



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1285

Introduced 02/08/11, by Rep. Dave Winters

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Use Tax Act and the Retailers' Occupation Tax Act. Provides that, beginning on January 1, 2012, the tax imposed under the Acts on new mobile homes or new manufactured homes to be located outside of a mobile home park shall be calculated against 40% of the selling price of the home and against 100% of the selling price of building materials used. Provides that there shall be no tax on resale of homes located outside or inside of a mobile home park. Amends the Property Tax Code and the Manufactured Home Installation Act. Provides that the owner of a mobile home or manufactured home that is located outside of a mobile home park may file a request with the county assessor that the home be classified, assessed, and taxed as real property. Amends the Mobile Home Local Services Tax Act. Removes certain provisions concerning recording of titles and certificates of origin. Amends the Abandoned Mobile Home Act. Provides that a mobile home abandoned outside of a mobile home park must be treated like other real property for condemnation purposes. Amends the Property Tax Code and the Mobile Home Local Services Tax Act to provide that mobile homes and manufactured homes that are located outside of mobile home parks and are taxed during the tax year ending on December 31, 2011 must continue to be taxed under that Act. Provides that a mobile home or manufactured home that is located in a mobile home park may not be taxed as real property until the mobile home or manufactured home is relocated to a different parcel of land outside of a mobile home park. Effective immediately.

LRB097 06559 HLH 46644 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Use Tax Act is amended by adding Section 3-3  
5 as follows:

6 (35 ILCS 105/3-3 new)

7 Sec. 3-3. Mobile home sales. Beginning January 1, 2012, the  
8 tax imposed under this Act on new mobile homes or new  
9 manufactured homes to be located outside of a mobile home park  
10 shall be calculated against 40% of the selling price of the  
11 home and against 100% of the selling price of any other  
12 building materials used in the installation and set up of the  
13 home. This provision does not change the current calculation of  
14 the use tax for new mobile homes or manufactured homes to be  
15 located inside of a mobile home park. There shall be no use tax  
16 on the resale of mobile homes or manufactured homes located  
17 outside or inside mobile home parks.

18 Section 10. The Retailers' Occupation Tax Act is amended by  
19 adding Section 5m as follows:

20 (35 ILCS 120/5m new)

21 Sec. 5m. Mobile home sales. Beginning January 1, 2012, the

1 tax imposed under this Act on new mobile homes or new  
2 manufactured homes to be located outside of a mobile home park  
3 shall be calculated against 40% of the selling price of the  
4 home and against 100% of the selling price of any other  
5 building materials used in the installation and set up of the  
6 home. This provision does not change the current calculation of  
7 the retailers' occupation tax for new mobile homes or  
8 manufactured homes to be located inside of a mobile home park.  
9 There shall be no retailers' occupation tax on the resale of  
10 mobile homes or manufactured homes located outside or inside  
11 mobile home parks.

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

14 (35 ILCS 200/1-130)

15 Sec. 1-130. Property; real property; real estate; land;  
16 tract; lot.

17 (a) The land itself, with all things contained therein, and  
18 also all buildings, structures and improvements, and other  
19 permanent fixtures thereon, including all oil, gas, coal, and  
20 other minerals in the land and the right to remove oil, gas and  
21 other minerals, excluding coal, from the land, and all rights  
22 and privileges belonging or pertaining thereto, except where  
23 otherwise specified by this Code. Not included therein are  
24 low-income housing tax credits authorized by Section 42 of the

