

AN ACT concerning safety.

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

Section 5. The Illinois Manufactured Housing and Mobile Home Safety Act is amended by changing Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11 and by adding Sections 16 and 17 as follows:

(430 ILCS 115/1) (from Ch. 67 1/2, par. 501)

Sec. 1. This Act may be cited as the Illinois Modular Dwelling ~~Manufactured Housing~~ and Mobile Structure ~~Home~~ Safety Act.

(Source: P.A. 86-1475.)

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

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

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

~~towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location, or subsequent locations, at which it is installed and set up according to the manufacturer's instructions and connected to utilities for year round occupancy for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term excludes campers and recreational vehicles. The terms "mobile home" and "manufactured home" do not include modular homes or manufactured housing units.~~

(b) "Person" means any individual, group of individuals, association, trust, partnership, limited liability company, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof, or any other entity ~~a person, partnership, corporation, or other legal entity.~~

(c) "Manufacturer" means any person who manufactures mobile structures ~~homes~~ or modular dwellings ~~manufactured housing~~ at the place or places, either on or away from the building site, at which machinery, equipment, and other capital goods are assembled and operated for the purpose of making,

fabricating, forming, or assembling mobile structures ~~homes~~ or modular dwellings ~~manufactured housing~~.

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

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

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

(g) "Codes" means the safety codes for modular dwellings ~~manufactured housing~~ and mobile structures ~~adopted homes promulgated~~ by the Department and is synonymous with "rules". The Codes shall contain the standards and requirements for modular dwellings ~~manufactured housing~~ and mobile structures ~~homes~~ so that adequate performance for the intended use is made the test of acceptability. The Code of Standards shall permit the use of new ~~and used~~ technology, techniques, methods and materials, for both modular dwellings ~~manufactured housing~~ and mobile structures ~~homes~~, consistent with recognized and accepted codes and standards developed by the International Code Council (ICC) or by the organizations that formed the ICC in 1994: ~~Building Officials and Code Administrators, the International Conference of Building Officials, the Southern Building Codes Congress International,~~ the National Fire Protection Association, the International Association of Plumbing and Mechanical Officials, the American National

Standards Institute, and the Illinois State Plumbing Code, ~~and the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", applying to manufactured housing and mobile homes installed and set up according to the manufacturer's instructions. A copy of said safety codes, including said revisions thereof is on file with the Department.~~

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

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

(j) "Closed construction" is any building, component, assembly or system manufactured in such a manner that all

portions cannot readily be inspected at the installation site without disassembly, damage to, or destruction thereof.

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

(l) "Approved foundation and support system" means, for a ~~modular home or~~ modular dwelling unit, a closed perimeter formation consisting of materials such as concrete, mortared concrete block, ~~or~~ mortared brick, steel, or treated lumber extending into the ground below the frost line which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, and does include the use of piers supporting the marriage wall of the home that extend below the frost line.

(m) "Code compliance certificate" means the certificate provided by the manufacturer to the Department that warrants that the modular dwelling ~~manufactured housing~~ unit or mobile structure ~~home~~ complies with the applicable code.

(n) "Mobile structure" means a movable or portable unit, which, when assembled, is 8 feet or more in width and is 32 body feet in length, constructed to be towed on its own chassis (comprised of frame and wheels), and designed for occupancy with or without a permanent foundation. "Mobile structure" includes units designed to be used for multi-family residential, commercial, educational, or industrial purposes, excluding, however, recreational vehicles and single family

residences. ~~"Manufactured housing", "manufactured housing unit", "modular dwelling", and "modular home" shall not be confused with "manufactured home" or "mobile home".~~

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

(430 ILCS 115/3) (from Ch. 67 1/2, par. 503)

Sec. 3. ~~(a)~~ It is unlawful for any person to manufacture, rent, sell, or offer for sale for location within this State ~~any mobile home manufactured after July 1, 1974, or any manufactured housing unit manufactured after July 1, 1976, any modular dwelling or mobile structure after the effective date of this amendatory Act of the 98th General Assembly,~~ unless such modular dwelling or mobile structure ~~mobile home or manufactured housing unit~~ complies with this Act and all rules adopted by the Department under this Act ~~the applicable safety code and any revision thereof that may be adopted hereafter, by the Department as hereinafter provided.~~

~~(b) No person shall manufacture for shipment into this State any mobile home after July 1, 1974, or any manufactured housing unit after July 1, 1976, which does not comply with the applicable safety code.~~

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

(430 ILCS 115/4) (from Ch. 67 1/2, par. 504)

Sec. 4.

(a) No person may rent, sell, or offer for sale to anyone

within this State any modular dwelling or mobile structure after the effective date of this amendatory Act of the 98th General Assembly, ~~mobile home manufactured after July 1, 1974,~~ ~~or any manufactured housing unit manufactured after July 1, 1976,~~ unless it bears a seal issued by the Department and a certification by the manufacturer ~~or dealer,~~ that the mobile structure or modular dwelling ~~mobile home or manufactured housing unit~~ complies with the applicable safety code.

