

1 AN ACT concerning revenue.

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

4 Article 5. CONVEYANCE AND ENCUMBRANCE OF MANUFACTURED HOMES AS
5 REAL PROPERTY AND SEVERANCE ACT

6 Section 5-1. Short title. This Act may be cited as the
7 Conveyance and Encumbrance of Manufactured Homes as Real
8 Property and Severance Act. All references in this Article to
9 "this Act" mean this Article.

10 Section 5-2. Findings and purpose.

11 (a) The General Assembly finds that there is a need to
12 clarify the legal status of manufactured homes affixed or to be
13 affixed to real property in the State.

14 (b) The purpose of this Act is to establish a clear
15 statutory procedure for converting to real property
16 manufactured homes located outside of mobile home parks that
17 are affixed to real property and for the severance of
18 manufactured homes from real property.

19 Section 5-5. Manufactured home; permanently affixed to
20 real property. For the purposes of this Act, "manufactured
21 home" means a manufactured home as defined in subdivision (53)

1 of Section 9-102 of the Uniform Commercial Code.
2 Notwithstanding the foregoing, for the purposes of subsection
3 (b)(2) of Section 1322 of the federal Bankruptcy Code (11
4 U.S.C. § 1322(b)(2)), a manufactured home shall be deemed to be
5 real property. For the purposes of this Act, a manufactured
6 home is "permanently affixed" if it is anchored to real
7 property by attachment to a permanent foundation, constructed
8 in accordance with applicable state and local building codes
9 and manufacturer's specifications as provided in 24 C.F.R. Part
10 3285, and connected to residential utilities (such as water,
11 gas, electricity, or sewer or septic service).

12 Section 5-10. Act not mandatory; record notice. The owner
13 of a manufactured home that is personal property or a fixture
14 may, but need not, cause that manufactured home to be deemed to
15 be real property by satisfying the requirements of Section 5-30
16 of this Act and the requirements of Section 3-116.1 or 3-116.2
17 of the Illinois Vehicle Code, as applicable.

18 To convey or voluntarily encumber a manufactured home as
19 real property, the following conditions must be met:

20 (1) the manufactured home must be permanently affixed
21 to real property;

22 (2) the ownership interests in the manufactured home
23 and the real property to which the manufactured home is
24 permanently affixed must be identical, or, if the
25 manufactured home is not located in a mobile home park as

1 defined in Section 2.5 of the Mobile Home Park Act, and if
2 the owner of the manufactured home, if not the owner of the
3 real property, is in possession of the real property
4 pursuant to the terms of a lease in recordable form that
5 has a term that continues for at least 20 years after the
6 date of execution, then the consent of the lessor of the
7 real property must be given;

8 (3) the person (all, if more than one) having an
9 ownership interest in such manufactured home shall execute
10 and record with the recording officer of the county in
11 which the real property is located an affidavit of
12 affixation as provided in Section 5-15 of this Act and
13 satisfy the other applicable requirements of this Act; and

14 (4) upon receipt of a certified copy of the affidavit
15 of affixation pursuant to Section 5-25 of this Act, any
16 person designated therein for filing with the Secretary of
17 State shall file the certified copy of affidavit of
18 affixation with the Secretary of State; except that

19 (A) in a case described in subsection (a) (4) (A) of
20 Section 5-15 of this Act, a certified copy of the
21 affidavit of affixation and the original
22 Manufacturer's Statement of Origin, each as recorded
23 in the county in which the real property is located,
24 must be filed with the Secretary of State pursuant to
25 Section 3-116.1 of the Illinois Vehicle Code; and

26 (B) in a case described in subsection (a) (4) (B) of

1 Section 5-15 of this Act, a certified copy of the
2 affidavit of affixation as recorded in the county in
3 which the real property is located, and the original
4 certificate of title, including, if applicable, a
5 certificate of title issued in accordance with
6 subsection (b) of Section 3-109 of the Illinois Vehicle
7 Code, must be filed with the Secretary of State
8 pursuant to Section 3-116.2 of the Illinois Vehicle
9 Code.

10 Section 5-15. Affidavit of affixation.

11 (a) An affidavit of affixation shall contain or be
12 accompanied by:

13 (1) the name of the manufacturer, the make, the model
14 name, the model year, the dimensions, and the vehicle
15 identification number or numbers of the manufactured home,
16 and whether the manufactured home is new or used;

17 (2) (A) a statement that the party executing the
18 affidavit is the owner of the real property described
19 therein or (B) if the party executing the affidavit is not
20 the owner of the real property, (1) a statement that the
21 manufactured home is not located in a mobile home park as
22 defined in Section 2.5 of the Mobile Home Park Act and that
23 the party executing the affidavit is in possession of the
24 real property pursuant to the terms of a lease in
25 recordable form that has a term that continues for at least

1 20 years after the date of execution of the affidavit and
2 (2) the consent of the lessor of the real property,
3 endorsed upon or attached to the affidavit and acknowledged
4 or proved in the manner as to entitle a conveyance to be
5 recorded;

6 (3) the street address and the legal description of the
7 real property to which the manufactured home is or shall be
8 permanently affixed; and

9 (4) as applicable:

10 (A) if the manufactured home is not covered by a
11 certificate of title, including, if applicable, a
12 certificate of title issued in accordance with
13 subsection (b) of Section 3-109 of the Illinois Vehicle
14 Code, a statement by the owner to that effect, and

15 (i) a statement by the owner of the
16 manufactured home that the manufactured home is
17 covered by a Manufacturer's Statement of Origin,
18 the date the Manufacturer's Statement of Origin
19 was issued, and the vehicle identification number
20 or numbers of the manufactured home; and

21 (ii) a statement that annexed to the affidavit
22 of affixation is the original Manufacturer's
23 Statement of Origin for the manufactured home,
24 duly endorsed to the owner of the manufactured
25 home, and that the owner of the manufactured home
26 shall surrender the Manufacturer's Statement of

1 Origin; or

2 (B) if the manufactured home is covered by a
3 certificate of title, including, if applicable, a
4 certificate of title issued in accordance with
5 subsection (b) of Section 3-109 of the Illinois Vehicle
6 Code, a statement by the owner of the manufactured home
7 that the manufactured home is covered by a certificate
8 of title, the date the title was issued, the title
9 number, and that the owner of the manufactured home
10 shall surrender the title;

11 (5) a statement whether or not the manufactured home is
12 subject to one or more security interests or liens, and

13 (A) if the manufactured home is subject to one or
14 more security interests or liens, the name and address
15 of each party holding a security interest in or lien on
16 the manufactured home, including but not limited to,
17 each holder shown on any certificate of title issued by
18 the Secretary of State, if any, the original principal
19 amount secured by each security interest or lien; and a
20 statement that the security interest or lien shall be
21 released; or

22 (B) a statement that each security interest in or
23 lien on the manufactured home, if any, has been
24 released, together with due proof of each such release;

25 (6) a statement that the manufactured home is or shall
26 be permanently affixed to the real property; and

1 be the person(s) whose name(s) is/are subscribed below (each a
2 "Homeowner"), and who, being by me first duly sworn, did each
3 on his or her oath state as follows:

4 1. Homeowner owns the manufactured home ("Home") described as
5 follows:

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7

8 (New/Used; Year; Manufacturer's Name; Model Name and Model
9 No.; Manufacturer's VIN No(s).; Length/Width)

10 2. The Home was built in compliance with the federal
11 Manufactured Home Construction and Safety Standards (42
12 U.S.C.A. Ch. 70).

13 3. If Homeowner is the first retail buyer of the Home,
14 Homeowner is in receipt of (i) the manufacturer's warranty
15 for the Home, (ii) the Consumer Manual for the Home, (iii)
16 the Insulation Disclosure for the Home, (iv) the
17 formaldehyde health notice, and (v) the Dispute Resolution
18 Disclosure required by 24 C.F.R. 3288.5.

19 4. The street address of the real property to which the Home is
20 or shall be permanently affixed ("Property Address") is:

21
22 (Street or Route; City; County; State; Zip Code)

23 5. The legal description of the real property to which the Home

1 is or shall be permanently affixed ("Land") is:
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6 6. Homeowner is the owner of the Land or, if not the owner of
 7 the Land, the Home is not located in a mobile home park, as
 8 defined in Section 2.5 of the Mobile Home Park Act, and
 9 Homeowner is in possession of the Land pursuant to a lease
 10 in recordable form that has a term that continues for at
 11 least 20 years after the date of the execution of this
 12 Affidavit, and the consent of the lessor is attached to
 13 this Affidavit.

14 7. The Home is or shall be assessed and taxed as an improvement
 15 to the Land.

16 8. As of the date of the execution of this Affidavit, or, if
 17 the Home is not yet located at the Property Address, upon
 18 the delivery of the Home to the Property Address:

19 (a) All permits required by governmental authorities have
 20 been obtained;

21 (b) The Home [] is [] shall be permanently affixed as
 22 defined in Section 5-5 of the Conveyance and Encumbrance of
 23 Manufactured Homes as Real Property and Severance Act;

24 (c) The wheels, axles, towbar, or hitch were removed when
 25 the Home was placed on the Property Address; and

1 (d) The Home has the characteristics of site-built housing
2 and is part of the Land.

3 9. The Home [] was [] was not permanently affixed before
4 January 1, 2011.

5 10. If Homeowner is the owner of the Land, any conveyance or
6 financing of the Home and the Land shall be a single
7 transaction under applicable State law.

8 11. The Home is subject to the following security interests or
9 liens:

10 Name of Lienholder:

11 Address:

12 Original Principal Amount Secured:

13 Name of Lienholder:

14 Address:

15 Original Principal Amount Secured:

16 12. Other than those disclosed in this Affidavit, Homeowner is
17 not aware of (i) any other security interest, claim, lien,
18 or encumbrance affecting the Home or (ii) any other facts
19 or information that could reasonably affect the validity of
20 the title of the Home or the existence or non-existence of
21 security interests in it.

22 13. A release of lien from each of the lienholders identified
23 in paragraph 11 of this Affidavit [] has been [] shall be

1 delivered to the Secretary of State.

2 14. Homeowner shall initial only one of the following, as it
3 applies to the Home:

4 The Home is not covered by a certificate of title. The
5 Home is covered by a Manufacturer's Statement of Origin,
6 issued on the of,, manufacturer's
7 vehicle identification number, which
8 Homeowner shall surrender. The original Manufacturer's
9 Statement of Origin, duly endorsed to Homeowner, is attached
10 to this Affidavit.

11 The Home is covered by a certificate of title issued
12 on the day of,, title number
13, which Homeowner shall surrender.

14 15. Homeowner designates the following person to file a
15 certified copy of this Affidavit with the Secretary of
16 State, and the person to whom the Recorder shall return a
17 certified copy of this Affidavit after it has been duly
18 recorded in the real property records:

19 Name:.....

20 Address:

21 16. This Affidavit is executed by Homeowner pursuant to Section
22 5-15 of the Conveyance and Encumbrance of Manufactured
23 Homes as Real Property and Severance Act.

24

25 IN WITNESS WHEREOF, Homeowner(s) has/have executed this

1 COUNTY OF

2 The foregoing instrument was acknowledged before me this
3 (date) by (name(s) of person(s) who acknowledged).

4 Notary Public
5 Signature

6 My commission expires:
7 Official Seal:

8 ATTENTION RECORDER: This instrument covers goods that are
9 or are to become fixtures on the Property described herein and
10 is to be filed for record in the records where conveyances of
11 real estate are recorded.

12 Section 5-20. Disposition of liens. Neither the act of
13 permanently affixing a manufactured home to real property nor
14 the recording of the affidavit of affixation shall impair the
15 rights of any holder of a security interest in or lien on a
16 manufactured home perfected as provided in Section 3-202 of the
17 Illinois Vehicle Code, unless and until the due filing with and
18 acceptance by the Secretary of State of an application to
19 surrender the title as provided in Section 3-116.2 of the
20 Illinois Vehicle Code and release the security interest or lien
21 as provided in Section 3-205 of the Illinois Vehicle Code. Upon

1 the filing of such a release, the security interest or lien
2 perfected under Section 3-202 of the Illinois Vehicle Code is
3 terminated. The recording of an affidavit of affixation does
4 not change the character of any security interest or lien noted
5 on a certificate of title, and no recording tax shall be
6 imposed at the time an affidavit of affixation is recorded upon
7 any security interest in or lien on a manufactured home
8 perfected under Section 3-202 of the Illinois Vehicle Code.

9 Section 5-25. Notice to Secretary of State. Upon payment of
10 the fees provided by law and recordation of the affidavit of
11 affixation, the recording officer shall endorse the affidavit
12 as "recorded in land records", setting forth thereon the
13 indexing information for the affidavit of affixation, and the
14 recording officer shall forthwith forward a certified copy of
15 the affidavit of affixation and all attachments thereto to the
16 person designated therein for filing with the Secretary of
17 State. Upon receipt of a certified copy of the affidavit of
18 affixation by the person designated therein for filing with the
19 Secretary of State, such person shall forthwith deliver for
20 filing to the Secretary a certified copy of the affidavit of
21 affixation and other documents as provided in item (4) of
22 Section 5-10 of this Act.

23 Section 5-30. Effect of recorded affidavit of affixation. A
24 manufactured home shall be deemed to be real property when all

1 of the following events have occurred:

2 (1) the manufactured home is permanently affixed to land as
3 provided in Section 5-5 of this Act;

4 (2) an affidavit of affixation conforming to the
5 requirements of Section 5-15 of this Act has been recorded;

6 (3) a certified copy of the affidavit of affixation has
7 been delivered for filing to the Secretary of State as provided
8 in Section 5 of this Act; and

9 (4) the requirements of Section 3-116.1 or 3-116.2 of the
10 Illinois Vehicle Code, as applicable, have been satisfied.

11 Section 5-35. Conveyance and encumbrance as real property.
12 Upon the satisfaction of the requirements of Section 5-30 of
13 this Act and the requirements of Section 3-116.1 or 3-116.2 of
14 the Illinois Vehicle Code, as applicable, such manufactured
15 home shall be deemed to be real property; any mortgage, deed of
16 trust, lien, or security interest that can attach to land,
17 buildings erected thereon, or fixtures affixed thereto shall
18 attach as of the date of its recording in the same manner as if
19 the manufactured home were built from ordinary building
20 materials on site; title to such manufactured home shall be
21 transferred by deed or other form of conveyance that is
22 effective to transfer an interest in real property, together
23 with the land to which such structure has been affixed; and the
24 manufactured home shall be deemed to be real property and shall
25 be governed by the laws applicable to real property.

1 Section 5-40. Manufactured home that remains personal
2 property or a fixture. Except as provided in Sections 5-15,
3 5-25, 5-30, and 5-35 of this Act, an affidavit of affixation is
4 not necessary or effective to convey or encumber a manufactured
5 home or to change the character of the manufactured home to
6 real property. Every conveyance of land upon which is located a
7 manufactured home for which no affidavit of affixation has been
8 recorded or for which an affidavit of severance has been
9 recorded shall contain a recital that such conveyance does not
10 affect the title to said manufactured home and that the
11 transfer or encumbrance thereof can only be made pursuant to
12 the provisions of the Illinois Vehicle Code. Any agreement by
13 any party to the transaction whereby the requirements of this
14 subsection are waived shall be void as contrary to public
15 policy.

16 Section 5-45. Applicability. Nothing in this Act shall
17 impair any rights existing under law prior to the effective
18 date of this Act of anyone claiming an interest in the
19 manufactured home.

20 Section 5-50. Affidavit of severance.

21 (a) If and when a manufactured home for which an affidavit
22 of affixation has been recorded is detached or severed from the
23 real property to which it is affixed, the person (all, if more

1 than one) having an interest in the real property shall record
2 an affidavit of severance in the land records of the county
3 where the affidavit of affixation with respect to the
4 manufactured home is recorded. The affidavit of severance shall
5 contain or be accompanied by:

6 (i) the name, residence, and mailing address of the
7 owner of the manufactured home;

8 (ii) a description of the manufactured home including
9 the name of the manufacturer, the make, the model name, the
10 model year, the dimensions, and the vehicle identification
11 number or numbers of the manufactured home and whether it
12 is new or used;

13 (iii) the book number, page number and date of
14 recordation of the affidavit of affixation;

15 (iv) a statement of either (A) any facts or information
16 known to the party executing the affidavit that could
17 reasonably affect the validity of the title of the
18 manufactured home or the existence or non-existence of a
19 security interest in or lien on it, or (B) that no such
20 facts or information are known to such party; and

21 (v) the name and address of the person designated for
22 filing the certified copy of the affidavit of severance
23 with the Secretary of State, to whom the recording officer
24 shall return the certified copy of the affidavit of
25 severance after it has been duly recorded in the real
26 property records, as provided in subsection (d) of this

1 Section.

2 (b) The affidavit of severance shall be in the form set
3 forth in subsection (d) of this Section, duly acknowledged or
4 proved in like manner as to entitle a conveyance to be
5 recorded, and when so acknowledged or proved and upon payment
6 of the lawful fees therefor, such recording officer shall
7 immediately cause the affidavit and any attachments thereto to
8 be duly recorded and indexed in the record of deeds.

9 (c) Upon payment of the fees provided by law and
10 recordation of the affidavit of severance, the recording
11 officer shall endorse the affidavit as "recorded in land
12 records", setting forth thereon the indexing information for
13 the affidavit of severance, and the recording officer shall
14 forthwith forward a certified copy of the affidavit of
15 severance to the person designated therein for filing with the
16 Secretary of State. Upon receipt of a certified copy of the
17 affidavit of severance by the person designated therein for
18 filing with the Secretary of State, such person shall deliver
19 for filing to the Secretary of State such certified copy of the
20 affidavit of severance and the other documents provided in
21 subsection (a) of this Section, together with an application
22 for a certificate of title to the manufactured home, to be
23 issued in accordance with subsection (b) of Section 3-109 of
24 the Illinois Vehicle Code.

25 (d) An affidavit of severance shall be in the form set
26 forth below:

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MANUFACTURED HOME
AFFIDAVIT OF SEVERANCE

STATE OF

)SS.

COUNTY OF

BEFORE ME, the undersigned notary public, on this day personally appeared (type the name(s) of each person signing this Affidavit) known to me to be the person(s) whose name(s) is/are subscribed below (each an "Affiant"), and who, being by me first duly sworn, did each on his or her oath state as follows:

1. The owner(s) of the manufactured home described below reside(s) at the following address:

.....
(Street or Route; City; County; State; Zip Code)

Mailing address, if different:

.....
(Street or Route; City; County; State; Zip Code)

2. The manufactured home that is the subject of this Affidavit ("Home") is described as follows:

1
 2 (New/Used; Year; Manufacturer's Name; Model Name and Model
 3 No.; Manufacturer's VIN No(s).; Length/Width)

4 3. The Home was severed from the following address ("Land"):
 5
 6 (Street or Route; City; County; State; Zip Code)

7 4. An Affidavit of Affixation was duly recorded in the land
 8 records of the county in which the Land is located on
 9 (date), in book number at page
 10 number

11 5. Affiant is the owner of the Land or, if not the owner of
 12 the Land, is in possession of the Land pursuant to a
 13 lease in recordable form, and the consent of the lessor
 14 is attached to this Affidavit.

15 6. The Home is subject to the following security interests:

16 Name of Lienholder:
 17 Address:
 18 Original Principal Amount Secured:

19 Name of Lienholder:
 20 Address:
 21 Original Principal Amount Secured:

1 7. Other than those disclosed in this Affidavit, Affiant is
 2 not aware of (i) any other security interest, claim,
 3 lien, or encumbrance affecting the Home or (ii) any other
 4 facts or information that could reasonably affect the
 5 validity of the title of the Home or the existence or
 6 non-existence of security interests in it.

7 8. A release of lien from each of the lienholders identified
 8 in paragraph 6 of this Affidavit [] has been [] shall be
 9 delivered to the Secretary of State.

10 9. Affiant designates the following person to file a
 11 certified copy of this Affidavit with the Secretary of
 12 State, and the person to whom the Recorder shall return a
 13 certified copy of this Affidavit after it has been duly
 14 recorded in the real property records:

15 Name:.....

16 Address:

17 10. This Affidavit is executed by Affiant pursuant to Section
 18 5-50 of the Conveyance and Encumbrance of Manufactured
 19 Homes as Real Property and Severance Act.

20
 21 IN WITNESS WHEREOF, Affiant(s) has/have executed this
 22 Affidavit in my presence and in the presence of the
 23 undersigned witnesses on this day of
 24,

25

1 Notary Public

2 Signature

3 My commission expires:

4 Official Seal:

5 ATTENTION RECORDER: This instrument covers goods that had been
6 fixtures on the Property described herein and is to be filed
7 for record in the records where conveyances of real estate are
8 recorded.

9 Section 5-55. Documents in trust.

10 (a) Manufacturer's Statement of Origin. The holder of a
11 Manufacturer's Statement of Origin to a manufactured home may
12 deliver it to any person to facilitate conveying or encumbering
13 the home. Any person receiving a Manufacturer's Statement of
14 Origin so delivered holds it in trust for the person delivering
15 it.

16 (b) Lien Release. The holder of a security interest in a
17 manufactured home may deliver lien release documents to any
18 person to facilitate conveying or encumbering the home. Any
19 person receiving any such documents so delivered holds the
20 documents in trust for the lienholder.

21 Article 10. AMENDATORY PROVISIONS

1 Section 10-15. The Property Tax Code is amended by changing
2 Section 1-130 as follows:

3 (35 ILCS 200/1-130)

4 Sec. 1-130. Property; real property; real estate; land;
5 tract; lot.

6 (a) The land itself, with all things contained therein, and
7 also all buildings, structures and improvements, and other
8 permanent fixtures thereon, including all oil, gas, coal, and
9 other minerals in the land and the right to remove oil, gas and
10 other minerals, excluding coal, from the land, and all rights
11 and privileges belonging or pertaining thereto, except where
12 otherwise specified by this Code. Not included therein are
13 low-income housing tax credits authorized by Section 42 of the
14 Internal Revenue Code, 26 U.S.C. 42.

