

AN ACT concerning government.

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

Section 1. Short title. This Act may be cited as the Illinois Service Member Civil Relief Act.

Section 5. Legislative intent. Nothing in this Act is intended to impair any existing right or benefit available to any service member.

Section 10. Definitions. In this Act:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Primary occupant" means the current residential customer of record in whose name the utility company or electric cooperative account is registered.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.

"State Active Duty" has the same meaning ascribed to that

term in Section 30.10 of the Military Code of Illinois.

"Training or duty under Title 32 of the United States Code" has the same meaning ascribed to that term in Section 30.10 of the Military Code of Illinois.

Section 15. Cellular phone contract. Termination of a cellular phone contract involving a service member who enters military service shall be subject to the provisions of the Military Personnel Cellular Phone Contract Termination Act.

Section 20. Bulk long distance telephone services. Bulk long distance telephone services purchased by the Department of Central Management Services and made available to persons in the immediate family of service members who have entered military service so that those persons in the service members' families can communicate with the service members shall be subject to Section 405-272 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

Section 25. Stoppage of gas or electricity; arrearage; municipality; electric company or cooperative.

(a) The stoppage of gas or electricity from entering the residential premises of which a service member was a primary occupant immediately before the service member entered military service for nonpayment of service shall be subject to

Section 11-117-12.2 of the Illinois Municipal Code when the entity providing the gas or electrical service is a municipality owning a public utility, or shall be subject to Section 8-201.5 of the Public Utilities Act when the entity providing the gas or electrical service is a company or electric cooperative.

(b) Payment periods offered to a residential consumer who is a service member upon his or her return from military service to pay off any arrearages incurred during the period of the residential consumer's service period shall be subject to Section 11-117-12.2 of the Illinois Municipal Code when the entity offering the payment period is a municipality owning a public utility, or shall be subject to Section 8-201.5 of the Public Utilities Act when the entity offering the payment period is a company or electric cooperative.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the company or electric cooperative with a copy of the orders calling the service member to military service, or copies of orders further extending the service member's period of service, and provide documentation of hardship. Further, in the event the service member no longer claims to be the primary occupant of the residential premises or the customer account of record changes, then the company or electric cooperative may enforce all applicable rules, regulations, and tariffs.

Section 30. Life insurance policy. The lapse or forfeiture of an individual life insurance policy insuring the life of a service member who enters military service shall be subject to Section 224.05 of the Illinois Insurance Code.

Section 35. Action for possession of residential premises of a tenant. An action for possession of residential premises of a tenant, including a tenant who is a resident of a mobile home park, who is a service member that has entered military service, or of any member of the tenant's family who resides with the tenant shall be subject to Section 9-107.10 of the Code of Civil Procedure.

Section 40. Limitation on interest rate. Interest or finance charges collected or charged to a service member who has entered military service, or the spouse of that service member, in connection with an obligation entered into on or after the date of August 22, 2005, but prior to the date that the service member entered military service, shall be subject to Section 4.05 of the Interest Act.

Section 45. Termination of lease; motor vehicle. The termination of a motor vehicle lease involving a service member who has entered military service or the spouse of that service member shall be subject to Section 37 of the Motor Vehicle Leasing Act.

Section 50. Termination of property lease. The termination of a lease for a mobile home lot, residential premises, or non-residential premises by a service member who has entered military service, or by the spouse of that service member, in conjunction with a lease entered into on or after the effective date of this Act is subject to Section 16 of the Landlord and Tenant Act. The termination of a lease for farm or agricultural real property by a service member who has entered military service or by the spouse of that service member is subject to Section 9-206 of the Code of Civil Procedure and Section 16 of the Landlord and Tenant Act.

Section 55. Stay of administrative contested case hearings. The stay of an administrative contested case hearing involving a named party who is a service member that has entered military service shall be subject to Section 10-63 of the Illinois Administrative Procedure Act.

Section 60. Default judgment protection. Relief from a final order or judgment entered by default against a service member who has entered military service is subject to Section 2-1401.1 of the Code of Civil Procedure.

Section 65. Property repossession under retail installment sales. The repossession of personal property pursuant to a

retail installment sales contract entered into before the buyer has entered military service and on or after the effective date of this Act that relates to the personal property of the service member is subject to Section 26.5 of the Retail Installment Sales Act and Section 9-610 of the Uniform Commercial Code.

Section 70. Protection against foreclosure or a judicial sale in a foreclosure. Foreclosure and a judicial sale pursuant to a foreclosure against a service member who has entered military service in conjunction with a mortgage agreement entered into before the mortgagor entered military service and on or after the effective date of this Act is subject to Section 15-1501.6 of the Code of Civil Procedure.

