



Sen. Elgie R. Sims, Jr.

Filed: 3/15/2019

10100SB1602sam001

LRB101 07777 TAE 57943 a

1 AMENDMENT TO SENATE BILL 1602

2 AMENDMENT NO. _____. Amend Senate Bill 1602 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 5-101.2 as follows:

6 (625 ILCS 5/5-101.2)

7 Sec. 5-101.2. Manufactured home dealers; licensing.

8 (a) For the purposes of this Section, the following words
9 shall have the meanings ascribed to them as follows:

10 "Community-based manufactured home dealer" means an
11 individual or entity that operates a tract of land or 2 or
12 more contiguous tracts of land which contain sites with the
13 necessary utilities for 5 or more independent manufactured
14 homes for permanent habitation, either free of charge or
15 for revenue purposes, and shall include any building,
16 structure, vehicle, or enclosure used or intended for use

1 as a part of the equipment of the manufactured home park
2 who may, incidental to the operation of the manufactured
3 home community, sell, trade, or buy no more than 2 a
4 manufactured homes home or park models per calendar year
5 ~~model~~ that are ~~is~~ located within the manufactured home
6 community pursuant to a franchise agreement or similar
7 agreement with a manufacturer, or used manufactured homes
8 or park models located within the manufactured home
9 community or additional place of business ~~or is located in~~
10 ~~a different manufactured home community~~ that is owned or
11 managed by the community-based manufactured home dealer.

12 "Established place of business" means the place owned
13 or leased and occupied by any person duly licensed or
14 required to be licensed as a manufactured home dealer or a
15 community-based manufactured home dealer for the purpose
16 of engaging in selling, buying, bartering, displaying,
17 exchanging, or dealing in, on consignment or otherwise,
18 manufactured homes or park models and for such other
19 ancillary purposes as may be permitted by the Secretary by
20 rule. An established place of business shall include a
21 single or central office in which the manufactured home
22 dealer's or community-based manufactured home dealer's
23 records shall be separate and distinct from any other
24 business or tenant which may occupy space in the same
25 building, except as provided in this Section, and the
26 office shall not be located in a tent, temporary stand,

1 temporary address, room or rooms in a hotel or rooming
2 house, nor the premises occupied by a single or multiple
3 unit residence, unless the multiple unit residence has a
4 separate and distinct office.

5 "Manufactured home" means a factory assembled
6 structure built on a permanent chassis, transportable in
7 one or more sections in the travel mode, incapable of
8 self-propulsion, and bears a label indicating the
9 manufacturer's compliance with the United States
10 Department of Housing and Urban Development standards, as
11 applicable, that is without a permanent foundation and is
12 designed for year round occupancy as a single-family
13 residence when connected to approved water, sewer, and
14 electrical utilities.

15 "Manufactured home dealer" means an individual or
16 entity that engages in the business of acquiring or
17 disposing of a manufactured home or park model, either a
18 new manufactured home or park model, pursuant to a
19 franchise agreement with a manufacturer, or used
20 manufactured homes or park models, and who has an
21 established place of business that is not in a residential
22 community-based setting.

23 "Park model" means a vehicle that is incapable of
24 self-propulsion that is less than 400 square feet of
25 habitable space that is built to American National
26 Standards Institute (ANSI) standards that prohibits

1 occupancy on a permanent basis and is built on a vehicle
2 chassis.

3 "Supplemental license" means a license that a
4 community-based manufactured home dealer receives and
5 displays at locations in which the licensee is authorized
6 to sell, buy, barter, display, exchange, or deal in, on
7 consignment or otherwise, manufactured homes or park
8 models, but is not the established place of business of the
9 licensee.

10 (b) No person shall engage in this State in the business of
11 selling or dealing in, on consignment or otherwise,
12 manufactured homes or park models of any make, or act as an
13 intermediary, agent, or broker for any manufactured home or
14 park model purchaser, other than as a salesperson or to
15 represent or advertise that he or she is so engaged, or intends
16 to so engage, in the business, unless licensed to do so by the
17 Secretary of State under the provisions of this Section.

18 (c) An application for a manufactured home dealer's license
19 or a community-based manufactured home dealer's license shall
20 be filed with the Secretary of State and duly verified by oath,
21 on such form as the Secretary of State may by rule prescribe
22 and shall contain all of the following:

23 (1) The name and type of business organization of the
24 applicant, and his or her established and additional places
25 of business, if any, in this State.

26 (2) If the applicant is a corporation, a list of its

1 officers, directors, and shareholders having a 10% or
2 greater ownership interest in the corporation. If the
3 applicant is a sole proprietorship, a partnership, a
4 limited liability company, an unincorporated association,
5 a trust, or any similar form of business organization, the
6 name and residence address of the proprietor, or the name
7 and residence address of each partner, member, officer,
8 director, trustee, or manager.

