



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4725

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

100 SB1657eng, Sec. 35
100 SB1657eng, Sec. 70
100SB1657eng, Sec. 150

Provides that if and only if Senate Bill 1657 of the 100th General Assembly becomes law in the form in which it passed the Senate on April 27, 2017, then the Gun Dealer Licensing Act is amended by providing that the requirement that a licensee who operates the business at a permanent physical location that is open to the public, that location shall be equipped with a video surveillance system sufficient to monitor the critical areas of the business premises, including, but not limited to, all places where firearms are stored, handled, sold, transferred, or carried does not take effect until January 1, 2021, provides that a video surveillance system of the licensee's business premises may not be installed in a bathroom and may not monitor the bathrooms located in the business premises, provides the expiration date and renewal period for each license shall be 5 years, and provides that an application fee or renewal fee for a dealership license or a dealer license shall not exceed \$1,000 for the 5-year period. Effective upon Senate Bill 1657 of the 100th General Assembly becoming law.

LRB100 18812 RLC 34052 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. If and only if Senate Bill 1657 of the 100th
5 General Assembly becomes law in the form in which it passed the
6 Senate on April 27, 2017, then the Gun Dealer Licensing Act is
7 amended by changing Sections 35, 70, and 150 as follows:

8 (100 SB1657eng, Sec. 35)

9 Sec. 35. Issuance of license; renewal; fees.

10 (a) The Department shall, upon the applicant's
11 satisfactory completion of the requirements under this Act and
12 receipt of the fee, issue the license indicating the name and
13 business location of the licensee and the date of expiration.
14 On or before December 31, 2019, the Department shall issue
15 dealer and dealership licenses to all qualified applicants
16 whose business existed in that location on the effective date
17 of this Act, and who submitted the application to the
18 Department on or after January 1, 2019 but before October 1,
19 2019. If an applicant submits an application for a license
20 before October 1, 2019 and the Department does not issue or
21 deny the license on or before December 31, 2019, or the
22 Department does not issue or deny a license within 90 days to
23 an applicant who submits an application for a license or

1 renewal of a license on October 1, 2019 or thereafter, the
2 applicant or licensee shall not be in violation of this Act on
3 the basis of continuing to operate the business.

4 (b) The expiration date and ~~7~~ renewal period for each
5 license shall be 5 years. The ~~7~~ ~~and~~ conditions for renewal and
6 restoration of each license shall be set by rule. The holder
7 may renew the license during the 90 days preceding its
8 expiration by paying the required fee and by meeting conditions
9 that the Department may specify. As a condition of renewal of a
10 dealer's license, the Department shall receive from the
11 applicant a copy of his or her valid and unexpired concealed
12 carry license, or shall verify the validity of the applicant's
13 Firearm Owner's Identification Card through the Department of
14 State Police in a manner prescribed by rule by the Department
15 of State Police. A dealership or dealer operating on an expired
16 license is considered to be practicing without a license.

17 (c) A dealership that has permitted a license to expire may
18 have it restored by submitting an application to the
19 Department, successfully completing an inspection by the
20 Department, and by paying the required restoration fee and all
21 lapsed renewal fees.

22 (d) A dealer that has permitted a license to expire may
23 have it restored by submitting an application to the
24 Department, paying the required restoration fee and all lapsed
25 renewal fees and by providing evidence of competence to resume
26 practice satisfactory to the Department and the Board, which

1 shall include a copy of the license holder's valid and
2 unexpired concealed carry license, or verification of the
3 continued validity of the license holder's Firearm Owner's
4 Identification Card through the Department of State Police in a
5 manner prescribed by rule by the Department of State Police,
6 and may include passing a written examination.

7 (e) Any dealer whose license has expired while he or she
8 has been engaged (1) in the federal service in active duty with
9 the Army of the United States, the United States Navy, the
10 Marine Corps, the Air Force, the Coast Guard, or the State
11 Militia called into the service or training of the United
12 States of America, or (2) in training or education under the
13 supervision of the United States preliminary to induction into
14 the military service, may have his or her license restored
15 without paying any lapsed renewal fees or restoration fee, if
16 within 2 years after termination of that service, training or
17 education, other than by dishonorable discharge, he or she
18 furnishes the Department with an affidavit to the effect that
19 he or she has been so engaged and that his or her service,
20 training or education has been so terminated.

21 (f) A license shall not be denied any applicant because of
22 the race, religion, creed, national origin, political beliefs
23 or activities, age, sex, sexual orientation, or physical
24 disability that does not affect a person's ability to practice
25 with reasonable judgment, skill, or safety.

26 (Source: 100SB1657eng.)

1 (100 SB1657eng, Sec. 70)

2 Sec. 70. Requirements; prohibitions.

3 (a) The Department of Financial and Professional
4 Regulation shall implement the provisions of this Section by
5 rule.

