

## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2752

by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Identification Act. Requires that applications for certification, registration, and licensure must contain specific language that states that the applicant is not obligated to disclose sealed or expunged records of conviction or arrest and prohibits entities authorized to grant professional licenses, certifications, and registrations from asking if an applicant has had records expunged or sealed. Provides that certain sealed or impounded felony records shall not be disseminated in connection with an application for a professional or business license, registration, or certification, except specified health care worker licenses. Amends the Illinois Insurance Code. Provides that the Director of Insurance must find that a resident insurance producer or public adjuster applicant has not committed certain acts or has been sufficiently rehabilitated to approve the application. In provisions concerning license denial, nonrenewal, or revocation for conviction of a felony, allows the Director to issue a license with monitoring requirements and provides for an exception if an individual demonstrates to the Director sufficient rehabilitation to warrant the public trust. Provides that the Department of Insurance shall not require applicants to report certain criminal history information and the Department shall not consider the information. Requires the Department to consider certain mitigating factors and evidence of rehabilitation for license applicants. Requires the Department, upon denial of a license, to provide the applicant certain information concerning the denial. Provides that on May 1 of each year, the Department shall prepare, publicly announce, and publish certain statistical information. Effective January 1, 2018.

LRB100 08572 SMS 18698 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by  
5 changing Sections 12 and 13 as follows:

6 20 ILCS 2630/12)

7 Sec. 12. Entry of order; effect of expungement or sealing  
8 records.

9 (a) Except with respect to law enforcement agencies, the  
10 Department of Corrections, State's Attorneys, or other  
11 prosecutors, and as provided in Section 13 of this Act, an  
12 expunged or sealed record may not be considered by any private  
13 or public entity in employment matters, certification,  
14 licensing, revocation of certification or licensure, or  
15 registration. Applications for employment, certification,  
16 registration, or licensure must contain specific language  
17 which states that the applicant is not obligated to disclose  
18 sealed or expunged records of conviction or arrest. Employers  
19 and entities authorized to grant professional licenses,  
20 certifications, or registrations may not ask if an applicant  
21 has had records expunged or sealed.

22 (b) A person whose records have been sealed or expunged is  
23 not entitled to remission of any fines, costs, or other money

1 paid as a consequence of the sealing or expungement. This  
2 amendatory Act of the 93rd General Assembly does not affect the  
3 right of the victim of a crime to prosecute or defend a civil  
4 action for damages. Persons engaged in civil litigation  
5 involving criminal records that have been sealed may petition  
6 the court to open the records for the limited purpose of using  
7 them in the course of litigation.

8 (Source: P.A. 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05.)

9 (20 ILCS 2630/13)

10 Sec. 13. Retention and release of sealed records.

11 (a) The Department of State Police shall retain records  
12 sealed under subsection (c) or (e-5) of Section 5.2 or  
13 impounded under subparagraph (B) or (B-5) of paragraph (9) of  
14 subsection (d) of Section 5.2 and shall release them only as  
15 authorized by this Act. Felony records sealed under subsection  
16 (c) or (e-5) of Section 5.2 or impounded under subparagraph (B)  
17 or (B-5) of paragraph (9) of subsection (d) of Section 5.2  
18 shall be used and disseminated by the Department only as  
19 otherwise specifically required or authorized by a federal or  
20 State law, rule, or regulation that requires inquiry into and  
21 release of criminal records, including, but not limited to,  
22 subsection (A) of Section 3 of this Act, except such records  
23 shall not be used or disseminated in connection with an  
24 application for any professional or business licensure,  
25 registration, or certification not involving a health care

1 worker position as defined in the Health Care Worker  
2 Self-Referral Act. However, all requests for records that have  
3 been expunged, sealed, and impounded and the use of those  
4 records are subject to the provisions of Section 2-103 of the  
5 Illinois Human Rights Act. Upon conviction for any offense, the  
6 Department of Corrections shall have access to all sealed  
7 records of the Department pertaining to that individual.