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

25 (b) is sold, transferred, or relocated to a different parcel of

1 land outside of a mobile home park, then the home shall be
2 ~~classified,~~ assessed, and taxed as real property whether or not
3 that mobile home or manufactured home is permanently affixed to
4 real property as defined in Section 5-5 of the Conveyance and
5 Encumbrance of Manufactured Homes as Real Property and
6 Severance Act or installed on a permanent foundation and
7 whether or not such mobile home or manufactured home is real
8 property as defined in Section 5-35 of the Conveyance and
9 Encumbrance of Manufactured Homes as Real Property and
10 Severance Act. Mobile homes and manufactured homes that are
11 located outside of mobile home parks and ~~classified,~~ assessed,
12 and taxed as real property on the effective date of this
13 amendatory Act of the 96th General Assembly shall continue to
14 be ~~classified,~~ assessed, and taxed as real property whether or
15 not those mobile homes or manufactured homes are permanently
16 affixed to real property as defined in the Conveyance and
17 Encumbrance of Manufactured Homes as Real Property and
18 Severance Act or installed on permanent foundations and whether
19 or not those mobile homes or manufactured homes are real
20 property as defined in the Conveyance and Encumbrance of
21 Manufactured Homes as Real Property and Severance Act. If a
22 mobile or manufactured home that is located outside of a mobile
23 home park is relocated to a mobile home park, it must be
24 considered chattel and must be taxed according to the Mobile
25 Home Local Services Tax Act. The owner of a mobile home or
26 manufactured home that is located outside of a mobile home park

1 may file a request with the chief county assessment officer
2 ~~county~~ that the home be ~~classified, assessed, and~~ taxed as real
3 property.

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

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

13 (Source: P.A. 96-1477, eff. 1-1-11.)

14 Section 10-20. The Mobile Home Local Services Tax Act is
15 amended by changing Sections 1 and 4 as follows:

16 (35 ILCS 515/1) (from Ch. 120, par. 1201)

17 Sec. 1. (a) As ~~Except as provided in subsections (b) and~~
18 ~~(c), as~~ used in this Act, "manufactured home" means a
19 factory-assembled, completely integrated structure designed
20 for permanent habitation, with a permanent chassis, and so
21 constructed as to permit its transport, on wheels temporarily
22 or permanently attached to its frame, and is a movable or
23 portable unit that is (i) 8 body feet or more in width, (ii) 40
24 body feet or more in length, and (iii) 320 or more square feet,

1 constructed to be towed on its own chassis (comprised of frame
2 and wheels) from the place of its construction to the location,
3 or subsequent locations, at which it is ~~installed and set up~~
4 ~~according to the manufacturer's instructions and~~ connected to
5 utilities for year-round occupancy for use as a permanent
6 habitation, and designed and situated so as to permit its
7 occupancy as a dwelling place for one or more persons, and
8 specifically includes a "manufactured home" as defined in
9 subdivision 53 of Section 9-102 of the Uniform Commercial Code.

10 The term shall include units containing parts that may be
11 folded, collapsed, or telescoped when being towed and that may
12 be 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 whether or not such mobile homes and manufactured
20 homes are permanently affixed to real property as defined in
21 Section 5-5 of the Conveyance and Encumbrance of Manufactured
22 Homes as Real Property and Severance Act or installed on
23 permanent foundations, and whether or not such mobile homes and
24 manufactured homes are real property as defined in Section 5-35
25 of the Conveyance and Encumbrance of Manufactured Homes as Real
26 Property and Severance Act. The words "mobile home" and

1 "manufactured home" are synonymous for the purposes of this
2 Act. Any such structure located outside of a mobile home park
3 shall not be assessed and taxed ~~constructed~~ as chattel, but must
4 be assessed and taxed as real property as defined by Section
5 1-130 of the Property Tax Code. All mobile homes and
6 manufactured homes located inside mobile home parks must be
7 ~~considered as chattel and~~ taxed according to this Act. Mobile
8 homes and manufactured homes located on a dealer's lot for
9 resale purposes or as a temporary office shall not be subject
10 to this tax.

11 (b) Mobile homes and manufactured homes that (i) are
12 located outside of mobile home parks and (ii) are taxed under
13 this Act on the effective date of this amendatory Act of the
14 96th General Assembly must continue to be taxed under this Act
15 and shall not be ~~classified,~~ assessed~~,~~ and taxed as real
16 property until the home is sold, transferred, or relocated to a
17 different parcel of land outside of a mobile home park. If a
18 mobile home or manufactured home described in this subsection
19 (b) is sold, transferred, or relocated to a different parcel of
20 land outside of a mobile home park, then the home must be
21 ~~classified,~~ assessed~~,~~ and taxed as real property whether or not
22 the mobile home or manufactured home is permanently affixed to
23 real property as defined in Section 5-5 of the Conveyance and
24 Encumbrance of Manufactured Homes as Real Property and
25 Severance Act or installed on a permanent foundation and
26 whether or not the mobile home or manufactured home is real

1 property as defined in Section 5-35 of the Conveyance and
2 Encumbrance of Manufactured Homes as Real Property and
3 Severance Act. Mobile homes and manufactured homes that are
4 located outside of mobile home parks and ~~classified,~~ assessed,
5 and taxed as real property on the effective date of this
6 amendatory Act of the 96th General Assembly must continue to be
7 ~~classified,~~ assessed, and taxed as real property whether or not
8 the mobile homes and manufactured homes are permanently affixed
9 to real property as defined in Section 5-5 of the Conveyance
10 and Encumbrance of Manufactured Homes as Real Property and
11 Severance Act or installed on permanent foundations and whether
12 or not the mobile homes and manufactured homes are real
13 property as defined in Section 5-35 of the Conveyance and
14 Encumbrance of Manufactured Homes as Real Property and
15 Severance Act. If a mobile or manufactured home that is located
16 outside of a mobile home park is relocated to a mobile home
17 park, the home must be ~~considered chattel and must be~~ taxed
18 according to the Mobile Home Local Services Tax Act. The owner
19 of a mobile home or manufactured home that is located outside
20 of a mobile home park may file a request with the county that
21 the home be ~~classified,~~ assessed, and taxed as real property.

22 (c) Mobile homes and manufactured homes that are located in
23 mobile home parks must be ~~considered chattel and must be~~ taxed
24 according to this Act.

25 (Source: P.A. 96-1477, eff. 1-1-11.)

1 (35 ILCS 515/4) (from Ch. 120, par. 1204)

2 Sec. 4. The owner of each inhabited mobile home or
3 manufactured home located in this State, but not located inside
4 of a mobile home park, on the effective date of this amendatory
5 Act of the 96th General Assembly shall, within 30 days after
6 such date, record with the Office of the Recorder in the county
7 where the mobile home or manufactured home is located ~~file with~~
8 ~~the township assessor, if any, or with the Supervisor of~~
9 ~~Assessments or county assessor if there is no township~~
10 ~~assessor, or with the county assessor in those counties in~~
11 ~~which a county assessor is elected pursuant to Section 3-45 of~~
12 ~~the Property Tax Code,~~ a mobile home registration form
13 containing the information hereinafter specified, subject to
14 the county's recording fees ~~and record a signed copy of the~~
15 ~~title or certificate of origin in the county where the home is~~
16 ~~located or surrender the signed title or certificate of origin~~
17 ~~to be held by the county until such time as the home is to be~~
18 ~~removed from the county.~~ Mobile home park operators shall
19 forward a copy of the mobile home registration form provided in
20 Section 12 of "An Act to provide for, license and regulate
21 mobile homes and mobile home parks and to repeal an Act named
22 herein", approved September 8, 1971, as amended, to the
23 township assessor, if any, or to Supervisor of Assessments or
24 county assessor if there is no township assessor, or to the
25 county assessor in those counties in which a county assessor is
26 elected pursuant to Section 3-45 of the Property Tax Code,

1 within 5 days of the entry of a mobile home into such park. The
2 owner of a mobile home or manufactured home not located in a
3 mobile home park, other than a mobile home or manufactured home
4 with respect to which the requirements of Section 5-30 of the
5 Conveyance and Encumbrance of Manufactured Homes as Real
6 Property and Severance Act and the requirements of Section
7 3-116.1 or Section 3-116.2 of the Illinois Vehicle Code, as
8 applicable, have been satisfied unless with respect to the same
9 manufactured home there has been recorded an affidavit of
10 severance pursuant to Section 5-50 of the Conveyance and
11 Encumbrance of Manufactured Homes as Real Property and
12 Severance Act, shall, within 30 days after initial placement of
13 such mobile home or manufactured home in any county and within
14 30 days after movement of such mobile home or manufactured home
15 to a new location, record with the Office of the Recorder in
16 the county where the mobile home or manufactured home is
17 located ~~file with the county assessor, Supervisor of~~
18 ~~Assessments or township assessor, as the case may be,~~ a mobile
19 home registration showing the name and address of the owner and
20 every occupant of the mobile home or manufactured home, the
21 location of the mobile home or manufactured home, the year of
22 manufacture, and the square feet of floor space contained in
23 such mobile home or manufactured home together with the date
24 that the mobile home or manufactured home became inhabited, was
25 initially installed and set up in the county, or was moved to a
26 new location. Such registration shall also include the license

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

1 by Section 3 has been imposed on mobile homes and manufactured
2 homes located inside mobile home parks.

3 (Source: P.A. 96-1477, eff. 1-1-11.)

4 Section 10-25. The Illinois Banking Act is amended by
5 changing Sections 3, 5a, 5d, and 6.1 as follows:

6 (205 ILCS 5/3) (from Ch. 17, par. 309)

7 Sec. 3. Formation and primary powers. It shall be lawful to
8 form banks, as herein provided, for the purpose of discount and
9 deposit, buying and selling exchange and doing a general
10 banking business, excepting the issuing of bills to circulate
11 as money; and such banks shall have the power to loan money on
12 personal and real estate security, and to accept and execute
13 trusts upon obtaining a certificate of authority pursuant to
14 the "Corporate Fiduciary Act", and shall be subject to all of
15 the provisions of this Act. For purposes of this Section, "real
16 estate" includes a manufactured home as defined in subdivision
17 (53) of Section 9-102 of the Uniform Commercial Code that is
18 real property as defined in Section 5-35 of the Conveyance and
19 Encumbrance of Manufactured Homes as Real Property and
20 Severance Act.

21 (Source: P.A. 85-1402.)

22 (205 ILCS 5/5a) (from Ch. 17, par. 312)

23 Sec. 5a. Reverse mortgage loans. Notwithstanding any other

1 provision of this Act, a bank may engage in making "reverse
2 mortgage" loans.

3 For purposes of this Section, a "reverse mortgage" loan
4 shall be a loan extended on the basis of existing equity in
5 homestead property. A bank, in making a "reverse mortgage"
6 loan, may add deferred interest to principal or otherwise
7 provide for the charging of interest or premium on the deferred
8 interest.

9 The loans shall be repaid upon sale of the property or upon
10 the death of the owner or, if the property is in joint tenancy,
11 upon the death of the last surviving joint tenant who had an
12 interest in the property at the time the loan was initiated.

13 "Homestead" property, for purposes of this Section, means
14 the domicile and contiguous real estate owned and occupied by
15 the mortgagor. For purposes of this Section, "homestead"
16 includes a manufactured home as defined in subdivision (53) of
17 Section 9-102 of the Uniform Commercial Code, used as the
18 domicile, that is real property, as defined in Section 5-35 of
19 the Conveyance and Encumbrance of Manufactured Homes as Real
20 Property and Severance Act, and is owned and occupied by the
21 mortgagor.

22 The Commissioner of Banks and Real Estate shall prescribe
23 rules governing this Section and Section 1-6a of the Illinois
24 Savings and Loan Act of 1985.

25 (Source: P.A. 88-643, eff. 1-1-95; 89-508, eff. 7-3-96.)

1 (205 ILCS 5/5d) (from Ch. 17, par. 312.3)

2 Sec. 5d. Notwithstanding any other provision of this Act, a
3 bank may engage in making revolving credit loans secured by
4 mortgages or deeds of trust on real property or by security
5 assignments of beneficial interests in land trusts.

6 For purposes of this Section, "revolving credit", has the
7 meaning defined in Section 4.1 of "An Act in relation to the
8 rate of interest and other charges in connection with sales on
9 credit and the lending of money", approved May 24, 1879, as
10 amended.

11 Any mortgage or deed of trust given to secure a revolving
12 credit loan may, and when so expressed therein shall, secure
13 not only the existing indebtedness, but also such future
14 advances, whether such advances are obligatory or to be made at
15 the option of the lender, or otherwise, as are made within
16 twenty years from the date thereof, to the same extent as if
17 such future advances were made on the date of the execution of
18 such mortgage or deed of trust, although there may be no
19 advance made at the time of execution of such mortgage or other
20 instrument, and although there may be no indebtedness
21 outstanding at the time any advance is made. The lien of such
22 mortgage or deed of trust, as to third persons without actual
23 notice thereof, shall be valid as to all such indebtedness and
24 future advances from the time said mortgage or deed of trust is
25 filed for record in the office of the Recorder of Deeds or the
26 Registrar of Titles of the county where the real property

1 described therein is located. The total amount of indebtedness
2 that may be so secured may increase or decrease from time to
3 time, but the total unpaid balance so secured at any one time
4 shall not exceed a maximum principal amount which must be
5 specified in such mortgage or deed of trust, plus interest
6 thereon, and any disbursements made for the payment of taxes,
7 special assessments, or insurance on said real property, with
8 interest on such disbursements.

9 Any such mortgage or deed of trust shall be valid and have
10 priority over all subsequent liens and encumbrances, including
11 statutory liens, except taxes and assessments levied on said
12 real property.

13 For purposes of this Section, "real property" includes a
14 manufactured home as defined in subdivision (53) of Section
15 9-102 of the Uniform Commercial Code, that is real property as
16 defined in Section 5-35 of the Conveyance and Encumbrance of
17 Manufactured Homes as Real Property and Severance Act.

18 (Source: P.A. 83-1539; 83-1380.)

19 (205 ILCS 5/6.1) (from Ch. 17, par. 313.1)

20 Sec. 6.1. Non-recourse reverse mortgage loans.

21 (a) It is the intent of this amendatory Act of 1991 that
22 homeowners at least 62 years of age be permitted to meet their
23 financial needs by accessing the equity in their homes through
24 a reverse mortgage. The General Assembly recognizes that many
25 restrictions and requirements that exist to govern traditional

1 mortgage transactions are inapplicable in the context of
2 reverse mortgages. In order to foster reverse mortgage
3 transactions and better serve the citizens of this State, this
4 Section authorizes the making of reverse mortgages, and
5 expressly relieves reverse mortgage lenders and borrowers from
6 compliance with inappropriate requirements.

7 As used in this Section, "borrower" means any homeowner who
8 is, or whose spouse is, at least 62 years of age.

9 For purposes of this Section, "real property" includes a
10 manufactured home as defined in subdivision (53) of Section
11 9-102 of the Uniform Commercial Code which is real property as
12 defined in Section 5-35 of the Conveyance and Encumbrance of
13 Manufactured Homes as Real Property and Severance Act.

14 As used in this Section, "reverse mortgage" means a
15 non-recourse loan, secured by real property, that complies with
16 all of the following:

17 (1) Provides cash advances to a borrower based on the
18 equity in a borrower's owner-occupied principal residence,
19 provided that it is a residence designed to be occupied by
20 not more than 4 families.

21 (2) Requires no payment of principal or interest until
22 the entire loan becomes due and payable.

23 (b) Reverse mortgage loans shall be subject only to all of
24 the following provisions:

25 (1) Payment, in whole or in part, shall be permitted
26 without penalty at any time during the term of the

1 mortgage.

2 (2) A reverse mortgage may provide for an interest rate
3 that is fixed or adjustable and may provide for interest
4 that is contingent on appreciation in the value of the
5 property.

6 (3) If a reverse mortgage provides for periodic
7 advances to a borrower, the advances may not be reduced in
8 amount or number based on any adjustment in the interest
9 rate.

10 (4) A reverse mortgage may be subject to any additional
11 terms and conditions imposed by a lender that are required
12 under the provisions of the federal Housing and Community
13 Development Act of 1987 to enable the lender to obtain
14 federal government insurance on the mortgage if the loans
15 are to be insured under that Act.

16 (c) The repayment obligation under a reverse mortgage is
17 subject to all of the following:

18 (1) Temporary absences from the home not exceeding 60
19 consecutive days shall not cause the mortgage to become due
20 and payable.

21 (2) Temporary absences from the home exceeding 60 days,
22 but not exceeding one year shall not cause the mortgage to
23 become due and payable, provided that the borrower has
24 taken action that secures the home in a manner satisfactory
25 to the lender.

26 (3) The lender must disclose any interest or other fees

1 to be charged during the period that commences on the date
2 the mortgage becomes due and payable and ends when
3 repayment in full is made in accordance with applicable
4 State and federal laws, rules, and regulations.

5 (d) A reverse mortgage shall become due and payable upon
6 the occurrence of any of the following events:

7 (1) The real property securing the loan is sold.

8 (2) All borrowers cease to occupy the home as a
9 principal residence.

10 (3) A fixed maturity date agreed to by the lender and
11 the borrower is reached.

12 (4) An event that is specified in the loan documents
13 and that jeopardizes the lender's security occurs.

14 (e) No reverse mortgage commitment may be made by a lender
15 unless the loan applicant attests, in writing, that the
16 applicant has received from the lender, at the time of initial
17 inquiry, a statement prepared by the Department on Aging
18 regarding the advisability and availability of independent
19 information and counseling services on reverse mortgages.

20 (Source: P.A. 87-488.)

21 Section 10-30. The Illinois Savings and Loan Act of 1985 is
22 amended by changing Sections 1-10.30 and 5-2 as follows:

23 (205 ILCS 105/1-10.30) (from Ch. 17, par. 3301-10.30)

24 Sec. 1-10.30. "Real property": the interests, benefits,

1 and rights inherent in the ownership of the physical real
2 estate. It is the rights with which the ownership of real
3 estate is endowed. "Real property" includes a manufactured home
4 as defined in subdivision (53) of Section 9-102 of the Uniform
5 Commercial Code that is real property as defined in Section
6 5-35 of the Conveyance and Encumbrance of Manufactured Homes as
7 Real Property and Severance Act. For purposes of this Act, the
8 term "Real Estate" is synonymous with "Real Property".

9 (Source: P.A. 84-543.)

10 (205 ILCS 105/5-2) (from Ch. 17, par. 3305-2)

11 Sec. 5-2. Investment in loans. An association may loan
12 funds to members as follows:

13 (a) On the security of withdrawable capital accounts, but
14 no such loan shall exceed the withdrawal value of the pledged
15 account;

16 (b) On the security of real estate:

17 (1) Of a value, determined in accordance with Section 5-12
18 of this Act, sufficient to provide good and ample security for
19 the loan;

20 (2) With a fee simple title or a leasehold title of not
21 less duration than 10 years beyond the maturity of the loan;

22 (3) With the title established by such evidence of title as
23 is consistent with sound lending practices in the locality;

24 (4) With the security interest in such real estate
25 evidenced by an appropriate written instrument and the loan

1 evidenced by a note, bond or similar written instrument. A loan
2 on the security of the whole of the beneficial interest in a
3 land trust satisfies the requirements of this paragraph if the
4 title to the land is held by a corporate trustee and if the
5 real estate held in the land trust meets the other requirements
6 of this subsection; and

7 (5) With a mortgage loan not to exceed 40 years;

8 (c) For the purpose of repair, improvement,
9 rehabilitation, furnishing or equipment of real estate or any
10 other purpose;

11 (d) For the purpose of financing or refinancing an existing
12 ownership interest in certificates of stock, certificates of
13 beneficial interest or other evidence of an ownership interest
14 in, and a proprietary lease from, a corporation, trust or
15 partnership formed for the purpose of the cooperative ownership
16 of real estate, secured by the assignment or transfer of such
17 certificates or other evidence of ownership of the borrower;

18 (e) Through the purchase of loans which at the time of
19 purchase the association could make in accordance with this
20 Section and the by-laws;

21 (f) Through the purchase of installment contracts for the
22 sale of real estate, and title thereto which is subject to such
23 contracts, but in each instance only if the association at the
24 time of purchase could make a mortgage loan of the same amount
25 and for the same length of time on the security of such real
26 estate;

1 (g) Through loans guaranteed or insured, wholly or in part
2 by the United States or any of its instrumentalities, and
3 without regard to the limits in amount and terms otherwise
4 imposed by this Article;

5 (h) Through secured or unsecured loans for business,
6 corporate, personal, family, or household purposes, or for
7 secured or unsecured loans for agricultural or commercial
8 purposes to the same extent that such agricultural or
9 commercial loans are authorized by federal law for any savings
10 and loan association organized under federal law and authorized
11 to do business in this State, except that loans to service
12 corporations shall not be subject to the limitations of this
13 paragraph;

14 (i) For the purpose of manufactured ~~mobile~~ home financing
15 subject, however, to the regulation of the Commissioner; as
16 used in this Section, "manufactured home" means a manufactured
17 home as defined in subdivision (53) of Section 9-102 of the
18 Uniform Commercial Code;

19 (j) Through loans to its members secured by the cash
20 surrender value of any life insurance policy or any collateral
21 which would be a legal investment if made by such association
22 pursuant to the terms of this Act; and

23 (k) Any provision of this Act to the contrary
24 notwithstanding, any association may make any loan to its
25 members or investment which such association could make if it
26 were incorporated and operating as an association organized

1 under the laws of the United States.

2 (Source: P.A. 86-137.)

3 Section 10-35. The Savings Bank Act is amended by changing
4 Sections 6002 and 6008 as follows:

5 (205 ILCS 205/6002) (from Ch. 17, par. 7306-2)

6 Sec. 6002. Investment in loans.

7 (a) Subject to the regulations of the Commissioner, a
8 savings bank may loan funds as follows:

9 (1) On the security of deposit accounts, but no such loan
10 shall exceed the withdrawal value of the pledged account.

11 (2) On the security of real estate:

12 (A) of a value, determined in accordance with this Act,
13 sufficient to provide good and ample security for the loan;

14 (B) with a fee simple title or a leasehold title;

15 (C) with the title established by evidence of title as
16 is consistent with sound lending practices in the locality;

17 (D) with the security interest in the real estate
18 evidenced by an appropriate written instrument and the loan
19 evidenced by a note, bond, or similar written instrument; a
20 loan on the security of the whole of the beneficial
21 interest in a land trust satisfies the requirements of this
22 paragraph if the title to the land is held by a corporate
23 trustee and if the real estate held in the land trust meets
24 the other requirements of this subsection;

1 (E) with a mortgage loan not to exceed 40 years.

2 (3) For the purpose of repair, improvement,
3 rehabilitation, furnishing, or equipment of real estate.

4 (4) For the purpose of financing or refinancing an existing
5 ownership interest in certificates of stock, certificates of
6 beneficial interest, other evidence of an ownership interest
7 in, or a proprietary lease from a corporation, trust, or
8 partnership formed for the purpose of the cooperative ownership
9 of real estate, secured by the assignment or transfer of
10 certificates or other evidence of ownership of the borrower.

11 (5) Through the purchase of loans that, at the time of
12 purchase, the savings bank could make in accordance with this
13 Section and the bylaws.

