Housing and Urban Development and~~
12 ~~complies with the standards established under Title 42 of~~
13 ~~the United States Code.~~

14 (54) "Manufactured-home transaction" means a secured
15 transaction:

16 (A) that creates a purchase-money security
17 interest in a manufactured home, other than a
18 manufactured home held as inventory; or

19 (B) in which a manufactured home, other than a
20 manufactured home held as inventory, is the primary
21 collateral.

22 (55) "Mortgage" means a consensual interest in real
23 property, including fixtures, which secures payment or
24 performance of an obligation.

25 (56) "New debtor" means a person that becomes bound as
26 debtor under Section 9-203(d) by a security agreement

1 previously entered into by another person.

2 (57) "New value" means (i) money, (ii) money's worth in
3 property, services, or new credit, or (iii) release by a
4 transferee of an interest in property previously
5 transferred to the transferee. The term does not include an
6 obligation substituted for another obligation.

7 (58) "Noncash proceeds" means proceeds other than cash
8 proceeds.

9 (59) "Obligor" means a person that, with respect to an
10 obligation secured by a security interest in or an
11 agricultural lien on the collateral, (i) owes payment or
12 other performance of the obligation, (ii) has provided
13 property other than the collateral to secure payment or
14 other performance of the obligation, or (iii) is otherwise
15 accountable in whole or in part for payment or other
16 performance of the obligation. The term does not include
17 issuers or nominated persons under a letter of credit.

18 (60) "Original debtor", except as used in Section
19 9-310(c), means a person that, as debtor, entered into a
20 security agreement to which a new debtor has become bound
21 under Section 9-203(d).

22 (61) "Payment intangible" means a general intangible
23 under which the account debtor's principal obligation is a
24 monetary obligation.

25 (62) "Person related to", with respect to an
26 individual, means:

1 (A) the spouse of the individual;

2 (B) a brother, brother-in-law, sister, or
3 sister-in-law of the individual;

4 (C) an ancestor or lineal descendant of the
5 individual or the individual's spouse; or

6 (D) any other relative, by blood or marriage, of
7 the individual or the individual's spouse who shares
8 the same home with the individual.

9 (63) "Person related to", with respect to an
10 organization, means:

11 (A) a person directly or indirectly controlling,
12 controlled by, or under common control with the
13 organization;

14 (B) an officer or director of, or a person
15 performing similar functions with respect to, the
16 organization;

17 (C) an officer or director of, or a person
18 performing similar functions with respect to, a person
19 described in subparagraph (A);

20 (D) the spouse of an individual described in
21 subparagraph (A), (B), or (C); or

22 (E) an individual who is related by blood or
23 marriage to an individual described in subparagraph
24 (A), (B), (C), or (D) and shares the same home with the
25 individual.

26 (64) "Proceeds", except as used in Section 9-609(b),

1 means the following property:

2 (A) whatever is acquired upon the sale, lease,
3 license, exchange, or other disposition of collateral;

4 (B) whatever is collected on, or distributed on
5 account of, collateral;

6 (C) rights arising out of collateral;

7 (D) to the extent of the value of collateral,
8 claims arising out of the loss, nonconformity, or
9 interference with the use of, defects or infringement
10 of rights in, or damage to, the collateral; or

11 (E) to the extent of the value of collateral and to
12 the extent payable to the debtor or the secured party,
13 insurance payable by reason of the loss or
14 nonconformity of, defects or infringement of rights
15 in, or damage to, the collateral.

16 (65) "Promissory note" means an instrument that
17 evidences a promise to pay a monetary obligation, does not
18 evidence an order to pay, and does not contain an
19 acknowledgment by a bank that the bank has received for
20 deposit a sum of money or funds.

21 (66) "Proposal" means a record authenticated by a
22 secured party which includes the terms on which the secured
23 party is willing to accept collateral in full or partial
24 satisfaction of the obligation it secures pursuant to
25 Sections 9-620, 9-621, and 9-622.

26 (67) "Public-finance transaction" means a secured

1 transaction in connection with which:

2 (A) debt securities are issued;

3 (B) all or a portion of the securities issued have
4 an initial stated maturity of at least 20 years; and

5 (C) the debtor, obligor, secured party, account
6 debtor or other person obligated on collateral,
7 assignor or assignee of a secured obligation, or
8 assignor or assignee of a security interest is a State
9 or a governmental unit of a State.

10 (68) "Pursuant to commitment", with respect to an
11 advance made or other value given by a secured party, means
12 pursuant to the secured party's obligation, whether or not
13 a subsequent event of default or other event not within the
14 secured party's control has relieved or may relieve the
15 secured party from its obligation.

16 (69) "Record", except as used in "for record", "of
17 record", "record or legal title", and "record owner", means
18 information that is inscribed on a tangible medium or which
19 is stored in an electronic or other medium and is
20 retrievable in perceivable form.

21 (70) "Registered organization" means an organization
22 organized solely under the law of a single State or the
23 United States and as to which the State or the United
24 States must maintain a public record showing the
25 organization to have been organized.

26 (71) "Secondary obligor" means an obligor to the extent

1 that:

2 (A) the obligor's obligation is secondary; or

3 (B) the obligor has a right of recourse with
4 respect to an obligation secured by collateral against
5 the debtor, another obligor, or property of either.