9 (3) The make or makes of new manufactured homes or park
10 models that the applicant will offer for sale at retail in
11 the State.

12 (4) The name of each manufacturer or franchised
13 distributor, if any, of new manufactured homes or park
14 models with whom the applicant has contracted for the sale
15 of new manufactured homes or park models. As evidence of
16 this fact, the application shall be accompanied by a signed
17 statement from each manufacturer or franchised
18 distributor.

19 (5) A statement that the applicant has been approved
20 for registration under the Retailers' Occupation Tax Act by
21 the Department of Revenue, provided that this requirement
22 does not apply to a manufactured home dealer who is already
23 licensed with the Secretary of State, and who is merely
24 applying for a renewal of his or her license. As evidence
25 of this fact, the application shall be accompanied by a
26 certification from the Department of Revenue showing that

1 the Department has approved the applicant for registration
2 under the Retailers' Occupation Tax Act.

3 (6) An application for:

4 (A) a manufactured home dealer's license, when the
5 applicant is selling new manufactured homes or park
6 models on behalf of a manufacturer of manufactured
7 homes or park models, or 5 or more used manufactured
8 homes or park models during the calendar year, shall be
9 accompanied by a \$1,000 license fee for the applicant's
10 established place of business, and \$100 for each
11 additional place of business, if any, to which the
12 application pertains. If the application is made after
13 June 15 in any year, the license fee shall be \$500 for
14 the applicant's established place of business, and \$50
15 for each additional place of business, if any, to which
16 the application pertains. License fees shall be
17 returnable only in the event that the application is
18 denied by the Secretary of State; or

19 (B) a community-based manufactured home dealer's
20 license, when the applicant is selling new
21 manufactured homes or park models on behalf of a
22 manufacturer of manufactured homes or park models, or 5
23 or more used manufactured homes or park models during
24 the calendar year ~~5 or more manufactured homes during~~
25 ~~the calendar year not on behalf of a manufacturer of~~
26 ~~manufactured homes~~, but within a community setting,

1 shall be accompanied by a license fee of \$500 for the
2 applicant's established place of business, and \$50 for
3 each additional place of business within a 50-mile
4 radius of the established place of business, if any to
5 which the application pertains. If the application is
6 made after June 15 in any year, the license fee shall
7 be \$250 for the applicant's established place of
8 business, and \$50 for each additional place of
9 business, if any, to which the application pertains.
10 License fees shall be returnable only in the event that
11 the application is denied by the Secretary of State.

12 Of the monies received by the Secretary of State as
13 license fees under this paragraph (6), 95% shall be
14 deposited into the General Revenue Fund and 5% into the
15 Motor Vehicle License Plate Fund.

16 (7) A statement that the applicant's officers,
17 directors, and shareholders having a 10% or greater
18 ownership interest therein, proprietor, a partner, member,
19 officer, director, trustee, manager, or other principals
20 in the business, have not committed in the past 3 years any
21 one violation, as determined in any civil, criminal, or
22 administrative hearing proceeding, of any one of the
23 following Acts:

24 (A) the Anti Theft Laws of the Illinois Vehicle
25 Code;

26 (B) the Certificate of Title Laws of the Illinois

1 Vehicle Code;

2 (C) the Offenses against Registration and
3 Certificates of Title Laws of the Illinois Vehicle
4 Code;

5 (D) the Dealers, Transporters, Wreckers, and
6 Rebuilders Laws of the Illinois Vehicle Code;

7 (E) Section 21-2 of the Criminal Code of 2012
8 (criminal trespass to vehicles);

9 (F) the Retailers Occupation Tax Act;

10 (G) the Consumer Finance Act;

11 (H) the Consumer Installment Loan Act;

12 (I) the Retail Installment Sales Act;

13 (J) the Motor Vehicle Retail Installment Sales
14 Act;

15 (K) the Interest Act;

16 (L) the Illinois Wage Assignment Act;

17 (M) Part 8 of Article XII of the Code of Civil
18 Procedure; or

19 (N) the Consumer Fraud Act.

20 (8) A bond or certificate of deposit in the amount of
21 \$20,000 for each license holder applicant intending to act
22 as a manufactured home dealer or community-based
23 manufactured home dealer under this Section. The bond shall
24 be for the term of the license, for which application is
25 made, and shall expire not sooner than December 31 of the
26 year for which the license was issued. The bond shall run

1 to the People of the State of Illinois, with surety by a
2 bonding or insurance company authorized to do business in
3 this State. It shall be conditioned upon the proper
4 transmittal of all title and registration fees and taxes
5 (excluding taxes under the Retailers' Occupation Tax Act)
6 accepted by the applicant as a manufactured home dealer.