14 (6) Through the purchase of installment contracts for the
15 sale of real estate and title thereto that is subject to the
16 contracts, but in each instance only if the savings bank, at
17 the time of purchase, could make a mortgage loan of the same
18 amount and for the same length of time on the security of the
19 real estate.

20 (7) Through loans guaranteed or insured, wholly or in part,
21 by the United States or any of its instrumentalities.

22 (8) Subject to regulations adopted by the Commissioner,
23 through secured or unsecured loans for business, corporate,
24 commercial, or agricultural purposes; provided that the total
25 of all loans granted under this paragraph shall not exceed 15%
26 of the savings bank's total assets unless a greater amount is

1 authorized in writing by the Commissioner.

2 (9) For the purpose of manufactured ~~mobile~~ home financing
3 subject, however, to the regulation of the Commissioner. As
4 used in this Section, "manufactured home" means a manufactured
5 home as defined in subdivision (53) of Section 9-102 of the
6 Uniform Commercial Code.

7 (10) Through loans secured by the cash surrender value of
8 any life insurance policy or any collateral that would be a
9 legal investment under the terms of this Act if made by the
10 savings bank.

11 (11) Any provision of this Act or any other law, except for
12 paragraph (18) of Section 6003, to the contrary
13 notwithstanding, but subject to the Financial Institutions
14 Insurance Sales Law and subject to the Commissioner's
15 regulations, any savings bank may make any loan or investment
16 or engage in any activity that it could make or engage in if it
17 were organized under State law as a savings and loan
18 association or under federal law as a federal savings and loan
19 association or federal savings bank.

20 (12) A savings bank may issue letters of credit or other
21 similar arrangements only as provided for by regulation of the
22 Commissioner with regard to aggregate amounts permitted, take
23 out commitments for stand-by letters of credit, underlying
24 documentation and underwriting, legal limitations on loans of
25 the savings bank, control and subsidiary records, and other
26 procedures deemed necessary by the Commissioner.

1 (13) For the purpose of automobile financing, subject to
2 the regulation of the Commissioner.

3 (14) For the purpose of financing primary, secondary,
4 undergraduate, or postgraduate education.

5 (15) Through revolving lines of credit on the security of a
6 first or junior lien on the borrower's personal residence,
7 based primarily on the borrower's equity, the proceeds of which
8 may be used for any purpose; those loans being commonly
9 referred to as home equity loans.

10 (16) As secured or unsecured credit to cover the payment of
11 checks, drafts, or other funds transfer orders in excess of the
12 available balance of an account on which they are drawn,
13 subject to the regulations of the Commissioner.

14 (b) For purposes of this Section, "real estate" includes a
15 manufactured home as defined in subdivision (53) of Section
16 9-102 of the Uniform Commercial Code which is real property as
17 defined in Section 5-35 of the Conveyance and Encumbrance of
18 Manufactured Homes as Real Property and Severance Act.

19 (Source: P.A. 90-301, eff. 8-1-97; 91-97, eff. 7-9-99.)

20 (205 ILCS 205/6008) (from Ch. 17, par. 7306-8)

21 Sec. 6008. Purchase of real estate at forced sale. A
22 savings bank may purchase at any sheriff's or other judicial
23 sale, either public or private, any real estate upon which the
24 savings bank has any mortgage, lien or other encumbrance, or in
25 which the savings bank has any other interest. The savings bank

1 thereafter may repair, insure, improve, sell, convey, lease,
2 preserve, mortgage, exchange, or otherwise dispose of real
3 estate so acquired in the best interests of the savings bank.
4 For purposes of this Section, "real estate" includes a
5 manufactured home as defined in subdivision (53) of Section
6 9-102 of the Uniform Commercial Code which is real property as
7 defined in Section 5-35 of the Conveyance and Encumbrance of
8 Manufactured Homes as Real Property and Severance Act.

9 (Source: P.A. 86-1213.)

10 Section 10-40. The Illinois Credit Union Act is amended by
11 changing Sections 46 and 46.1 as follows:

12 (205 ILCS 305/46) (from Ch. 17, par. 4447)

13 Sec. 46. Loans and interest rate.

14 (1) A credit union may make loans to its members for such
15 purpose and upon such security and terms, including rates of
16 interest, as the Credit Committee, credit manager, or loan
17 officer approves. Notwithstanding the provisions of any other
18 law in connection with extensions of credit, a credit union may
19 elect to contract for and receive interest and fees and other
20 charges for extensions of credit subject only to the provisions
21 of this Act and rules promulgated under this Act, except that
22 extensions of credit secured by residential real estate shall
23 be subject to the laws applicable thereto. The rates of
24 interest to be charged on loans to members shall be set by the

1 Board of Directors of each individual credit union in
2 accordance with Section 30 of this Act and such rates may be
3 less than, but may not exceed, the maximum rate set forth in
4 this Section. A borrower may repay his loan prior to maturity,
5 in whole or in part, without penalty. The credit contract may
6 provide for the payment by the member and receipt by the credit
7 union of all costs and disbursements, including reasonable
8 attorney's fees and collection agency charges, incurred by the
9 credit union to collect or enforce the debt in the event of a
10 delinquency by the member, or in the event of a breach of any
11 obligation of the member under the credit contract. A
12 contingency or hourly arrangement established under an
13 agreement entered into by a credit union with an attorney or
14 collection agency to collect a loan of a member in default
15 shall be presumed prima facie reasonable.

16 (2) Credit unions may make loans based upon the security of
17 any interest or equity in real estate, subject to rules and
18 regulations promulgated by the Director. In any contract or
19 loan which is secured by a mortgage, deed of trust, or
20 conveyance in the nature of a mortgage, on residential real
21 estate, the interest which is computed, calculated, charged, or
22 collected pursuant to such contract or loan, or pursuant to any
23 regulation or rule promulgated pursuant to this Act, may not be
24 computed, calculated, charged or collected for any period of
25 time occurring after the date on which the total indebtedness,
26 with the exception of late payment penalties, is paid in full.

1 For purposes of this subsection (2) of this Section 46, a
2 prepayment shall mean the payment of the total indebtedness,
3 with the exception of late payment penalties if incurred or
4 charged, on any date before the date specified in the contract
5 or loan agreement on which the total indebtedness shall be paid
6 in full, or before the date on which all payments, if timely
7 made, shall have been made. In the event of a prepayment of the
8 indebtedness which is made on a date after the date on which
9 interest on the indebtedness was last computed, calculated,
10 charged, or collected but before the next date on which
11 interest on the indebtedness was to be calculated, computed,
12 charged, or collected, the lender may calculate, charge and
13 collect interest on the indebtedness for the period which
14 elapsed between the date on which the prepayment is made and
15 the date on which interest on the indebtedness was last
16 computed, calculated, charged or collected at a rate equal to
17 1/360 of the annual rate for each day which so elapsed, which
18 rate shall be applied to the indebtedness outstanding as of the
19 date of prepayment. The lender shall refund to the borrower any
20 interest charged or collected which exceeds that which the
21 lender may charge or collect pursuant to the preceding
22 sentence. The provisions of this amendatory Act of 1985 shall
23 apply only to contracts or loans entered into on or after the
24 effective date of this amendatory Act.

25 (3) Notwithstanding any other provision of this Act, a
26 credit union authorized under this Act to make loans secured by

1 an interest or equity in real estate may engage in making
2 "reverse mortgage" loans to persons for the purpose of making
3 home improvements or repairs, paying insurance premiums or
4 paying real estate taxes on the homestead properties of such
5 persons. If made, such loans shall be made on such terms and
6 conditions as the credit union shall determine and as shall be
7 consistent with the provisions of this Section and such rules
8 and regulations as the Director shall promulgate hereunder. For
9 purposes of this Section, a "reverse mortgage" loan shall be a
10 loan extended on the basis of existing equity in homestead
11 property and secured by a mortgage on such property. Such loans
12 shall be repaid upon the sale of the property or upon the death
13 of the owner or, if the property is in joint tenancy, upon the
14 death of the last surviving joint tenant who had such an
15 interest in the property at the time the loan was initiated,
16 provided, however, that the credit union and its member may by
17 mutual agreement, establish other repayment terms. A credit
18 union, in making a "reverse mortgage" loan, may add deferred
19 interest to principal or otherwise provide for the charging of
20 interest or premiums on such deferred interest. "Homestead"
21 property, for purposes of this Section, means the domicile and
22 contiguous real estate owned and occupied by the mortgagor. The
23 Director shall promulgate rules and regulations under this
24 Section; provided that such rules and regulations need not be
25 promulgated jointly with any other administrative agency of
26 this State.

1 (4) Notwithstanding any other provisions of this Act, a
2 credit union authorized under this Act to make loans secured by
3 an interest or equity in real property may engage in making
4 revolving credit loans secured by mortgages or deeds of trust
5 on such real property or by security assignments of beneficial
6 interests in land trusts.

7 For purposes of this Section, "revolving credit" has the
8 meaning defined in Section 4.1 of the Interest Act.

9 Any mortgage or deed of trust given to secure a revolving
10 credit loan may, and when so expressed therein shall, secure
11 not only the existing indebtedness but also such future
12 advances, whether such advances are obligatory or to be made at
13 the option of the lender, or otherwise, as are made within
14 twenty years from the date thereof, to the same extent as if
15 such future advances were made on the date of the execution of
16 such mortgage or deed of trust, although there may be no
17 advance made at the time of execution of such mortgage or other
18 instrument, and although there may be no indebtedness
19 outstanding at the time any advance is made. The lien of such
20 mortgage or deed of trust, as to third persons without actual
21 notice thereof, shall be valid as to all such indebtedness and
22 future advances from the time said mortgage or deed of trust is
23 filed for record in the office of the Recorder of Deeds or the
24 Registrar of Titles of the county where the real property
25 described therein is located. The total amount of indebtedness
26 that may be so secured may increase or decrease from time to

1 time, but the total unpaid balance so secured at any one time
2 shall not exceed a maximum principal amount which must be
3 specified in such mortgage or deed of trust, plus interest
4 thereon, and any disbursements made for the payment of taxes,
5 special assessments, or insurance on said real property, with
6 interest on such disbursements.

7 Any such mortgage or deed of trust shall be valid and have
8 priority over all subsequent liens and encumbrances, including
9 statutory liens, except taxes and assessments levied on said
10 real property.

11 (4-5) For purposes of this Section, "real estate" and "real
12 property" include a manufactured home as defined in subdivision
13 (53) of Section 9-102 of the Uniform Commercial Code which is
14 real property as defined in Section 5-35 of the Conveyance and
15 Encumbrance of Manufactured Homes as Real Property and
16 Severance Act.

17 (5) Compliance with federal or Illinois preemptive laws or
18 regulations governing loans made by a credit union chartered
19 under this Act shall constitute compliance with this Act.

20 (6) Credit unions may make residential real estate mortgage
21 loans on terms and conditions established by the United States
22 Department of Agriculture through its Rural Development
23 Housing and Community Facilities Program. The portion of any
24 loan in excess of the appraised value of the real estate shall
25 be allocable only to the guarantee fee required under the
26 program.

1 (Source: P.A. 95-98, eff. 8-13-07; 96-141, eff. 8-7-09.)

2 (205 ILCS 305/46.1) (from Ch. 17, par. 4447.1)

3 Sec. 46.1. Non-recourse reverse mortgage loans. Any credit
4 union authorized under this Act to make loans secured by an
5 interest or equity in real estate may make non-recourse reverse
6 mortgage loans as provided in Section 6.1 of the Illinois
7 Banking Act.

8 For purposes of this Section, "real estate" includes a
9 manufactured home as defined in subdivision (53) of Section
10 9-102 of the Uniform Commercial Code that is real property as
11 defined in Section 5-35 of the Conveyance and Encumbrance of
12 Manufactured Homes as Real Property and Severance Act.

13 (Source: P.A. 87-488.)

14 Section 10-45. The Residential Mortgage License Act of 1987
15 is amended by changing Section 1-4 as follows:

16 (205 ILCS 635/1-4)

17 Sec. 1-4. Definitions.

18 (a) "Residential real property" or "residential real
19 estate" shall mean any real property located in Illinois, upon
20 which is constructed or intended to be constructed a dwelling.
21 Those terms include a manufactured home as defined in
22 subdivision (53) of Section 9-102 of the Uniform Commercial
23 Code which is real property as defined in Section 5-35 of the

1 Conveyance and Encumbrance of Manufactured Homes as Real
2 Property and Severance Act.

3 (b) "Making a residential mortgage loan" or "funding a
4 residential mortgage loan" shall mean for compensation or gain,
5 either directly or indirectly, advancing funds or making a
6 commitment to advance funds to a loan applicant for a
7 residential mortgage loan.

8 (c) "Soliciting, processing, placing, or negotiating a
9 residential mortgage loan" shall mean for compensation or gain,
10 either directly or indirectly, accepting or offering to accept
11 an application for a residential mortgage loan, assisting or
12 offering to assist in the processing of an application for a
13 residential mortgage loan on behalf of a borrower, or
14 negotiating or offering to negotiate the terms or conditions of
15 a residential mortgage loan with a lender on behalf of a
16 borrower including, but not limited to, the submission of
17 credit packages for the approval of lenders, the preparation of
18 residential mortgage loan closing documents, including a
19 closing in the name of a broker.

20 (d) "Exempt person or entity" shall mean the following:

21 (1) (i) Any banking organization or foreign banking
22 corporation licensed by the Illinois Commissioner of Banks
23 and Real Estate or the United States Comptroller of the
24 Currency to transact business in this State; (ii) any
25 national bank, federally chartered savings and loan
26 association, federal savings bank, federal credit union;

1 (iii) any pension trust, bank trust, or bank trust company;
2 (iv) any bank, savings and loan association, savings bank,
3 or credit union organized under the laws of this or any
4 other state; (v) any Illinois Consumer Installment Loan Act
5 licensee; (vi) any insurance company authorized to
6 transact business in this State; (vii) any entity engaged
7 solely in commercial mortgage lending; (viii) any service
8 corporation of a savings and loan association or savings
9 bank organized under the laws of this State or the service
10 corporation of a federally chartered savings and loan
11 association or savings bank having its principal place of
12 business in this State, other than a service corporation
13 licensed or entitled to reciprocity under the Real Estate
14 License Act of 2000; or (ix) any first tier subsidiary of a
15 bank, the charter of which is issued under the Illinois
16 Banking Act by the Illinois Commissioner of Banks and Real
17 Estate, or the first tier subsidiary of a bank chartered by
18 the United States Comptroller of the Currency and that has
19 its principal place of business in this State, provided
20 that the first tier subsidiary is regularly examined by the
21 Illinois Commissioner of Banks and Real Estate or the
22 Comptroller of the Currency, or a consumer compliance
23 examination is regularly conducted by the Federal Reserve
24 Board.

25 (1.5) Any employee of a person or entity mentioned in
26 item (1) of this subsection, when acting for such person or

1 entity, or any registered mortgage loan originator when
2 acting for an entity described in subsection (tt) of this
3 Section.

4 (2) (Blank).

5 (3) Any person employed by a licensee to assist in the
6 performance of the residential mortgage licensee's
7 activities regulated by this Act who is compensated in any
8 manner by only one licensee.

9 (4) (Blank).

10 (5) Any individual, corporation, partnership, or other
11 entity that originates, services, or brokers residential
12 mortgage loans, as these activities are defined in this
13 Act, and who or which receives no compensation for those
14 activities, subject to the Commissioner's regulations and
15 the federal Secure and Fair Enforcement for Mortgage
16 Licensing Act of 2008 and the rules promulgated under that
17 Act with regard to the nature and amount of compensation.

18 (6) (Blank).

19 (e) "Licensee" or "residential mortgage licensee" shall
20 mean a person, partnership, association, corporation, or any
21 other entity who or which is licensed pursuant to this Act to
22 engage in the activities regulated by this Act.

23 (f) "Mortgage loan" "residential mortgage loan" or "home
24 mortgage loan" shall mean any loan primarily for personal,
25 family, or household use that is secured by a mortgage, deed of
26 trust, or other equivalent consensual security interest on a

1 dwelling as defined in Section 103(v) of the federal Truth in
2 Lending Act, or residential real estate upon which is
3 constructed or intended to be constructed a dwelling.

4 (g) "Lender" shall mean any person, partnership,
5 association, corporation, or any other entity who either lends
6 or invests money in residential mortgage loans.

7 (h) "Ultimate equitable owner" shall mean a person who,
8 directly or indirectly, owns or controls an ownership interest
9 in a corporation, foreign corporation, alien business
10 organization, trust, or any other form of business organization
11 regardless of whether the person owns or controls the ownership
12 interest through one or more persons or one or more proxies,
13 powers of attorney, nominees, corporations, associations,
14 partnerships, trusts, joint stock companies, or other entities
15 or devices, or any combination thereof.

16 (i) "Residential mortgage financing transaction" shall
17 mean the negotiation, acquisition, sale, or arrangement for or
18 the offer to negotiate, acquire, sell, or arrange for, a
19 residential mortgage loan or residential mortgage loan
20 commitment.

21 (j) "Personal residence address" shall mean a street
22 address and shall not include a post office box number.

23 (k) "Residential mortgage loan commitment" shall mean a
24 contract for residential mortgage loan financing.

25 (l) "Party to a residential mortgage financing
26 transaction" shall mean a borrower, lender, or loan broker in a

1 residential mortgage financing transaction.

2 (m) "Payments" shall mean payment of all or any of the
3 following: principal, interest and escrow reserves for taxes,
4 insurance and other related reserves, and reimbursement for
5 lender advances.

6 (n) "Commissioner" shall mean the Commissioner of Banks and
7 Real Estate, except that, beginning on April 6, 2009 (the
8 effective date of Public Act 95-1047), all references in this
9 Act to the Commissioner of Banks and Real Estate are deemed, in
10 appropriate contexts, to be references to the Secretary of
11 Financial and Professional Regulation, or his or her designee,
12 including the Director of the Division of Banking of the
13 Department of Financial and Professional Regulation.

14 (n-1) "Director" shall mean the Director of the Division of
15 Banking of the Department of Financial and Professional
16 Regulation, except that, beginning on July 31, 2009 (the
17 effective date of Public Act 96-112), all references in this
18 Act to the Director are deemed, in appropriate contexts, to be
19 the Secretary of Financial and Professional Regulation, or his
20 or her designee, including the Director of the Division of
21 Banking of the Department of Financial and Professional
22 Regulation.

23 (o) "Loan brokering", "brokering", or "brokerage service"
24 shall mean the act of helping to obtain from another entity,
25 for a borrower, a loan secured by residential real estate
26 situated in Illinois or assisting a borrower in obtaining a

1 loan secured by residential real estate situated in Illinois in
2 return for consideration to be paid by either the borrower or
3 the lender including, but not limited to, contracting for the
4 delivery of residential mortgage loans to a third party lender
5 and soliciting, processing, placing, or negotiating
6 residential mortgage loans.

7 (p) "Loan broker" or "broker" shall mean a person,
8 partnership, association, corporation, or limited liability
9 company, other than those persons, partnerships, associations,
10 corporations, or limited liability companies exempted from
11 licensing pursuant to Section 1-4, subsection (d), of this Act,
12 who performs the activities described in subsections (c) and
13 (o) of this Section.

14 (q) "Servicing" shall mean the collection or remittance for
15 or the right or obligation to collect or remit for any lender,
16 noteowner, noteholder, or for a licensee's own account, of
17 payments, interests, principal, and trust items such as hazard
18 insurance and taxes on a residential mortgage loan in
19 accordance with the terms of the residential mortgage loan; and
20 includes loan payment follow-up, delinquency loan follow-up,
21 loan analysis and any notifications to the borrower that are
22 necessary to enable the borrower to keep the loan current and
23 in good standing.

24 (r) "Full service office" shall mean an office, provided by
25 the licensee and not subleased from the licensee's employees,
26 and staff in Illinois reasonably adequate to handle efficiently

1 communications, questions, and other matters relating to any
2 application for, or an existing home mortgage secured by
3 residential real estate situated in Illinois with respect to
4 which the licensee is brokering, funding originating,
5 purchasing, or servicing. The management and operation of each
6 full service office must include observance of good business
7 practices such as proper signage; adequate, organized, and
8 accurate books and records; ample phone lines, hours of
9 business, staff training and supervision, and provision for a
10 mechanism to resolve consumer inquiries, complaints, and
11 problems. The Commissioner shall issue regulations with regard
12 to these requirements and shall include an evaluation of
13 compliance with this Section in his or her periodic examination
14 of each licensee.

15 (s) "Purchasing" shall mean the purchase of conventional or
16 government-insured mortgage loans secured by residential real
17 estate situated in Illinois from either the lender or from the
18 secondary market.

19 (t) "Borrower" shall mean the person or persons who seek
20 the services of a loan broker, originator, or lender.

21 (u) "Originating" shall mean the issuing of commitments for
22 and funding of residential mortgage loans.

23 (v) "Loan brokerage agreement" shall mean a written
24 agreement in which a broker or loan broker agrees to do either
25 of the following:

26 (1) obtain a residential mortgage loan for the borrower

1 or assist the borrower in obtaining a residential mortgage
2 loan; or

3 (2) consider making a residential mortgage loan to the
4 borrower.

5 (w) "Advertisement" shall mean the attempt by publication,
6 dissemination, or circulation to induce, directly or
7 indirectly, any person to enter into a residential mortgage
8 loan agreement or residential mortgage loan brokerage
9 agreement relative to a mortgage secured by residential real
10 estate situated in Illinois.

11 (x) "Residential Mortgage Board" shall mean the
12 Residential Mortgage Board created in Section 1-5 of this Act.

13 (y) "Government-insured mortgage loan" shall mean any
14 mortgage loan made on the security of residential real estate
15 insured by the Department of Housing and Urban Development or
16 Farmers Home Loan Administration, or guaranteed by the Veterans
17 Administration.

18 (z) "Annual audit" shall mean a certified audit of the
19 licensee's books and records and systems of internal control
20 performed by a certified public accountant in accordance with
21 generally accepted accounting principles and generally
22 accepted auditing standards.

23 (aa) "Financial institution" shall mean a savings and loan
24 association, savings bank, credit union, or a bank organized
25 under the laws of Illinois or a savings and loan association,
26 savings bank, credit union or a bank organized under the laws

1 of the United States and headquartered in Illinois.

2 (bb) "Escrow agent" shall mean a third party, individual or
3 entity charged with the fiduciary obligation for holding escrow
4 funds on a residential mortgage loan pending final payout of
5 those funds in accordance with the terms of the residential
6 mortgage loan.

7 (cc) "Net worth" shall have the meaning ascribed thereto in
8 Section 3-5 of this Act.

