



Sen. Bill Cunningham

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1 AMENDMENT TO HOUSE BILL 2713

2 AMENDMENT NO. _____. Amend House Bill 2713 by replacing
3 everything after the enacting clause with the following:

4 "(805 ILCS 180/1-28 rep.)

5 Section 5. The Limited Liability Company Act is amended by
6 repealing Section 1-28.

7 Section 10. The Uniform Partnership Act (1997) is amended
8 by changing Section 108 and by adding Section 1209 as follows:

9 (805 ILCS 206/108)

10 Sec. 108. Fees.

11 (a) The Secretary of State shall charge and collect in
12 accordance with the provisions of this Act and rules
13 promulgated under its authority:

14 (1) fees for filing documents;

15 (2) miscellaneous charges; and

1 (3) fees for the sale of lists of filings and for
2 copies of any documents.

3 (b) The Secretary of State shall charge and collect:

4 (1) for furnishing a copy or certified copy of any
5 document, instrument, or paper relating to a registered
6 limited liability partnership, \$25;

7 (2) for the transfer of information by computer process
8 media to any purchaser, fees established by rule;

9 (3) for filing a statement of partnership authority,
10 \$25;

11 (4) for filing a statement of denial, \$25;

12 (5) for filing a statement of dissociation, \$25;

13 (6) for filing a statement of dissolution, \$100;

14 (7) for filing a statement of merger, \$100;

15 (8) for filing a statement of qualification for a
16 limited liability partnership organized under the laws of
17 this State, \$100 for each partner, but in no event shall
18 the fee be less than \$200 or exceed \$5,000;

19 (9) for filing a statement of foreign qualification,
20 \$500;

21 (10) for filing a renewal statement for a limited
22 liability partnership organized under the laws of this
23 State, \$100 for each partner, but in no event shall the fee
24 be less than \$200 or exceed \$5,000;

25 (11) for filing a renewal statement for a foreign
26 limited liability partnership, \$300;

1 (12) for filing an amendment or cancellation of a
2 statement, \$25;

3 (13) for filing a statement of withdrawal, \$100;

4 (14) for the purposes of changing the registered agent
5 name or registered office, or both, \$25;

6 (15) for filing an application for reinstatement,
7 \$200;

8 (16) for filing any other document, \$25.

9 (c) All fees collected pursuant to this Act shall be
10 deposited into the Division of Corporations Registered Limited
11 Liability Partnership Fund.

12 (d) There is hereby continued in the State treasury a
13 special fund to be known as the Division of Corporations
14 Registered Limited Liability Partnership Fund. Moneys
15 deposited into the Fund shall, subject to appropriation, be
16 used by the Business Services Division of the Office of the
17 Secretary of State to administer the responsibilities of the
18 Secretary of State under this Act. On or before August 31 of
19 each year, the balance in the Fund in excess of \$600,000
20 ~~\$200,000~~ shall be transferred to the General Revenue Fund.

21 (Source: P.A. 99-620, eff. 1-1-17; 99-933, eff. 1-27-17;
22 revised 2-2-17.)

23 (805 ILCS 206/1209 new)

24 Sec. 1209. Expedited services; fees.

25 (a) As used in this Section:

1 "Department" means the Department of Business Services of
2 the Office of the Secretary of State.

3 "Expedited services" means services rendered within the
4 same day or within 24 hours after the time the request therefor
5 is submitted by the filer, law firm, service company, or
6 messenger physically, in person, or at the Secretary of State's
7 discretion, by electronic means to the Department's
8 Springfield office or Chicago office and includes requests for
9 certified copies, photocopies, and certificates of existence
10 or abstracts of computer record made to the Department's
11 Springfield office in person, by mail, or by fax or requests
12 for certificates of existence or abstracts of computer record
13 made in person to the Department's Chicago office.

14 (b) The Secretary of State shall charge and collect the
15 following fees for expedited services:

16 (1) Statement of Qualification or Foreign
17 Qualification, \$100.

18 (2) Application for Reinstatement, \$100.

19 (3) Statement of Merger, \$200.

20 (4) Certificate of existence or computer abstract,
21 \$20.

22 (5) All other filings and copies of documents, \$50.

23 (c) All fees collected by and payable to the Secretary of
24 State under this Section shall be deposited into the Division
25 of Corporations Registered Limited Liability Partnership Fund
26 to the credit of an account within the Fund. Subject to

1 appropriation, moneys in the account shall be used by the
2 Department to create and maintain the capability to perform
3 expedited services in response to special requests made by the
4 public for same-day or 24-hour service and shall also be used
5 for purposes including, but not limited to, expenditures for
6 personal services, retirement, Social Security, contractual
7 services, equipment, electronic data processing, and
8 telecommunications. No other fees or charges collected under
9 this Act shall be credited to the account established under
10 this subsection (c)

11 Section 15. The Business Corporation Act of 1983 is amended
12 by changing Sections 12.43 and 14.05 as follows:

13 (805 ILCS 5/12.43)

14 Sec. 12.43. Administrative dissolution; corporate name.
15 The Secretary of State shall not allow another corporation or
16 limited liability company to use the name of a domestic
17 corporation that has been administratively dissolved until 3
18 years have elapsed following the date of issuance of the
19 certificate of dissolution. If the domestic corporation that
20 has been administratively dissolved is reinstated within 3
21 years after the date of issuance of the certificate of
22 dissolution, the domestic corporation shall continue under its
23 previous name without impacting its continuous legal status,
24 unless the corporation petitions to change its name upon

1 reinstatement.