(b) Nothing in this Act prohibits a city, town, village, township, or county from adopting construction standards for mobile structures or modular dwellings under local ordinances, provided such ordinances incorporate the rules adopted under this Act and are approved by the Department. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. The provisions of this Act shall not apply to any municipality which has adopted a mobile home or manufactured housing safety code, the provisions of which are equal to the codes promulgated by the Department. Any such code must be filed with the Department within 10 days after its adoption. Any unit of local government ~~municipality~~ is authorized to adopt by reference the safety codes as promulgated by the Department ~~without setting forth the provisions in full, provided that at least (3) copies of such codes which are incorporated or adopted by reference are filed in the office of the municipal~~

~~clerk at least (15) days prior to the adoption of the ordinance which incorporates such codes by reference and there kept available for public use, inspection and examination.~~

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

(430 ILCS 115/5) (from Ch. 67 1/2, par. 505)

Sec. 5. The Department shall issue seals to any manufacturer ~~or dealer~~ upon application supported by affidavit or such other evidence which the Department shall deem necessary to satisfy itself that the seals shall be affixed only to mobile structures ~~homes~~ or modular dwelling ~~manufactured housing~~ units which comply with the applicable safety code.

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

(430 ILCS 115/6) (from Ch. 67 1/2, par. 506)

Sec. 6. Alteration of mobile structures or modular dwelling units to which seals have been affixed.

(a) A unit of local government may regulate the location of the modular dwellings and mobile structures and their foundation, and the installation of the on-site utilities.

(b) It is unlawful for any person to make any alteration of any mobile structure ~~home~~ or modular dwelling ~~manufactured housing~~ unit to which a seal has been affixed if such alteration causes the mobile structure ~~home~~ or modular dwelling ~~manufactured housing~~ unit to be in violation of the applicable

~~safety~~ code.

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

(430 ILCS 115/7) (from Ch. 67 1/2, par. 507)

Sec. 7. If any other State has a safety code for mobile structures ~~homes~~ or modular dwellings ~~manufactured housing~~ at least equal to the codes promulgated by the Department and the Department determines that such safety standards are being enforced by such other state, the Department shall place such other state upon a reciprocity list, which list shall be available to any interested person. Any mobile structures ~~home~~ or modular dwelling ~~manufactured housing unit~~ which bears the seal of any state which has been placed on the reciprocity list, or which bears a seal approved by such state as sufficient evidence of compliance, shall not be required to affix the seal of this state prescribed by Section 4 of this Act.

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

(430 ILCS 115/9) (from Ch. 67 1/2, par. 509)

Sec. 9.

(a) The Department is hereby charged with the administration and enforcement of this Act. The Department is authorized to: (1) promulgate such reasonable regulations as may be necessary to administer and enforce this Act, and (2) adopt any revisions of the Code as may be necessary to protect

the health and safety of the public against dangers inherent in the use of substandard construction and unsafe plumbing, electrical and heating systems.

The Department may impose an administrative penalty against any person who violates this Act or any rule adopted under this Act, or who violates any determination or order of the Department under this Act. The Department shall establish violations and penalties by rule, with each day's violation constituting a separate offense. The maximum penalty shall be \$1,000 per day per violation.

The Attorney General may bring an action in the circuit court to enforce the collection of an administrative penalty imposed under this subsection (a).

All penalties collected under this subsection (a) shall be deposited into the Facility Licensing Fund. Subject to appropriation, moneys in the Fund shall be used for the enforcement of this Act.

~~(b) (Blank). At least 30 days before the adoption or promulgation of any regulations or any revisions of the Code, pursuant to the authority vested in the Department by the preceding Subsection (a) of this Section, the Department shall mail to all state dealers and manufacturers of mobile homes a notice which shall contain:~~

~~(1) A copy of the proposed regulations or revisions thereon, if any;~~

~~(2) A copy of the proposed revision of the Code, if any;~~

and

~~(3) The time and place that the Department will consider any objections, comments or suggestions pertaining to the proposed action described in the notice.~~

(c) (Blank). ~~After giving the notice required by Subsection (b) of this Section, the Department shall provide a hearing for interested persons to express their views on the proposed action, either orally or in writing as may be prescribed by the Department and specified in the notice.~~

(d) The Department is authorized to perform necessary inspection of manufacturing facilities and products to implement the provisions of this Act. The ~~If the~~ Department may require and approve ~~appoints~~ non-governmental inspectors or inspection agencies, provided the Department shall at all times exercise supervisory control over such inspectors or agencies to insure effective and uniform enforcement of the codes ~~Code~~ consistent with rules, regulations and interpretations promulgated by the Department.