9 (dd) "Affiliate" shall mean:

10 (1) any entity that directly controls or is controlled
11 by the licensee and any other company that is directly
12 affecting activities regulated by this Act that is
13 controlled by the company that controls the licensee;

14 (2) any entity:

15 (A) that is controlled, directly or indirectly, by
16 a trust or otherwise, by or for the benefit of
17 shareholders who beneficially or otherwise control,
18 directly or indirectly, by trust or otherwise, the
19 licensee or any company that controls the licensee; or

20 (B) a majority of the directors or trustees of
21 which constitute a majority of the persons holding any
22 such office with the licensee or any company that
23 controls the licensee;

24 (3) any company, including a real estate investment
25 trust, that is sponsored and advised on a contractual basis
26 by the licensee or any subsidiary or affiliate of the

1 licensee.

2 The Commissioner may define by rule and regulation any
3 terms used in this Act for the efficient and clear
4 administration of this Act.

5 (ee) "First tier subsidiary" shall be defined by regulation
6 incorporating the comparable definitions used by the Office of
7 the Comptroller of the Currency and the Illinois Commissioner
8 of Banks and Real Estate.

9 (ff) "Gross delinquency rate" means the quotient
10 determined by dividing (1) the sum of (i) the number of
11 government-insured residential mortgage loans funded or
12 purchased by a licensee in the preceding calendar year that are
13 delinquent and (ii) the number of conventional residential
14 mortgage loans funded or purchased by the licensee in the
15 preceding calendar year that are delinquent by (2) the sum of
16 (i) the number of government-insured residential mortgage
17 loans funded or purchased by the licensee in the preceding
18 calendar year and (ii) the number of conventional residential
19 mortgage loans funded or purchased by the licensee in the
20 preceding calendar year.

21 (gg) "Delinquency rate factor" means the factor set by rule
22 of the Commissioner that is multiplied by the average gross
23 delinquency rate of licensees, determined annually for the
24 immediately preceding calendar year, for the purpose of
25 determining which licensees shall be examined by the
26 Commissioner pursuant to subsection (b) of Section 4-8 of this

1 Act.

2 (hh) "Loan originator" means any natural person who, for
3 compensation or in the expectation of compensation, either
4 directly or indirectly makes, offers to make, solicits, places,
5 or negotiates a residential mortgage loan. This definition
6 applies only to Section 7-1 of this Act.

7 (ii) "Confidential supervisory information" means any
8 report of examination, visitation, or investigation prepared
9 by the Commissioner under this Act, any report of examination
10 visitation, or investigation prepared by the state regulatory
11 authority of another state that examines a licensee, any
12 document or record prepared or obtained in connection with or
13 relating to any examination, visitation, or investigation, and
14 any record prepared or obtained by the Commissioner to the
15 extent that the record summarizes or contains information
16 derived from any report, document, or record described in this
17 subsection. "Confidential supervisory information" does not
18 include any information or record routinely prepared by a
19 licensee and maintained in the ordinary course of business or
20 any information or record that is required to be made publicly
21 available pursuant to State or federal law or rule.

22 (jj) "Mortgage loan originator" means an individual who for
23 compensation or gain or in the expectation of compensation or
24 gain:

25 (i) takes a residential mortgage loan application; or

26 (ii) offers or negotiates terms of a residential

1 mortgage loan.

2 "Mortgage loan originator" does not include an individual
3 engaged solely as a loan processor or underwriter except as
4 otherwise provided in subsection (d) of Section 7-1A of this
5 Act.

6 "Mortgage loan originator" does not include a person or
7 entity that only performs real estate brokerage activities and
8 is licensed in accordance with the Real Estate License Act of
9 2000, unless the person or entity is compensated by a lender, a
10 mortgage broker, or other mortgage loan originator, or by any
11 agent of that lender, mortgage broker, or other mortgage loan
12 originator.

13 "Mortgage loan originator" does not include a person or
14 entity solely involved in extensions of credit relating to
15 timeshare plans, as that term is defined in Section 101(53D) of
16 Title 11, United States Code.

17 (kk) "Depository institution" has the same meaning as in
18 Section 3 of the Federal Deposit Insurance Act, and includes
19 any credit union.

20 (ll) "Dwelling" means a residential structure or mobile
21 home which contains one to 4 family housing units, or
22 individual units of condominiums or cooperatives.

23 (mm) "Immediate family member" means a spouse, child,
24 sibling, parent, grandparent, or grandchild, and includes
25 step-parents, step-children, step-siblings, or adoptive
26 relationships.

1 (nn) "Individual" means a natural person.

2 (oo) "Loan processor or underwriter" means an individual
3 who performs clerical or support duties as an employee at the
4 direction of and subject to the supervision and instruction of
5 a person licensed, or exempt from licensing, under this Act.
6 "Clerical or support duties" includes subsequent to the receipt
7 of an application:

8 (i) the receipt, collection, distribution, and
9 analysis of information common for the processing or
10 underwriting of a residential mortgage loan; and

11 (ii) communicating with a consumer to obtain the
12 information necessary for the processing or underwriting
13 of a loan, to the extent that the communication does not
14 include offering or negotiating loan rates or terms, or
15 counseling consumers about residential mortgage loan rates
16 or terms. An individual engaging solely in loan processor
17 or underwriter activities shall not represent to the
18 public, through advertising or other means of
19 communicating or providing information, including the use
20 of business cards, stationery, brochures, signs, rate
21 lists, or other promotional items, that the individual can
22 or will perform any of the activities of a mortgage loan
23 originator.

24 (pp) "Nationwide Mortgage Licensing System and Registry"
25 means a mortgage licensing system developed and maintained by
26 the Conference of State Bank Supervisors and the American

1 Association of Residential Mortgage Regulators for the
2 licensing and registration of licensed mortgage loan
3 originators.

4 (qq) "Nontraditional mortgage product" means any mortgage
5 product other than a 30-year fixed rate mortgage.

6 (rr) "Person" means a natural person, corporation,
7 company, limited liability company, partnership, or
8 association.

9 (ss) "Real estate brokerage activity" means any activity
10 that involves offering or providing real estate brokerage
11 services to the public, including:

12 (1) acting as a real estate agent or real estate broker
13 for a buyer, seller, lessor, or lessee of real property;

14 (2) bringing together parties interested in the sale,
15 purchase, lease, rental, or exchange of real property;

16 (3) negotiating, on behalf of any party, any portion of
17 a contract relating to the sale, purchase, lease, rental,
18 or exchange of real property, other than in connection with
19 providing financing with respect to any such transaction;

20 (4) engaging in any activity for which a person engaged
21 in the activity is required to be registered or licensed as
22 a real estate agent or real estate broker under any
23 applicable law; or

24 (5) offering to engage in any activity, or act in any
25 capacity, described in this subsection (ss).

26 (tt) "Registered mortgage loan originator" means any

1 individual that:

2 (1) meets the definition of mortgage loan originator
3 and is an employee of:

4 (A) a depository institution;

5 (B) a subsidiary that is:

6 (i) owned and controlled by a depository
7 institution; and

8 (ii) regulated by a federal banking agency; or

9 (C) an institution regulated by the Farm Credit
10 Administration; and

11 (2) is registered with, and maintains a unique
12 identifier through, the Nationwide Mortgage Licensing
13 System and Registry.

14 (uu) "Unique identifier" means a number or other identifier
15 assigned by protocols established by the Nationwide Mortgage
16 Licensing System and Registry.

17 (vv) "Residential mortgage license" means a license issued
18 pursuant to Section 1-3, 2-2, or 2-6 of this Act.

19 (ww) "Mortgage loan originator license" means a license
20 issued pursuant to Section 7-1A, 7-3, or 7-6 of this Act.

21 (xx) "Secretary" means the Secretary of the Department of
22 Financial and Professional Regulation, or a person authorized
23 by the Secretary or by this Act to act in the Secretary's
24 stead.

25 (Source: P.A. 95-1047, eff. 4-6-09; 96-112, eff. 7-31-09;
26 96-1000, eff. 7-2-10; 96-1216, eff. 1-1-11.)

1 Section 10-50. The Mobile Home Park Act is amended by
2 changing Section 2.1 as follows:

3 (210 ILCS 115/2.1) (from Ch. 111 1/2, par. 712.1)

4 Sec. 2.1. "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, and specifically
18 includes a "manufactured home" as defined in subdivision (53)
19 of Section 9-102 of the Uniform Commercial Code. The term shall
20 include units containing parts that may be folded, collapsed,
21 or telescoped when being towed and that may be expected to
22 provide additional cubic capacity, and that are designed to be
23 joined into one integral unit capable of being separated again
24 into the components for repeated towing. The term excludes

1 campers and recreational vehicles. The term "mobile home" shall
2 not include modular homes and their support systems. The words
3 "mobile home" and "manufactured home" are synonymous for the
4 purposes of this Act.

5 (Source: P.A. 96-1477, eff. 1-1-11.)

6 Section 10-55. The Abandoned Mobile Home Act is amended by
7 changing Section 10 as follows:

8 (210 ILCS 117/10)

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

10 "Manufactured home" means a factory-assembled, completely
11 integrated structure designed for permanent habitation, with a
12 permanent chassis, and so constructed as to permit its
13 transport, on wheels temporarily or permanently attached to its
14 frame, and is a movable or portable unit that is (i) 8 body
15 feet or more in width, (ii) 40 body feet or more in length, and
16 (iii) 320 or more square feet, constructed to be towed on its
17 own chassis (comprised of frame and wheels) from the place of
18 its construction to the location, or subsequent locations, at
19 which it is ~~installed and set up according to the~~
20 ~~manufacturer's instructions and~~ connected to utilities for
21 year-round occupancy for use as a permanent habitation, and
22 designed and situated so as to permit its occupancy as a
23 dwelling place for one or more persons, and specifically
24 includes a "manufactured home" as defined in subdivision (53)

1 of Section 9-102 of the Uniform Commercial Code. The term shall
2 include units containing parts that may be folded, collapsed,
3 or telescoped when being towed and that may be expected to
4 provide additional cubic capacity, and that are designed to be
5 joined into one integral unit capable of being separated again
6 into the components for repeated towing. The term excludes
7 campers and recreational vehicles. The words "mobile home" and
8 "manufactured home" are synonymous for the purposes of this
9 Act.

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

21 "Municipality" means any city, village, incorporated town,
22 or its duly authorized agent. If an abandoned mobile home is
23 located in an unincorporated area, the county where the mobile
24 home is located shall have all powers granted to a municipality
25 under this Act.

26 (Source: P.A. 96-1477, eff. 1-1-11.)

1 Section 10-60. The Illinois Manufactured Housing and
2 Mobile Home Safety Act is amended by changing Section 2 as
3 follows:

4 (430 ILCS 115/2) (from Ch. 67 1/2, par. 502)

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

8 (a) "Manufactured home" means a manufactured home as
9 defined in subdivision (53) of Section 9-102 of the Uniform
10 Commercial Code. "Mobile home" means a factory-assembled,
11 completely integrated structure, constructed on or before June
12 30, 1976, designed for permanent habitation, with a permanent
13 chassis, and so constructed as to permit its transport, on
14 wheels temporarily or permanently attached to its frame, that
15 is a movable or portable unit that is constructed to be towed
16 on its own chassis (comprised of frame and wheels) from the
17 place of its construction to the location, or subsequent
18 locations, at which it is connected to utilities for year-round
19 occupancy for use as a permanent habitation, and designed and
20 situated so as to permit its occupancy as a dwelling place for
21 one or more persons. ~~a factory-assembled, completely~~
22 ~~integrated structure designed for permanent habitation, with a~~
23 ~~permanent chassis, and so constructed as to permit its~~
24 ~~transport, on wheels temporarily or permanently attached to its~~

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

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

23 (c) "Manufacturer" means any person who manufactures
24 mobile homes or manufactured housing at the place or places,
25 either on or away from the building site, at which machinery,
26 equipment and other capital goods are assembled and operated

1 for the purpose of making, fabricating, forming or assembling
2 mobile homes or manufactured housing.

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

4 (e) "Director" means the Director of the Department of
5 Public Health.

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

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

1 housing and mobile homes installed and set up according to the
2 manufacturer's instructions. A copy of said safety codes,
3 including said revisions thereof is on file with the
4 Department.

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

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

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

24 (k) "Open construction" is any building, component,
25 assembly or system manufactured in such a manner that all
26 portions can be readily inspected at the installation site

1 without disassembly, damage to, or destruction thereof.

2 (l) "Approved foundation and support system" means, for a
3 modular home or modular dwelling unit, a closed perimeter
4 formation consisting of materials such as concrete, mortared
5 concrete block, or mortared brick extending into the ground
6 below the frost line which shall include, but not necessarily
7 be limited to, cellars, basements, or crawl spaces, and does
8 include the use of piers supporting the marriage wall of the
9 home that extend below the 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. 96-1477, eff. 1-1-11.)

18 Section 10-65. The Manufactured Home Quality Assurance Act
19 is 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 "manufactured home", as
4 defined in subdivision (53) of Section 9-102 of the Uniform
5 Commercial Code. "Mobile home" means a factory-assembled,
6 completely integrated structure, constructed on or before June
7 30, 1976, designed for permanent habitation, with a permanent
8 chassis, and so constructed as to permit its transport, on
9 wheels temporarily or permanently attached to its frame, that
10 is a movable or portable unit that is constructed to be towed
11 on its own chassis (comprised of frame and wheels) from the
12 place of its construction to the location, or subsequent
13 locations, at which it is connected to utilities for year-round
14 occupancy for use as a permanent habitation, and designed and
15 situated so as to permit its occupancy as a dwelling place for
16 one or more persons. ~~a factory assembled, completely~~
17 ~~integrated structure designed for permanent habitation, with a~~
18 ~~permanent chassis, and so constructed as to permit its~~
19 ~~transport, on wheels temporarily or permanently attached to its~~
20 ~~frame, and is a movable or portable unit that is (i) 8 body~~
21 ~~feet or more in width, (ii) 40 body feet or more in length, and~~
22 ~~(iii) 320 or more square feet, constructed to be towed on its~~
23 ~~own chassis (comprised of frame and wheels) from the place of~~
24 ~~its construction to the location, or subsequent locations, at~~
25 ~~which it is installed and set up according to the~~
26 ~~manufacturer's instructions and connected to utilities for~~

1 ~~year-round occupancy for use as a permanent habitation, and~~
2 ~~designed and situated so as to permit its occupancy as a~~
3 ~~dwelling place for one or more persons.~~ The terms "manufactured
4 home" and "mobile home" term shall include units otherwise
5 meeting their respective definitions containing parts that may
6 be folded, collapsed, or telescoped when being towed and that
7 may be expected to provide additional cubic capacity, and that
8 are designed to be joined into one integral unit capable of
9 being separated again into the components for repeated towing.
10 The terms "manufactured home" and "mobile home" exclude term
11 ~~excludes~~ campers and recreational vehicles.

12 "Manufacturer" means a manufacturer of a manufactured
13 home, whether the manufacturer is located within or outside of
14 the State of Illinois.

15 "Mobile home" or "manufactured home" does not include a
16 modular home.

17 "Mobile home park" means a tract of land or 2 contiguous
18 tracts of land that contain sites with the necessary utilities
19 for 5 or more mobile homes or manufactured homes. A mobile home
20 park may be operated either free of charge or for revenue
21 purposes.

22 (Source: P.A. 96-1477, eff. 1-1-11.)

23 Section 10-70. The Illinois Vehicle Code is amended by
24 changing Sections 3-100, 3-102, 3-103, 3-104, 3-106, 3-107,
25 3-109, 3-110, 3-116, 3-202, 3-205, 3-207, and 3-208 and by

1 adding Sections 1-144.03, 3-116.1, 3-116.2, and 3-116.3 as
2 follows:

3 (625 ILCS 5/1-144.03 new)

4 Sec. 1-144.03. Mobile home or manufactured home. A mobile
5 home or manufactured home means a manufactured home as defined
6 in subdivision (53) of Section 9-102 of the Uniform Commercial
7 Code.

8 (625 ILCS 5/3-100) (from Ch. 95 1/2, par. 3-100)

9 Sec. 3-100. Definitions. For the purposes of this Chapter,
10 the following words shall have the meanings ascribed to them:

11 "Electronic" includes electrical, digital, magnetic,
12 optical, electromagnetic, or any other form of technology that
13 entails capabilities similar to these technologies.

14 "Electronic record" means a record generated,
15 communicated, received, or stored by electronic means for use
16 in an information system or for transmission from one
17 information system to another.

18 "Electronic signature" means a signature in electronic
19 form attached to or logically associated with an electronic
20 record.

21 "Owner" means a person who holds legal document of
22 ownership of a vehicle, limited to a certificate of origin,
23 certificate of title, salvage certificate, or junking
24 certificate. However, in the event a vehicle is the subject of

1 an agreement for the conditional sale or lease thereof with the
2 right of purchase upon performance of the conditions stated in
3 the agreement and with an immediate right of possession vested
4 in the conditional vendee or lessee, or in the event a
5 mortgagor of such vehicle is entitled to possession, then such
6 conditional vendee or lessee or mortgagor shall be deemed the
7 owner for the purpose of this Chapter, except as provided under
8 paragraph (c) of Section 3-118.

9 "Record" means information that is inscribed, stored, or
10 otherwise fixed on a tangible medium or that is stored in an
11 electronic or other medium and is retrievable in perceivable
12 form.

13 "Signature" or "signed" includes any symbol executed or
14 adopted, or any security procedure employed or adopted, using
15 electronic means or otherwise, by or on behalf of a person with
16 intent to authenticate a record.

17 "Vehicle" means a vehicle as defined in Section 1-217 of
18 this Code. Unless otherwise specified, "vehicle" also means a
19 "manufactured home" as defined in Section 1-144.03 of this
20 Code.

21 (Source: P.A. 91-79, eff. 1-1-00; 91-357, eff. 7-29-99; 91-772,
22 eff. 1-1-01.)

23 (625 ILCS 5/3-102) (from Ch. 95 1/2, par. 3-102)

24 Sec. 3-102. Exclusions.

25 No certificate of title need be obtained for:

1 1. A vehicle owned by the State of Illinois; or a vehicle
2 owned by the United States unless it is registered in this
3 State;

4 2. A vehicle owned by a manufacturer or dealer and held for
5 sale, even though incidentally moved on the highway or used for
6 purposes of testing or demonstration, provided a dealer
7 reassignment area is still available on the manufacturer's
8 certificate of origin or the Illinois title; or a vehicle used
9 by a manufacturer solely for testing;

10 3. A vehicle owned by a non-resident of this State and not
11 required by law to be registered in this State;

12 4. A motor vehicle regularly engaged in the interstate
13 transportation of persons or property for which a currently
14 effective certificate of title has been issued in another
15 State;

16 5. A vehicle moved solely by animal power;

17 6. An implement of husbandry;

18 7. Special mobile equipment;

19 8. An apportionable trailer or an apportionable
20 semitrailer registered in the State prior to April 1, 1998.

21 9. A manufactured home for which an affidavit of affixation
22 has been recorded pursuant to the Conveyance and Encumbrance of
23 Manufactured Homes as Real Property and Severance Act unless
24 with respect to the same manufactured home there has been
25 recorded an affidavit of severance pursuant to that Act.

26 (Source: P.A. 91-441, eff. 1-1-00.)

1 (625 ILCS 5/3-103) (from Ch. 95 1/2, par. 3-103)

2 Sec. 3-103. Optional certificate of title.

3 (a) The owner of an implement of husbandry or special
4 mobile equipment may apply for and obtain a certificate of
5 title on it. All of the provisions of this chapter, except part
6 (e) of Section 3-104, are applicable to a certificate of title
7 so issued, except that a person who receives a transfer of an
8 interest in the vehicle without knowledge of the certificate of
9 title is not prejudiced by reason of the existence of the
10 certificate, and the perfection of a security interest under
11 this act is not effective until the lienholder has complied
12 with the provisions of applicable law which otherwise relate to
13 the perfection of security interests in personal property.

14 An application for an optional certificate of title must be
15 accompanied by either an exemption determination from the
16 Department of Revenue showing that no tax imposed under the
17 "Use Tax Act" or the "Retailers' Occupation Tax Act" is owed by
18 anyone with respect to that vehicle or by a receipt from the
19 Department of Revenue showing that any tax so imposed has been
20 paid. No optional certificate of title shall be issued in the
21 absence of such a receipt or exemption determination.

22 If the proof of payment or of nonliability is, after the
23 issuance of the optional certificate of title, found to be
24 invalid, the Secretary of State shall revoke the optional
25 certificate of title and require that it be returned to him.

1 (b) The owner of a manufactured home which is permanently
2 affixed to real estate and for which a certificate of title has
3 not previously been issued and surrendered for cancellation may
4 apply for a certificate of title, including, if applicable, a
5 certificate of title issued in accordance with subsection (b)
6 of Section 3-109, which shall be issued for the sole purpose of
7 (i) surrendering such certificate of title for cancellation in
8 accordance with Section 3-116.2 or (ii) satisfying the
9 requirements of subdivision (e)(4) of Section 9-334 of the
10 Uniform Commercial Code. The Secretary of State shall issue a
11 certificate of title, in accordance with this Chapter, upon
12 satisfaction of the application requirements of this Code.

13 (Source: P.A. 78-1165.)

14 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

15 Sec. 3-104. Application for certificate of title.

16 (a) The application for a certificate of title for a
17 vehicle in this State must be made by the owner to the
18 Secretary of State on the form prescribed and must contain:

19 1. The name, Illinois residence and mail address of the
20 owner;

21 2. A description of the vehicle including, so far as
22 the following data exists: Its make, year-model,
23 identifying number, type of body, whether new or used, as
24 to house trailers as defined in Section 1-128 of this Code,
25 and as to manufactured homes as defined in Section 1-144.03

1 of this Code, the square footage ~~of the house trailer~~ based
2 upon the outside dimensions ~~of the house trailer~~ excluding
3 the length of the tongue and hitch, and, as to vehicles of
4 the second division, whether for-hire, not-for-hire, or
5 both for-hire and not-for-hire;

6 3. The date of purchase by applicant and, if
7 applicable, the name and address of the person from whom
8 the vehicle was acquired and the names and addresses of any
9 lienholders in the order of their priority and signatures
10 of owners;

11 4. The current odometer reading at the time of transfer
12 and that the stated odometer reading is one of the
13 following: actual mileage, not the actual mileage or
14 mileage is in excess of its mechanical limits; and

15 5. Any further information the Secretary of State
16 reasonably requires to identify the vehicle and to enable
17 him to determine whether the owner is entitled to a
18 certificate of title and the existence or nonexistence of
19 security interests in the vehicle.

20 (a-5) The Secretary of State shall designate on the
21 prescribed application form a space where the owner of a
22 vehicle may designate a beneficiary, to whom ownership of the
23 vehicle shall pass in the event of the owner's death.