Section 75. Stay of prosecution; civil matters. The stay, postponement, or suspension of the enforcement of any civil obligation or liability, the prosecution of any civil suit or proceeding, or the entry or enforcement of any civil order, writ, judgment, or decree involving a service member who has entered military service shall be subject to Section 30.25 of the Military Code of Illinois.

Section 80. School attendance and tuition. A full monetary credit or refund for funds paid to any Illinois public university, college, or community college on behalf of any

service member who enters military service shall be subject to Section 30.30 of the Military Code of Illinois.

Section 900. The Illinois Administrative Procedure Act is amended by adding Section 10-63 as follows:

(5 ILCS 100/10-63 new)

Sec. 10-63. Stay of contested case hearings; military.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.

(b) In a contested case in which a named party is a service member who has entered military service, for a period of 14 days that follow the conclusion of military service, the administrative law judge shall, upon motion made by or on behalf of the service member, stay the hearing for a period of 90 days if the service member's ability to appear at the hearing is materially affected by his or her military service.

(c) In order to be eligible for the benefits granted to

service members under this Section, a service member must demonstrate that his or her military service has been in excess of 29 consecutive days and has materially affected his or her ability to attend the hearing by submitting a letter to the administrative law judge from the service member's commanding officer stating that the service member's military duty has prevented the service member from appearing at the hearing and that military leave has not been authorized. The service member must also provide the administrative law judge with an approximate date of availability.

(d) Additional stays of the contested case hearing shall be permitted at the discretion of the administrative law judge if all of the requirements of this Section are met.

(e) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

Section 905. The Civil Administrative Code of Illinois is amended by adding Section 5-715 as follows:

(20 ILCS 5/5-715 new)

Sec. 5-715. Deadline extensions for service members.

(a) In this Section:

"Military service" means any full-time training or duty, no



matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.

(b) Each director of a department is authorized to extend any deadline established by that director or department for a service member who has entered military service in excess of 29 consecutive days. The director may extend the deadline for a period not more than twice the length of the service member's required military service.

Section 910. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-272 as follows:

(20 ILCS 405/405-272)

Sec. 405-272. Bulk long distance telephone services for military personnel in military service ~~on active duty~~.

(a) In this Section:

~~"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.~~

"Immediate family" means a service member's spouse residing in the service member's household, brothers and sisters of the whole or of the half blood, children, including adopted children and stepchildren, parents, and grandparents.

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States ~~member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.~~

(b) The Department may enter into a contract to purchase bulk long distance telephone services and make them available at cost, or may make bulk long distance telephone services available at cost under any existing contract the Department has entered into, to persons in the immediate family of service members that have entered military service ~~deployed on active duty~~ so that those persons in the service members' families can communicate with the service members ~~so deployed~~. If the Department enters into a contract under this Section, it shall do so in accordance with the Illinois Procurement Code and in a nondiscriminatory manner that does not place any potential

vendor at a competitive disadvantage.

(c) In order to be eligible to use bulk long distance telephone services purchased by the Department under this Section, a service member or person in the service member's immediate family must provide the Department with a copy of the ~~military or gubernatorial~~ orders calling the service member to military service in excess of 29 consecutive days ~~active duty~~ and of any orders further extending the service member's period of military service ~~active duty~~.

(d) If the Department enters into a contract under this Section, the Department shall adopt rules as necessary to implement this Section.

(Source: P.A. 94-635, eff. 8-22-05.)

Section 915. The Military Code of Illinois is amended by changing Sections 30.25 and 30.30 as follows:

(20 ILCS 1805/30.25)

Sec. 30.25. Stay of prosecution. During and for a period of 14 days after a period of military service ~~training or duty~~ in excess of 29 days ~~either under Title 32 of the United States Code or under State Active Duty~~, a court having jurisdiction over the enforcement of any civil obligation or liability, the prosecution of any civil suit or proceeding, or the entry or enforcement of any civil order, writ, judgment, or decree may stay, postpone, or suspend the matter if the court determines

that a service member's ~~person's~~ failure to meet the obligation is the direct result of that period of military service training or duty. The stay, postponement, or suspension of proceedings does not in any way modify any condition, obligation, term, or liability agreed upon or incurred by a person in military service including but not limited to accrued interest, late fees, or penalties. No stay, postponement, or suspension shall be provided regarding any written agreement entered into, or debt that is incurred, by the person during or after his or her period of military service training or duty either under Title 32 of the United States Code or under State ~~Active Duty~~. A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil penalty imposed under this Section shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 92-716, eff. 7-24-02.)

