

1 AMENDMENT TO SENATE BILL 1640

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1640 by replacing  
3 the title with the following:

4 "AN ACT in relation to military personnel."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Deposit of State Moneys Act is amended  
8 by adding Section 7.5 and changing Section 15 as follows:

9 (15 ILCS 520/7.5 new)

10 Sec. 7.5. No deposit where fee imposed for terminal  
11 usage or for checking account.

12 (a) For purposes of this Section, "consumer" means a  
13 resident of Illinois who is on active duty in any reserve  
14 component of the armed forces, including, but not limited to,  
15 the Illinois Army National Guard, Illinois Air National  
16 Guard, United States Army Reserve, United State Marine Corps  
17 Reserve, United States Navy Reserve, United States Air Force  
18 Reserve, or United States Coast Guard Reserve.

19 (b) In addition to any other requirements of this Act,  
20 the State Treasurer may not deposit moneys in any financial  
21 institution that imposes a fee on a consumer for usage of a

1 terminal, as defined in the Electronic Fund Transfer Act, or  
2 imposes a fee for the establishment or maintenance of a  
3 checking account.

4 (c) A bank or savings and loan association approved as a  
5 depository must waive fees for usage of a terminal, as  
6 defined in the Electronic Fund Transfer Act, and for the  
7 establishment or maintenance of a checking account if the  
8 consumer:

9 (1) shows proof of membership in any reserve  
10 component of the armed forces, including, but not limited  
11 to, the Illinois Army National Guard, Illinois Air  
12 National Guard, United States Army Reserve, United State  
13 Marine Corps Reserve, United States Navy Reserve, United  
14 States Air Force Reserve, or United States Coast Guard  
15 Reserve;

16 (2) shows proof of residency in the State of  
17 Illinois; and

18 (3) shows proof of active duty status.

19 (15 ILCS 520/15) (from Ch. 130, par. 34)

20 Sec. 15. (a) A bank or savings and loan association  
21 approved as a depository shall cease to be an approved bank  
22 or savings and loan association, and shall be disqualified by  
23 the State Treasurer:

24 (1) Upon its failure to post a suitable bond or  
25 deposit securities with the State Treasurer;

26 (2) Upon its failure or refusal to pay over public  
27 moneys or any part thereof;

28 (3) Upon its becoming insolvent or bankrupt, or  
29 being placed in the hands of a receiver;

30 (4) Upon a showing of unsatisfactory financial  
31 condition through a report made to, or an examination  
32 made by, the Comptroller of the Currency, the  
33 Commissioner of Banks and Real Estate, or the Federal

1 Home Loan Bank or its successors;i-

2 (5) Upon its failure to submit a pledge executed by  
3 its president or chief executive officer in the following  
4 form:

5 The (name of bank or savings and loan  
6 association) pledges not to impose fees on consumers  
7 who are on active duty in any reserve component of  
8 the armed forces, including, but not limited to, the  
9 Illinois Army National Guard, Illinois Air National  
10 Guard, United States Army Reserve, United State  
11 Marine Corps Reserve, United States Navy Reserve,  
12 United States Air Force Reserve, or United States  
13 Coast Guard Reserve, for usage of an automatic  
14 teller machine or for establishing and maintaining a  
15 checking account;

16 (6) Upon its failure to comply with the  
17 requirements of Section 7.5 of this Act.

18 (b) No approved depository shall be disqualified by the  
19 State Treasurer solely by reason of its acquisition by  
20 another institution.

21 (Source: P.A. 89-508, eff. 7-3-96.)

22 Section 10. The State Treasurer's Bank Services Trust  
23 Fund Act is amended by adding Section 16 as follows:

24 (30 ILCS 212/16 new)

25 Sec. 16. No banking service agreement where fee imposed  
26 for terminal usage or for checking account.

27 (a) The State Treasurer may not enter into a banking  
28 service agreement with a financial institution that imposes a  
29 fee on a consumer who is on active duty in any reserve  
30 component of the armed forces, including, but not limited to,  
31 the Illinois Army National Guard, Illinois Air National  
32 Guard, United States Army Reserve, United State Marine Corps

1 Reserve, United States Navy Reserve, United States Air Force  
2 Reserve, or United States Coast Guard Reserve, for usage of a  
3 terminal, as defined in the Electronic Fund Transfer Act, or  
4 for the establishment or maintenance of a checking account.

5 (b) The State Treasurer may not enter into a banking  
6 service agreement with a financial institution if it fails to  
7 submit a pledge executed by its president or chief executive  
8 officer in the following form:

9 The (name of the financial institution) pledges not  
10 to impose fees on consumers who are on active duty in any  
11 reserve component of the armed forces, including, but not  
12 limited to, the Illinois Army National Guard, Illinois  
13 Air National Guard, United States Army Reserve, United  
14 State Marine Corps Reserve, United States Navy Reserve,  
15 United States Air Force Reserve, or United States Coast  
16 Guard Reserve, for usage of an automatic teller machine  
17 or for establishing and maintaining a checking account.