24 (b) If the application refers to a vehicle purchased from a
25 dealer, it must also be signed by the dealer as well as the
26 owner, and the dealer must promptly mail or deliver the

1 application and required documents to the Secretary of State.

2 (c) If the application refers to a vehicle last previously
3 registered in another State or country, the application must
4 contain or be accompanied by:

5 1. Any certified document of ownership so recognized
6 and issued by the other State or country and acceptable to
7 the Secretary of State, and

8 2. Any other information and documents the Secretary of
9 State reasonably requires to establish the ownership of the
10 vehicle and the existence or nonexistence of security
11 interests in it.

12 (d) If the application refers to a new vehicle it must be
13 accompanied by the Manufacturer's Statement of Origin, or other
14 documents as required and acceptable by the Secretary of State,
15 with such assignments as may be necessary to show title in the
16 applicant.

17 (e) If an application refers to a vehicle rebuilt from a
18 vehicle previously salvaged, that application shall comply
19 with the provisions set forth in Sections 3-302 through 3-304
20 of this Code.

21 (f) An application for a certificate of title for any
22 vehicle, whether purchased in Illinois or outside Illinois, and
23 even if previously registered in another State, must be
24 accompanied by either an exemption determination from the
25 Department of Revenue showing that no tax imposed pursuant to
26 the Use Tax Act or the vehicle use tax imposed by Section

1 3-1001 of the Illinois Vehicle Code is owed by anyone with
2 respect to that vehicle, or a receipt from the Department of
3 Revenue showing that any tax so imposed has been paid. An
4 application for a certificate of title for any vehicle
5 purchased outside Illinois, even if previously registered in
6 another state, must be accompanied by either an exemption
7 determination from the Department of Revenue showing that no
8 tax imposed pursuant to the Municipal Use Tax Act or the County
9 Use Tax Act is owed by anyone with respect to that vehicle, or
10 a receipt from the Department of Revenue showing that any tax
11 so imposed has been paid. In the absence of such a receipt for
12 payment or determination of exemption from the Department, no
13 certificate of title shall be issued to the applicant.

14 If the proof of payment of the tax or of nonliability
15 therefor is, after the issuance of the certificate of title and
16 display certificate of title, found to be invalid, the
17 Secretary of State shall revoke the certificate and require
18 that the certificate of title and, when applicable, the display
19 certificate of title be returned to him.

20 (g) If the application refers to a vehicle not manufactured
21 in accordance with federal safety and emission standards, the
22 application must be accompanied by all documents required by
23 federal governmental agencies to meet their standards before a
24 vehicle is allowed to be issued title and registration.

25 (h) If the application refers to a vehicle sold at public
26 sale by a sheriff, it must be accompanied by the required fee

1 and a bill of sale issued and signed by a sheriff. The bill of
2 sale must identify the new owner's name and address, the year
3 model, make and vehicle identification number of the vehicle,
4 court order document number authorizing such sale, if
5 applicable, and the name and address of any lienholders in
6 order of priority, if applicable.

7 (i) If the application refers to a vehicle for which a
8 court of law determined the ownership, it must be accompanied
9 with a certified copy of such court order and the required fee.
10 The court order must indicate the new owner's name and address,
11 the complete description of the vehicle, if known, the name and
12 address of the lienholder, if any, and must be signed and dated
13 by the judge issuing such order.

14 (j) If the application refers to a vehicle sold at public
15 auction pursuant to the Labor and Storage Lien (Small Amount)
16 Act, it must be accompanied by an affidavit or affirmation
17 furnished by the Secretary of State along with the documents
18 described in the affidavit or affirmation and the required fee.

19 (k) The Secretary may provide an expedited process for the
20 issuance of vehicle titles. Expedited title applications must
21 be delivered to the Secretary of State's Vehicle Services
22 Department in Springfield by express mail service or hand
23 delivery. Applications must be complete, including necessary
24 forms, fees, and taxes. Applications received before noon on a
25 business day will be processed and shipped that same day.
26 Applications received after noon on a business day will be

1 processed and shipped the next business day. The Secretary
2 shall charge an additional fee of \$30 for this service, and
3 that fee shall cover the cost of return shipping via an express
4 mail service. All fees collected by the Secretary of State for
5 expedited services shall be deposited into the Motor Vehicle
6 License Plate Fund. In the event the Vehicle Services
7 Department determines that the volume of expedited title
8 requests received on a given day exceeds the ability of the
9 Vehicle Services Department to process those requests in an
10 expedited manner, the Vehicle Services Department may decline
11 to provide expedited services, and the additional fee for the
12 expedited service shall be refunded to the applicant.

13 (1) If the application refers to a homemade trailer, (i) it
14 must be accompanied by the appropriate documentation regarding
15 the source of materials used in the construction of the
16 trailer, as required by the Secretary of State, (ii) the
17 trailer must be inspected by a Secretary of State investigator,
18 as described in Section 2-115 of this Code, prior to the
19 issuance of the title, and (iii) upon approval of the Secretary
20 of State, the trailer must have a vehicle identification
21 number, as provided by the Secretary of State, stamped or
22 riveted to the frame.

23 (m) The holder of a Manufacturer's Statement of Origin to a
24 manufactured home may deliver it to any person to facilitate
25 conveying or encumbering the manufactured home. Any person
26 receiving any such Manufacturer's Statement of Origin so

1 delivered holds it in trust for the person delivering it.

2 (n) Within 45 days after the completion of the first retail
3 sale of a manufactured home, the Manufacturer's Statement of
4 Origin to that manufactured home must be surrendered to the
5 Secretary of State either in conjunction with an application
6 for a certificate of title for that manufactured home or in
7 accordance with Section 3-116.1.

8 (Source: P.A. 95-784, eff. 1-1-09; 96-519, eff. 1-1-10; 96-554,
9 eff. 1-1-10; 96-1000, eff. 7-2-10.)

10 (625 ILCS 5/3-106) (from Ch. 95 1/2, par. 3-106)

11 Sec. 3-106. Certificate of title - Issuance - Records. (a)
12 The Secretary of State shall file each application received
13 and, when satisfied as to its genuineness and regularity, and
14 that no tax imposed by the "Use Tax Act" or the vehicle use
15 tax, as imposed by Section 3-1001 of "The Illinois Vehicle
16 Code", or pursuant to the "Municipal Use Tax Act" or pursuant
17 to the "County Use Tax Act" is owed as evidenced by the receipt
18 for payment or determination of exemption from the Department
19 of Revenue provided for in Section 3-104 of this Act, and that
20 the applicant is entitled to the issuance of a certificate of
21 title, shall issue a certificate of title of the vehicle.

22 (b) The Secretary of State shall maintain a record of all
23 certificates of title issued by him under a distinctive title
24 number assigned to the vehicle; and, in the discretion of the
25 Secretary of State, in any other method determined.

1 (c) The Secretary of State shall not issue a certificate of
2 title, including a certificate of title issued in accordance
3 with subsection (b) of Section 3-109, to a manufactured home
4 for which there has been recorded an affidavit of affixation
5 pursuant to the Conveyance and Encumbrance of Manufactured
6 Homes as Real Property and Severance Act unless with respect to
7 the same manufactured home there has been recorded an affidavit
8 of severance pursuant to the Conveyance and Encumbrance of
9 Manufactured Homes as Real Property and Severance Act.

10 (d) The Secretary of State shall file, upon receipt, each
11 affidavit of affixation and each affidavit of severance
12 relating to a manufactured home that is delivered in accordance
13 with the Conveyance and Encumbrance of Manufactured Homes as
14 Real Property and Severance Act, when satisfied as to its
15 genuineness and regularity.

16 (e) The Secretary of State shall maintain a record of each
17 affidavit of affixation and each affidavit of severance filed
18 in accordance with subsection (d) of this Section. The record
19 shall state the name of the owner of the related manufactured
20 home, the name of manufacturer, make, model name, model year,
21 vehicle identification number, and any other data the Secretary
22 of State prescribes.

23 (f) The Secretary of State shall file, upon receipt, each
24 application for surrender of the Manufacturer's Statement of
25 Origin relating to a manufactured home that is delivered in
26 accordance with Section 3-116.1, when satisfied as to its

1 genuineness and regularity.

2 (g) The Secretary of State shall file, upon receipt, each
3 application for surrender of the certificate of title relating
4 to a manufactured home that is delivered in accordance with
5 Section 3-116.2, when satisfied as to its genuineness and
6 regularity.

7 (h) The Secretary of State shall maintain a record,
8 including a record in the form of a searchable electronic
9 database accessible to the public, of each Manufacturer's
10 Statement of Origin accepted for surrender as provided in
11 Section 3-116.1. The record shall state the date the
12 Manufacturer's Statement of Origin was accepted for surrender,
13 the name of manufacturer, make, model name, model year, vehicle
14 identification number, and any other data the Secretary of
15 State prescribes.

16 (i) The Secretary of State shall maintain a record,
17 including a record in the form of a searchable electronic
18 database accessible to the public, of each manufactured home
19 certificate of title accepted for surrender as provided in
20 Section 3-116.2. The record shall state the date the
21 certificate of title was accepted for surrender, the name of
22 manufacturer, make, model name, model year, vehicle
23 identification number, and any other data the Secretary of
24 State prescribes.

25 (Source: P.A. 86-444.)

1 (625 ILCS 5/3-107) (from Ch. 95 1/2, par. 3-107)

2 Sec. 3-107. Contents and effect.

3 (a) Each certificate of title issued by the Secretary of
4 State shall contain:

5 1. the date issued;

6 2. the name and address of the owner;

7 3. the names and addresses of any lienholders, in the
8 order of priority as shown on the application or, if the
9 application is based on a certificate of title, as shown on
10 the certificate;

11 4. the title number assigned to the vehicle;

12 5. a description of the vehicle including, so far as
13 the following data exists: its make, year-model,
14 identifying number, type of body, whether new or used, as
15 to house trailers as defined in Section 1-128 of this Code,
16 and as to manufactured homes as defined in Section 1-144.03
17 of this Code, the square footage of the vehicle based upon
18 the outside dimensions ~~of the house trailer~~ excluding the
19 length of the tongue and hitch, and, if a new vehicle, the
20 date of the first sale of the vehicle for use;

21 6. an odometer certification as provided for in this
22 Code; and

23 7. any other data the Secretary of State prescribes.

24 (a-5) In the event the applicant seeks to have the vehicle
25 titled as a custom vehicle or street rod, that fact must be
26 stated in the application. The custom vehicle or street rod

1 must be inspected as required by Section 3-406 of this Code
2 prior to issuance of the title. Upon successful completion of
3 the inspection, the vehicle may be titled in the following
4 manner. The make of the vehicle shall be listed as the make of
5 the actual vehicle or the make it is designed to resemble
6 (e.g., Ford or Chevrolet); the model of the vehicle shall be
7 listed as custom vehicle or street rod; and the year of the
8 vehicle shall be listed as the year the actual vehicle was
9 manufactured or the year it is designed to resemble. A vehicle
10 previously titled as other than a custom vehicle or street rod
11 may be issued a corrected title reflecting the custom vehicle
12 or street rod model if it otherwise meets the requirements for
13 the designation.

14 (b) The certificate of title shall contain forms for
15 assignment and warranty of title by the owner, and for
16 assignment and warranty of title by a dealer, and may contain
17 forms for applications for a certificate of title by a
18 transferee, the naming of a lienholder and the assignment or
19 release of the security interest of a lienholder.

20 (b-5) The Secretary of State shall designate on a
21 certificate of title a space where the owner of a vehicle may
22 designate a beneficiary, to whom ownership of the vehicle shall
23 pass in the event of the owner's death.

24 (c) A certificate of title issued by the Secretary of State
25 is prima facie evidence of the facts appearing on it.

26 (d) A certificate of title for a vehicle is not subject to

1 garnishment, attachment, execution or other judicial process,
2 but this subsection does not prevent a lawful levy upon the
3 vehicle.

4 (e) Any certificate of title issued by the Secretary of
5 State is subject to a lien in favor of the State of Illinois
6 for any fees or taxes required to be paid under this Act and as
7 have not been paid, as provided for in this Code.

8 (f) Notwithstanding any other provision of law, a
9 certificate of title issued by the Secretary of State to a
10 manufactured home is prima facie evidence of the facts
11 appearing on it, notwithstanding the fact that such
12 manufactured home, at any time, shall have become affixed in
13 any manner to real property.

14 (Source: P.A. 95-784, eff. 1-1-09; 96-487, eff. 1-1-10.)

15 (625 ILCS 5/3-109) (from Ch. 95 1/2, par. 3-109)

16 Sec. 3-109. Registration without certificate of title;
17 bond. If the Secretary of State is not satisfied as to the
18 ownership of the vehicle, including but not limited to, in the
19 case of a manufactured home, a circumstance in which the
20 manufactured home is covered by a Manufacturer's Statement of
21 Origin that the owner of the manufactured home, after diligent
22 search and inquiry, is unable to produce, or that there are no
23 undisclosed security interests in it, the Secretary of State
24 may register the vehicle but shall either:

25 (a) Withhold issuance of a certificate of title until the

1 applicant presents documents reasonably sufficient to satisfy
2 the Secretary of State as to the applicant's ownership of the
3 vehicle and that there are no undisclosed security interests in
4 it; or

5 (b) As a condition of issuing a certificate of title,
6 require the applicant to file with the Secretary of State a
7 bond in the form prescribed by the Secretary of State and
8 executed by the applicant, and either accompanied by the
9 deposit of cash with the Secretary of State or also executed by
10 a person authorized to conduct a surety business in this State.
11 The bond shall be in an amount equal to one and one-half times
12 the value of the vehicle as determined by the Secretary of
13 State and conditioned to indemnify any prior owner and
14 lienholder and any subsequent purchaser of the vehicle or
15 person acquiring any security interest in it, and their
16 respective successors in interest, against any expense, loss or
17 damage, including reasonable attorney's fees, by reason of the
18 issuance of the certificate of title of the vehicle or on
19 account of any defect in or undisclosed security interest upon
20 the right, title and interest of the applicant in and to the
21 vehicle. Any such interested person has a right of action to
22 recover on the bond for any breach of its conditions, but the
23 aggregate liability of the surety to all persons shall not
24 exceed the amount of the bond. The bond, and any deposit
25 accompanying it, shall be returned at the end of three (3)
26 years or prior thereto if (i) the vehicle is no longer

1 registered in this State and the currently valid certificate of
2 title is surrendered to the Secretary of State or (ii), in the
3 case of a certificate of title to a manufactured home, the
4 currently valid certificate of title is surrendered to the
5 Secretary of State in accordance with Section 3-116.2, unless
6 the Secretary of State has been notified of the pendency of an
7 action to recover on the bond.

8 Security deposited as a bond hereunder shall be placed by
9 the Secretary of State in the custody of the State Treasurer.

10 (c) During July, annually, the Secretary shall compile a
11 list of all bonds on deposit, pursuant to this Section, for
12 more than 3 years and concerning which he has received no
13 notice as to the pendency of any judicial proceeding that could
14 affect the disposition thereof. Thereupon, he shall promptly
15 send a notice by certified mail to the last known address of
16 each depositor advising him that his bond will be subject to
17 escheat to the State of Illinois if not claimed within 30 days
18 after the mailing date of such notice. At the expiration of
19 such time, the Secretary of State shall file with the State
20 Treasurer an order directing the transfer of such deposit to
21 the Road Fund in the State Treasury. Upon receipt of such
22 order, the State Treasurer shall make such transfer, after
23 converting to cash any other type of security. Thereafter any
24 person having a legal claim against such deposit may enforce it
25 by appropriate proceedings in the Court of Claims subject to
26 the limitations prescribed for such Court. At the expiration of

1 such limitation period such deposit shall escheat to the State
2 of Illinois.

3 (Source: P.A. 81-1458.)

4 (625 ILCS 5/3-110) (from Ch. 95 1/2, par. 3-110)

5 Sec. 3-110. Refusing certificate of title.

6 The Secretary of State shall refuse issuance of a
7 certificate of title if any required fee is not paid or if he
8 has reasonable grounds to believe that:

9 (a) the applicant is not the owner of the vehicle;

10 (b) the application contains a false or fraudulent
11 statement; ~~or~~

12 (c) the applicant fails to furnish required information or
13 documents or any additional information the Secretary of State
14 reasonably requires; or

15 (d) the applicant has not paid to the Secretary of State
16 any fees or taxes due under this Act and have not been paid
17 upon reasonable notice and demand.

18 Except as provided in Section 3-116.2, the Secretary of
19 State shall not refuse to issue a certificate of title to a
20 manufactured home by reason of the fact that, at any time, in
21 any manner, it shall have been affixed to real property.

22 (Source: P.A. 77-641; revised 9-16-10.)

23 (625 ILCS 5/3-116) (from Ch. 95 1/2, par. 3-116)

24 Sec. 3-116. When Secretary of State to issue a certificate

1 of title.

2 (a) The Secretary of State, upon receipt of a properly
3 assigned certificate of title, with an application for a
4 certificate of title, the required fee and any other documents
5 required by law, shall issue a new certificate of title in the
6 name of the transferee as owner and mail it to the first
7 lienholder named in it or, if none, to the owner or owner's
8 designee.

9 (b) The Secretary of State, upon receipt of an application
10 for a new certificate of title by a transferee other than by
11 voluntary transfer, with proof of the transfer, the required
12 fee and any other documents required by law, shall issue a new
13 certificate of title in the name of the transferee as owner.

14 (c) Any person, firm or corporation, who shall knowingly
15 possess, buy, sell, exchange or give away, or offer to buy,
16 sell, exchange or give away the certificate of title to any
17 motor vehicle which is a junk or salvage, or who shall fail to
18 surrender the certificate of title to the Secretary of State as
19 required under the provisions of this Section and Section
20 3-117.2, shall be guilty of Class 3 felony.

21 (d) The Secretary of State shall file and retain for four
22 (4) years a record of every surrendered certificate of title or
23 proof of ownership accepted by the Secretary of State, the file
24 to be maintained so as to permit the tracing of title of the
25 vehicle designated therein. Such filing and retention
26 requirements shall be in addition to and not in substitution

1 for the recordkeeping requirements set forth in Section 3-106
2 of this Code, which recordkeeping requirements are not limited
3 to any period of time.

4 (e) The Secretary of State, upon receipt of an application
5 for corrected certificate of title, with the original title,
6 the required fee and any other required documents, shall issue
7 a corrected certificate of title in the name of the owner and
8 mail it to the first lienholder named in it or, if none, to the
9 owner or owner's designee.

10 (f) The Secretary of State, upon receipt of a certified
11 copy of a court order awarding ownership to an applicant along
12 with an application for a certificate of title and the required
13 fee, shall issue a certificate of title to the applicant.

14 (Source: P.A. 90-212, eff. 1-1-98.)

15 (625 ILCS 5/3-116.1 new)

16 Sec. 3-116.1. Surrender of Manufacturer's Statement of
17 Origin to a manufactured home.

18 (a) The owner (all, if more than one) of a manufactured
19 home that is covered by a Manufacturer's Statement of Origin
20 and that is permanently affixed to real property as defined in
21 the Conveyance and Encumbrance of Manufactured Homes as Real
22 Property and Severance Act, or which the owner intends to
23 permanently affix to real property as defined in the Conveyance
24 and Encumbrance of Manufactured Homes as Real Property and
25 Severance Act, may surrender the Manufacturer's Statement of

1 Origin to the manufactured home to the Secretary of State by
2 filing with the Secretary of State an application for surrender
3 of Manufacturer's Statement of Origin containing or
4 accompanied by:

5 (1) the name, residence, and mailing address of the
6 owner;

7 (2) a description of the manufactured home
8 including the name of the manufacturer, the make, the model
9 name, the model year, the dimensions, and the vehicle
10 identification number of the manufactured home and whether
11 it is new or used, and any other information the Secretary
12 of State requires;

13 (3) the date of purchase by the owner of the
14 manufactured home, the name and address of the person from
15 whom the home was acquired, and the names and addresses of
16 any security interest holders and lienholders in the order
17 of their apparent priority;

18 (4) a statement signed by the owner, stating either
19 (i) any facts or information known to the owner that could
20 reasonably affect the validity of the title to the
21 manufactured home or the existence or non-existence of a
22 security interest in or lien on it or (ii) that no such
23 facts or information are known to the owner;

24 (5) a certified copy of the affidavit of affixation
25 in accordance with the Conveyance and Encumbrance of
26 Manufactured Homes as Real Property and Severance Act;

1 (6) the original Manufacturer's Statement of
2 Origin;

3 (7) the name and mailing address of each owner of
4 the manufactured home or such owner's designee wishing to
5 receive written acknowledgment of surrender from the
6 Secretary of State; and

7 (8) any other information and documents the
8 Secretary of State reasonably requires to identify the
9 owner of the manufactured home and to enable him or her to
10 determine whether the owner satisfied the requirements of
11 the Conveyance and Encumbrance of Manufactured Homes as
12 Real Property and Severance Act and is entitled to
13 surrender the Manufacturer's Statement of Origin, and the
14 existence or non-existence of security interests in or
15 liens on the manufactured home.

16 (b) When satisfied as to the genuineness and regularity of
17 the surrender of a Manufacturer's Statement of Origin to a
18 manufactured home, payment of any applicable fees and upon
19 satisfaction of the requirements of subsection (a) of this
20 Section, the Secretary of State shall (i) cancel the
21 Manufacturer's Statement of Origin and update his or her
22 records in accordance with the provisions of Section 3-106 and
23 (ii) provide written acknowledgment of compliance with the
24 provisions of this Section to each person identified on the
25 application for surrender of Manufacturer's Statement of
26 Origin pursuant to subsection (a) (7) of this Section.

1 (c) Upon satisfaction of the requirements of this Section,
2 a manufactured home shall be conveyed and encumbered as
3 provided in the Conveyance and Encumbrance of Manufactured
4 Homes as Real Property and Severance Act. If the application to
5 surrender a Manufacturer's Statement of Origin is delivered to
6 the Secretary of State within 60 days of recording the related
7 affidavit of affixation with the recording officer in the
8 county in which the real property to which the manufactured
9 home is or shall be affixed and the application is thereafter
10 accepted by the Secretary of State, the requirements of this
11 Section shall be deemed satisfied as of the date the affidavit
12 of affixation is recorded.

13 (d) Upon written request by a person identified on the
14 application for surrender of Manufacturer's Statement of
15 Origin pursuant to subsection (a)(7) of this Section, the
16 Secretary of State shall provide written acknowledgment of
17 compliance with the provisions of this Section.