(20 ILCS 1805/30.30)

Sec. 30.30. School attendance and tuition. Any service member that enters military service ~~person in federal active duty under Title 10 of the United States Code, or in training or duty under Title 32 of the United States Code, or in State Active Duty, pursuant to the orders of the Governor~~ has the right to receive a full monetary credit or refund for funds paid to any Illinois public university, college, or community

college if the service member person is placed into a period of military service ~~with the State of Illinois pursuant to the orders of the Governor~~ and is unable to attend the university or college for a period of 7 or more days. Withdrawal from the course shall not impact upon the final grade point average of the service member person. If any service member person who has been enrolled in any Illinois public university, college, or community college is unable to process his or her enrollment for the upcoming term, he or she shall have any and all late penalties and or charges set aside, including any and all late processing fees for books, lab fees, and all items that were not in place because the service member person was engaged in military service and was unable to enroll in the courses at the appropriate time. The rights set forth in this Section are in addition to any rights afforded to persons in military service with the State of Illinois pursuant to the orders of the Governor under the policies of an Illinois public university, college, or community college. A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil penalty imposed under this Section shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 92-716, eff. 7-24-02.)

Section 920. The Illinois Municipal Code is amended by changing Section 11-117-12.2 as follows:

(65 ILCS 5/11-117-12.2)

Sec. 11-117-12.2. Military personnel in military service ~~on active duty~~; no stoppage of gas or electricity; arrearage.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Primary occupant" means the current residential customer of record in whose name the account is registered with the municipality owning a public utility.

~~"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.~~

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States ~~member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.~~

(b) No municipality owning a public utility shall stop gas or electricity from entering the residential premises of which a service member was a primary occupant immediately before the service member entered military service ~~was deployed on active~~

~~duty~~ for nonpayment for gas or electricity supplied to the residential premises.

(c) Upon the return from military service ~~active duty~~ of a residential consumer who is a service member, the municipality shall offer the residential consumer a period equal to at least the period of the residential consumer's military service deployment on active duty to pay any arrearages incurred during the period of the residential consumer's military service deployment. The municipality shall inform the residential consumer that, if the period the municipality offers presents a hardship to the consumer, the consumer may request a longer period to pay the arrearages.

(d) In order to be eligible for the benefits granted to a service member under this Section, a service member must provide the municipality owning a public utility with a copy of the orders calling the service member to military service in excess of 29 consecutive days or copies of orders further extending the service member's period of service and provide documentation that his or her military service materially affects his or her ability to pay for such services when due. In the event the service member no longer claims to be the primary occupant of the residential premises, or if the customer account of record changes, then the municipality owning a public utility may enforce all applicable rules, regulations, and tariffs. In order to be eligible for the benefits granted to service members under this Section, a

~~service member must provide the municipality with a copy of the military or gubernatorial orders calling the service member to active duty and of any orders further extending the service member's period of active duty.~~

(e) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act.

All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06; 95-392, eff. 8-23-07.)

Section 925. The Illinois Insurance Code is amended by changing Section 224.05 as follows:

(215 ILCS 5/224.05)

Sec. 224.05. Military personnel in military service ~~on active duty~~; no lapse of life insurance policy.

(a) Except as provided in subsection (b), this Section shall apply to any individual life insurance policy insuring the life of a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States ~~member of the armed services or reserve forces of the United States or a member of the Illinois National Guard~~ who has entered any full-time training or duty



~~which the service member was ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority, if the life insurance is on active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor, if the life insurance~~ policy meets both of the following conditions:

(1) The policy has been in force for at least 180 days.

(2) The policy has been brought within the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 541 and following.

(b) This Section does not apply to any policy that was cancelled or that had lapsed for the nonpayment of premiums prior to the commencement of the insured's period of military service.

(c) An individual life insurance policy described in this Section shall not lapse or be forfeited for the nonpayment of premiums during the military service of a service member in excess of 29 consecutive days ~~member of the armed services or reserve forces of the United States or a member of the Illinois National Guard or~~ during the 2-year period subsequent to the end of the member's period of military service.

(d) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the life insurance company with a copy of the ~~military~~

~~or gubernatorial~~ orders calling the service member to military service ~~active duty~~ and of any orders further extending the service member's period of service ~~active duty~~.

(e) This Section does not limit a life insurance company's enforcement of provisions in the insured's policy relating to naval or military service in time of war.

(f) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act.

All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06; 95-392, eff. 8-23-07.)