8 (b) Notwithstanding the foregoing, all sealed or impounded  
9 records are subject to inspection and use by the court and  
10 inspection and use by law enforcement agencies and State's  
11 Attorneys or other prosecutors in carrying out the duties of  
12 their offices.

13 (c) The sealed or impounded records maintained under  
14 subsection (a) are exempt from disclosure under the Freedom of  
15 Information Act.

16 (d) The Department of State Police shall commence the  
17 sealing of records of felony arrests and felony convictions  
18 pursuant to the provisions of subsection (c) of Section 5.2 of  
19 this Act no later than one year from the date that funds have  
20 been made available for purposes of establishing the  
21 technologies necessary to implement the changes made by this  
22 amendatory Act of the 93rd General Assembly.

23 (Source: P.A. 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13;  
24 98-399, eff. 8-16-13; 98-463, eff. 8-16-13.)

25 Section 10. The Illinois Insurance Code is amended by

1 changing Sections 500-30, 500-70, 1525, and 1555 and by adding  
2 Sections 500-76 and 1550 as follows:

3 (215 ILCS 5/500-30)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 500-30. Application for license.

6 (a) An individual applying for a resident insurance  
7 producer license must make application on a form specified by  
8 the Director and declare under penalty of refusal, suspension,  
9 or revocation of the license that the statements made in the  
10 application are true, correct, and complete to the best of the  
11 individual's knowledge and belief. Before approving the  
12 application, the Director must find that the individual:

13 (1) is at least 18 years of age;

14 (2) has not committed any act that is a ground for  
15 denial, suspension, or revocation set forth in Section  
16 500-70 or 500-76 or the individual who committed the act  
17 has been sufficiently rehabilitated;

18 (3) has completed, if required by the Director, a  
19 pre-licensing course of study before the insurance exam for  
20 the lines of authority for which the individual has applied  
21 (an individual who successfully completes the Fire and  
22 Casualty pre-licensing courses also meets the requirements  
23 for Personal Lines-Property and Casualty);

24 (4) has paid the fees set forth in Section 500-135; and

25 (5) has successfully passed the examinations for the

lines of authority for which the person has applied.

(b) A pre-licensing course of study for each class of insurance for which an insurance producer license is requested must be established in accordance with rules prescribed by the Director and must consist of the following minimum hours:

Class of Insurance	Number of Hours
Life (Class 1 (a))	20
Accident and Health (Class 1(b) or 2(a))	20
Fire (Class 3)	20
Casualty (Class 2)	20
Personal Lines-Property Casualty	20
Motor Vehicle (Class 2(b) or 3(e))	12.5

7.5 hours of each pre-licensing course must be completed in a classroom setting, except Motor Vehicle, which would require 5 hours in a classroom setting.

(c) A business entity acting as an insurance producer must obtain an insurance producer license. Application must be made using the Uniform Business Entity Application. Before approving the application, the Director must find that:

(1) the business entity has paid the fees set forth in Section 500-135; and

(2) the business entity has designated a licensed producer responsible for the business entity's compliance with the insurance laws and rules of this State.

(d) The Director may require any documents reasonably

1 necessary to verify the information contained in an  
2 application.

3 (Source: P.A. 96-839, eff. 1-1-10.)

4 (215 ILCS 5/500-70)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 500-70. License denial, nonrenewal, or revocation.

7 (a) The Director may place on probation, suspend, revoke,  
8 or refuse to issue or renew an insurance producer's license,  
9 may issue a license with monitoring requirements, or may levy a  
10 civil penalty in accordance with this Section or take any  
11 combination of actions, for any one or more of the following  
12 causes:

13 (1) providing incorrect, misleading, incomplete, or  
14 materially untrue information in the license application;

15 (2) violating any insurance laws, or violating any  
16 rule, subpoena, or order of the Director or of another  
17 state's insurance commissioner;

18 (3) obtaining or attempting to obtain a license through  
19 misrepresentation or fraud;

20 (4) improperly withholding, misappropriating or  
21 converting any moneys or properties received in the course  
22 of doing insurance business;