18 (625 ILCS 5/3-116.2 new)

19 Sec. 3-116.2. Application for surrender of title.

20 (a) The owner (all, if more than one) of a manufactured
21 home that is covered by a certificate of title, including, if
22 applicable, a certificate of title issued in accordance with
23 subsection (b) of Section 3-109, and that is permanently
24 affixed to real property as defined in the Conveyance and
25 Encumbrance of Manufactured Homes as Real Property and

1 Severance Act, or which the owner intends to permanently affix
2 to real property as defined in the Conveyance and Encumbrance
3 of Manufactured Homes as Real Property and Severance Act, may
4 surrender the certificate of title to the manufactured home to
5 the Secretary of State by filing with the Secretary of State an
6 application for surrender of title containing or accompanied
7 by:

8 (1) the name, residence, and mailing address of the
9 owner;

10 (2) a description of the manufactured home including
11 the name of the manufacturer, the make, the model name, the
12 model year, the dimensions, and the vehicle identification
13 number or numbers of the manufactured home and whether it
14 is new or used and any other information the Secretary of
15 State requires;

16 (3) the date of purchase by the owner of the
17 manufactured home, the name and address of the person from
18 whom the home was acquired and the names and addresses of
19 any security interest holders and lienholders in the order
20 of their apparent priority;

21 (4) a statement signed by the owner, stating either,
22 (i) any facts or information known to the owner that could
23 reasonably affect the validity of the title to the
24 manufactured home or the existence or non-existence of a
25 security interest in or lien on it; or (ii) that no such
26 facts or information are known to the owner;

1 (5) a certified copy of the affidavit of affixation in
2 accordance with the Conveyance and Encumbrance of
3 Manufactured Homes as Real Property and Severance Act;

4 (6) the original certificate of title;

5 (7) the name and mailing address of each owner of the
6 manufactured home or such owner's designee wishing written
7 acknowledgment of surrender from the Secretary of State;

8 (8) a release of security interests (if any) pursuant
9 to Section 3-205 of this Code; and

10 (9) any other information and documents the Secretary
11 of State reasonably requires to identify the owner of the
12 manufactured home and to enable him or her to determine
13 whether the owner satisfied the requirements of the
14 Conveyance and Encumbrance of Manufactured Homes as Real
15 Property and Severance Act and is entitled to surrender the
16 certificate of title and the existence or non-existence of
17 security interests in or liens on the manufactured home.

18 (b) The Secretary of State shall not accept for surrender a
19 certificate of title to a manufactured home unless and until
20 all security interests or liens perfected pursuant to Sections
21 3-106 and 3-202 have been released.

22 (c) When satisfied as to the genuineness and regularity of
23 the surrender of a certificate of title to a manufactured home,
24 payment of any applicable fees and upon satisfaction of the
25 requirements of subsections (a) and (b) of this Section, the
26 Secretary of State shall (i) cancel the certificate of title

1 and update his or her records in accordance with the provisions
2 of Section 3-106 and (ii) provide written acknowledgment of
3 compliance with the provisions of this Section to each person
4 identified on the application for surrender of title pursuant
5 to subsection (a) (7) of this Section.

6 (d) Upon satisfaction of the requirements of this Section,
7 a manufactured home shall be conveyed and encumbered as
8 provided in the Conveyance and Encumbrance of Manufactured
9 Homes as Real Property and Severance Act. If the application to
10 surrender a certificate of title is delivered to the Secretary
11 of State within 60 days of recording the related affidavit of
12 affixation with the recording officer in the county in which
13 the real property to which the manufactured home is or shall be
14 affixed, and the application is thereafter accepted by the
15 Secretary of State, the requirements of this Section shall be
16 deemed satisfied as of the date the affidavit of affixation is
17 recorded.

18 (e) Upon written request by a person identified on the
19 application for surrender of title pursuant to subsection
20 (a) (7) of this Section, the Secretary of State shall provide
21 written acknowledgment of compliance with the provisions of
22 this Section.

23 (625 ILCS 5/3-116.3 new)

24 Sec. 3-116.3. Application for a certificate of title to a
25 severed manufactured home.

1 (a) Notwithstanding any other provision of law, where a
2 manufactured home has been permanently affixed to real
3 property, and an affidavit of affixation has been recorded as
4 part of the real property records in the county in which the
5 manufactured home is located in accordance with the Conveyance
6 and Encumbrance of Manufactured Homes as Real Property and
7 Severance Act, and where the manufactured home subsequently is
8 detached or severed from the real property, the owner (all, if
9 more than one) of the manufactured home shall, unless exempted
10 by other provisions of this Code, apply for a new certificate
11 of title by filing with the Secretary of State an application
12 for a certificate of title to a manufactured home, to be issued
13 in accordance with subsection (b) of Section 3-109, containing
14 or accompanied by:

15 (1) the name, residence, and mailing address of the
16 owner;

17 (2) a description of the manufactured home, including
18 the name of the manufacturer, the make, the model name, the
19 model year, the dimensions, and the vehicle identification
20 number or numbers of the manufactured home and whether it
21 is new or used, and any other information the Secretary of
22 State requires;

23 (3) a statement signed by the applicant, stating
24 either: (i) any facts or information known to the applicant
25 that could reasonably affect the validity of the title of
26 the manufactured home or the existence or non-existence of

1 any security interest in or lien on it or (ii) that no such
2 facts or information are known to the applicant;

3 (4) a certified copy of the affidavit of severance
4 provided in accordance with the Conveyance and Encumbrance
5 of Manufactured Homes as Real Property and Severance Act;
6 and

7 (5) any other information and documents the Secretary
8 of State reasonably requires.

9 (b) Upon satisfaction of the requirements of subsection (a)
10 of this Section and subsection (b) of Section 3-109, the
11 Secretary of State shall issue a new certificate of title
12 pursuant to subsection (b) of Section 3-109 and update his or
13 her records in accordance with the provisions of Section 3-106.

14 (c) Immediately upon satisfaction of the requirements of
15 this Section and thereafter, a manufactured home shall be
16 conveyed and encumbered as personal property.

17 (d) The satisfaction of the requirements of this Section
18 with respect to a manufactured home shall have no effect on the
19 manner in which such manufactured home is taxed pursuant to the
20 Property Tax Code or the Mobile Home Local Services Tax Act.

21 (625 ILCS 5/3-202) (from Ch. 95 1/2, par. 3-202)

22 Sec. 3-202. Perfection of security interest.

23 (a) Unless excepted by Section 3-201, a security interest
24 in a vehicle of a type for which a certificate of title is
25 required is not valid against subsequent transferees or

1 lienholders of the vehicle unless perfected as provided in this
2 Act. A purchase money security interest in a manufactured home
3 is perfected against the rights of judicial lien creditors and
4 execution creditors on and after the date such purchase money
5 security interest attaches.

6 (b) A security interest is perfected by the delivery to the
7 Secretary of State of the existing certificate of title, if
8 any, an application for a certificate of title containing the
9 name and address of the lienholder and the required fee. The
10 security interest is perfected as of the time of its creation
11 if the delivery to the Secretary of State is completed within
12 30 days after the creation of the security interest or receipt
13 by the new lienholder of the existing certificate of title from
14 a prior lienholder or licensed dealer, otherwise as of the time
15 of the delivery.

16 (c) If a vehicle is subject to a security interest when
17 brought into this State, the validity of the security interest
18 is determined by the law of the jurisdiction where the vehicle
19 was when the security interest attached, subject to the
20 following:

21 1. If the parties understood at the time the security
22 interest attached that the vehicle would be kept in this
23 State and it was brought into this State within 30 days
24 thereafter for purposes other than transportation through
25 this State, the validity of the security interest in this
26 State is determined by the law of this State.

1 2. If the security interest was perfected under the law
2 of the jurisdiction where the vehicle was when the security
3 interest attached, the following rules apply:

4 (A) If the name of the lienholder is shown on an
5 existing certificate of title issued by that
6 jurisdiction, his security interest continues
7 perfected in this State.

8 (B) If the name of the lienholder is not shown on
9 an existing certificate of title issued by that
10 jurisdiction, a security interest may be perfected by
11 the lienholder delivering to the Secretary of State the
12 prescribed notice and by payment of the required fee.
13 Such security interest is perfected as of the time of
14 delivery of the prescribed notice and payment of the
15 required fee.

16 3. If the security interest was not perfected under the
17 law of the jurisdiction where the vehicle was when the
18 security interest attached, it may be perfected in this
19 State; in that case perfection dates from the time of
20 perfection in this State.

21 4. A security interest may be perfected under paragraph
22 3 of this subsection either as provided in subsection (b)
23 or by the lienholder delivering to the Secretary of State a
24 notice of security interest in the form the Secretary of
25 State prescribes and the required fee.

26 (d) Except as otherwise provided in Sections 3-116.1,

1 3-116.2, 3-207, and the Conveyance and Encumbrance of
2 Manufactured Homes as Real Property and Severance Act, after a
3 certificate of title has been issued for a manufactured home
4 and as long as the manufactured home is subject to any security
5 interest perfected pursuant to this Section, the Secretary of
6 State shall not file an affidavit of affixation, nor cancel the
7 Manufacturer's Statement of Origin, nor revoke the certificate
8 of title, nor issue a certificate of title under Section 3-106,
9 and, in any event, the validity and priority of any security
10 interest perfected pursuant to this Section shall continue,
11 notwithstanding the provision of any other law.

12 (Source: P.A. 95-284, eff. 1-1-08.)

13 (625 ILCS 5/3-205) (from Ch. 95 1/2, par. 3-205)

14 Sec. 3-205. Release of security interest.

15 (a) Within 21 days after receiving payment to satisfy a
16 security interest in a vehicle for which the certificate of
17 title is in the possession of the lienholder, he shall execute
18 a release of his security interest, and mail or deliver the
19 certificate and release to the next lienholder named therein,
20 or, if none, to the owner or any person who delivers to the
21 lienholder an authorization from the owner to receive the
22 certificate. If the payment is in the form of cash, a cashier's
23 check, or a certified check, the number of days is reduced to
24 10 business days. If the owner desires a new certificate
25 reflecting no lien, the certificate and release from the

1 lienholder may be submitted to the Secretary of State, along
2 with the prescribed application and required fee, for issuance
3 of that new certificate.

4 (b) Within 21 days after receiving payment to satisfy a
5 security interest in a vehicle for which the certificate of
6 title is in the possession of a prior lienholder, the
7 lienholder whose security interest is satisfied shall execute a
8 release and deliver the release to the owner or any person who
9 delivers to the lienholder an authorization from the owner to
10 receive it. If the payment is in the form of cash, a cashier's
11 check, or a certified check, the number of days is reduced to
12 10 business days. The lienholder in possession of the
13 certificate of title may either deliver the certificate to the
14 owner, or the person authorized by him, for delivery to the
15 Secretary of State, or, upon receipt of the release, may mail
16 or may deliver the certificate and release, along with
17 prescribed application and require fee, to the Secretary of
18 State, who shall issue a new certificate.

19 (c) In addition to any other penalty, a lienholder who
20 fails to execute a release of his or her security interest or
21 who fails to mail or deliver the certificate and release within
22 the time limit provided in subsection (a) or (b) is liable to
23 the person or entity that was supposed to receive the release
24 or certificate for \$150 plus reasonable attorney fees and court
25 costs. An action under this Section may be brought in small
26 claims court or in any other appropriate court.

1 (d) The holder of a security interest in or a lien on a
2 manufactured home may deliver lien release documents to any
3 person to facilitate conveying or encumbering the manufactured
4 home. Any person receiving any such documents so delivered
5 holds the documents in trust for the security interest holder
6 or the lienholder.

7 (Source: P.A. 93-621, eff. 12-15-03.)

8 (625 ILCS 5/3-207) (from Ch. 95 1/2, par. 3-207)

9 Sec. 3-207. Exclusiveness of procedure.

10 The method provided in this act of perfecting and giving
11 notice of security interests subject to this act is exclusive.
12 Security interests subject to this act are hereby exempted from
13 the provisions of law which otherwise require or relate to the
14 recording or filing of instruments creating or evidencing
15 security interests in vehicles including chattel mortgages and
16 conditional sale agreements, provided, however, that with
17 respect to a manufactured home that is or will be permanently
18 affixed to real property, upon recordation of an affidavit of
19 affixation pursuant to the Conveyance and Encumbrance of
20 Manufactured Homes as Real Property and Severance Act and
21 satisfaction of the requirements of Section 3-116.1 or 3-116.2,
22 as applicable, any perfection or termination of a security
23 interest with respect to such permanently affixed property
24 shall be governed by the laws applicable to real property.

25 (Source: P.A. 76-1586.)

1 (625 ILCS 5/3-208) (from Ch. 95 1/2, par. 3-208)

2 Sec. 3-208. Suspension or revocation of certificates.

3 (a) The Secretary of State may suspend or revoke a
4 certificate of title, upon notice and reasonable opportunity to
5 be heard in accordance with Section 2-118, when authorized by
6 any other provision of law or if he finds:

7 1. The certificate of title was fraudulently procured
8 or erroneously issued, or

9 2. The vehicle has been scrapped, dismantled or
10 destroyed.

11 Except as provided in Section 3-116.2, the Secretary of
12 State shall not suspend or revoke a certificate of title to a
13 manufactured home by reason of the fact that, at any time, it
14 shall have become affixed in any manner to real property.

15 (b) Suspension or revocation of a certificate of title does
16 not, in itself, affect the validity of a security interest
17 noted on it.

18 (c) When the Secretary of State suspends or revokes a
19 certificate of title, the owner or person in possession of it
20 shall, immediately upon receiving notice of the suspension or
21 revocation, mail or deliver the certificate to the Secretary of
22 State.

23 (d) The Secretary of State may seize and impound any
24 certificate of title which has been suspended or revoked.

25 (Source: P.A. 76-1586.)

1 Section 10-75. The Code of Civil Procedure is amended by
2 changing Section 15-1213 as follows:

3 (735 ILCS 5/15-1213) (from Ch. 110, par. 15-1213)

4 Sec. 15-1213. Real Estate. "Real estate" means land or any
5 estate or interest in, over or under land (including minerals,
6 air rights, structures, fixtures and other things which by
7 custom, usage or law pass with a conveyance of land though not
8 described or mentioned in the contract of sale or instrument of
9 conveyance). "Mortgaged real estate" means the real estate
10 which is the subject of a mortgage. "Real Estate" includes a
11 manufactured home as defined in subdivision (53) of Section
12 9-102 of the Uniform Commercial Code that is real property as
13 defined in the Conveyance and Encumbrance of Manufactured Homes
14 as Real Property and Severance Act.

15 (Source: P.A. 84-1462.)

16 Section 10-80. The Conveyances Act is amended by changing
17 Section 38 as follows:

18 (765 ILCS 5/38) (from Ch. 30, par. 37)

19 Sec. 38. The term "real estate," as used in this act, shall
20 be construed as co-extensive in meaning with "lands, tenements
21 and hereditaments," and as embracing all chattels real. "Real
22 estate" and "real property" include a manufactured home as

1 defined in subdivision (53) of Section 9-102 of the Uniform
2 Commercial Code that is real property as defined in the
3 Conveyance and Encumbrance of Manufactured Homes as Real
4 Property and Severance Act. This act shall not be construed so
5 as to embrace last wills, except as herein expressly provided.
6 (Source: P.A. 84-551.)

7 Section 10-85. The Residential Real Property Disclosure
8 Act is amended by changing Section 5 as follows:

9 (765 ILCS 77/5)

10 Sec. 5. Definitions. As used in this Act, unless the
11 context otherwise requires the following terms have the meaning
12 given in this Section.

13 "Residential real property" means real property improved
14 with not less than one nor more than 4 residential dwelling
15 units; units in residential cooperatives; or, condominium
16 units, including the limited common elements allocated to the
17 exclusive use thereof that form an integral part of the
18 condominium unit. The term includes a manufactured home as
19 defined in subdivision (53) of Section 9-102 of the Uniform
20 Commercial Code that is real property as defined in the
21 Conveyance and Encumbrance of Manufactured Homes as Real
22 Property and Severance Act.

23 "Seller" means every person or entity who is an owner,
24 beneficiary of a trust, contract purchaser or lessee of a

1 ground lease, who has an interest (legal or equitable) in
2 residential real property. However, "seller" shall not include
3 any person who has both (i) never occupied the residential real
4 property and (ii) never had the management responsibility for
5 the residential real property nor delegated such
6 responsibility for the residential real property to another
7 person or entity.

8 "Prospective buyer" means any person or entity negotiating
9 or offering to become an owner or lessee of residential real
10 property by means of a transfer for value to which this Act
11 applies.

12 (Source: P.A. 90-383, eff. 1-1-98.)

13 Section 10-90. The Mobile Home Landlord and Tenant Rights
14 Act is amended by changing Section 3 as follows:

15 (765 ILCS 745/3) (from Ch. 80, par. 203)

16 Sec. 3. Definitions. Unless otherwise expressly defined,
17 all terms in this Act shall be construed to have their
18 ordinarily accepted meanings or such meaning as the context
19 therein requires.

20 (a) "Person" means any legal entity, including but not
21 limited to, an individual, firm, partnership, association,
22 trust, joint stock company, corporation or successor of any of
23 the foregoing.

24 (b) "Manufactured home" means a factory-assembled,

1 completely integrated structure designed for permanent
2 habitation, with a permanent chassis, and so constructed as to
3 permit its transport, on wheels temporarily or permanently
4 attached to its frame, and is a movable or portable unit that
5 is (i) 8 body feet or more in width, (ii) 40 body feet or more
6 in length, and (iii) 320 or more square feet, constructed to be
7 towed on its own chassis (comprised of frame and wheels) from
8 the place of its construction to the location, or subsequent
9 locations, at which it is ~~installed and set up according to the~~
10 ~~manufacturer's instructions and~~ connected to utilities for
11 year-round occupancy for use as a permanent habitation, and
12 designed and situated so as to permit its occupancy as a
13 dwelling place for one or more persons, and specifically
14 includes a "manufactured home" as defined in subdivision (53)
15 of Section 9-102 of the Uniform Commercial Code. The term shall
16 include units containing parts that may be folded, collapsed,
17 or telescoped when being towed and that may be expected to
18 provide additional cubic capacity, and that are designed to be
19 joined into one integral unit capable of being separated again
20 into the components for repeated towing. The term excludes
21 campers and recreational vehicles. The words "mobile home" and
22 "manufactured home" are synonymous for the purposes of this
23 Act.

24 (c) "Mobile Home Park" or "Park" means a tract of land or 2
25 contiguous tracts of land that contain sites with the necessary
26 utilities for 5 or more mobile homes or manufactured homes. A

1 mobile home park may be operated either free of charge or for
2 revenue purposes.

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

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

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

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

20 (Source: P.A. 96-1477, eff. 1-1-11.)

21 Section 10-95. The Mortgage Act is amended by adding
22 Section 13.1 as follows:

23 (765 ILCS 905/13.1 new)

24 Sec. 13.1. Real estate; real property. As used in this Act,

1 "real estate" and "real property" include a manufactured home
2 as defined in subdivision (53) of Section 9-102 of the Uniform
3 Commercial Code that is real property as defined in the
4 Conveyance and Encumbrance of Manufactured Homes as Real
5 Property and Severance Act.

6 Section 10-100. The Joint Tenancy Act is amended by adding
7 Section 5 as follows:

8 (765 ILCS 1005/5 new)

9 Sec. 5. Real estate; real property. As used in this Act,
10 "real estate" and "real property" include a manufactured home
11 as defined in subdivision (53) of Section 9-102 of the Uniform
12 Commercial Code that is real property as defined in the
13 Conveyance and Encumbrance of Manufactured Homes as Real
14 Property and Severance Act.

15 Section 10-105. The Uniform Commercial Code is amended by
16 changing Section 9-102 as follows:

17 (810 ILCS 5/9-102) (from Ch. 26, par. 9-102)

18 Sec. 9-102. Definitions and index of definitions.

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

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

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

25 (3) "Account debtor" means a person obligated on an
26 account, chattel paper, or general intangible. The term

1 does not include persons obligated to pay a negotiable
2 instrument, even if the instrument constitutes part of
3 chattel paper.

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

6 (A) authenticated by a secured party;

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

10 (C) identifying the components of the obligations
11 in reasonable detail.

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

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

17 (B) which is created by statute in favor of a
18 person that in the ordinary course of its business
19 furnished goods or services to a debtor in connection
20 with a debtor's farming operation; and

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

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

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

26 (i) is created by a debtor having an interest

1 in the minerals before extraction; and

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

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

6 (7) "Authenticate" means:

7 (A) to sign; or

8 (B) to execute or otherwise adopt a symbol, or
9 encrypt or similarly process a record in whole or in
10 part, with the present intent of the authenticating
11 person to identify the person and adopt or accept a
12 record.

13 (8) "Bank" means an organization that is engaged in the
14 business of banking. The term includes savings banks,
15 savings and loan associations, credit unions, and trust
16 companies.

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

19 (10) "Certificate of title" means a certificate of
20 title with respect to which a statute provides for the
21 security interest in question to be indicated on the
22 certificate as a condition or result of the security
23 interest's obtaining priority over the rights of a lien
24 creditor with respect to the collateral.

25 (11) "Chattel paper" means a record or records that
26 evidence both a monetary obligation and a security interest

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

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

19 (A) proceeds to which a security interest
20 attaches;

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

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

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

26 (A) the claimant is an organization; or

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

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

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

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

9 (15) "Commodity contract" means a commodity futures
10 contract, an option on a commodity futures contract, a
11 commodity option, or another contract if the contract or
12 option is:

13 (A) traded on or subject to the rules of a board of
14 trade that has been designated as a contract market for
15 such a contract pursuant to federal commodities laws;
16 or

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

20 (16) "Commodity customer" means a person for which a
21 commodity intermediary carries a commodity contract on its
22 books.

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

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

26 (B) in the ordinary course of its business provides

1 clearance or settlement services for a board of trade
2 that has been designated as a contract market pursuant
3 to federal commodities law.

4 (18) "Communicate" means:

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

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

8 (C) in the case of transmission of a record to or
9 by a filing office, to transmit a record by any means
10 prescribed by filing-office rule.

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

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

16 (A) the merchant:

17 (i) deals in goods of that kind under a name

18 other than the name of the person making delivery;

19 (ii) is not an auctioneer; and

20 (iii) is not generally known by its creditors
21 to be substantially engaged in selling the goods of
22 others;

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

26 (C) the goods are not consumer goods immediately

1 before delivery; and

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

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

6 (22) "Consumer debtor" means a debtor in a consumer
7 transaction.

8 (23) "Consumer goods" means goods that are used or
9 bought for use primarily for personal, family, or household
10 purposes.

11 (24) "Consumer-goods transaction" means a consumer
12 transaction in which:

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

15 (B) a security interest in consumer goods secures
16 the obligation.