Section 930. The Public Utilities Act is amended by changing Section 8-201.5 as follows:

(220 ILCS 5/8-201.5)

Sec. 8-201.5. Military personnel in military service ~~on active duty~~; no stoppage of gas or electricity; arrearage.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

~~"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.~~

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States ~~member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.~~

(b) No company or electric cooperative shall for nonpayment stop gas or electricity from entering the residential premises that was the primary residence of ~~which~~ a service member ~~was a primary occupant~~ immediately before the service member was assigned to military service ~~was deployed on active duty for nonpayment for gas or electricity supplied to the residential premises.~~

(c) In order to be eligible for the benefits granted to service members under this Section, a service member must provide the company or electric cooperative with a copy of the ~~military or gubernatorial~~ orders calling the service member to military service in excess of 29 consecutive days ~~active duty~~ and of any orders further extending the service member's period of service ~~active duty~~.

(d) Upon the return from military service ~~active duty~~ of a residential consumer who is a service member, the company or electric cooperative shall offer the residential consumer a

period equal to at least the period of military service deployment on active duty to pay any arrearages incurred during the period of the residential consumer's military service deployment. The company or electric cooperative shall inform the residential consumer that, if the period that the company or electric cooperative offers presents a hardship to the consumer, the consumer may request a longer period to pay the arrearages and, in the case of a company that is a public utility, may request the assistance of the Illinois Commerce Commission to obtain a longer period. No late payment fees or interest shall be charged to the residential consumer during the period of military service deployment or the repayment period.

(e) A public utility shall be permitted to recover the uncollectible costs it incurs in complying with the requirements of this Section, including through the utility's automatic adjustment clause tariff authorized under either Section 16-111.8 or Section 19-145 of this Act. In the event that a public utility does not have such a tariff in effect, then the public utility shall recover such costs consistent with the rules established by the Illinois Commerce Commission pursuant to subparagraph (3) of subsection (f) of this Section.

(f) The Illinois Commerce Commission shall initiate a rulemaking proceeding to establish rules regarding, at a minimum:

(1) what documents or proof the service member must

provide to the public utility to establish that the residential premises was the primary residence of the service member immediately before the service member entered military service;

(2) what constitutes "hardship to the consumer" as that term is used in subsection (d) of this Section; and

(3) the mechanism or mechanisms pursuant to which a public utility that does not have in effect an automatic adjustment clause tariff under either Section 16-111.8 or Section 19-145 of this Act shall recover the uncollectible costs it incurs in complying with the requirements of this Section.

(g) In order to be eligible for the benefits granted to a service member under this Section, a service member who receives utility services from a not-for-profit cooperative must provide the cooperative with documentation that his or her military service materially affects his or her ability to pay for the services when payment is due.

(h) ~~(e)~~ A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act.

All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06; 95-392, eff. 8-23-07.)

Section 935. The Service Member's Employment Tenure Act is amended by changing Section 5.2 as follows:

(330 ILCS 60/5.2)

Sec. 5.2. School attendance and tuition.

(a) Any person in military service with the State of Illinois or in federal active duty service pursuant to the orders of the President of the United States or the Governor has the right to receive a full monetary credit or refund for funds paid to any Illinois public university, college or community college if the person is placed into a period of military service pursuant to the orders of the President of the United States or the Governor and is unable to attend the university or college for a period of 7 or more days. Withdrawal from the course shall not impact upon the final grade point average of the person. If any person who has been enrolled in any Illinois public university, college, or community college is unable to process his or her enrollment for the upcoming term, he or she shall have any and all late penalties and or charges set aside, including any and all late processing fees for books, lab fees, and all items that were not in place because the person was engaged in military service and was unable to enroll in the courses at the appropriate time.

A service member enrolled in an institution of higher learning who is unable, because of his or her military service,

to attend classes on a particular day or days has the right to be excused and to reschedule a course examination administered on such day or days. The faculty and administrative officials shall make available to the service member an equivalent opportunity to make up any examination he or she has missed because of his or her military service.

The rights set forth in this Section are in addition to any rights afforded to persons in military service with the State of Illinois or in federal active duty service pursuant to the orders of the President of the United States or the Governor under the policies of an Illinois public university, college, or community college.

(b) For the purposes of this Section:

"Institution of higher learning" has the same meaning as in Section 10 of the Higher Education Student Assistance Act.

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.

(Source: P.A. 93-822, eff. 7-28-04.)

Section 940. The Code of Civil Procedure is amended by changing Sections 9-107.10 and 9-206 and by adding Sections 2-1401.1 and 15-1501.6 as follows:

(735 ILCS 5/2-1401.1 new)

Sec. 2-1401.1. Relief from default judgment; military personnel in military service.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, or commonwealth, or a territory of the United States.