(e) The issuance of seals may be suspended or revoked from ~~as to~~ any manufacturer who is convicted under Section 10 of this Act of manufacturing products that do not conform to the codes or rules adopted under this Act. Issuance ~~Code and issuance~~ of seals shall not be resumed until such manufacturer submits proof satisfactory to the Department that the conditions which caused the violation of the codes ~~Code~~ have been remedied. Seals may be repossessed if a manufacturer is

found by the Department to have affixed a seal in violation of the codes or rules adopted Code.

(f) No person may interfere with, obstruct or hinder an authorized representative of the Department in the performance of its duties under this Act.

(Source: P.A. 78-929.)

(430 ILCS 115/10) (from Ch. 67 1/2, par. 510)

Sec. 10. (a) The seal shall remain the property of the Department, and may not be placed upon a mobile structure ~~home~~ or modular dwelling ~~manufactured housing unit~~ which is in violation of this Act ~~the applicable safety code~~. Compliance with this Act ~~the safety code~~ is the responsibility of the ~~a~~ manufacturer and neither the State nor the Department, shall be civilly or criminally liable for the issuance of any seal which is thereafter placed upon a nonconforming mobile structure ~~home~~ or modular dwelling ~~manufactured housing unit~~.

(b) Any person who violates this Act, in regards to violations relating to modular dwellings or mobile structures, shall, upon conviction by a court, be guilty of a Class B misdemeanor. Each day of violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred or the Attorney General shall bring such action in the name of the People of the State of Illinois. The Court may enjoin the rent, sale, offer for sale, or manufacture of mobile structures ~~homes~~ or modular dwelling ~~manufactured~~

~~housing~~ manufactured in violation of this Act or of the ~~applicable~~ safety code promulgated thereunder until it has been corrected to comply with this Act or the minimum standards contained in the applicable codes ~~safety code~~.

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

(430 ILCS 115/11) (from Ch. 67 1/2, par. 511)

Sec. 11. The Director, after notice and opportunity for hearing to an applicant or seal holder, may deny, suspend, or revoke a seal, or assess civil penalties in conformance with this Act, in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Act or the standards, rules, and regulations under this Act.

Notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of the mailing or service, within which time the applicant or seal holder must request in writing a hearing. Failure to serve upon the Department a request for hearing in writing within the time provided in the notice shall constitute a waiver of the person's right to an administrative hearing.

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as a hearing officer to conduct the hearing. The Director or hearing officer shall give written notice of the time and place of the hearing,

by certified mail or personal service, to the applicant or seal holder, at least 10 days prior to the hearing. On the basis of the hearing, or upon default of the applicant or seal holder, the Director shall make a determination specifying his or her findings and conclusions. A copy of the determination shall be sent by certified mail or served personally upon the seal holder. The decision of the Director shall be final on issues of fact, and final in all respects unless judicial review is sought as provided in this Act.

The procedure governing hearings authorized by this Section shall be in accordance with rules adopted by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and hearing officer.

The Department, at its expense, shall provide a court reporter to take testimony. Technical error in the proceedings before the Department or hearing officer or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision unless it appears to the Court that the error or failure materially affects the rights of any party and results in substantial injustice to any party.

The Department or hearing officer, or any parties in an investigation or hearing before the Department, may compel the

attendance of witnesses and the production of books, papers, records, or memoranda.

The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a judicial review proceeding, unless there is filed in the Court with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. The cost shall be paid by the party requesting a copy of the record. Failure on the part of the person requesting a copy of the record to pay the cost shall be grounds for dismissal of the action.

~~The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving refusal to issue or renew, or the suspension or revocation of a seal. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.~~

~~In any case involving the refusal to issue or renew or the suspension or revocation of a seal, a copy of the Department's report shall be served upon the respondent, either personally or by registered or certified mail as provided in this Act, for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the report. If the respondent orders and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.~~

~~Any circuit court may upon application of the Director or the applicant or licensee against whom proceedings under this section of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings for contempt.~~

(Source: P.A. 78-929.)

(430 ILCS 115/16 new)

Sec. 16. Illinois Administrative Procedure Act. The

provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act. The Department of Public Health is authorized to use peremptory rulemaking under Section 5-50 of the Illinois Administrative Procedure Act. The Department will make any rule adopted hereunder available electronically to the public and shall not be required to furnish copies in any other format.

(430 ILCS 115/17 new)

Sec. 17. Facility Licensing Fund. All fees and penalties collected under this Act shall be deposited into the Facility Licensing Fund. Subject to appropriation, all money deposited into the Facility Licensing Fund under this Act shall be available to the Department for administration of this Act.

(430 ILCS 115/15 rep.)

Section 10. The Illinois Manufactured Housing and Mobile Home Safety Act is amended by repealing Section 15.

Section 99. Effective date. This Act takes effect upon becoming law.