17 (25) "Consumer obligor" means an obligor who is an
18 individual and who incurred the obligation as part of a
19 transaction entered into primarily for personal, family,
20 or household purposes.

21 (26) "Consumer transaction" means a transaction in
22 which (i) an individual incurs an obligation primarily for
23 personal, family, or household purposes, (ii) a security
24 interest secures the obligation, and (iii) the collateral
25 is held or acquired primarily for personal, family, or
26 household purposes. The term includes consumer-goods

1 transactions.

2 (27) "Continuation statement" means an amendment of a
3 financing statement which:

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

6 (B) indicates that it is a continuation statement
7 for, or that it is filed to continue the effectiveness
8 of, the identified financing statement.

9 (28) "Debtor" means:

10 (A) a person having an interest, other than a
11 security interest or other lien, in the collateral,
12 whether or not the person is an obligor;

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

15 (C) a consignee.

16 (29) "Deposit account" means a demand, time, savings,
17 passbook, nonnegotiable certificates of deposit,
18 uncertificated certificates of deposit, nontransferrable
19 certificates of deposit, or similar account maintained
20 with a bank. The term does not include investment property
21 or accounts evidenced by an instrument.

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

24 (31) "Electronic chattel paper" means chattel paper
25 evidenced by a record or records consisting of information
26 stored in an electronic medium.

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

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

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

9 (A) crops grown, growing, or to be grown,
10 including:

11 (i) crops produced on trees, vines, and
12 bushes; and

13 (ii) aquatic goods produced in aquacultural
14 operations;

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

17 (C) supplies used or produced in a farming
18 operation; or

19 (D) products of crops or livestock in their
20 unmanufactured states.

21 (35) "Farming operation" means raising, cultivating,
22 propagating, fattening, grazing, or any other farming,
23 livestock, or aquacultural operation.

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

26 (37) "Filing office" means an office designated in

1 Section 9-501 as the place to file a financing statement.

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

4 (39) "Financing statement" means a record or records
5 composed of an initial financing statement and any filed
6 record relating to the initial financing statement.

7 (40) "Fixture filing" means the filing of a financing
8 statement covering goods that are or are to become fixtures
9 and satisfying Section 9-502(a) and (b). The term includes
10 the filing of a financing statement covering goods of a
11 transmitting utility which are or are to become fixtures.

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

15 (42) "General intangible" means any personal property,
16 including things in action, other than accounts, chattel
17 paper, commercial tort claims, deposit accounts,
18 documents, goods, instruments, investment property,
19 letter-of-credit rights, letters of credit, money, and
20 oil, gas, or other minerals before extraction. The term
21 includes payment intangibles and software.

22 (43) "Good faith" means honesty in fact and the
23 observance of reasonable commercial standards of fair
24 dealing.

25 (44) "Goods" means all things that are movable when a
26 security interest attaches. The term includes (i)

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

20 (45) "Governmental unit" means a subdivision, agency,
21 department, county, parish, municipality, or other unit of
22 the government of the United States, a State, or a foreign
23 country. The term includes an organization having a
24 separate corporate existence if the organization is
25 eligible to issue debt on which interest is exempt from
26 income taxation under the laws of the United States.

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

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

17 (48) "Inventory" means goods, other than farm
18 products, which:

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

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

22 (C) are furnished by a person under a contract of
23 service; or

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

26 (49) "Investment property" means a security, whether

1 certificated or uncertificated, security entitlement,
2 securities account, commodity contract, or commodity
3 account.

4 (50) "Jurisdiction of organization", with respect to a
5 registered organization, means the jurisdiction under
6 whose law the organization is organized.

7 (51) "Letter-of-credit right" means a right to payment
8 or performance under a letter of credit, whether or not the
9 beneficiary has demanded or is at the time entitled to
10 demand payment or performance. The term does not include
11 the right of a beneficiary to demand payment or performance
12 under a letter of credit.

13 (52) "Lien creditor" means:

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

16 (B) an assignee for benefit of creditors from the
17 time of assignment;

18 (C) a trustee in bankruptcy from the date of the
19 filing of the petition; or

20 (D) a receiver in equity from the time of
21 appointment.

22 (53) "Manufactured home" means a structure,
23 transportable in one or more sections, which, in the
24 traveling mode, is eight body feet or more in width or 40
25 body feet or more in length, or, when erected on site, is
26 320 or more square feet, and which is built on a permanent

1 chassis and designed to be used as a dwelling with or
2 without a permanent foundation when connected to the
3 required utilities, and includes the plumbing, heating,
4 air-conditioning, and electrical systems contained
5 therein. The term includes any structure that meets all of
6 the requirements of this paragraph except the size
7 requirements and with respect to which the manufacturer
8 voluntarily files a certification required by the United
9 States Secretary of Housing and Urban Development and
10 complies with the standards established under Title 42 of
11 the United States Code ~~factory assembled, completely~~
12 ~~integrated structure designed for permanent habitation,~~
13 ~~with a permanent chassis, and so constructed as to permit~~
14 ~~its transport, on wheels temporarily or permanently~~
15 ~~attached to its frame, and is a movable or portable unit~~
16 ~~that is (i) 8 body feet or more in width, (ii) 40 body feet~~
17 ~~or more in length, and (iii) 320 or more square feet,~~
18 ~~constructed to be towed on its own chassis (comprised of~~
19 ~~frame and wheels) from the place of its construction to the~~
20 ~~location, or subsequent locations, at which it is installed~~
21 ~~and set up according to the manufacturer's instructions and~~
22 ~~connected to utilities for year-round occupancy for use as~~
23 ~~a permanent habitation, and designed and situated so as to~~
24 ~~permit its occupancy as a dwelling place for one or more~~
25 ~~persons. The term shall include units containing parts that~~
26 ~~may be folded, collapsed, or telescoped when being towed~~

1 ~~and that may be expected to provide additional cubic~~
2 ~~capacity, and that are designed to be joined into one~~
3 ~~integral unit capable of being separated again into the~~
4 ~~components for repeated towing. The term shall exclude~~
5 ~~campers and recreational vehicles.~~

6 (54) "Manufactured-home transaction" means a secured
7 transaction:

8 (A) that creates a purchase-money security
9 interest in a manufactured home, other than a
10 manufactured home held as inventory; or

11 (B) in which a manufactured home, other than a
12 manufactured home held as inventory, is the primary
13 collateral.

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

17 (56) "New debtor" means a person that becomes bound as
18 debtor under Section 9-203(d) by a security agreement
19 previously entered into by another person.

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

25 (58) "Noncash proceeds" means proceeds other than cash
26 proceeds.

1 (59) "Obligor" means a person that, with respect to an
2 obligation secured by a security interest in or an
3 agricultural lien on the collateral, (i) owes payment or
4 other performance of the obligation, (ii) has provided
5 property other than the collateral to secure payment or
6 other performance of the obligation, or (iii) is otherwise
7 accountable in whole or in part for payment or other
8 performance of the obligation. The term does not include
9 issuers or nominated persons under a letter of credit.

10 (60) "Original debtor", except as used in Section
11 9-310(c), means a person that, as debtor, entered into a
12 security agreement to which a new debtor has become bound
13 under Section 9-203(d).

14 (61) "Payment intangible" means a general intangible
15 under which the account debtor's principal obligation is a
16 monetary obligation.

17 (62) "Person related to", with respect to an
18 individual, means:

19 (A) the spouse of the individual;

20 (B) a brother, brother-in-law, sister, or
21 sister-in-law of the individual;

22 (C) an ancestor or lineal descendant of the
23 individual or the individual's spouse; or

24 (D) any other relative, by blood or marriage, of
25 the individual or the individual's spouse who shares
26 the same home with the individual.

1 (63) "Person related to", with respect to an
2 organization, means:

3 (A) a person directly or indirectly controlling,
4 controlled by, or under common control with the
5 organization;

6 (B) an officer or director of, or a person
7 performing similar functions with respect to, the
8 organization;

9 (C) an officer or director of, or a person
10 performing similar functions with respect to, a person
11 described in subparagraph (A);

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

14 (E) an individual who is related by blood or
15 marriage to an individual described in subparagraph
16 (A), (B), (C), or (D) and shares the same home with the
17 individual.

18 (64) "Proceeds", except as used in Section 9-609(b),
19 means the following property:

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

22 (B) whatever is collected on, or distributed on
23 account of, collateral;

24 (C) rights arising out of collateral;

25 (D) to the extent of the value of collateral,
26 claims arising out of the loss, nonconformity, or

1 interference with the use of, defects or infringement
2 of rights in, or damage to, the collateral; or

3 (E) to the extent of the value of collateral and to
4 the extent payable to the debtor or the secured party,
5 insurance payable by reason of the loss or
6 nonconformity of, defects or infringement of rights
7 in, or damage to, the collateral.

8 (65) "Promissory note" means an instrument that
9 evidences a promise to pay a monetary obligation, does not
10 evidence an order to pay, and does not contain an
11 acknowledgment by a bank that the bank has received for
12 deposit a sum of money or funds.

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

18 (67) "Public-finance transaction" means a secured
19 transaction in connection with which:

20 (A) debt securities are issued;

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

23 (C) the debtor, obligor, secured party, account
24 debtor or other person obligated on collateral,
25 assignor or assignee of a secured obligation, or
26 assignor or assignee of a security interest is a State

1 or a governmental unit of a State.

2 (68) "Pursuant to commitment", with respect to an
3 advance made or other value given by a secured party, means
4 pursuant to the secured party's obligation, whether or not
5 a subsequent event of default or other event not within the
6 secured party's control has relieved or may relieve the
7 secured party from its obligation.

8 (69) "Record", except as used in "for record", "of
9 record", "record or legal title", and "record owner", means
10 information that is inscribed on a tangible medium or which
11 is stored in an electronic or other medium and is
12 retrievable in perceivable form.

13 (70) "Registered organization" means an organization
14 organized solely under the law of a single State or the
15 United States and as to which the State or the United
16 States must maintain a public record showing the
17 organization to have been organized.

18 (71) "Secondary obligor" means an obligor to the extent
19 that:

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

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

24 (72) "Secured party" means:

25 (A) a person in whose favor a security interest is
26 created or provided for under a security agreement,

1 whether or not any obligation to be secured is
2 outstanding;

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

4 (C) a consignor;

5 (D) a person to which accounts, chattel paper,
6 payment intangibles, or promissory notes have been
7 sold;

8 (E) a trustee, indenture trustee, agent,
9 collateral agent, or other representative in whose
10 favor a security interest or agricultural lien is
11 created or provided for; or

12 (F) a person that holds a security interest arising
13 under Section 2-401, 2-505, 2-711(3), 2A-508(5),
14 4-210, or 5-118.

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

17 (74) "Send", in connection with a record or
18 notification, means:

19 (A) to deposit in the mail, deliver for
20 transmission, or transmit by any other usual means of
21 communication, with postage or cost of transmission
22 provided for, addressed to any address reasonable
23 under the circumstances; or

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

1 (75) "Software" means a computer program and any
2 supporting information provided in connection with a
3 transaction relating to the program. The term does not
4 include a computer program that is included in the
5 definition of goods.

6 (76) "State" means a State of the United States, the
7 District of Columbia, Puerto Rico, the United States Virgin
8 Islands, or any territory or insular possession subject to
9 the jurisdiction of the United States.

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

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

17 (79) "Termination statement" means an amendment of a
18 financing statement which:

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

21 (B) indicates either that it is a termination
22 statement or that the identified financing statement
23 is no longer effective.

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

26 (A) operating a railroad, subway, street railway,

1 or trolley bus;

2 (B) transmitting communications electrically,
3 electromagnetically, or by light;

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

5 (D) transmitting or producing and transmitting
6 electricity, steam, gas, or water.

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

10 "Applicant". Section 5-102.

11 "Beneficiary". Section 5-102.

12 "Broker". Section 8-102.

13 "Certificated security". Section 8-102.

14 "Check". Section 3-104.

15 "Clearing corporation". Section 8-102.

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

17 "Customer". Section 4-104.

18 "Entitlement holder". Section 8-102.

19 "Financial asset". Section 8-102.

20 "Holder in due course". Section 3-302.

21 "Issuer" (with respect to a letter of credit or
22 letter-of-credit right). Section 5-102.

23 "Issuer" (with respect to a security). Section 8-201.

24 "Issuer" (with respect to documents of title). Section
25 7-102.

26 "Lease". Section 2A-103.

1 "Lease agreement". Section 2A-103.
2 "Lease contract". Section 2A-103.
3 "Leasehold interest". Section 2A-103.
4 "Lessee". Section 2A-103.
5 "Lessee in ordinary course of business". Section 2A-103.
6 "Lessor". Section 2A-103.
7 "Lessor's residual interest". Section 2A-103.
8 "Letter of credit". Section 5-102.
9 "Merchant". Section 2-104.
10 "Negotiable instrument". Section 3-104.
11 "Nominated person". Section 5-102.
12 "Note". Section 3-104.
13 "Proceeds of a letter of credit". Section 5-114.
14 "Prove". Section 3-103.
15 "Sale". Section 2-106.
16 "Securities account". Section 8-501.
17 "Securities intermediary". Section 8-102.
18 "Security". Section 8-102.
19 "Security certificate". Section 8-102.
20 "Security entitlement". Section 8-102.
21 "Uncertificated security". Section 8-102.

22 (c) Article 1 definitions and principles. Article 1
23 contains general definitions and principles of construction
24 and interpretation applicable throughout this Article.

25 (Source: P.A. 95-895, eff. 1-1-09; 96-1477, eff. 1-1-11.)

1 Section 10-110. The Interest Act is amended by changing
2 Sections 4, 4.2, and 4a as follows:

3 (815 ILCS 205/4) (from Ch. 17, par. 6404)

4 Sec. 4. General interest rate.

5 (1) Except as otherwise provided in Section 4.05, in all
6 written contracts it shall be lawful for the parties to
7 stipulate or agree that 9% per annum, or any less sum of
8 interest, shall be taken and paid upon every \$100 of money
9 loaned or in any manner due and owing from any person to any
10 other person or corporation in this state, and after that rate
11 for a greater or less sum, or for a longer or shorter time,
12 except as herein provided.

13 The maximum rate of interest that may lawfully be
14 contracted for is determined by the law applicable thereto at
15 the time the contract is made. Any provision in any contract,
16 whether made before or after July 1, 1969, which provides for
17 or purports to authorize, contingent upon a change in the
18 Illinois law after the contract is made, any rate of interest
19 greater than the maximum lawful rate at the time the contract
20 is made, is void.

21 It is lawful for a state bank or a branch of an
22 out-of-state bank, as those terms are defined in Section 2 of
23 the Illinois Banking Act, to receive or to contract to receive
24 and collect interest and charges at any rate or rates agreed
25 upon by the bank or branch and the borrower. It is lawful for a

1 savings bank chartered under the Savings Bank Act or a savings
2 association chartered under the Illinois Savings and Loan Act
3 of 1985 to receive or contract to receive and collect interest
4 and charges at any rate agreed upon by the savings bank or
5 savings association and the borrower.

6 It is lawful to receive or to contract to receive and
7 collect interest and charges as authorized by this Act and as
8 authorized by the Consumer Installment Loan Act and by the
9 "Consumer Finance Act", approved July 10, 1935, as now or
10 hereafter amended, or by the Payday Loan Reform Act. It is
11 lawful to charge, contract for, and receive any rate or amount
12 of interest or compensation with respect to the following
13 transactions:

14 (a) Any loan made to a corporation;

15 (b) Advances of money, repayable on demand, to an
16 amount not less than \$5,000, which are made upon warehouse
17 receipts, bills of lading, certificates of stock,
18 certificates of deposit, bills of exchange, bonds or other
19 negotiable instruments pledged as collateral security for
20 such repayment, if evidenced by a writing;

21 (c) Any credit transaction between a merchandise
22 wholesaler and retailer; any business loan to a business
23 association or copartnership or to a person owning and
24 operating a business as sole proprietor or to any persons
25 owning and operating a business as joint venturers, joint
26 tenants or tenants in common, or to any limited

1 partnership, or to any trustee owning and operating a
2 business or whose beneficiaries own and operate a business,
3 except that any loan which is secured (1) by an assignment
4 of an individual obligor's salary, wages, commissions or
5 other compensation for services, or (2) by his household
6 furniture or other goods used for his personal, family or
7 household purposes shall be deemed not to be a loan within
8 the meaning of this subsection; and provided further that a
9 loan which otherwise qualifies as a business loan within
10 the meaning of this subsection shall not be deemed as not
11 so qualifying because of the inclusion, with other security
12 consisting of business assets of any such obligor, of real
13 estate occupied by an individual obligor solely as his
14 residence. The term "business" shall be deemed to mean a
15 commercial, agricultural or industrial enterprise which is
16 carried on for the purpose of investment or profit, but
17 shall not be deemed to mean the ownership or maintenance of
18 real estate occupied by an individual obligor solely as his
19 residence;

20 (d) Any loan made in accordance with the provisions of
21 Subchapter I of Chapter 13 of Title 12 of the United States
22 Code, which is designated as "Housing Renovation and
23 Modernization";

24 (e) Any mortgage loan insured or upon which a
25 commitment to insure has been issued under the provisions
26 of the National Housing Act, Chapter 13 of Title 12 of the

1 United States Code;

2 (f) Any mortgage loan guaranteed or upon which a
3 commitment to guaranty has been issued under the provisions
4 of the Veterans' Benefits Act, Subchapter II of Chapter 37
5 of Title 38 of the United States Code;

6 (g) Interest charged by a broker or dealer registered
7 under the Securities Exchange Act of 1934, as amended, or
8 registered under the Illinois Securities Law of 1953,
9 approved July 13, 1953, as now or hereafter amended, on a
10 debit balance in an account for a customer if such debit
11 balance is payable at will without penalty and is secured
12 by securities as defined in Uniform Commercial
13 Code-Investment Securities;

14 (h) Any loan made by a participating bank as part of
15 any loan guarantee program which provides for loans and for
16 the refinancing of such loans to medical students, interns
17 and residents and which are guaranteed by the American
18 Medical Association Education and Research Foundation;

19 (i) Any loan made, guaranteed, or insured in accordance
20 with the provisions of the Housing Act of 1949, Subchapter
21 III of Chapter 8A of Title 42 of the United States Code and
22 the Consolidated Farm and Rural Development Act,
23 Subchapters I, II, and III of Chapter 50 of Title 7 of the
24 United States Code;

25 (j) Any loan by an employee pension benefit plan, as
26 defined in Section 3 (2) of the Employee Retirement Income

1 Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an
2 individual participating in such plan, provided that such
3 loan satisfies the prohibited transaction exemption
4 requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108
5 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d)
6 (1)) of the Employee Retirement Income Security Act of
7 1974;

8 (k) Written contracts, agreements or bonds for deed
9 providing for installment purchase of real estate,
10 including a manufactured home as defined in subdivision
11 (53) of Section 9-102 of the Uniform Commercial Code that
12 is real property as defined in the Conveyance and
13 Encumbrance of Manufactured Homes as Real Property and
14 Severance Act;

15 (1) Loans secured by a mortgage on real estate,
16 including a manufactured home as defined in subdivision
17 (53) of Section 9-102 of the Uniform Commercial Code that
18 is real property as defined in the Conveyance and
19 Encumbrance of Manufactured Homes as Real Property and
20 Severance Act;

21 (m) Loans made by a sole proprietorship, partnership,
22 or corporation to an employee or to a person who has been
23 offered employment by such sole proprietorship,
24 partnership, or corporation made for the sole purpose of
25 transferring an employee or person who has been offered
26 employment to another office maintained and operated by the

1 same sole proprietorship, partnership, or corporation;

2 (n) Loans to or for the benefit of students made by an
3 institution of higher education.

4 (2) Except for loans described in subparagraph (a), (c),
5 (d), (e), (f) or (i) of subsection (1) of this Section, and
6 except to the extent permitted by the applicable statute for
7 loans made pursuant to Section 4a or pursuant to the Consumer
8 Installment Loan Act:

9 (a) Whenever the rate of interest exceeds 8% per annum
10 on any written contract, agreement or bond for deed
11 providing for the installment purchase of residential real
12 estate, or on any loan secured by a mortgage on residential
13 real estate, it shall be unlawful to provide for a
14 prepayment penalty or other charge for prepayment.

15 (b) No agreement, note or other instrument evidencing a
16 loan secured by a mortgage on residential real estate, or
17 written contract, agreement or bond for deed providing for
18 the installment purchase of residential real estate, may
19 provide for any change in the contract rate of interest
20 during the term thereof. However, if the Congress of the
21 United States or any federal agency authorizes any class of
22 lender to enter, within limitations, into mortgage
23 contracts or written contracts, agreements or bonds for
24 deed in which the rate of interest may be changed during
25 the term of the contract, any person, firm, corporation or
26 other entity not otherwise prohibited from entering into

1 mortgage contracts or written contracts, agreements or
2 bonds for deed in Illinois may enter into mortgage
3 contracts or written contracts, agreements or bonds for
4 deed in which the rate of interest may be changed during
5 the term of the contract, within the same limitations.

6 (3) In any contract or loan which is secured by a mortgage,
7 deed of trust, or conveyance in the nature of a mortgage, on
8 residential real estate, the interest which is computed,
9 calculated, charged, or collected pursuant to such contract or
10 loan, or pursuant to any regulation or rule promulgated
11 pursuant to this Act, may not be computed, calculated, charged
12 or collected for any period of time occurring after the date on
13 which the total indebtedness, with the exception of late
14 payment penalties, is paid in full.

15 (4) For purposes of this Section, a prepayment shall mean
16 the payment of the total indebtedness, with the exception of
17 late payment penalties if incurred or charged, on any date
18 before the date specified in the contract or loan agreement on
19 which the total indebtedness shall be paid in full, or before
20 the date on which all payments, if timely made, shall have been
21 made. In the event of a prepayment of the indebtedness which is
22 made on a date after the date on which interest on the
23 indebtedness was last computed, calculated, charged, or
24 collected but before the next date on which interest on the
25 indebtedness was to be calculated, computed, charged, or
26 collected, the lender may calculate, charge and collect

1 interest on the indebtedness for the period which elapsed
2 between the date on which the prepayment is made and the date
3 on which interest on the indebtedness was last computed,
4 calculated, charged or collected at a rate equal to 1/360 of
5 the annual rate for each day which so elapsed, which rate shall
6 be applied to the indebtedness outstanding as of the date of
7 prepayment. The lender shall refund to the borrower any
8 interest charged or collected which exceeds that which the
9 lender may charge or collect pursuant to the preceding
10 sentence. The provisions of this amendatory Act of 1985 shall
11 apply only to contracts or loans entered into on or after the
12 effective date of this amendatory Act, but shall not apply to
13 contracts or loans entered into on or after that date that are
14 subject to Section 4a of this Act, the Consumer Installment
15 Loan Act, the Payday Loan Reform Act, or the Retail Installment
16 Sales Act, or that provide for the refund of precomputed
17 interest on prepayment in the manner provided by such Act.

