



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5234

by Rep. Peter Breen

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/10-25	from Ch. 127, par. 1010-25
5 ILCS 100/10-50	from Ch. 127, par. 1010-50
5 ILCS 100/10-75 new	

Amends the Illinois Administrative Procedure Act. Provides that notice to parties in a contested case under the Act shall be served, among other forms of service, by electronic mail. Provides that parties in a contested case under the Act shall be notified, among other forms of notification, by electronic mail of any decision or order in that case. Provides that an agency may require all attorneys to designate an electronic mail address to which all documents required under certain specified Sections may be transmitted. Provides that if an attorney is required to designate an electronic mail address, he or she must designate one primary electronic mail address, and may designate no more than 2 secondary electronic mail addresses. Provides that an agency may request, but not require, an unrepresented party to designate an electronic mail address to which all documents required under certain specified Sections may be transmitted. Allows an agency to, by rule, make electronic mail the default option for service of documents. Provides that service by electronic mail is complete on the first business day following transmission.

LRB100 18760 RJF 33995 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Administrative Procedure Act is  
5 amended by changing Sections 10-25 and 10-50 and by adding  
6 Section 10-75 as follows:

7 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

8 Sec. 10-25. Contested cases; notice; hearing.

9 (a) In a contested case, all parties shall be afforded an  
10 opportunity for a hearing after reasonable notice. The notice  
11 shall be served personally, served ~~or~~ by certified or  
12 registered mail, served by electronic mail, or served as  
13 otherwise provided by law upon the parties or their agents  
14 appointed to receive service of process and shall include the  
15 following:

16 (1) A statement of the time, place, and nature of the  
17 hearing.

18 (2) A statement of the legal authority and jurisdiction  
19 under which the hearing is to be held.

20 (3) A reference to the particular Sections of the  
21 substantive and procedural statutes and rules involved.

22 (4) Except where a more detailed statement is otherwise  
23 provided for by law, a short and plain statement of the

1 matters asserted, the consequences of a failure to respond,  
2 and the official file or other reference number.

3 (5) The names and mailing addresses of the  
4 administrative law judge, all parties, and all other  
5 persons to whom the agency gives notice of the hearing  
6 unless otherwise confidential by law.

7 (b) An opportunity shall be afforded all parties to be  
8 represented by legal counsel and to respond and present  
9 evidence and argument.

10 (c) Unless precluded by law, disposition may be made of any  
11 contested case by stipulation, agreed settlement, consent  
12 order, or default.

13 (Source: P.A. 87-823.)

14 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

15 Sec. 10-50. Decisions and orders.

16 (a) A final decision or order adverse to a party (other  
17 than the agency) in a contested case shall be in writing or  
18 stated in the record. A final decision shall include findings  
19 of fact and conclusions of law, separately stated. Findings of  
20 fact, if set forth in statutory language, shall be accompanied  
21 by a concise and explicit statement of the underlying facts  
22 supporting the findings. If, in accordance with agency rules, a  
23 party submitted proposed findings of fact, the decision shall  
24 include a ruling upon each proposed finding. Parties or their  
25 agents appointed to receive service of process shall be

1 notified either personally, ~~or~~ by registered or certified mail, or by electronic mail of any decision or order. Upon request a  
2 copy of the decision or order shall be delivered or mailed  
3 forthwith to each party and to his attorney of record.  
4

5 (b) All agency orders shall specify whether they are final  
6 and subject to the Administrative Review Law. Every final order  
7 shall contain a list of all parties of record to the case  
8 including the name and address of the agency or officer  
9 entering the order and the addresses of each party as known to  
10 the agency where the parties may be served with pleadings,  
11 notices, or service of process for any review or further  
12 proceedings. Every final order shall also state whether the  
13 rules of the agency require any motion or request for  
14 reconsideration and cite the rule for the requirement. The  
15 changes made by this amendatory Act of the 100th General  
16 Assembly apply to all actions filed under the Administrative  
17 Review Law on or after the effective date of this amendatory  
18 Act of the 100th General Assembly.

19 (c) A decision by any agency in a contested case under this  
20 Act shall be void unless the proceedings are conducted in  
21 compliance with the provisions of this Act relating to  
22 contested cases, except to the extent those provisions are  
23 waived under Section 10-70 and except to the extent the agency  
24 has adopted its own rules for contested cases as authorized in  
25 Section 1-5.

26 (Source: P.A. 100-212, eff. 8-18-17.)

1 (5 ILCS 100/10-75 new)

2 Sec. 10-75. Service by electronic mail.

3 (a) An agency may require all attorneys to designate an  
4 electronic mail address to which all documents required under  
5 Sections 10-25 and 10-50 may be transmitted. If required to  
6 designate an electronic mail address, an attorney must  
7 designate one primary electronic mail address, and may  
8 designate no more than 2 secondary electronic mail addresses.

9 (b) An agency may request, but not require, an  
10 unrepresented party to designate an electronic mail address to  
11 which all documents required under Sections 10-25 and 10-50 may  
12 be transmitted. An agency may by rule make electronic mail the  
13 default option for service of documents.

14 (c) Service by electronic mail is complete on the first  
15 business day following transmission.