23 (5) intentionally misrepresenting the terms of an  
24 actual or proposed insurance contract or application for  
25 insurance;

1           (6) for licensees, having been convicted of a felony,  
2           unless the individual demonstrates to the Director  
3           sufficient rehabilitation to warrant the public trust;

4           (7) having admitted or been found to have committed any  
5           insurance unfair trade practice or fraud;

6           (8) using fraudulent, coercive, or dishonest  
7           practices, or demonstrating incompetence,  
8           untrustworthiness or financial irresponsibility in the  
9           conduct of business in this State or elsewhere;

10          (9) having an insurance producer license, or its  
11          equivalent, denied, suspended, or revoked in any other  
12          state, province, district or territory;

13          (10) forging a name to an application for insurance or  
14          to a document related to an insurance transaction;

15          (11) improperly using notes or any other reference  
16          material to complete an examination for an insurance  
17          license;

18          (12) knowingly accepting insurance business from an  
19          individual who is not licensed;

20          (13) failing to comply with an administrative or court  
21          order imposing a child support obligation;

22          (14) failing to pay state income tax or penalty or  
23          interest or comply with any administrative or court order  
24          directing payment of state income tax or failed to file a  
25          return or to pay any final assessment of any tax due to the  
26          Department of Revenue;



1           (15) failing to make satisfactory repayment to the  
2           Illinois Student Assistance Commission for a delinquent or  
3           defaulted student loan; or

4           (16) failing to comply with any provision of the  
5           Viatical Settlements Act of 2009.

6           (b) If the action by the Director is to nonrenew, suspend,  
7           or revoke a license or to deny an application for a license,  
8           the Director shall notify the applicant or licensee and advise,  
9           in writing, the applicant or licensee of the reason for the  
10          suspension, revocation, denial or nonrenewal of the  
11          applicant's or licensee's license. The applicant or licensee  
12          may make written demand upon the Director within 30 days after  
13          the date of mailing for a hearing before the Director to  
14          determine the reasonableness of the Director's action. The  
15          hearing must be held within not fewer than 20 days nor more  
16          than 30 days after the mailing of the notice of hearing and  
17          shall be held pursuant to 50 Ill. Adm. Code 2402.

18          (c) The license of a business entity may be suspended,  
19          revoked, or refused if the Director finds, after hearing, that  
20          an individual licensee's violation was known or should have  
21          been known by one or more of the partners, officers, or  
22          managers acting on behalf of the partnership, corporation,  
23          limited liability company, or limited liability partnership  
24          and the violation was neither reported to the Director nor  
25          corrective action taken.

26          (d) In addition to or instead of any applicable denial,

1 suspension, or revocation of a license, a person may, after  
2 hearing, be subject to a civil penalty of up to \$10,000 for  
3 each cause for denial, suspension, or revocation, however, the  
4 civil penalty may total no more than \$100,000.

5 (e) The Director has the authority to enforce the  
6 provisions of and impose any penalty or remedy authorized by  
7 this Article against any person who is under investigation for  
8 or charged with a violation of this Code or rules even if the  
9 person's license or registration has been surrendered or has  
10 lapsed by operation of law.

11 (f) Upon the suspension, denial, or revocation of a  
12 license, the licensee or other person having possession or  
13 custody of the license shall promptly deliver it to the  
14 Director in person or by mail. The Director shall publish all  
15 suspensions, denials, or revocations after the suspensions,  
16 denials, or revocations become final in a manner designed to  
17 notify interested insurance companies and other persons.

18 (g) A person whose license is revoked or whose application  
19 is denied pursuant to this Section is ineligible to apply for  
20 any license for 3 years after the revocation or denial. A  
21 person whose license as an insurance producer has been revoked,  
22 suspended, or denied may not be employed, contracted, or  
23 engaged in any insurance related capacity during the time the  
24 revocation, suspension, or denial is in effect.

25 (Source: P.A. 96-736, eff. 7-1-10.)