1 Internal Revenue Code, 26 U.S.C. 42.

2 (b) Notwithstanding any other provision of law, mobile  
3 homes and manufactured homes that (i) are located outside of  
4 mobile home parks and (ii) are taxed under the Mobile Home  
5 Local Services Tax Act during the tax year ending on December  
6 31, 2011 ~~on the effective date of this amendatory Act of the~~  
7 ~~96th General Assembly~~ shall continue to be taxed under the  
8 Mobile Home Local Services Tax Act and shall not be classified,  
9 assessed, and taxed as real property until the home is sold or  
10 transferred or until the home is relocated to a different  
11 parcel of land outside of a mobile home park. If a mobile home  
12 described in this subsection (b) is sold, transferred, or  
13 relocated to a different parcel of land outside of a mobile  
14 home park, then the home shall be classified, assessed, and  
15 taxed as real property. Mobile homes and manufactured homes  
16 that are located outside of mobile home parks and are  
17 classified, assessed, and taxed as real property during the tax  
18 year ending on December 31, 2011 ~~on the effective date of this~~  
19 ~~amendatory Act of the 96th General Assembly~~ shall continue to  
20 be classified, assessed, and taxed as real property. If a  
21 mobile or manufactured home that is located outside of a mobile  
22 home park is relocated to a mobile home park, it must be  
23 considered chattel and must be taxed according to the Mobile  
24 Home Local Services Tax Act. The owner of a mobile home or  
25 manufactured home that is located outside of a mobile home park  
26 may file a request with the county assessor that the home be

1 classified, assessed, and taxed as real property. A mobile home  
2 that is required to be taxed as real property must be taxed as  
3 real property regardless of whether or not a certificate of  
4 title has been issued with respect to that mobile home.

5 (c) Mobile homes and manufactured homes that are located in  
6 mobile home parks must be considered chattel and must be taxed  
7 according to the Mobile Home Local Services Tax Act. A mobile  
8 home or manufactured home that is located in a mobile home park  
9 may not be taxed as real property until the mobile home or  
10 manufactured home is relocated to a different parcel of land  
11 outside of a mobile home park.

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

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

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

21 (35 ILCS 515/1) (from Ch. 120, par. 1201)

22 Sec. 1. (a) Except as provided in subsections (b) and (c),  
23 as used in this Act, "manufactured home" means a  
24 factory-assembled, completely integrated structure designed

1 for permanent habitation, with a permanent chassis, and so  
2 constructed as to permit its transport, on wheels temporarily  
3 or permanently attached to its frame, and is a movable or  
4 portable unit that is (i) 8 body feet or more in width, (ii) 40  
5 body feet or more in length, and (iii) 320 or more square feet,  
6 constructed to be towed on its own chassis (comprised of frame  
7 and wheels) from the place of its construction to the location,  
8 or subsequent locations, at which it is installed and set up  
9 according to the manufacturer's instructions and connected to  
10 utilities for year-round occupancy for use as a permanent  
11 habitation, and designed and situated so as to permit its  
12 occupancy as a dwelling place for one or more persons. The term  
13 shall include units containing parts that may be folded,  
14 collapsed, or telescoped when being towed and that may be  
15 expected to provide additional cubic capacity, and that are  
16 designed to be joined into one integral unit capable of being  
17 separated again into the components for repeated towing. The  
18 term excludes campers and recreational vehicles. Mobile homes  
19 and manufactured homes in mobile home parks must be assessed  
20 and taxed as chattel. Mobile homes and manufactured homes  
21 outside of mobile home parks must be assessed and taxed as real  
22 property. The words "mobile home" and "manufactured home" are  
23 synonymous for the purposes of this Act. Any such structure  
24 located outside of a mobile home park shall not be construed as  
25 chattel, but must be assessed and taxed as real property as  
26 defined by Section 1-130 of the Property Tax Code. All mobile

1 homes located inside mobile home parks must be considered as  
2 chattel and taxed according to this Act. Mobile homes located  
3 on a dealer's lot for resale purposes or as a temporary office  
4 shall not be subject to this tax.

