

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, ~~or~~ by certified or registered mail, or
12 email as required in Section 10-75, or as otherwise provided by
13 law upon the parties or their agents appointed to receive
14 service of process and shall include the following:

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

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

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

21 (4) Except where a more detailed statement is otherwise
22 provided for by law, a short and plain statement of the
23 matters asserted, the consequences of a failure to respond,

1 and the official file or other reference number.

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

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

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

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

13 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

14 Sec. 10-50. Decisions and orders.

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

1 or by email as required in Section 10-75 of any decision or
2 order. Upon request a copy of the decision or order shall be
3 delivered or mailed forthwith to each party and to his attorney
4 of record.

5 (b) All agency orders shall specify whether they are final
6 and subject to the Administrative Review Law.

7 (c) A decision by any agency in a contested case under this
8 Act shall be void unless the proceedings are conducted in
9 compliance with the provisions of this Act relating to
10 contested cases, except to the extent those provisions are
11 waived under Section 10-70 and except to the extent the agency
12 has adopted its own rules for contested cases as authorized in
13 Section 1-5.

14 (Source: P.A. 92-16, eff. 6-28-01.)

15 (5 ILCS 100/10-75 new)

16 Sec. 10-75. Service by email.

17 (a) The following requirements shall apply for consenting
18 to accept service by email:

19 (1) At any time either before or after its issuance of
20 a hearing notice as described in Section 10-25, an agency
21 may require any attorney representing a party to the
22 hearing to provide one or more email addresses at which
23 they consent to accept service of documents described in
24 Sections 10-25 and 10-50 in connection with the hearing. A
25 party represented by an attorney may provide the email

1 address of the attorney.

2 (2) To the extent a person or entity is subject to
3 licensure, permitting, or regulation by the agency, or
4 submits an application for licensure or permitting to the
5 agency, that agency may require, as a condition of such
6 application, licensure, permitting, or regulation, that
7 such unrepresented persons or entities consent to service
8 by email of documents described in Sections 10-25 and 10-50
9 in connection with any hearings that may arise under this
10 Section in connection with such application, licensure or
11 regulation, provided that the agency: (i) requires that any
12 person or entity providing such an email address update
13 that email address if it is changed; and (ii) annually
14 verifies that email address.

15 (3) At any time either before or after its issuance of
16 a hearing notice as described in Section 10-25, an agency
17 may request, but not require, an unrepresented party that
18 is not subject to paragraph (2) of this subsection (a) to
19 consent to accept service by email of the documents
20 described in Sections 10-25 and 10-50 by designating an
21 email address at which they will accept service.

22 (4) Any person or entity who submits an email address
23 under this Section shall also be given the option to
24 designate no more than two secondary email addresses at
25 which the person or entity consents to accept service,
26 provided that, if any secondary email address is

1 designated, an agency must serve the documents to both the
2 designated primary and secondary email addresses.

3 (b) Notwithstanding any party's consent to accept service
4 by email, no document described in Sections 10-25 or 10-50 may
5 be served by email to the extent the document contains:

6 (1) a Social Security or individual taxpayer
7 identification number;

8 (2) a driver's license number;

9 (3) a financial account number;

10 (4) a debit or credit card number;

11 (5) any other information that could reasonably be
12 deemed personal, proprietary, confidential, or trade
13 secret information; or

14 (6) any information about or concerning a minor.

15 (c) Service by email is deemed complete on the day of
16 transmission. Agencies that use email to serve documents under
17 Sections 10-25 and 10-50 shall adopt rules that specify the
18 standard for confirming delivery, and in failure to confirm
19 delivery, what steps the agency will take to ensure that
20 service by email or other means is accomplished.