1 (215 ILCS 5/500-76 new)

2 Sec. 500-76. Applicant convictions.

3 (a) The Director and the Department shall not require  
4 applicants to report the following information and shall not  
5 collect and consider the following criminal history records in  
6 connection with an insurance producer license application:

7 (1) Juvenile adjudications of delinquent minors as  
8 defined in Section 5-105 of the Juvenile Court Act of 1987  
9 subject to the restrictions set forth in Section 5-130 of  
10 that Act.

11 (2) Law enforcement, court, and conviction records of  
12 an individual who was 17 years old at the time of the  
13 offense and before January 1, 2014, unless the offense  
14 required automatic transfer to adult court.

15 (3) Records of arrest not followed by a conviction  
16 unless related to the duties and responsibilities of a  
17 public adjuster. However, applicants shall not be asked to  
18 report any arrests, and an arrest not followed by a  
19 conviction shall not be the basis of a denial and may be  
20 used only to assess an applicant's rehabilitation.

21 (4) Convictions overturned by a higher court.

22 (5) Convictions or arrests that have been sealed or  
23 expunged.

24 (b) When reviewing a conviction of a felony of the  
25 applicant for the purpose of determining whether to grant a  
26 license, the Director shall consider any evidence of

1 rehabilitation and mitigating factors contained in the  
2 applicant's record, including any of the following:

3 (1) the lack of direct relation of the offense for  
4 which the applicant was previously convicted to the duties,  
5 functions, and responsibilities of the position for which a  
6 license is sought;

7 (2) whether 5 years since a felony conviction or 3  
8 years since release from confinement for the conviction,  
9 whichever is later, have passed without a subsequent  
10 conviction;

11 (3) if the applicant was previously licensed or  
12 employed in this State or other states or jurisdictions,  
13 then the lack of prior misconduct arising from or related  
14 to the licensed position or position of employment;

15 (4) the age of the person at the time of the criminal  
16 offense;

17 (5) successful completion of sentence and, for  
18 applicants serving a term of parole or probation, a  
19 progress report provided by the applicant's probation or  
20 parole officer that documents the applicant's compliance  
21 with conditions of supervision;

22 (6) evidence of the applicant's present fitness and  
23 professional character;

24 (7) evidence of rehabilitation or rehabilitative  
25 effort during or after incarceration or during or after a  
26 term of supervision, including, but not limited to, a

1 certificate of good conduct under Section 5-5.5-25 of the  
2 Unified Code of Corrections or certificate of relief from  
3 disabilities under Section 5-5.5-10 of the Unified Code of  
4 Corrections; and

5 (8) any other mitigating factors that contribute to the  
6 person's potential and current ability to perform the  
7 duties and responsibilities of an insurance producer.

8 (c) It is the affirmative obligation of the Director to  
9 demonstrate that a prior conviction would impair the ability of  
10 the applicant to engage in the licensed practice. If the  
11 Director refuses to issue a license to an applicant, then the  
12 Director shall notify the applicant of the denial in writing  
13 with the following included in the notice of denial:

14 (1) a statement about the decision to refuse to issue a  
15 license;

16 (2) a list of the convictions that were the sole or  
17 partial basis for the refusal to issue a license;

18 (3) a list of the mitigating evidence presented by the  
19 applicant;

20 (4) reasons for refusing to issue a license specific to  
21 the evidence presented in mitigation of conviction items  
22 that formed the partial or sole basis for the Director's  
23 decision; and

24 (5) a summary of the appeal process or the earliest the  
25 applicant may reapply for a license, whichever is  
26 applicable.