(b) Relief from and vacation of final orders and judgments after 30 days from the entry thereof entered by default against a service member that has entered military service may be had upon petition as provided in this Section. All relief heretofore obtainable and the grounds for such relief heretofore available shall be available in every case, by proceedings commenced pursuant to this Section, regardless of the nature of the order or judgment from which relief is sought or of the proceedings in which it was entered. Except as



provided in Section 6 of the Illinois Parentage Act of 1984, there shall be no distinction between actions and other proceedings, statutory or otherwise, as to availability of relief, grounds for relief or the relief obtainable.

(c) The petition must be filed in the same proceeding in which the order or judgment was entered but is not a continuation thereof. The petition must be supported by affidavit or other appropriate showing as to matters not of record and show that the service member did not appear in the proceeding, the person's military service materially affected the service member's ability to defend the case, the person has a meritorious or legal defense to the action, and the petition must be filed within 90 days after the service member's date of release from military service. All parties to the petition shall be notified as provided by rule.

(d) Except as provided in Section 20b of the Adoption Act and Section 2-32 of the Juvenile Court Act of 1987 or in a petition based upon Section 116-3 of the Code of Criminal Procedure of 1963, the petition must be filed not later than 90 days after the service member's release from military service. Time during which the person seeking relief is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period for filing.

(e) The filing of a petition under this Section does not affect the order or judgment, or suspend its operation.

(f) Unless lack of jurisdiction affirmatively appears from

the record proper, the vacation or modification of an order or judgment pursuant to the provisions of this Section does not affect the right, title or interest in or to any real or personal property of any person, not a party to the original action, acquired for value after the entry of the order or judgment but before the filing of the petition, nor affect any right of any person not a party to the original action under any certificate of sale issued before the filing of the petition, pursuant to a sale based on the order or judgment.

(g) Nothing contained in this Section affects any existing right to relief from a void order or judgment, or to employ any existing method to procure that relief.

(735 ILCS 5/9-107.10)

Sec. 9-107.10. Military personnel in military service ~~on active duty~~; action for possession.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

~~"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.~~

"Service member" means a resident of Illinois who is a

member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States ~~member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.~~

(b) In an action for possession of residential premises of a tenant, including a tenant who is a resident of a mobile home park, who is a service member that has entered military service ~~deployed on active duty~~, or of any member of the tenant's family who resides with the tenant, if the tenant entered into the rental agreement on or after the effective date of this amendatory Act of the 94th General Assembly, the court may, on its own motion, and shall, upon motion made by or on behalf of the tenant, do either of the following if the tenant's ability to pay the agreed rent is materially affected by the tenant's military service ~~deployment on active duty~~:

(1) Stay the proceedings for a period of 90 days, unless, in the opinion of the court, justice and equity require a longer or shorter period of time.

(2) Adjust the obligation under the rental agreement to preserve the interest of all parties to it.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member or a member of the service member's family who resides with the service member must provide the landlord or mobile home park operator with a copy of the ~~military or gubernatorial~~ orders

calling the service member to military service in excess of 29 consecutive days ~~active duty~~ and of any orders further extending the ~~service member's~~ period of service ~~active duty~~.

(d) If a stay is granted under this Section, the court may grant the landlord or mobile home park operator such relief as equity may require.

(e) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil penalty imposed pursuant to the Illinois Human Rights Act under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 95-392, eff. 8-23-07.)

(735 ILCS 5/9-206) (from Ch. 110, par. 9-206)

Sec. 9-206. Notice to terminate tenancy of farm land. Subject to the provisions of Section 16 of the Landlord and Tenant Act, in ~~in~~ order to terminate tenancies from year to year of farm lands, occupied on a crop share, livestock share, cash rent or other rental basis, the notice to quit shall be given in writing not less than 4 months prior to the end of the year of letting. Such notice may not be waived in a verbal lease. The notice to quit may be substantially in the following form:

To A.B.: You are hereby notified that I have elected to terminate your lease of the farm premises now occupied by you, being (here describe the premises) and you are hereby further

notified to quit and deliver up possession of the same to me at the end of the lease year, the last day of such year being (here insert the last day of the lease year).

(Source: P.A. 82-280.)

(735 ILCS 5/15-1501.6 new)

Sec. 15-1501.6. Relief in mortgage foreclosure proceedings for military personnel in military service.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.

