



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 337

2 AMENDMENT NO. _____. Amend Senate Bill 337, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the Gun
6 Dealer Licensing Act.

7 Section 5. Definitions. As used in this Act:

8 "Address of record" means the designated address recorded
9 by the Department in the applicant's, dealer's or dealership
10 agent's application file or license file as maintained by the
11 Department's licensure maintenance unit. It is the duty of the
12 applicant or dealer to inform the Department of any change of
13 address, and those changes must be made either through the
14 Department's website or by contacting the Department's
15 licensure maintenance unit.

16 "Applicant" means any person who applies for a dealership

1 license or dealer license, or the renewal of the dealership
2 license or dealer license under this Act.

3 "Board" means the Gun Dealer Licensing Board.

4 "Collector" means as defined by 18 U.S.C. 921(a)(13) any
5 person who acquires, holds, or disposes of firearms as curios
6 or relics, as the United States Attorney General shall by
7 regulation define. "Collector" includes the following type of
8 Federal Firearms License: Type 03-collector of curios and
9 relics.

10 "Confidential or security information" means information
11 which identifies the purchasers or other transferees of
12 firearms from a dealer or dealership.

13 "Dealer" means any person engaged in the business of
14 selling, leasing, or otherwise transferring firearms or any
15 person within the meanings provided by 18 U.S.C. 921(a)(11) and
16 27 CFR 478.11 to include any person engaged in the business of
17 selling firearms at wholesale or retail, or repairing firearms
18 or making or fitting special barrels, stocks, or trigger
19 mechanisms to firearms. "Dealer" includes the following
20 Federal Firearms Licenses: Type 01-dealer in firearms other
21 than destructive devices; Type 02-pawnbroker in firearms other
22 than destructive devices; Type 09-dealer of destructive
23 devices.

24 "Dealership" means a person, firm, corporation, or other
25 legal entity that engages in the business of selling, leasing,
26 or otherwise transferring firearms and employs, in addition to

1 the gun dealer licensee-in-charge, at least one other
2 dealership agent.

3 "Dealership agent" means an owner, officer, paid or unpaid
4 agent, volunteer or employee of a licensed dealership who has
5 access to or control of firearms in the inventory of the
6 dealership or confidential or security information of the
7 dealership.

8 "Dealership licensee-in-charge" or "licensee-in-charge"
9 means a dealer who has been designated by a dealership to be
10 the licensee-in-charge of the dealership, who is a full-time
11 management employee or owner who assumes sole responsibility
12 for maintaining all records required by this Act, and who
13 assumes sole responsibility for assuring the dealership's
14 compliance with its responsibilities as stated in this Act. The
15 Department shall adopt rules mandating licensee-in-charge
16 participation in dealership affairs.

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Engaged in the business" means a person who, as provided
20 in 18 U.S.C. 921(a)(21) and 27 CFR 478.11(a), devotes time,
21 attention, and labor to engaging in such activity as a regular
22 course of trade or business with the principal objective of
23 livelihood and profit, or who:

24 (1) conducts a business selling, leasing, or
25 transferring firearms;

26 (2) holds himself or herself out as engaged in the

1 business of selling, leasing, or otherwise transferring
2 firearms; or

3 (3) sells, leases, or transfers firearms in quantity,
4 in series, or in any other manner indicative of trade.

5 "Firearm" has the same meaning as "firearm" in Section 1.1
6 of the Firearm Owners Identification Card Act.

7 "Gunsmith" means, as defined in 27 CFR 478.11(d), any
8 person who receives firearms (frames, receivers, or otherwise)
9 provided by a customer for the purpose of repairing, modifying,
10 embellishing, refurbishing, or installing parts in or on those
11 firearms. A gunsmith is not "engaged in the business" of
12 manufacturing firearms because the firearms being produced are
13 not owned by the gunsmith and he does not sell or distribute
14 the firearms manufactured.

