

AN ACT concerning transportation.

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

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

(625 ILCS 5/5-101.2)

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

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

"Community-based manufactured home dealer" means an individual or entity that operates a tract of land or 2 or more contiguous tracts of land which contain sites with the necessary utilities for 5 or more independent manufactured homes for permanent habitation, either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of the manufactured home park who may, incidental to the operation of the manufactured home community, sell, trade, or buy no more than 2 ~~a~~ manufactured homes ~~home~~ or park models per calendar year ~~model~~ that are ~~is~~ located within the manufactured home community pursuant to a franchise agreement or similar agreement with a manufacturer, or used manufactured homes

or park models located within the manufactured home community or additional place of business ~~or is located in a different manufactured home community~~ that is owned or managed by the community-based manufactured home dealer.

"Established place of business" means the place owned or leased and occupied by any person duly licensed or required to be licensed as a manufactured home dealer or a community-based manufactured home dealer for the purpose of engaging in selling, buying, bartering, displaying, exchanging, or dealing in, on consignment or otherwise, manufactured homes or park models and for such other ancillary purposes as may be permitted by the Secretary by rule. An established place of business shall include a single or central office in which the manufactured home dealer's or community-based manufactured home dealer's records shall be separate and distinct from any other business or tenant which may occupy space in the same building, except as provided in this Section, and the office shall not be located in a tent, temporary stand, temporary address, room or rooms in a hotel or rooming house, nor the premises occupied by a single or multiple unit residence, unless the multiple unit residence has a separate and distinct office.

"Manufactured home" means a factory assembled structure built on a permanent chassis, transportable in one or more sections in the travel mode, incapable of

self-propulsion, and bears a label indicating the manufacturer's compliance with the United States Department of Housing and Urban Development standards, as applicable, that is without a permanent foundation and is designed for year round occupancy as a single-family residence when connected to approved water, sewer, and electrical utilities.

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

"Park model" means a vehicle that is incapable of self-propulsion that is less than 400 square feet of habitable space that is built to American National Standards Institute (ANSI) standards that prohibits occupancy on a permanent basis and is built on a vehicle chassis.

"Supplemental license" means a license that a community-based manufactured home dealer receives and displays at locations in which the licensee is authorized to sell, buy, barter, display, exchange, or deal in, on consignment or otherwise, manufactured homes or park

models, but is not the established place of business of the licensee.

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

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

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

(2) If the applicant is a corporation, a list of its officers, directors, and shareholders having a 10% or greater ownership interest in the corporation. If the applicant is a sole proprietorship, a partnership, a limited liability company, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor, or the name and residence address of each partner, member, officer,

director, trustee, or manager.

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

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

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

(6) An application for:

(A) a manufactured home dealer's license, when the applicant is selling new manufactured homes or park models on behalf of a manufacturer of manufactured homes or park models, or 5 or more used manufactured

homes or park models during the calendar year, shall be accompanied by a \$1,000 license fee for the applicant's established place of business, and \$100 for each additional place of business, if any, to which the application pertains. If the application is made after June 15 in any year, the license fee shall be \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State; or

(B) a community-based manufactured home dealer's license, when the applicant is selling new manufactured homes or park models on behalf of a manufacturer of manufactured homes or park models, or 5 or more used manufactured homes or park models during the calendar year ~~5 or more manufactured homes during the calendar year not on behalf of a manufacturer of manufactured homes,~~ but within a community setting, shall be accompanied by a license fee of \$500 for the applicant's established place of business, and \$50 for each additional place of business within a 50-mile radius of the established place of business, if any to which the application pertains. If the application is made after June 15 in any year, the license fee shall be \$250 for the applicant's established place of

business, and \$50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State.

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

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

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

(B) the Certificate of Title Laws of the Illinois Vehicle Code;

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

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

(E) Section 21-2 of the Criminal Code of 2012

(criminal trespass to vehicles);

(F) the Retailers Occupation Tax Act;

(G) the Consumer Finance Act;

(H) the Consumer Installment Loan Act;

(I) the Retail Installment Sales Act;

(J) the Motor Vehicle Retail Installment Sales Act;

(K) the Interest Act;

(L) the Illinois Wage Assignment Act;

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

(N) the Consumer Fraud Act.

(8) A bond or certificate of deposit in the amount of \$20,000 for each license holder applicant intending to act as a manufactured home dealer or community-based manufactured home dealer under this Section. The bond shall be for the term of the license, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a manufactured home dealer.

(9) Dealers in business for over 5 years may substitute

a certificate of insurance in lieu of the bond or certificate of deposit upon renewing their license.

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

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

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

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him or her under this Section, and unless he or she makes a determination that the application submitted to him or her does not conform with the requirements of this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, grant the applicant an initial manufactured home dealer's license or a community-based manufactured home dealer's license in writing for his or her established place of business and a supplemental license in writing for each additional place of business in a form the Secretary may prescribe by rule, which shall include the following:

- (1) the name of the person or entity licensed;
- (2) if a corporation, the name and address of its

officers; if a sole proprietorship, a partnership, an unincorporated association, or any similar form of business organization, the name and address of the proprietor, or the name and address of each partner, member, officer, director, trustee or manager; or if a limited liability company, the name and address of the general partner or partners, or managing member or members;

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

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

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

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

(f) The appropriate instrument evidencing the license or a certified copy of the instrument, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by the licensee, unless the

licensee is a community-based manufactured home dealer, then the license shall be posted in the community-based manufactured home dealer's central office and it shall include a list of the other locations that the community-based manufactured home dealer may oversee.

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

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

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

(2) a statement verified under oath that all identifying numbers on the vehicle match the identifying numbers on the certificate of title or manufacturer's statement of origin;

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

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

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

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

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

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

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

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