(b) In an action for foreclosure, a mortgagor who is a service member that has entered military service for a period greater than 29 consecutive days or any member of the mortgagor's family who resides with the mortgagor at the mortgaged premises, if the mortgagor entered into the mortgage agreement before the mortgagor received orders for military service on or after the effective date of this amendatory Act of the 97th General Assembly, may file a motion for relief and

the court shall, if the mortgagor's ability to pay the agreed mortgage payments or to defend the foreclosure proceedings is materially affected by the mortgagor's military service, do one or more of the following:

(1) stay the proceedings for a period of 90 days after the mortgagor returns from military service, unless, in the opinion of the court, justice and equity require a longer or shorter period of time; or

(2) adjust the obligation under the mortgage agreement by reducing the monthly payments for a period lasting up to 90 days after the mortgagor returns from military service and extending the term of the mortgage, provided that the adjustment preserves the interest of all parties to it.

(c) In order to be eligible for the benefits granted to a service member under this Section, a service member or a member of the service member's family who resides with the service member at the mortgaged premises must provide the court and the mortgagee with a copy of the orders calling the service member to military service in excess of 29 consecutive days and of any orders further extending the service member's period of service.

(d) If a stay is granted under this Section, the court may grant the mortgagee such relief as equity may require.

(e) The forms of relief available under this Section shall continue to be available up to 90 days after the completion of the service member's military service.

(f) In addition to any sanction available to the court for violation of a stay or order, a violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil penalty imposed pursuant to the Illinois Human Rights Act under this subsection shall be deposited into the Illinois Military Family Relief Fund.

Section 945. The Landlord and Tenant Act is amended by adding Section 16 as follows:

(765 ILCS 705/16 new)

Sec. 16. Military personnel in military service; right to terminate lease.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.

(b) A tenant who is a service member that has entered military service for a period greater than 29 consecutive days

or any member of the tenant's family who resides with the tenant at the leased premises may terminate a lease for a mobile home lot, residential premises, non-residential premises, or farm or agricultural real property if the tenant enters military service for greater than 29 consecutive days after executing the lease or the tenant, while in military service, receives military orders for a permanent change of station or to deploy with a military unit or as an individual in support of a military operation for a period of not less than 90 days, regardless of whether the lease was signed before or during military service. This provision applies to leases executed on or after the effective date of this amendatory Act of the 97th General Assembly.

(c) In order to exercise the right to terminate the lease granted to a service member under this Section, a service member or a member of the service member's family who resides with the service member at the leased premises must provide the landlord or mobile home park operator with a copy of the orders calling the service member to military service in excess of 29 consecutive days and of any orders further extending the service member's period of service.

(d) Termination of the lease is effective 30 days after the delivery of the notice to the landlord, except that if rent is paid in monthly installments the termination is effective 30 days after the next rental payment due date after the date of the notice to the landlord. If any rent payment was made in



advance, the landlord must return any unearned portion and the landlord must return any security deposit paid, except to the extent that there are actual damages or repairs to be paid from the security deposit as provided in the lease agreement.

(e) A landlord's failure to accept a service member's termination of a lease that is effected pursuant to this Section imposed by this Section constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

Section 950. The Illinois Human Rights Act is amended by changing Section 6-102 as follows:

(775 ILCS 5/6-102)

Sec. 6-102. Violations of other Acts. A person who violates the Military Leave of Absence Act, the Public Employee Armed Services Rights Act, Section 11-117-12.2 of the Illinois Municipal Code, Section 224.05 of the Illinois Insurance Code, Section 8-201.5 of the Public Utilities Act, Sections 2-1401.1, 9-107.10, 9-107.11, and 15-1501.6 ~~Section 9-107.10~~ of the Code of Civil Procedure, Section 4.05 of the Interest Act, the Military Personnel Cellular Phone Contract Termination Act, Section 405-272 of the Civil Administrative Code of Illinois, Section 10-63 of the Illinois Administrative Procedure Act,

Sections 30.25 and 30.30 of the Military Code of Illinois, Section 16 of the Landlord and Tenant Act, Section 26.5 of the Retail Installment Sales Act, or Section 37 of the Motor Vehicle Leasing Act commits a civil rights violation within the meaning of this Act.

(Source: P.A. 95-392, eff. 8-23-07.)

Section 955. The Uniform Commercial Code is amended by changing Section 9-610 as follows:

(810 ILCS 5/9-610)

Sec. 9-610. Disposition of collateral after default.

(a) Disposition after default. After default, a secured party may sell, lease, license, or otherwise dispose of any or all of the collateral in its present condition or following any commercially reasonable preparation or processing.

(b) Commercially reasonable disposition. Every aspect of a disposition of collateral, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a secured party may dispose of collateral by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(c) Purchase by secured party. A secured party may purchase collateral:

(1) at a public disposition; or

(2) at a private disposition only if the collateral is of a kind that is customarily sold on a recognized market or the subject of widely distributed standard price quotations.