18 (c) The State Treasurer may not enter into a banking  
19 service agreement with any financial institution that fails  
20 to waive fees for usage of a terminal, as defined in the  
21 Electronic Fund Transfer Act, or for the establishment or  
22 maintenance of a checking account if the consumer:

23 (1) shows proof of membership in any reserve  
24 component of the armed forces, including, but not limited  
25 to, the Illinois Army National Guard, Illinois Air  
26 National Guard, United States Army Reserve, United State  
27 Marine Corps Reserve, United States Navy Reserve, United  
28 States Air Force Reserve, or United States Coast Guard  
29 Reserve;

30 (2) shows proof of residency in the State of  
31 Illinois; and

32 (3) shows proof of active duty status.

33 Section 15. The Electronic Fund Transfer Act is amended

1 by changing Section 50 as follows:

2 (205 ILCS 616/50)

3 Sec. 50. Terminal requirements.

4 (a) To assure maximum safety and security against  
5 malfunction, fraud, theft, and other accidents or abuses and  
6 to assure that all access devices will have the capability of  
7 activating all terminals established in this State, no  
8 terminal shall accept an access device that does not conform  
9 to specifications that are generally accepted. In the case  
10 of a dispute concerning the specifications, the Commissioner,  
11 in accordance with the provisions of Section 20 of this Act,  
12 shall have the authority to determine the specifications.

13 (b) No terminal that does not accept an access device  
14 that conforms with those specifications shall be established  
15 or operated.

16 (c) A terminal shall bear a logotype or other  
17 identification symbol designed to advise customers which  
18 access devices may activate the terminal.

19 (d) When used to perform an interchange transaction, a  
20 terminal shall not bear any form of proprietary advertising  
21 of products and services not offered at the terminal;  
22 provided, however, that a terminal screen may bear  
23 proprietary advertising of products or services offered by a  
24 financial institution when a person uses an access device  
25 issued by that financial institution.

26 (e) No person operating a terminal in this State shall  
27 impose any surcharge on a consumer for the usage of that  
28 terminal, whether or not the consumer is using an access  
29 device issued by that person, unless that surcharge is  
30 clearly disclosed to the consumer both (i) by a sign that is  
31 clearly visible to the consumer on or at the terminal being  
32 used and (ii) electronically on the terminal screen.  
33 Following presentation of the electronic disclosure on the

1 terminal screen, the consumer shall be provided an  
2 opportunity to cancel that transaction without incurring any  
3 surcharge or other obligation. If a surcharge is imposed on  
4 a consumer using an access device not issued by the person  
5 operating the terminal, that person shall disclose on the  
6 sign and on the terminal screen that the surcharge is in  
7 addition to any fee that may be assessed by the consumer's  
8 own institution. As used in this subsection, "surcharge"  
9 means any charge imposed by the person operating the terminal  
10 solely for the use of the terminal. This subsection does not  
11 apply to a point-of-sale purchase transaction at a terminal.

12 (f) A receipt given at a terminal to a person who  
13 initiates an electronic fund transfer shall include a number  
14 or code that identifies the consumer initiating the transfer,  
15 the consumer's account or accounts, or the access device used  
16 to initiate the transfer. If the number or code shown on the  
17 receipt is a number that identifies the access device, the  
18 number must be truncated as printed on the receipt so that  
19 fewer than all of the digits of the number or code are  
20 printed on the receipt. The Commissioner may, however,  
21 modify or waive the requirements imposed by this subsection  
22 (f) if the Commissioner determines that the modifications or  
23 waivers are necessary to alleviate any undue compliance  
24 burden.

25 (g) No terminal shall operate in this State unless, with  
26 respect to each interchange transaction initiated at the  
27 terminal, the access code entered by the consumer to  
28 authorize the transaction is encrypted by the device into  
29 which the access code is manually entered by the consumer and  
30 is transmitted from the terminal only in encrypted form. Any  
31 terminal that cannot meet the foregoing encryption  
32 requirements shall immediately cease forwarding information  
33 with respect to any interchange transaction or attempted  
34 interchange transaction.

1 (h) No person that directly or indirectly provides data  
 2 processing support to any terminal in this State shall  
 3 authorize or forward for authorization any interchange  
 4 transaction unless the access code intended to authorize the  
 5 interchange transaction is encrypted when received by that  
 6 person and is encrypted when forwarded to any other person.

7 (i) A person operating a terminal in this State must  
 8 disclose, in any application to serve as a depository under  
 9 the Deposit of State Moneys Act or to provide services under  
 10 the State Treasurer's Bank Services Trust Fund Act, to  
 11 process payments of taxes, fees, and other moneys due the  
 12 State, to provide transactional charges related to the  
 13 investment or safekeeping of funds under the Treasurer's  
 14 control, or to pay bondholders under the State general  
 15 obligation bond program, its schedule of fees for consumers  
 16 for usage of the terminal, including those fees for consumers  
 17 who are residents of Illinois who are on active duty in any  
 18 reserve component of the armed forces, including, but not  
 19 limited to, the Illinois Army National Guard, Illinois Air  
 20 National Guard, United States Army Reserve, United State  
 21 Marine Corps Reserve, United States Navy Reserve, United  
 22 States Air Force Reserve, or United States Coast Guard  
 23 Reserve.