1       (d) No later than May 1 of each year, the Director shall  
2       prepare, publicly announce, and publish a report of summary  
3       statistical information relating to new and renewal insurance  
4       producer license applications during the preceding calendar  
5       year. Each report shall show at minimum:

6               (1) the number of applicants for new or renewal license  
7               under this Act within the previous calendar year;

8               (2) the number of applicants for new or renewal license  
9               under this Act within the previous calendar year who had  
10              any criminal conviction;

11              (3) the number of applicants for new or renewal license  
12              under this Act in the previous calendar year who were  
13              granted a license;

14              (4) the number of applicants for new or renewal license  
15              with a criminal conviction who were granted a license under  
16              this Act within the previous calendar year;

17              (5) the number of applicants for new or renewal license  
18              under this Act within the previous calendar year who were  
19              denied a license;

20              (6) the number of applicants for new or renewal license  
21              with a criminal conviction who were denied a license under  
22              this Act in the previous calendar year in whole or in part  
23              because of a prior conviction;

24              (7) the number of licenses without monitoring  
25              requirements issued under this Act in the previous calendar  
26              year to applicants with a felony conviction; and

1           (8) the number of probationary licenses with  
2           monitoring issued under this Act in the previous calendar  
3           year to applicants with a felony conviction.

4           (215 ILCS 5/1525)

5           Sec. 1525. Resident license.

6           (a) Before issuing a public adjuster license to an  
7           applicant under this Section, the Director shall find that the  
8           applicant:

9                 (1) is eligible to designate this State as his or her  
10                home state or is a nonresident who is not eligible for a  
11                license under Section 1540;

12               (2) is sufficiently rehabilitated in cases in which the  
13               applicant has ~~not~~ committed any act that is a ground for  
14               denial, suspension, or revocation of a license as set forth  
15               in Section 1555;

16               (3) is trustworthy, reliable, competent, and of good  
17               reputation, evidence of which may be determined by the  
18               Director;

19               (4) is financially responsible to exercise the license  
20               and has provided proof of financial responsibility as  
21               required in Section 1560 of this Article; and

22               (5) maintains an office in the home state of residence  
23               with public access by reasonable appointment or regular  
24               business hours. This includes a designated office within a  
25               home state of residence.

1 (b) In addition to satisfying the requirements of  
2 subsection (a) of this Section, an individual shall:

3 (1) be at least 18 years of age;

4 (2) have successfully passed the public adjuster  
5 examination;

6 (3) designate a licensed individual public adjuster  
7 responsible for the business entity's compliance with the  
8 insurance laws, rules, and regulations of this State; and

9 (4) designate only licensed individual public  
10 adjusters to exercise the business entity's license.

11 (c) The Director may require any documents reasonably  
12 necessary to verify the information contained in the  
13 application.

14 (Source: P.A. 96-1332, eff. 1-1-11.)

15 (215 ILCS 5/1550 new)

16 Sec. 1550. Applicant convictions.

17 (a) The Director and the Department shall not require  
18 applicants to report the following information and shall not  
19 collect or consider the following criminal history records in  
20 connection with a public adjuster license application:

21 (1) Juvenile adjudications of delinquent minors as  
22 defined in Section 5-105 of the Juvenile Court Act of 1987  
23 subject to the restrictions set forth in Section 5-130 of  
24 that Act.

25 (2) Law enforcement, court, and conviction records of



1 an individual who was 17 years old at the time of the  
2 offense and before January 1, 2014, unless the offense  
3 required automatic transfer to adult court.

4 (3) Records of arrest not followed by a conviction  
5 unless related to the duties and responsibilities of a  
6 public adjuster. However, applicants shall not be asked to  
7 report any arrests, and an arrest not followed by a  
8 conviction shall not be the basis of a denial and may be  
9 used only to assess an applicant's rehabilitation.

10 (4) Convictions overturned by a higher court.

11 (5) Convictions or arrests that have been sealed or  
12 expunged.

