**Section 1457.60 Transfer of Permanent Household Goods Authority**

a) Application for Transfer of Permanent Household Goods Authority Generally

1) Except as otherwise provided in this Part, transfers are hereby provided for to the extent permitted under Section 18c-4306 of the Law.

2) Every transfer application shall be on the Illinois Commerce Commission's (Commission) Transfer Application Form.

3) In all transfers allowed under this Part, whether hearing or non-hearing, the authority transferred shall be converted from a permanent household goods authority to a temporary household goods authority subject to the requirements of Section 1457.10 and Subparts B and C of this Part.

b) Transfers Involving Immediate Family

1) Transfers to members of the transferor's "immediate family" shall be permitted without hearing only where the relationship between transferor and transferee is one of the following:

A) Husband-Wife;

B) Parent-Child (natural or legally adopted child); or

C) Sibling-Sibling.

2) Other uses of the term "immediate family." When used in relation to a transaction other than a transfer to a member of the transferor's immediate family, the term "immediate family" includes the person's spouse, parents, children, and siblings.

c) Transfers from One Corporation to a Related Corporation

1) No transfer shall be approved under Section 18c-4306(g) of the Law if a shareholder of the transferee would acquire a majority or controlling interest unless the same shareholder possessed a majority or controlling interest in the transferor.

2) No transfer shall be approved under Section 18c-4306(d) of the Law unless the transferor corporation is wholly owned by one person or members of one family.

d) Expedited Household Goods Authority Transfers

1) Except as otherwise provided in this Subpart, expedited transfers are hereby provided for to the extent permitted under Section 18c-4306 of the Law.

2) Applications for expedited (non-hearing) transfers shall be granted or denied, based upon the information contained in this Part and without oral hearing.

3) The application shall be set for hearing pursuant to 83 Ill. Adm. Code 200 if the application does not qualify for expedited transfer.

e) Operations by Fiduciaries Pending Transfer

1) Authority of Fiduciary to Continue Operations. The following fiduciaries shall have authority to continue operations under a license or registration issued by the Commission, pending completion of transfer proceedings, in lieu of the person to which the license or registration was issued:

A) Administrators and executors of the estates of deceased holders;

B) Conservators or guardians of incompetent holders;

C) Provisional directors or custodians of corporations appointed by a court pursuant to Section 12.55 of the Business Corporation Act of 1983 [805 ILCS 5/12.55]; and

D) Trustees, receivers, conservators, assignees, or other persons authorized by law to collect and preserve the property of financially disabled, bankrupt, deceased, or incapacitated holders.

2) Authority Does Not Extend to Transfer by Fiduciary. Authority under subsection (e)(1) does not extend to transfers from fiduciaries to other persons or to operations by such other persons pending transfer from the fiduciaries.

3) Required Filings by Fiduciary

A) Notice. Within 30 days after assuming control, the fiduciary must give notice to the Commission:

i) Identifying the person to whom the license or registration was issued by full legal name, trade name, and principal business address;

ii) Identifying the license or registration by number;

iii) Identifying the fiduciary by full legal name, trade name, and mailing address; and

iv) Stating the date on which the fiduciary assumed control.

B) Proof of Fiduciary Capacity. If control was assumed pursuant to a court order, a certified copy of the order must be attached. If control was assumed other than by court order, an affidavit of fiduciary capacity must be submitted.

C) Transfer Application. The fiduciary shall file an application seeking Commission approval of a transfer of the license or registration, either to the fiduciary or to a transferee designated by the fiduciary. If the fiduciary does not file a transfer application within 180 days after assuming control, the fiduciary must file a report with the Commission, not later than the first day of each succeeding month, explaining the failure to file and must prosecute a transfer application. Such factors as court delays, progress in an estate settlement, and legal action against the estate will be considered as justification for failure to file and process a transfer application.

D) Proof of Insurance. No operations may be conducted until the fiduciary has obtained and filed with the Commission proof of insurance coverage for those operations in compliance with Section 18c-4901 or Section 18c-6503 of the Law.

f) Transfers Not Subject to Commission Approval

1) If a merger, acquisition of control, or other transaction that is authorized pursuant to 49 USC 11343 involves one or more motor carriers of property licensed by the Commission, such transaction shall be recognized by the Commission subject to the provisions of subsection (b) of this Section.

2) No license transferred by operation of 49 USC 11343 shall be effective for any purpose unless and until the person to whom the license is being transferred notifies the Commission of the transfer. Notification shall be accomplished by completing and filing the forms obtained from the Commission for this purpose, along with the required fee set forth in Section 1457.1300 of this Part.