18 (5) For purposes of items (a) and (c) of subsection (1) of
19 this Section, a rate or amount of interest may be lawfully
20 computed when applying the ratio of the annual interest rate
21 over a year based on 360 days. The provisions of this
22 amendatory Act of the 96th General Assembly are declarative of
23 existing law.

24 (6) For purposes of this Section, "real estate" and "real
25 property" include a manufactured home, as defined in
26 subdivision (53) of Section 9-102 of the Uniform Commercial

1 Code that is real property as defined in the Conveyance and
2 Encumbrance of Manufactured Homes as Real Property and
3 Severance Act.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-1421, eff. 8-3-10.)

5 (815 ILCS 205/4.2) (from Ch. 17, par. 6407)

6 Sec. 4.2. Revolving credit; billing statements;
7 disclosures. On a revolving credit which complies with
8 subparagraphs (a), (b), (c), (d) and (e) of this Section 4.2,
9 it is lawful for any bank that has its main office or, after
10 May 31, 1997, a branch in this State, a state or federal
11 savings and loan association with its main office in this
12 State, a state or federal credit union with its main office in
13 this State, or a lender licensed under the Consumer Finance
14 Act, the Consumer Installment Loan Act or the Sales Finance
15 Agency Act, as such Acts are now and hereafter amended, to
16 receive or contract to receive and collect interest in any
17 amount or at any rate agreed upon by the parties to the
18 revolving credit arrangement. It is lawful for any other lender
19 to receive or contract to receive and collect interest in an
20 amount not in excess of 1 1/2% per month of either the average
21 daily unpaid balance of the principal of the debt during the
22 billing cycle, or of the unpaid balance of the debt on
23 approximately the same day of the billing cycle. If a lender
24 under a revolving credit arrangement notifies the debtor at
25 least 30 days in advance of any lawful increase in the amount

1 or rate of interest to be charged under the revolving credit
2 arrangement, and the debtor, after the effective date of such
3 notice, incurs new debt pursuant to the revolving credit
4 arrangement, the increased interest amount or rate may be
5 applied only to any such new debt incurred under the revolving
6 credit arrangement. For purposes of determining the balances to
7 which the increased interest rate applies, all payments and
8 other credits may be deemed to be applied to the balance
9 existing prior to the change in rate until that balance is paid
10 in full. The face amount of the drafts, items, orders for the
11 payment of money, evidences of debt, or similar written
12 instruments received by the lender in connection with the
13 revolving credit, less the amounts applicable to principal from
14 time to time paid thereon by the debtor, are the unpaid balance
15 of the debt upon which the interest is computed. If the billing
16 cycle is not monthly, the maximum interest rate for the billing
17 cycle is the percentage which bears the same relation to the
18 monthly percentage provided for in the preceding sentence as
19 the number of days in the billing cycle bears to 30. For the
20 purposes of the foregoing computation, a "month" is deemed to
21 be any time of 30 consecutive days. In addition to the interest
22 charge provided for, it is lawful to receive, contract for or
23 collect a charge not exceeding 25 cents for each transaction in
24 which a loan or advance is made under the revolving credit or
25 in lieu of this additional charge an annual fee for the
26 privilege of receiving and using the revolving credit in an

1 amount not exceeding \$20. In addition, with respect to
2 revolving credit secured by an interest in real estate,
3 including a manufactured home as defined in subdivision (53) of
4 Section 9-102 of the Uniform Commercial Code that is real
5 property as defined in the Conveyance and Encumbrance of
6 Manufactured Homes as Real Property and Severance Act, it is
7 also lawful to receive, contract for or collect fees lawfully
8 paid to any public officer or agency to record, file or release
9 the security, and costs and disbursements actually incurred for
10 any title insurance, title examination, abstract of title,
11 survey, appraisal, escrow fees, and fees paid to a trustee in
12 connection with a trust deed.

13 (a) At or before the date a bill or statement is first
14 rendered to the debtor under a revolving credit arrangement,
15 the lender must mail or deliver to the debtor a written
16 description of the conditions under which a charge for interest
17 may be made and the method, including the rate, of computing
18 these interest charges. The rate of interest must be expressed
19 as an annual percentage rate.

20 (b) If during any billing cycle any debit or credit entry
21 is made to a debtor's revolving credit account, and if at the
22 end of that billing cycle there is an unpaid balance owing to
23 the lender from the debtor, the lender must give to the debtor
24 the following information within a reasonable time after the
25 end of the billing cycle:

26 (i) the unpaid balance at the beginning of the billing

1 cycle;

2 (ii) the date and amount of all loans or advances made
3 during the billing cycle, which information may be supplied
4 by enclosing a copy of the drafts, items, orders for the
5 payment of money, evidences of debt or similar written
6 instruments presented to the lender during the billing
7 cycle;

8 (iii) the payments by the debtor to the lender and any
9 other credits to the debtor during the billing cycle;

10 (iv) the amount of interest and other charges, if any,
11 charged to the debtor's account during the billing cycle;

12 (v) the amount which must be currently paid by the
13 debtor and the date on which that amount must be paid in
14 order to avoid delinquency;

15 (vi) the total amount remaining unpaid at the end of
16 the billing cycle and the right of the debtor to prepay
17 that amount in full without penalty; and

18 (vii) information required by (iv), (v) and (vi) must
19 be set forth in type of equal size and equal
20 conspicuousness.

21 (c) The revolving credit arrangement may provide for the
22 payment by the debtor and receipt by the lender of all costs
23 and disbursements, including reasonable attorney's fees,
24 incurred by the lender in legal proceedings to collect or
25 enforce the debt in the event of delinquency by the debtor or
26 in the event of a breach of any obligation of the debtor under

1 the arrangement.

2 (d) The lender under a revolving credit arrangement may
3 provide credit life insurance or credit accident and health
4 insurance, or both, with respect to the debtor and may charge
5 the debtor therefor. Credit life insurance and credit accident
6 and health insurance, and any charge therefor made to the
7 debtor, shall comply with Article IX 1/2 of the Illinois
8 Insurance Code, as now or hereafter amended, and all lawful
9 requirements of the Director of Insurance related thereto. This
10 insurance is in force with respect to each loan or advance made
11 under a revolving credit arrangement as soon as the loan or
12 advance is made. The purchase of this insurance from an agent,
13 broker or insurer specified by the lender may not be a
14 condition precedent to the revolving credit arrangement or to
15 the making of any loan or advance thereunder.

16 (e) Whenever interest is contracted for or received under
17 this Section, no amount in addition to the charges authorized
18 by this Act may be directly or indirectly charged, contracted
19 for or received whether as interest, service charges, costs of
20 investigations or enforcements or otherwise.

21 (f) The lender under a revolving credit arrangement must
22 compute at year end the total amount charged to the debtor's
23 account during the year, including service charges, finance
24 charges, late charges and any other charges authorized by this
25 Act, and upon request must furnish such information to the
26 debtor within 30 days after the end of the year, or if the

1 account has been terminated during such year, may give such
2 requested information within 30 days after such termination.
3 The lender shall annually inform the debtor of his right to
4 obtain such information.

5 (g) A lender who complies with the federal Truth in Lending
6 Act, amendments thereto, and any regulations issued or which
7 may be issued thereunder, shall be deemed to be in compliance
8 with the provisions of subparagraphs (a) and (b) of this
9 Section.

10 (h) Anything in this Section 4.2 to the contrary
11 notwithstanding, if the Congress of the United States or any
12 federal agency authorizes any class of lenders to enter, within
13 limitations, into a revolving credit arrangement secured by a
14 mortgage or deed of trust on residential real property, any
15 person, firm, corporation or other entity, not otherwise
16 prohibited by the Congress of the United States or any federal
17 agency from entering into revolving credit arrangements
18 secured by a mortgage or deed of trust on residential real
19 property, may enter into such arrangements within the same
20 limitations.

21 (Source: P.A. 89-208, eff. 9-29-95.)

22 (815 ILCS 205/4a) (from Ch. 17, par. 6410)

23 Sec. 4a. Installment loan rate.

24 (a) On money loaned to or in any manner owing from any
25 person, whether secured or unsecured, except where the money

1 loaned or in any manner owing is directly or indirectly for the
2 purchase price of real estate or an interest therein and is
3 secured by a lien on or retention of title to that real estate
4 or interest therein, to an amount not more than \$25,000
5 (excluding interest) which is evidenced by a written instrument
6 providing for the payment thereof in 2 or more periodic
7 installments over a period of not more than 181 months from the
8 date of the execution of the written instrument, it is lawful
9 to receive or to contract to receive and collect either:

10 (i) interest in an amount equivalent to interest
11 computed at a rate not exceeding 9% per year on the entire
12 principal amount of the money loaned or in any manner owing
13 for the period from the date of the making of the loan or
14 the incurring of the obligation for the amount owing
15 evidenced by the written instrument until the date of the
16 maturity of the last installment thereof, and to add that
17 amount to the principal, except that there shall be no
18 limit on the rate of interest which may be received or
19 contracted to be received and collected by (1) any bank
20 that has its main office or, after May 31, 1997, a branch
21 in this State; (2) a savings and loan association chartered
22 under the Illinois Savings and Loan Act of 1985, a savings
23 bank chartered under the Savings Bank Act, or a federal
24 savings and loan association established under the laws of
25 the United States and having its main office in this State;
26 or (3) any lender licensed under either the Consumer

1 Finance Act or the Consumer Installment Loan Act, but in
2 any case in which interest is received, contracted for or
3 collected on the basis of this clause (i), the debtor may
4 satisfy in full at any time before maturity the debt
5 evidenced by the written instrument, and in so satisfying
6 must receive a refund credit against the total amount of
7 interest added to the principal computed in the manner
8 provided under Section 15(f)(3) of the Consumer
9 Installment Loan Act for refunds or credits of applicable
10 interest on payment in full of precomputed loans before the
11 final installment due date; or

12 (ii) interest accrued on the principal balance from
13 time to time remaining unpaid, from the date of making of
14 the loan or the incurring of the obligation to the date of
15 the payment of the debt in full, at a rate not exceeding
16 the annual percentage rate equivalent of the rate permitted
17 to be charged under clause (i) above, but in any such case
18 the debtor may, provided that the debtor shall have paid in
19 full all interest and other charges accrued to the date of
20 such prepayment, prepay the principal balance in full or in
21 part at any time, and interest shall, upon any such
22 prepayment, cease to accrue on the principal amount which
23 has been prepaid.

24 (b) Whenever the principal amount of an installment loan is
25 \$300 or more and the repayment period is 6 months or more, a
26 minimum charge of \$15 may be collected instead of interest, but

1 only one minimum charge may be collected from the same person
2 during one year. When the principal amount of the loan
3 (excluding interest) is \$800 or less, the lender or creditor
4 may contract for and receive a service charge not to exceed \$5
5 in addition to interest; and that service charge may be
6 collected when the loan is made, but only one service charge
7 may be contracted for, received, or collected from the same
8 person during one year.

9 (c) Credit life insurance and credit accident and health
10 insurance, and any charge therefor which is deducted from the
11 loan or paid by the obligor, must comply with Article IX 1/2 of
12 the Illinois Insurance Code and all lawful requirements of the
13 Director of Insurance related thereto. When there are 2 or more
14 obligors on the loan contract, only one charge for credit life
15 insurance and credit accident and health insurance may be made
16 and only one of the obligors may be required to be insured.
17 Insurance obtained from, by or through the lender or creditor
18 must be in effect when the loan is transacted. The purchase of
19 that insurance from an agent, broker or insurer specified by
20 the lender or creditor may not be a condition precedent to the
21 granting of the loan.

22 (d) The lender or creditor may require the obligor to
23 provide property insurance on security other than household
24 goods, furniture and personal effects. The amount and term of
25 the insurance must be reasonable in relation to the amount and
26 term of the loan contract and the type and value of the

1 security, and the insurance must be procured in accordance with
2 the insurance laws of this State. The purchase of that
3 insurance from an agent, broker or insurer specified by the
4 lender or creditor may not be a condition precedent to the
5 granting of the loan.

6 (e) The lender or creditor may, if the contract provides,
7 collect a delinquency and collection charge on each installment
8 in default for a period of not less than 10 days in an amount
9 not exceeding 5% of the installment on installments in excess
10 of \$200 or \$10 on installments of \$200 or less, but only one
11 delinquency and collection charge may be collected on any
12 installment regardless of the period during which it remains in
13 default. In addition, the contract may provide for the payment
14 by the borrower or debtor of attorney's fees incurred by the
15 lender or creditor. The lender or creditor may enforce such a
16 provision to the extent of the reasonable attorney's fees
17 incurred by him in the collection or enforcement of the
18 contract or obligation. Whenever interest is contracted for or
19 received under this Section, no amount in addition to the
20 charges authorized by this Section may be directly or
21 indirectly charged, contracted for or received, except lawful
22 fees paid to a public officer or agency to record, file or
23 release security, and except costs and disbursements including
24 reasonable attorney's fees, incurred in legal proceedings to
25 collect a loan or to realize on a security after default. This
26 Section does not prohibit the receipt of any commission,

1 dividend or other benefit by the creditor or an employee,
2 affiliate or associate of the creditor from the insurance
3 authorized by this Section.

4 (f) When interest is contracted for or received under this
5 Section, the lender must disclose the following items to the
6 obligor in a written statement before the loan is consummated:

7 (1) the amount and date of the loan contract;

8 (2) the amount of loan credit using the term "amount
9 financed";

10 (3) every deduction from the amount financed or payment
11 made by the obligor for insurance and the type of insurance
12 for which each deduction or payment was made;

13 (4) every other deduction from the loan or payment made
14 by the obligor in connection with obtaining the loan;

15 (5) the date on which the finance charge begins to
16 accrue if different from the date of the transaction;

17 (6) the total amount of the loan charge for the
18 scheduled term of the loan contract with a description of
19 each amount included using the term "finance charge";

20 (7) the finance charge expressed as an annual
21 percentage rate using the term "annual percentage rate".

22 "Annual percentage rate" means the nominal annual
23 percentage rate of finance charge determined in accordance
24 with the actuarial method of computation with an accuracy
25 at least to the nearest 1/4 of 1%; or at the option of the
26 lender by application of the United States rule so that it

1 may be disclosed with an accuracy at least to the nearest
2 1/4 of 1%;

3 (8) the number, amount and due dates or periods of
4 payments scheduled to repay the loan and the sum of such
5 payments using the term "total of payments";

6 (9) the amount, or method of computing the amount of
7 any default, delinquency or similar charges payable in the
8 event of late payments;

9 (10) the right of the obligor to prepay the loan and
10 the fact that such prepayment will reduce the charge for
11 the loan;

12 (11) a description or identification of the type of any
13 security interest held or to be retained or acquired by the
14 lender in connection with the loan and a clear
15 identification of the property to which the security
16 interest relates. If after-acquired property will be
17 subject to the security interest, or if other or future
18 indebtedness is or may be secured by any such property,
19 this fact shall be clearly set forth in conjunction with
20 the description or identification of the type of security
21 interest held, retained or acquired;

22 (12) a description of any penalty charge that may be
23 imposed by the lender for prepayment of the principal of
24 the obligation with an explanation of the method of
25 computation of such penalty and the conditions under which
26 it may be imposed;

1 (13) unless the contract provides for the accrual and
2 payment of the finance charge on the balance of the amount
3 financed from time to time remaining unpaid, an
4 identification of the method of computing any unearned
5 portion of the finance charge in the event of prepayment of
6 the loan.

7 The terms "finance charge" and "annual percentage rate"
8 shall be printed more conspicuously than other terminology
9 required by this Section.

10 (g) At the time disclosures are made, the lender shall
11 deliver to the obligor a duplicate of the instrument or
12 statement by which the required disclosures are made and on
13 which the lender and obligor are identified and their addresses
14 stated. All of the disclosures shall be made clearly,
15 conspicuously and in meaningful sequence and made together on
16 either:

17 (i) the note or other instrument evidencing the
18 obligation on the same side of the page and above or
19 adjacent to the place for the obligor's signature; however,
20 where a creditor elects to combine disclosures with the
21 contract, security agreement, and evidence of a
22 transaction in a single document, the disclosures required
23 under this Section shall be made on the face of the
24 document, on the reverse side, or on both sides, provided
25 that the amount of the finance charge and the annual
26 percentage rate shall appear on the face of the document,

1 and, if the reverse side is used, the printing on both
2 sides of the document shall be equally clear and
3 conspicuous, both sides shall contain the statement,
4 "NOTICE: See other side for important information", and the
5 place for the customer's signature shall be provided
6 following the full content of the document; or

7 (ii) one side of a separate statement which identifies
8 the transaction.

9 The amount of the finance charge shall be determined as the
10 sum of all charges, payable directly or indirectly by the
11 obligor and imposed directly or indirectly by the lender as an
12 incident to or as a condition to the extension of credit,
13 whether paid or payable by the obligor, any other person on
14 behalf of the obligor, to the lender or to a third party,
15 including any of the following types of charges:

16 (1) Interest, time price differential, and any amount
17 payable under a discount or other system of additional
18 charges.

19 (2) Service, transaction, activity, or carrying
20 charge.

21 (3) Loan fee, points, finder's fee, or similar charge.

22 (4) Fee for an appraisal, investigation, or credit
23 report.

24 (5) Charges or premiums for credit life, accident,
25 health, or loss of income insurance, written in connection
26 with any credit transaction unless (a) the insurance

1 coverage is not required by the lender and this fact is
2 clearly and conspicuously disclosed in writing to the
3 obligor; and (b) any obligor desiring such insurance
4 coverage gives specific dated and separately signed
5 affirmative written indication of such desire after
6 receiving written disclosure to him of the cost of such
7 insurance.

8 (6) Charges or premiums for insurance, written in
9 connection with any credit transaction, against loss of or
10 damage to property or against liability arising out of the
11 ownership or use of property, unless a clear, conspicuous,
12 and specific statement in writing is furnished by the
13 lender to the obligor setting forth the cost of the
14 insurance if obtained from or through the lender and
15 stating that the obligor may choose the person through
16 which the insurance is to be obtained.

17 (7) Premium or other charges for any other guarantee or
18 insurance protecting the lender against the obligor's
19 default or other credit loss.

20 (8) Any charge imposed by a lender upon another lender
21 for purchasing or accepting an obligation of an obligor if
22 the obligor is required to pay any part of that charge in
23 cash, as an addition to the obligation, or as a deduction
24 from the proceeds of the obligation.

25 A late payment, delinquency, default, reinstatement or
26 other such charge is not a finance charge if imposed for actual

1 unanticipated late payment, delinquency, default or other
2 occurrence.

3 (h) Advertising for loans transacted under this Section may
4 not be false, misleading, or deceptive. That advertising, if it
5 states a rate or amount of interest, must state that rate as an
6 annual percentage rate of interest charged. In addition, if
7 charges other than for interest are made in connection with
8 those loans, those charges must be separately stated. No
9 advertising may indicate or imply that the rates or charges for
10 loans are in any way "recommended", "approved", "set" or
11 "established" by the State government or by this Act.

12 (i) A lender or creditor who complies with the federal
13 Truth in Lending Act, amendments thereto, and any regulations
14 issued or which may be issued thereunder, shall be deemed to be
15 in compliance with the provisions of subsections (f), (g) and
16 (h) of this Section.

17 (j) For purposes of this Section, "real estate" and "real
18 property" include a manufactured home as defined in subdivision
19 (53) of Section 9-102 of the Uniform Commercial Code that is
20 real property as defined in the Conveyance and Encumbrance of
21 Manufactured Homes as Real Property and Severance Act.

22 (Source: P.A. 92-483, eff. 8-23-01.)

23 Section 10-115. The Motor Vehicle Retail Installment Sales
24 Act is amended by changing Section 2.1 as follows:

1 (815 ILCS 375/2.1) (from Ch. 121 1/2, par. 562.1)

2 Sec. 2.1.

3 "Motor vehicle" means a motor vehicle as defined in The
4 Illinois Vehicle Code but does not include bicycles,
5 motorcycles, motor scooters, snowmobiles, trailers, ~~and~~ farm
6 equipment, and manufactured homes as defined in subdivision
7 (53) of Section 9-102 of the Uniform Commercial Code.

8 (Source: P.A. 77-1167.)

9 Section 10-120. The Retail Installment Sales Act is amended
10 by changing Section 2.1 as follows:

11 (815 ILCS 405/2.1) (from Ch. 121 1/2, par. 502.1)

12 Sec. 2.1. "Goods" means all goods used or purchased
13 primarily for personal, family, or household purposes. "Goods"
14 includes goods purchased primarily for agricultural purposes
15 only for the purposes of the credit disclosure requirements of
16 this Act. "Goods" includes merchandise certificates or coupons
17 issued by a retail seller to be used in their face amount in
18 the purchase of goods or services sold by such a seller but
19 does not include money or other things in action. It also
20 includes goods which are furnished or used, at the time of sale
21 or subsequently, in the modernization, rehabilitation, repair,
22 alteration, improvement, or construction of real estate so as
23 to become a part of that real estate whether or not severable
24 therefrom. "Goods" includes a manufactured home as defined in

1 subdivision (53) of Section 9-102 of the Uniform Commercial
2 Code that is not real property as defined in the Conveyance and
3 Encumbrance of Manufactured Homes as Real Property and
4 Severance Act. "Goods" does not include a motor vehicle as
5 defined in The Illinois Vehicle Code, but does include
6 bicycles, motorcycles, motor scooters, snowmobiles and
7 trailers when purchased primarily for personal, family or
8 household purposes. "Goods" does not include goods used or
9 purchased primarily for business or commercial purposes.

10 (Source: P.A. 77-1166.)

11 ARTICLE 99. EFFECTIVE DATE

12 Section 99-999. Effective date. This Act takes effect upon
13 becoming law.

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9	205 ILCS 5/3	from Ch. 17, par. 309
10	205 ILCS 5/5a	from Ch. 17, par. 312
11	205 ILCS 5/5d	from Ch. 17, par. 312.3
12	205 ILCS 5/6.1	from Ch. 17, par. 313.1
13	205 ILCS 105/1-10.30	from Ch. 17, par. 3301-10.30
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19	205 ILCS 635/1-4	
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23	815 ILCS 205/4	from Ch. 17, par. 6404
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26	815 ILCS 375/2.1	from Ch. 121 1/2, par. 562.1

1 815 ILCS 405/2.1

from Ch. 121 1/2, par. 502.1