(d) Warranties on disposition. A contract for sale, lease, license, or other disposition includes the warranties relating to title, possession, quiet enjoyment, and the like which by operation of law accompany a voluntary disposition of property of the kind subject to the contract.

(e) Disclaimer of warranties. A secured party may disclaim or modify warranties under subsection (d):

(1) in a manner that would be effective to disclaim or modify the warranties in a voluntary disposition of property of the kind subject to the contract of disposition; or

(2) by communicating to the purchaser a record evidencing the contract for disposition and including an express disclaimer or modification of the warranties.

(f) Record sufficient to disclaim warranties. A record is sufficient to disclaim warranties under subsection (e) if it indicates "There is no warranty relating to title, possession, quiet enjoyment, or the like in this disposition" or uses words of similar import.

(g) The provisions of this Section are subject to Section 26.5 of the Retail Installment Sales Act.

(Source: P.A. 91-893, eff. 7-1-01.)

Section 960. The Interest Act is amended by changing Section 4.05 as follows:

(815 ILCS 205/4.05)

Sec. 4.05. Military personnel in military service ~~on active duty~~; limitation on interest rate.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

~~"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.~~

"Obligation" means any retail installment sales contract, other contract for the purchase of goods or services, or bond, bill, note, or other instrument of writing for the payment of money arising out of a contract or other transaction for the purchase of goods or services.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States ~~member of the armed services or reserve forces of the United States or a~~

~~member of the Illinois National Guard.~~

(b) Notwithstanding any contrary provision of State law, but subject to the federal Servicemembers Civil Relief Act, no creditor in connection with an obligation entered into on or after the effective date of this amendatory Act of the 94th General Assembly, but prior to a service member's period of military service ~~deployment on active duty~~, shall charge or collect from a service member who has entered military service ~~is deployed on active duty~~, or the spouse of that service member, interest or finance charges exceeding 6% per annum during the period of military service ~~that the service member is deployed on active duty~~.

(c) Notwithstanding any contrary provision of law, interest or finance charges in excess of 6% per annum that otherwise would be incurred but for the prohibition in subsection (b) are forgiven.

(d) The amount of any periodic payment due from a service member who has entered military service ~~is deployed on active duty~~, or the spouse of that service member, under the terms of the obligation shall be reduced by the amount of the interest and finance charges forgiven under subsection (c) that is allocable to the period for which the periodic payment is made.

(e) In order for an obligation to be subject to the interest and finance charges limitation of this Section, the service member who has entered military service ~~deployed on active duty~~, or the spouse of that service member, shall

provide the creditor with written notice of and a copy of the ~~military or gubernatorial~~ orders calling the service member to military service in excess of 29 consecutive days ~~active duty~~ and of any orders further extending the service member's period of service ~~active duty~~, not later than 180 days after the date of the service member's termination of or release from military service ~~active duty~~.

(f) Upon receipt of the written notice and a copy of the orders referred to in subsection (e), the creditor shall treat the obligation in accordance with subsection (b), effective as of the date on which the service member entered military service ~~is deployed to active duty~~.

(g) A court may grant a creditor relief from the interest and finance charges limitation of this Section, if, in the opinion of the court, the ability of the service member who has entered military service ~~deployed on active duty~~, or the spouse of that service member, to pay interest or finance charges with respect to the obligation at a rate in excess of 6% per annum is not materially affected by reason of the service member's military service ~~deployment on active duty~~.

(h) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act.

All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06;

95-392, eff. 8-23-07.)

Section 965. The Retail Installment Sales Act is amended by adding Section 26.5 as follows:

(815 ILCS 405/26.5 new)

Sec. 26.5. Relief concerning a retail installment contract default for military personnel in military service.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.

(b) With respect to any act taken by a holder pursuant to Section 26, a buyer who is a service member that has entered military service, if the buyer entered into the retail installment contract before the buyer entered military service and on or after the effective date of this amendatory Act of the 97th General Assembly, may file a petition for relief, and the court shall do one or more of the following if the buyer's ability to pay the agreed retail installment contract payments

is materially affected by the buyer's military service:

(1) stay any repossession of goods subject to the retail installment contract for a period of 90 days after the buyer returns from military service, unless, in the opinion of the court, justice and equity require a longer or shorter period of time;

(2) adjust the obligation under the retail installment contract by reducing the monthly payments and extending the term of the contract, provided that the adjustment preserves the interest of all parties to the contract; or

(3) stay the repossession of the goods or collateral subject to the retail installment contract or stay the disposition of repossessed goods or collateral subject to the retail installment contract.