6 (b) A licensee shall maintain operating documents which
7 shall include procedures for the oversight of the licensee and
8 procedures to ensure accurate recordkeeping.

9 (c) By the date of application, a licensee shall implement
10 appropriate security measures, as provided by rule, to deter
11 and prevent the theft of firearms and unauthorized entrance
12 into areas containing firearms. The rules may provide for:

13 (1) the manner of securing firearms when the location
14 is both open and closed for business;

15 (2) alarm systems for licensees; and

16 (3) other reasonable requirements to deter illegal
17 sales and reduce the risk of burglaries and other crimes or
18 accidents at licensees' business establishments.

19 (d) Beginning January 1, 2021, if ~~if~~ a licensee operates
20 the business at a permanent physical location that is open to
21 the public, that location shall be equipped with a video
22 surveillance system sufficient to monitor the critical areas of
23 the business premises, including, but not limited to, all
24 places where firearms are stored, handled, sold, transferred,
25 or carried. A video surveillance system of the licensee's

1 business premises may not be installed in a bathroom and may
2 not monitor the bathrooms located in the business premises. The
3 video surveillance system shall operate without interruption
4 whenever the licensee is open for business. Whenever the
5 licensee is not open for business, the system shall be
6 triggered by a motion detector and begin recording immediately
7 upon detection of any motion within the monitored area. The
8 stored images shall be maintained on the business premises of
9 the licensee for a period of not less than 90 days from the
10 date of recording and shall only be available for inspection on
11 the premises by the licensee, the licensee's dealership agents,
12 the Department, or federal, State, and local law enforcement
13 upon request, and neither the stored images, copies, records,
14 or reproductions of the stored images shall leave the custody
15 of the licensee except under a court order, subpoena, or search
16 warrant. The licensee shall post a sign in a conspicuous place
17 at each entrance to the premises that states in block letters
18 not less than one inch in height:

19 "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE
20 MAY BE RECORDED."

21 (e) The area where the licensee stores firearms that are
22 inventory of the licensee shall only be accessed by dealership
23 agents, Department of Financial and Professional Regulation
24 staff performing inspections, law enforcement or other
25 emergency personnel, and contractors working on jobs unrelated
26 to firearms, such as installing or maintaining security devices

1 or performing electrical wiring.

2 (f) A licensee shall operate its business and conduct all
3 sales and transfers of firearms in compliance with all federal
4 and State laws, and maintain all records as required by federal
5 and State laws.

6 (g) A licensee shall make a photo copy of a buyer's or
7 transferee's valid photo I.D. card whenever a sale transaction
8 takes place. The photo copy shall be attached to the
9 documentation detailing the record of sale.

10 (h) A licensee shall post in a conspicuous position on the
11 premises where the licensee conducts business a sign that
12 contains the following warning in block letters not less than
13 one inch in height:

14 "With few exceptions, it is unlawful for you to:

15 (1) store or leave an unsecured firearm in a place
16 where a child can obtain access to it,

17 (2) sell or transfer your firearm to someone else
18 without receiving approval for the transfer from the
19 Department of State Police, or

20 (3) fail to report the loss or theft of your
21 firearm to local law enforcement within 72 hours."

22 A licensee shall post any additional warnings or provide
23 any other information regarding firearms laws and the safe
24 storage of firearms to consumers as required by the Department
25 by rule.

26 (i) Before issuance, renewal, or restoration of a

1 dealership license, the Department shall inspect the premises
2 of the proposed business to ensure compliance with this Act.
3 Licensees shall have their places of business open for
4 inspection by the Department and law enforcement during all
5 hours of operation, provided that the Department may conduct no
6 more than one unannounced inspection per dealer or dealership
7 per year without good cause. Licensees shall make all records,
8 documents, and firearms accessible for inspection upon the
9 request of law enforcement and the Department.

10 (j) The premises where the licensee conducts business shall
11 not be located in any district or area that is within 500 feet
12 of any school, pre-school, or day-care facility. This
13 subsection (j) does not apply to a licensee whose business
14 existed in that location on the effective date of this Act, and
15 does not limit the authority of a local government to impose
16 and enforce additional limits on the location of a business
17 regulated under this Act.

18 (Source: 100SB1657eng.)

19 (100SB1657eng, Sec. 150)

20 Sec. 150. Fees; deposit of fees and fines. The Department
21 shall by rule provide for fees for the administration and
22 enforcement of this Act, and those fees are nonrefundable. An
23 application fee or renewal fee for a dealership license or a
24 dealer license shall not exceed \$1,000 for the 5-year period.
25 All of the fees, penalties, and fines collected under this Act

1 shall be deposited into the General Professions Dedicated Fund
2 and shall be appropriated to the Department for the ordinary
3 and contingent expenses of the Department in the administration
4 and enforcement of this Act.

5 (Source: 100SB1657eng.)

6 Section 99. Effective date. This Act takes effect upon
7 Senate Bill 1657 of the 100th General Assembly becoming law.