**Section 552.10 Service of Process Upon the Secretary of State**

The following procedure for substitute service of process upon the Secretary of State shall apply for the specific statute cited. The specific department of the Office of the Secretary of State stated in this Section shall receive the service of process and retain the records of the service in accordance with the applicable statutes and rules. Nothing in this Section or Section 552.20 shall affect in any way any substantive or procedural rights granted by the statutes referred to in this Section. Any service of process sent to the incorrect department within the Office of the Secretary of State shall be sent by that department's staff to the correct department as designated by this Section and Section 552.20. These Sections are intended only to allocate the responsibilities for the receipt and storage of service of process within the Office of the Secretary of State.

a) In cases involving the sale of securities, service of process upon the Secretary of State under Section 10 of the Illinois Securities Law of 1953 [815 ILCS 5] shall be made in accordance with 14 Ill. Adm. Code 130.120 and delivered to the Office of the General Counsel, 100 W. Randolph Street, Suite 5-400, Chicago, Illinois 60601.

b) In cases involving corporations under the Business Corporation Act of 1983 [805 ILCS 5], the General Not For Profit Corporation Act of 1986 [805 ILCS 105], the Limited Liability Company Act [805 ILCS 180], the Uniform Partnership Act (1997) [805 ILCS 206], the Uniform Limited Partnership Act (2001) [805 ILCS 215], or Section 4-3 of the Corporate Fiduciary Act [205 ILCS 620], service of process upon the Secretary of State shall be made in accordance with 14 Ill. Adm. Code 150, Subpart E, 14 Ill. Adm. Code 160.17, 14 Ill. Adm. Code 178.50, 14 Ill. Adm. Code 166.70, and 14 Ill. Adm. Code 171.70 and delivered to the Business Services Department, Room 350, Howlett Building, Springfield, Illinois 62756.

c) In cases involving a motor vehicle collision involving a non-resident, service of process upon the Secretary of State under Section 10-301 of the Illinois Vehicle Code [625 ILCS 5] shall be delivered to the Office of the General Counsel, Room 298, Howlett Building, Springfield, Illinois 62756 or to the Office of the General Counsel, 100 W. Randolph Street, Suite 5-400, Chicago, Illinois 60601. Per Section 10-301 of the Illinois Vehicle Code, an affidavit of compliance is required for service of process on the non-resident motorist. Further, verification of a person’s non-residency in this State shall be required, in support of the affidavit of compliance, attesting to and providing the out-of-state address or the manner in which non-residency was determined.

d) In cases in which service of process upon the Secretary of State is permitted under one of the following statutes, and in all other cases to which subsection (a), (b) or (c) do not apply, service shall be made upon the Office of the General Counsel, Room 298, Howlett Building, Springfield, Illinois 62756 or the Office of the General Counsel, 100 W. Randolph Street, Suite 5-400, Chicago, Illinois 60601:

235 ILCS 5/8-14 (Liquor Control Act of 1934)

820 ILCS 405/2208 (Unemployment Insurance Act)

215 ILCS 5/121-6 and 121-7 (Illinois Insurance Code)

735 ILCS 5/2-209 (Civil Practice Law (Products Liability − $5.00 filing fee))

735 ILCS 5/2-210 (Civil Practice Law (Aircraft and Ship Owners and Operators − $2.00 filing fee))

35 ILCS 5/1404 (Illinois Income Tax Act)

35 ILCS 105/12a (Use Tax Act)

35 ILCS 110/13 (Service Use Tax Act)

35 ILCS 115/13 (Service Occupation Tax Act)

35 ILCS 120/5i (Retailers' Occupation Tax Act)

765 ILCS 1036/15 (Trademark Registration and Protection Act)

e) In cases involving the Secretary of State as a party, such as any administrative review actions contesting a rule or procedure of any Secretary of State department, any civil rights actions and personnel action, service of process shall be made upon the Office of the General Counsel, Room 298, Howlett Building, Springfield, Illinois 62756 or the Office of the General Counsel, 100 W. Randolph Street, Suite 5-400, Chicago, Illinois 60601.

f) The Secretary of State is not the default agent for service of process in the State of Illinois. The Secretary of State has the authority to accept service of process only in those specifically mandated areas of the law stated in subsections (a) through (d) and as determined by the Illinois General Assembly. Any court order issued authorizing service of process upon the Secretary of State pursuant to Section 2-203.1 of the Code of Civil Procedure will be rejected unless the Secretary of State has the specific statutory authority to accept that service of process. Attempts to serve the Secretary of State under Section 2-203.1 will be denied and service rejected.

(Source: Amended at 46 Ill. Reg. 14343, effective July 27, 2022)