(c) In order to be eligible for the benefits granted to a service member under this Section, a service member must provide the court and the holder with a copy of the orders calling the service member to military service in excess of 29 consecutive days and of any orders further extending the service member's period of service.

(d) If a stay is granted under this Section, the court may grant the holder such relief as equity may require.

(e) In addition to any sanction available to the court for violation of a stay or order, a violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil



penalty imposed pursuant to the Illinois Human Rights Act under this subsection shall be deposited into the Illinois Military Family Relief Fund.

Section 970. The Military Personnel Cellular Phone Contract Termination Act is amended by changing Sections 5, 10, 15, and 22 as follows:

(815 ILCS 633/5)

Sec. 5. Definition. In this Act:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

~~"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.~~

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States ~~member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.~~

(Source: P.A. 94-635, eff. 8-22-05.)

(815 ILCS 633/10)

Sec. 10. Termination of cellular phone contract without penalty. Any service member who enters military service ~~is deployed on active duty~~, or the spouse of that service member, may terminate, without penalty, a cellular phone contract by giving notice via e-mail or regular mail to an address specified by the cellular telephone company or, if the provider permits, via phone call to the provider's customer service center of the intention to terminate, when the cellular phone contract ~~that~~ meets all both of the following requirements:

(1) The contract is entered into on or after the effective date of this Act.

(2) The contract is executed by or on behalf of the service member who has entered military service ~~is deployed on active duty~~.

(3) The service member's military service is at a location that is outside the coverage area of the cellular telephone company that supports the contract.

(Source: P.A. 94-635, eff. 8-22-05.)

(815 ILCS 633/15)

Sec. 15. Effective date of termination. Termination of the cellular phone contract shall not be effective until:

(1) thirty days after the service member who has entered military service ~~is deployed on active duty~~ or the service member's spouse gives notice by certified mail,

return receipt requested, of the intention to terminate the cellular phone contract together with a copy of the ~~military or gubernatorial~~ orders calling the service member to military service ~~active duty~~ and of any orders further extending the service member's period of service ~~active duty~~; and

(2) unless the service member who enters military service ~~is deployed on active duty~~ owns the cellular phone, the cellular phone is returned to the custody or control of the cellular telephone company, or the service member who enters military service ~~is deployed on active duty~~ or the service member's spouse agrees in writing to return the cellular phone as soon as practical after the military service deployment is completed.

(Source: P.A. 94-635, eff. 8-22-05.)

(815 ILCS 633/22)

Sec. 22. Violation. A violation of this Act constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil penalty imposed under this Section shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 95-392, eff. 8-23-07.)

Section 975. The Motor Vehicle Leasing Act is amended by changing Section 37 as follows:

(815 ILCS 636/37)

Sec. 37. Military personnel in military service ~~on active duty~~; termination of lease.

(a) In this Act:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

~~"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.~~

"Motor vehicle" means any automobile, car minivan, passenger van, sport utility vehicle, pickup truck, or other self-propelled vehicle not operated or driven on fixed rails or track.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States ~~member of the armed services or reserve forces of the United States or a member of the Illinois National Guard.~~

(b) Any service member who enters military service ~~is deployed on active duty~~ for a period of not less than 180 days, or the spouse of that service member, may terminate any motor

vehicle lease that meets both of the following requirements:

(1) The lease is entered into on or after the effective date of this amendatory Act of the 94th General Assembly.

(2) The lease is executed by or on behalf of the service member who has entered military service ~~is deployed on active duty~~.

(c) Termination of the motor vehicle lease shall not be effective until:

(1) the service member who has entered military service ~~is deployed on active duty~~, or the service member's spouse, gives the lessor by certified mail, return receipt requested, a notice of the intention to terminate the lease together with a copy of the ~~military or gubernatorial~~ orders calling the service member to military service ~~active duty~~ and of any orders further extending the service member's period of service ~~active duty~~; and

(2) the motor vehicle subject to the lease is returned to the custody or control of the lessor not later than 15 days after the delivery of the written notice.

(d) Lease amounts unpaid for the period preceding the effective date of the lease's termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, costs of summons, and title or registration fees and any other obligation and liability of the lessee under the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that

are due and unpaid at the time of the lease's termination shall be paid by the lessee.

(e) The lessor shall refund to the lessee lease amounts paid in advance for a period after the effective date of the lease's termination within 30 days after the effective date of the lease's termination.

(f) Upon application by the lessor to a court before the effective date of the lease's termination, relief granted by this Section may be modified as justice and equity require.

(g) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act.

All proceeds from the collection of any civil penalty imposed under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 94-635, eff. 8-22-05; 94-802, eff. 5-26-06; 95-392, eff. 8-23-07.)