24 (Source: P.A. 89-310, eff. 1-1-96; 90-189, eff. 1-1-98.)

25 Section 20. The Illinois Human Rights Act is amended by  
 26 changing Section 1-103 as follows:

27 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

28 Sec. 1-103. General Definitions. When used in this Act,  
 29 unless the context requires otherwise, the term:

30 (A) Age. "Age" means the chronological age of a person  
 31 who is at least 40 years old, except with regard to any  
 32 practice described in Section 2-102, insofar as that practice

1 concerns training or apprenticeship programs. In the case of  
2 training or apprenticeship programs, for the purposes of  
3 Section 2-102, "age" means the chronological age of a person  
4 who is 18 but not yet 40 years old.

5 (B) Aggrieved Party. "Aggrieved party" means a person  
6 who is alleged or proved to have been injured by a civil  
7 rights violation or believes he or she will be injured by a  
8 civil rights violation under Article 3 that is about to  
9 occur.

10 (C) Charge. "Charge" means an allegation filed with the  
11 Department by an aggrieved party or initiated by the  
12 Department under its authority.

13 (D) Civil Rights Violation. "Civil rights violation"  
14 includes and shall be limited to only those specific acts set  
15 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
16 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
17 Act.

18 (E) Commission. "Commission" means the Human Rights  
19 Commission created by this Act.

20 (F) Complaint. "Complaint" means the formal pleading  
21 filed by the Department with the Commission following an  
22 investigation and finding of substantial evidence of a civil  
23 rights violation.

24 (G) Complainant. "Complainant" means a person including  
25 the Department who files a charge of civil rights violation  
26 with the Department or the Commission.

27 (H) Department. "Department" means the Department of  
28 Human Rights created by this Act.

29 (I) Handicap. "Handicap" means a determinable physical  
30 or mental characteristic of a person, including, but not  
31 limited to, a determinable physical characteristic which  
32 necessitates the person's use of a guide, hearing or support  
33 dog, the history of such characteristic, or the perception of  
34 such characteristic by the person complained against, which



1 may result from disease, injury, congenital condition of  
2 birth or functional disorder and which characteristic:

3 (1) For purposes of Article 2 is unrelated to the  
4 person's ability to perform the duties of a particular  
5 job or position and, pursuant to Section 2-104 of this  
6 Act, a person's illegal use of drugs or alcohol is not a  
7 handicap;

8 (2) For purposes of Article 3, is unrelated to the  
9 person's ability to acquire, rent or maintain a housing  
10 accommodation;

11 (3) For purposes of Article 4, is unrelated to a  
12 person's ability to repay;

13 (4) For purposes of Article 5, is unrelated to a  
14 person's ability to utilize and benefit from a place of  
15 public accommodation.

16 (J) Marital Status. "Marital status" means the legal  
17 status of being married, single, separated, divorced or  
18 widowed.

19 (J-1) Military Status. "Military status" means a  
20 person's status on active duty in the armed forces of the  
21 United States or status as a member in any reserve component  
22 of the armed forces, including, but not limited to, the  
23 Illinois Army National Guard, Illinois Air National Guard,  
24 United States Army Reserve, United State Marine Corps  
25 Reserve, United States Navy Reserve, United States Air Force  
26 Reserve, or United States Coast Guard Reserve.

27 (K) National Origin. "National origin" means the place  
28 in which a person or one of his or her ancestors was born.

29 (L) Person. "Person" includes one or more individuals,  
30 partnerships, associations or organizations, labor  
31 organizations, labor unions, joint apprenticeship committees,  
32 or union labor associations, corporations, the State of  
33 Illinois and its instrumentalities, political subdivisions,  
34 units of local government, legal representatives, trustees in

1 bankruptcy or receivers.

2 (M) Public Contract. "Public contract" includes every  
3 contract to which the State, any of its political  
4 subdivisions or any municipal corporation is a party.

5 (N) Religion. "Religion" includes all aspects of  
6 religious observance and practice, as well as belief, except  
7 that with respect to employers, for the purposes of Article  
8 2, "religion" has the meaning ascribed to it in paragraph (F)  
9 of Section 2-101.

10 (O) Sex. "Sex" means the status of being male or female.

11 (P) Unfavorable Military Discharge. "Unfavorable  
12 military discharge" includes discharges from the Armed Forces  
13 of the United States, their Reserve components or any  
14 National Guard or Naval Militia which are classified as RE-3  
15 or the equivalent thereof, but does not include those  
16 characterized as RE-4 or "Dishonorable".

17 (Q) Unlawful Discrimination. "Unlawful discrimination"  
18 means discrimination against a person because of his or her  
19 race, color, religion, national origin, ancestry, age, sex,  
20 marital status, handicap, military status, or unfavorable  
21 discharge from military service as those terms are defined in  
22 this Section.

23 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

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