7 (9) Dealers in business for over 5 years may substitute
8 a certificate of insurance in lieu of the bond or
9 certificate of deposit upon renewing their license.

10 (10) Any other information concerning the business of
11 the applicant as the Secretary of State may by rule
12 prescribe.

13 (11) A statement that the applicant has read and
14 understands Chapters 1 through 5 of this Code.

15 (d) Any change which renders no longer accurate any
16 information contained in any application for a license under
17 this Section shall be amended within 30 days after the
18 occurrence of the change on a form the Secretary of State may
19 prescribe, by rule, accompanied by an amendatory fee of \$25.

20 (e) The Secretary of State shall, within a reasonable time
21 after receipt, examine an application submitted to him or her
22 under this Section, and unless he or she makes a determination
23 that the application submitted to him or her does not conform
24 with the requirements of this Section or that grounds exist for
25 a denial of the application under Section 5-501 of this
26 Chapter, grant the applicant an initial manufactured home

1 dealer's license or a community-based manufactured home
2 dealer's license in writing for his or her established place of
3 business and a supplemental license in writing for each
4 additional place of business in a form the Secretary may
5 prescribe by rule, which shall include the following:

6 (1) the name of the person or entity licensed;

7 (2) if a corporation, the name and address of its
8 officers; if a sole proprietorship, a partnership, an
9 unincorporated association, or any similar form of
10 business organization, the name and address of the
11 proprietor, or the name and address of each partner,
12 member, officer, director, trustee or manager; or if a
13 limited liability company, the name and address of the
14 general partner or partners, or managing member or members;

15 (3) in the case of an original license, the established
16 place of business of the licensee;

17 (4) in the case of a supplemental license, the
18 established place of business of the licensee and the
19 distance to each additional place of business to which the
20 supplemental license pertains; and

21 (5) if applicable, the make or makes of new
22 manufactured homes or park models to which a manufactured
23 home dealer is licensed to sell.

24 (e-5) A manufactured home dealer may operate a supplemental
25 lot if the lot is located within 50 miles of the manufactured
26 home dealer's principal place of business. Records pertaining

1 to a supplemental lot may be maintained at the principal place
2 of business.

3 (f) The appropriate instrument evidencing the license or a
4 certified copy of the instrument, provided by the Secretary of
5 State, shall be kept posted conspicuously in the established
6 place of business of the licensee and in each additional place
7 of business, if any, maintained by the licensee, unless the
8 licensee is a community-based manufactured home dealer, then
9 the license shall be posted in the community-based manufactured
10 home dealer's central office and it shall include a list of the
11 other locations that the community-based manufactured home
12 dealer may oversee.

13 (g) Except as provided in subsection (i) of this Section,
14 all licenses granted under this Section shall expire by
15 operation of law on December 31 of the calendar year for which
16 the licenses were granted, unless sooner revoked or cancelled
17 under the provisions of Section 5-501 of this Chapter.

18 (h) All persons licensed as a manufactured home dealer or a
19 community-based manufactured home dealer are required to
20 furnish each purchaser of a manufactured home or park model:

21 (1) in the case of a new manufactured home or park
22 model, a manufacturer's statement of origin, and in the
23 case of a previously owned manufactured home or park model,
24 a certificate of title, in either case properly assigned to
25 the purchaser;

26 (2) a statement verified under oath that all

1 identifying numbers on the vehicle match the identifying
2 numbers on the certificate of title or manufacturer's
3 statement of origin;

4 (3) a bill of sale properly executed on behalf of the
5 purchaser;

6 (4) a copy of the Uniform Invoice-transaction
7 reporting return form referred to in Section 5-402; and

8 (5) for a new manufactured home or park model, a
9 warranty, and in the case of a manufactured home or park
10 model for which the warranty has been reinstated, a copy of
11 the warranty; if no warranty is provided, a disclosure or
12 statement that the manufactured home or park model is being
13 sold "AS IS".

14 (i) This Section shall not apply to a (i) seller who
15 privately owns his or her manufactured home or park model as
16 his or her main residence and is selling the manufactured home
17 or park model to another individual or to a licensee; (ii) a
18 retailer or entity licensed under either Section 5-101 or 5-102
19 of this Code; or (iii) an individual or entity licensed to sell
20 truck campers, travel trailers, motor homes, or mini motor
21 homes as defined by this Code. Any vehicle not covered by this
22 Section that requires an individual or entity to obtain a
23 license to sell 5 or more vehicles must obtain a license under
24 the relevant provisions of this Code.

25 (j) This Section shall not apply to any person licensed
26 under the Real Estate License Act of 2000.

1 (k) The Secretary of State may adopt any rules necessary to
2 implement this Section.

3 (Source: P.A. 99-593, eff. 7-22-16.)

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