6 (72) "Secured party" means:

7 (A) a person in whose favor a security interest is
8 created or provided for under a security agreement,
9 whether or not any obligation to be secured is
10 outstanding;

11 (B) a person that holds an agricultural lien;

12 (C) a consignor;

13 (D) a person to which accounts, chattel paper,
14 payment intangibles, or promissory notes have been
15 sold;

16 (E) a trustee, indenture trustee, agent,
17 collateral agent, or other representative in whose
18 favor a security interest or agricultural lien is
19 created or provided for; or

20 (F) a person that holds a security interest arising
21 under Section 2-401, 2-505, 2-711(3), 2A-508(5),
22 4-210, or 5-118.

23 (73) "Security agreement" means an agreement that
24 creates or provides for a security interest.

25 (74) "Send", in connection with a record or
26 notification, means:

1 (A) to deposit in the mail, deliver for
2 transmission, or transmit by any other usual means of
3 communication, with postage or cost of transmission
4 provided for, addressed to any address reasonable
5 under the circumstances; or

6 (B) to cause the record or notification to be
7 received within the time that it would have been
8 received if properly sent under subparagraph (A).

9 (75) "Software" means a computer program and any
10 supporting information provided in connection with a
11 transaction relating to the program. The term does not
12 include a computer program that is included in the
13 definition of goods.

14 (76) "State" means a State of the United States, the
15 District of Columbia, Puerto Rico, the United States Virgin
16 Islands, or any territory or insular possession subject to
17 the jurisdiction of the United States.

18 (77) "Supporting obligation" means a letter-of-credit
19 right or secondary obligation that supports the payment or
20 performance of an account, chattel paper, a document, a
21 general intangible, an instrument, or investment property.

22 (78) "Tangible chattel paper" means chattel paper
23 evidenced by a record or records consisting of information
24 that is inscribed on a tangible medium.

25 (79) "Termination statement" means an amendment of a
26 financing statement which:

1 (A) identifies, by its file number, the initial
2 financing statement to which it relates; and

3 (B) indicates either that it is a termination
4 statement or that the identified financing statement
5 is no longer effective.

6 (80) "Transmitting utility" means a person primarily
7 engaged in the business of:

8 (A) operating a railroad, subway, street railway,
9 or trolley bus;

10 (B) transmitting communications electrically,
11 electromagnetically, or by light;

12 (C) transmitting goods by pipeline or sewer; or

13 (D) transmitting or producing and transmitting
14 electricity, steam, gas, or water.

15 (b) Definitions in other Articles. "Control" as provided in
16 Section 7-106 and the following definitions in other Articles
17 apply to this Article:

18 "Applicant". Section 5-102.

19 "Beneficiary". Section 5-102.

20 "Broker". Section 8-102.

21 "Certificated security". Section 8-102.

22 "Check". Section 3-104.

23 "Clearing corporation". Section 8-102.

24 "Contract for sale". Section 2-106.

25 "Customer". Section 4-104.

26 "Entitlement holder". Section 8-102.

1 "Financial asset". Section 8-102.
2 "Holder in due course". Section 3-302.
3 "Issuer" (with respect to a letter of credit or
4 letter-of-credit right). Section 5-102.
5 "Issuer" (with respect to a security). Section 8-201.
6 "Issuer" (with respect to documents of title). Section
7 7-102.
8 "Lease". Section 2A-103.
9 "Lease agreement". Section 2A-103.
10 "Lease contract". Section 2A-103.
11 "Leasehold interest". Section 2A-103.
12 "Lessee". Section 2A-103.
13 "Lessee in ordinary course of business". Section 2A-103.
14 "Lessor". Section 2A-103.
15 "Lessor's residual interest". Section 2A-103.
16 "Letter of credit". Section 5-102.
17 "Merchant". Section 2-104.
18 "Negotiable instrument". Section 3-104.
19 "Nominated person". Section 5-102.
20 "Note". Section 3-104.
21 "Proceeds of a letter of credit". Section 5-114.
22 "Prove". Section 3-103.
23 "Sale". Section 2-106.
24 "Securities account". Section 8-501.
25 "Securities intermediary". Section 8-102.
26 "Security". Section 8-102.

1 "Security certificate". Section 8-102.

2 "Security entitlement". Section 8-102.

3 "Uncertificated security". Section 8-102.

4 (c) Article 1 definitions and principles. Article 1
5 contains general definitions and principles of construction
6 and interpretation applicable throughout this Article.

7 (Source: P.A. 95-895, eff. 1-1-09.)

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	New Act	
4	35 ILCS 105/3-3 new	
5	35 ILCS 120/5m new	
6	35 ILCS 200/1-130	
7	35 ILCS 515/1	from Ch. 120, par. 1201
8	35 ILCS 515/4	from Ch. 120, par. 1204
9	65 ILCS 5/2-3-1.1	from Ch. 24, par. 2-3-1.1
10	210 ILCS 115/2.1	from Ch. 111 1/2, par. 712.1
11	210 ILCS 115/2.10	from Ch. 111 1/2, par. 712.10
12	210 ILCS 117/10	
13	430 ILCS 115/2	from Ch. 67 1/2, par. 502
14	430 ILCS 117/10	
15	765 ILCS 745/3	from Ch. 80, par. 203
16	810 ILCS 5/9-102	from Ch. 26, par. 9-102