13 (b) When reviewing a conviction of any misdemeanor directly  
14 related to the practice of the profession or of any felony of  
15 the applicant for the purpose of determining whether to grant a  
16 license, the Director shall consider any evidence of  
17 rehabilitation and mitigating factors contained in the  
18 applicant's record, including any of the following:

19 (1) the lack of direct relation of the offense for  
20 which the applicant was previously convicted to the duties,  
21 functions, and responsibilities of the position for which a  
22 license is sought;

23 (2) the amount of time that has elapsed since the  
24 offense occurred;

25 (3) if the applicant was previously licensed or  
26 employed in this State or other states or jurisdictions,

1       then the lack of prior misconduct arising from or related  
2       to the licensed position or position of employment;

3       (4) whether 5 years since a felony conviction or 3  
4       years since release from confinement for the conviction,  
5       whichever is later, have passed without a subsequent  
6       conviction;

7       (5) successful completion of sentence and, for  
8       applicants serving a term of parole or probation, a  
9       progress report provided by the applicant's probation or  
10      parole officer that documents the applicant's compliance  
11      with conditions of supervision;

12      (6) evidence of the applicant's present fitness and  
13      professional character;

14      (7) evidence of rehabilitation or rehabilitative  
15      effort during or after incarceration or during or after a  
16      term of supervision, including, but not limited to, a  
17      certificate of good conduct under Section 5-5.5-25 of the  
18      Unified Code of Corrections or certificate of relief from  
19      disabilities under Section 5-5.5-10 of the Unified Code of  
20      Corrections; and

21      (8) any other mitigating factors that contribute to the  
22      person's potential and current ability to perform the  
23      duties and responsibilities of a public adjuster.

24      (c) It is the affirmative obligation of the Director to  
25      demonstrate that a prior conviction would impair the ability of  
26      the applicant to engage in the licensed practice. If the

1 Director refuses to issue a license to an applicant, then the  
2 Director shall notify the applicant of the denial in writing  
3 with the following included in the notice of denial order:

4 (1) a statement about the decision to refuse to issue a  
5 license;

6 (2) a list of the convictions that were the sole or  
7 partial basis for the refusal to issue a license;

8 (3) a list of the mitigating evidence presented by the  
9 applicant;

10 (4) reasons for refusing to issue a license specific to  
11 the evidence presented in mitigation of conviction items  
12 that formed the partial or sole basis for the Director's  
13 decision; and

14 (5) a summary of the appeal process or the earliest the  
15 applicant may reapply for a license, whichever is  
16 applicable.

17 (d) No later than May 1 of each year, the Director shall  
18 prepare, publicly announce, and publish a report of summary  
19 statistical information relating to new and renewal public  
20 adjuster license applications during the preceding calendar  
21 year. Each report shall show at minimum:

22 (1) the number of applicants for new or renewal license  
23 under this Act within the previous calendar year;

24 (2) the number of applicants for new or renewal license  
25 under this Act within the previous calendar year who had  
26 any criminal conviction;

1           (3) the number of applicants for new or renewal license  
2           under this Act in the previous calendar year who were  
3           granted a license;

4           (4) the number of applicants for new or renewal license  
5           with a criminal conviction who were granted a license under  
6           this Act within the previous calendar year;

7           (5) the number of applicants for new or renewal license  
8           under this Act within the previous calendar year who were  
9           denied a license;

10           (6) the number of applicants with a criminal conviction  
11           who were denied a new or renewal license under this Act in  
12           the previous calendar year in whole or in part because of a  
13           prior conviction;

14           (7) the number of licenses without monitoring  
15           requirements issued under this Act in the previous calendar  
16           year to applicants with convictions; and

17           (8) the number of licenses with monitoring issued under  
18           this Act in the previous calendar year to applicants with  
19           criminal conviction.

20           (215 ILCS 5/1555)

21           Sec. 1555. License denial, nonrenewal, or revocation.

22           (a) The Director may place on probation, suspend, revoke,  
23           deny, or refuse to issue or renew a public adjuster's license  
24           or may levy a civil penalty or issue a license with monitoring  
25           requirements or any combination of actions, for any one or more

1 of the following causes:

2 (1) providing incorrect, misleading, incomplete, or  
3 materially untrue information in the license application;

4 (2) violating any insurance laws, or violating any  
5 regulation, subpoena, or order of the Director or of  
6 another state's Director;

7 (3) obtaining or attempting to obtain a license through  
8 misrepresentation or fraud;

9 (4) improperly withholding, misappropriating, or  
10 converting any monies or properties received in the course  
11 of doing insurance business;