2 (Source: P.A. 95-507, eff. 8-28-07.)

3 (805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

4 Sec. 14.05. Annual report of domestic or foreign
5 corporation. Each domestic corporation organized under any
6 general law or special act of this State authorizing the
7 corporation to issue shares, other than homestead
8 associations, building and loan associations, banks and
9 insurance companies (which includes a syndicate or limited
10 syndicate regulated under Article V 1/2 of the Illinois
11 Insurance Code or member of a group of underwriters regulated
12 under Article V of that Code), and each foreign corporation
13 (except members of a group of underwriters regulated under
14 Article V of the Illinois Insurance Code) authorized to
15 transact business in this State, shall file, within the time
16 prescribed by this Act, an annual report setting forth:

17 (a) The name of the corporation.

18 (b) The address, including street and number, or rural
19 route number, of its registered office in this State, and
20 the name of its registered agent at that address.

21 (c) The address, including street and number, or rural
22 route number, of its principal office.

23 (d) The names and respective addresses, including
24 street and number, or rural route number, of its directors
25 and officers.

1 (e) A statement of the aggregate number of shares which
2 the corporation has authority to issue, itemized by classes
3 and series, if any, within a class.

4 (f) A statement of the aggregate number of issued
5 shares, itemized by classes, and series, if any, within a
6 class.

7 (g) A statement, expressed in dollars, of the amount of
8 paid-in capital of the corporation as defined in this Act.

9 (h) Either a statement that (1) all the property of the
10 corporation is located in this State and all of its
11 business is transacted at or from places of business in
12 this State, or the corporation elects to pay the annual
13 franchise tax on the basis of its entire paid-in capital,
14 or (2) a statement, expressed in dollars, of the value of
15 all the property owned by the corporation, wherever
16 located, and the value of the property located within this
17 State, and a statement, expressed in dollars, of the gross
18 amount of business transacted by the corporation and the
19 gross amount thereof transacted by the corporation at or
20 from places of business in this State as of the close of
21 its fiscal year on or immediately preceding the last day of
22 the third month prior to the anniversary month or in the
23 case of a corporation which has established an extended
24 filing month, as of the close of its fiscal year on or
25 immediately preceding the last day of the third month prior
26 to the extended filing month; however, in the case of a

1 domestic corporation that has not completed its first
2 fiscal year, the statement with respect to property owned
3 shall be as of the last day of the third month preceding
4 the anniversary month and the statement with respect to
5 business transacted shall be furnished for the period
6 between the date of incorporation and the last day of the
7 third month preceding the anniversary month. In the case of
8 a foreign corporation that has not been authorized to
9 transact business in this State for a period of 12 months
10 and has not commenced transacting business prior to
11 obtaining authority, the statement with respect to
12 property owned shall be as of the last day of the third
13 month preceding the anniversary month and the statement
14 with respect to business transacted shall be furnished for
15 the period between the date of its authorization to
16 transact business in this State and the last day of the
17 third month preceding the anniversary month. If the data
18 referenced in item (2) of this subsection is not completed,
19 the franchise tax provided for in this Act shall be
20 computed on the basis of the entire paid-in capital.

21 (i) A statement, including the basis therefor, of
22 status as a "minority owned business" or as a "female owned
23 business" as those terms are defined in the Business
24 Enterprise for Minorities, Females, and Persons with
25 Disabilities Act.

26 (j) Additional information as may be necessary or

1 appropriate in order to enable the Secretary of State to
2 administer this Act and to verify the proper amount of fees
3 and franchise taxes payable by the corporation.

4 The annual report shall be made on forms prescribed and
5 furnished by the Secretary of State, and the information
6 therein required by paragraphs (a) through (d), both inclusive,
7 of this Section, shall be given as of the date of the execution
8 of the annual report and the information therein required by
9 paragraphs (e), (f) and (g) of this Section shall be given as
10 of the last day of the third month preceding the anniversary
11 month, except that the information required by paragraphs (e),
12 (f) and (g) shall, in the case of a corporation which has
13 established an extended filing month, be given in its final
14 transition annual report and each subsequent annual report as
15 of the close of its fiscal year on or immediately preceding the
16 last day of the third month prior to its extended filing month.

17 It shall be executed by the corporation by its president, a
18 vice-president, secretary, assistant secretary, treasurer or
19 other officer duly authorized by the board of directors of the
20 corporation to execute those reports, and verified by him or
21 her, or, if the corporation is in the hands of a receiver or
22 trustee, it shall be executed on behalf of the corporation and
23 verified by the receiver or trustee.

24 (Source: P.A. 92-16, eff. 6-28-01; 92-33, eff. 7-1-01; 93-59,
25 7-1-03.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2018, except that Section 5 and this Section take effect
3 upon becoming law.".