5 (b) Mobile homes and manufactured homes that (i) are  
6 located outside of mobile home parks and (ii) are taxed under  
7 this Act during the tax year ending on December 31, 2011 ~~on the~~  
8 ~~effective date of this amendatory Act of the 96th General~~  
9 ~~Assembly~~ must continue to be taxed under this Act and shall not  
10 be classified, assessed, and taxed as real property until the  
11 home is sold, transferred, or relocated to a different parcel  
12 of land outside of a mobile home park. If a mobile home  
13 described in this subsection (b) is sold, transferred, or  
14 relocated to a different parcel of land outside of a mobile  
15 home park, then the home must be classified, assessed, and  
16 taxed as real property. Mobile homes and manufactured homes  
17 that are located outside of mobile home parks and are  
18 classified, assessed, and taxed as real property during the tax  
19 year ending on December 31, 2011 ~~on the effective date of this~~  
20 ~~amendatory Act of the 96th General Assembly~~ must continue to be  
21 classified, assessed, and taxed as real property. If a mobile  
22 or manufactured home that is located outside of a mobile home  
23 park is relocated to a mobile home park, the home 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 county assessor that the home be  
2 classified, assessed, and taxed as real property.

3 (c) Mobile homes and manufactured homes that are located in  
4 mobile home parks must be considered chattel and must be taxed  
5 according to this Act. A mobile home or manufactured home that  
6 is located in a mobile home park may not be taxed as real  
7 property until the mobile home or manufactured home is  
8 relocated to a different parcel of land outside of a mobile  
9 home park.

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

11 (35 ILCS 515/4) (from Ch. 120, par. 1204)

12 Sec. 4. The owner of each inhabited mobile home located in  
13 this State, but not located inside of a mobile home park, on  
14 the effective date of this amendatory Act of the 96th General  
15 Assembly shall, within 30 days after such date, file with the  
16 township assessor, if any, or with the Supervisor of  
17 Assessments or county assessor if there is no township  
18 assessor, or with the county assessor in those counties in  
19 which a county assessor is elected pursuant to Section 3-45 of  
20 the Property Tax Code, a mobile home registration form  
21 containing the information hereinafter specified ~~and record a~~  
22 ~~signed copy of the title or certificate of origin in the county~~  
23 ~~where the home is located or surrender the signed title or~~  
24 ~~certificate of origin to be held by the county until such time~~  
25 ~~as the home is to be removed from the county.~~ Mobile home park



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

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

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

22 Section 25. The Manufactured Home Installation Act is  
23 amended by changing Section 10 as follows:

24 (35 ILCS 517/10)

1           Sec. 10. Installation requirements; classification as real  
2 property.

3           (a) Except as provided in subsection (b), a mobile home or  
4 manufactured home installed on private property that is not in  
5 a mobile home park on or after the effective date of this Act  
6 must be installed in accordance with the manufacturer's  
7 instructions and classified, assessed, and taxed as real  
8 property.

9           (b) Mobile homes and manufactured homes that (i) are  
10 located outside of mobile home parks and (ii) are taxed under  
11 the Mobile Home Local Services Tax Act on the effective date of  
12 this Act must continue to be taxed under the Mobile Home Local  
13 Services Tax Act and shall not be classified, assessed, and  
14 taxed as real property until the home is sold or transferred or  
15 until the home is relocated to a different parcel of land  
16 outside of a mobile home park. If a mobile home described in  
17 this subsection (b) is sold, transferred, or relocated to a  
18 different parcel of land outside of a mobile home park, then  
19 the home shall be classified, assessed, and taxed as real  
20 property. Mobile homes and manufactured homes that are  
21 classified, assessed, and taxed as real property on the  
22 effective date of this Act shall continue to be classified,  
23 assessed, and taxed as real property. The owner of a mobile  
24 home or manufactured home that is located outside of a mobile  
25 home park may file a request with the county assessor  
26 ~~Department of Revenue~~ that the home be classified, assessed,

1 and taxed as real property.

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

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

6 Section 30. The Abandoned Mobile Home Act is amended by  
7 changing Section 10 as follows:

8 (210 ILCS 117/10)

9 Sec. 10. Definitions.

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. The term shall include  
24 units containing parts that may be folded, collapsed, or

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

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

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

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

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

1		INDEX
2		Statutes amended in order of appearance
3	35 ILCS 105/3-3	new
4	35 ILCS 120/5m	new
5	35 ILCS 200/1-130	
6	35 ILCS 515/1	from Ch. 120, par. 1201
7	35 ILCS 515/4	from Ch. 120, par. 1204
8	35 ILCS 517/10	
9	210 ILCS 117/10	