12 (5) intentionally misrepresenting the terms of an  
13 actual or proposed insurance contract or application for  
14 insurance;

15 (6) for licensees, having been convicted of a felony or  
16 misdemeanor involving dishonesty or fraud, unless the  
17 individual demonstrates to the Director sufficient  
18 rehabilitation to warrant the public trust;

19 (7) having admitted or been found to have committed any  
20 insurance unfair trade practice or insurance fraud;

21 (8) using fraudulent, coercive, or dishonest  
22 practices; or demonstrating incompetence,  
23 untrustworthiness, or financial irresponsibility in the  
24 conduct of business in this State or elsewhere;

25 (9) having an insurance license or public adjuster  
26 license or its equivalent, denied, suspended, or revoked in

1 any other state, province, district, or territory;

2 (10) forging another's name to an application for  
3 insurance or to any document related to an insurance  
4 transaction;

5 (11) cheating, including improperly using notes or any  
6 other reference material, to complete an examination for an  
7 insurance license or public adjuster license;

8 (12) knowingly accepting insurance business from or  
9 transacting business with an individual who is not licensed  
10 but who is required to be licensed by the Director;

11 (13) failing to comply with an administrative or court  
12 order imposing a child support obligation;

13 (14) failing to pay State income tax or comply with any  
14 administrative or court order directing payment of State  
15 income tax;

16 (15) failing to comply with or having violated any of  
17 the standards set forth in Section 1590 of this Law; or

18 (16) failing to maintain the records required by  
19 Section 1585 of this Law.

20 (b) If the action by the Director is to nonrenew, suspend,  
21 or revoke a license or to deny an application for a license,  
22 the Director shall notify the applicant or licensee and advise,  
23 in writing, the applicant or licensee of the reason for the  
24 suspension, revocation, denial, or nonrenewal of the  
25 applicant's or licensee's license. The applicant or licensee  
26 may make written demand upon the Director within 30 days after

1 the date of mailing for a hearing before the Director to  
2 determine the reasonableness of the Director's action. The  
3 hearing must be held within not fewer than 20 days nor more  
4 than 30 days after the mailing of the notice of hearing and  
5 shall be held pursuant to 50 Ill. Adm. Code 2402.

6 (c) The license of a business entity may be suspended,  
7 revoked, or refused if the Director finds, after hearing, that  
8 an individual licensee's violation was known or should have  
9 been known by one or more of the partners, officers, or  
10 managers acting on behalf of the business entity and the  
11 violation was neither reported to the Director, nor corrective  
12 action taken.

13 (d) In addition to or in lieu of any applicable denial,  
14 suspension or revocation of a license, a person may, after  
15 hearing, be subject to a civil penalty. In addition to or  
16 instead of any applicable denial, suspension, or revocation of  
17 a license, a person may, after hearing, be subject to a civil  
18 penalty of up to \$10,000 for each cause for denial, suspension,  
19 or revocation, however, the civil penalty may total no more  
20 than \$100,000.

21 (e) The Director shall retain the authority to enforce the  
22 provisions of and impose any penalty or remedy authorized by  
23 this Article against any person who is under investigation for  
24 or charged with a violation of this Article even if the  
25 person's license or registration has been surrendered or has  
26 lapsed by operation of law.

1           (f) Any individual whose public adjuster's license is  
2   revoked or whose application is denied pursuant to this Section  
3   shall be ineligible to apply for a public adjuster's license  
4   for 5 years. A suspension pursuant to this Section may be for  
5   any period of time up to 5 years.

6   (Source: P.A. 96-1332, eff. 1-1-11.)

7           Section 99. Effective date. This Act takes effect January  
8   1, 2018.



1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 2630/12

4 20 ILCS 2630/13

5 215 ILCS 5/500-30

6 215 ILCS 5/500-70

7 215 ILCS 5/500-76 new

8 215 ILCS 5/1525

9 215 ILCS 5/1550 new

10 215 ILCS 5/1555