**Section 1480.20 Repossession Agency Licensure**

a) Applications for repossession agency licensure shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for repossession agency licensure shall be refused or rejected by the Commission.

b) Applicants for repossession agency licensure shall submit, along with their applications, copies of government-issued photo identification, such as a driver's license, state identification card, or passport for all persons required to submit personal photo identification under the Act.

c) Applicants for repossession agency licensure shall disclose on their applications:

1) All civil judgments entered in the 5 years preceding the date of application by any legal forum other than the Commission arising from conduct while performing repossessions against the applicant or any individual required by Section 60 of the Act to submit to a criminal background check as part of the licensure process; and

2) All *convictions for any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession.* [225 ILCS 422/80] The applicant shall provide all information required by the Commission's application regarding the applicant's convictions, in addition to submitting to a criminal background check as required by the Act.

d) As part of the repossession agency licensure process, the Commission shall consider the criminal record of the applicant. The Commission may refuse to issueor renew a repossession agency license if the applicant has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession*. [225 ILCS 422/80] For purposes of this subsection and subsection (c)(2), "applicant" shall include the sole proprietor if the applicant is a sole proprietorship, each partner of the applicant that is a partnership, each officer of the applicant that is a corporation and each member of the applicant that is a limited liability company.

e) The Commission shall review applications for repossession agency licensure to determine whether the applicant has satisfied the fitness criteria contained in the Act and this Part. If, upon review of an application, the Commission discovers that the applicant or any individual required to submit to a criminal background check as part of the licensure process has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession* [225 ILCS 422/80], the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the applicant is unfit by reason of conviction.

f) A repossession agency license shall not be issued to the applicant if the applicant or any individual required to submit to a criminal background check as part of the licensure process has pending criminal proceedings involving *any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession.* The application for repossession agency licensure shall remain on pending status until the resolution of the pending criminal charges. If the criminal proceedings culminate in the applicant or any individual required to submit to a criminal background check as part of the licensure process being *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession*, the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the applicant is unfit by reason of conviction. [225 ILCS 422/80]

g) At the hearing, the applicant shall have the burden of proving fitness by clear and convincing evidence.

h) Only repossession agencies that have active licenses with the Commission are authorized to engage in collateral recovery in the State of Illinois. Repossession agencies whose licenses have been placed on a status other than active are not authorized to engage in collateral recovery in the State of Illinois.

(Source: Amended at 38 Ill. Reg. 5821, effective March 14, 2014)