15 "Importer" means, as defined by 18 U.S.C. 921 (a) (9) and 18
16 U.S.C. 921 (a) (21) (E), a person who devotes time, attention,
17 and labor to importing firearms as a regular course of trade or
18 business with the principal objective of livelihood and profit
19 through the sale or distribution of the firearms imported.

20 "Importer" shall include the following types of Federal
21 Firearms Licenses: Type 08-importer of firearms other than
22 destructive devices or ammunition for firearms other than
23 destructive devices, or ammunition other than armor piercing
24 ammunition; Type 11-importer of destructive devices,
25 ammunition for destructive devices, or armor piercing
26 ammunition.

1 "Licensee" means a dealer or a dealership licensed under
2 this Act. Anyone who holds himself or herself out as a licensee
3 or who is accused of unlicensed business is considered a
4 licensee for purposes of enforcement, investigation, hearings,
5 and the Illinois Administrative Procedure Act.

6 "Licensed collector" means any person licensed as a
7 collector under 18 U.S.C. 923.

8 "Manufacturer" means, as defined by 18 U.S.C. 921 (a) (10)
9 and 27 CFR 478.11, any person engaged in the business of
10 manufacturing firearms or ammunition for purposes of sale or
11 distribution. "Manufacturer" includes the following types of
12 Federal Firearms Licenses: Type 06-manufacturer of ammunition
13 for firearms other than ammunition for destructive devices or
14 armor piercing ammunition; Type 07-manufacturer of firearms
15 other than destructive devices; Type 10-manufacturer of
16 destructive devices, ammunition for destructive devices, or
17 armor piercing ammunition.

18 "Person" means a natural person.

19 "Secretary" means the Secretary of Financial and
20 Professional Regulation.

21 Section 10. License requirement.

22 (a) It is unlawful for a person to engage in the business
23 of selling, leasing, or otherwise transferring firearms
24 without a license under this Act. A dealership agent other than
25 a dealer licensee-in-charge may act on behalf of the licensed

1 dealership under Section 75 without being licensed as a dealer
2 under this Act.

3 (b) It is unlawful for a person, firm, corporation, group
4 of individuals, or other legal entity to act as a dealership
5 licensed under this Act, to advertise, or to assume to act as a
6 licensed dealership or to use a title implying that the person,
7 firm, or other entity is engaged in business as a dealership
8 without a license under this Act. An individual or sole
9 proprietor licensed as a dealer who operates without any
10 dealership agents may act as a dealership without having to
11 obtain a dealership license, provided the dealer notifies the
12 Department that he or she is operating in this manner and
13 provides the information required under Section 65, as
14 determined to be applicable to the dealer by the Department.
15 The dealer may operate under a "doing business as" or assumed
16 name certification so long as the assumed name is first
17 registered with the Department.

18 (b-5) A person licensed as an auctioneer under the Auction
19 License Act may facilitate a transfer permitted under this Act
20 without being registered as a dealer under this Act.

21 (c) No dealership shall operate a branch office without
22 first applying for and receiving a branch office license for
23 each location. The term "branch office" does not include a
24 location at which the dealership conducts business
25 temporarily, such as at a gun show.

26 (d) It is unlawful to obtain or attempt to obtain any

1 license or authorization issued under this Act by fraudulent
2 misrepresentation.

3 (e) A person who violates any provision of this Section is
4 guilty of a Class A misdemeanor for a first violation, and a
5 Class 4 felony for a second or subsequent violation.

6 (f) In addition to any other penalty provided by law, any
7 person or entity who violates any provision of this Section
8 shall pay a civil penalty to the Department in an amount not to
9 exceed \$10,000 for each offense as determined by the
10 Department. The civil penalty shall be assessed by the
11 Department after a hearing is held in accordance with the
12 provisions set forth in this Act regarding the provision of a
13 hearing for the discipline of a licensee.

14 (g) The Department has the authority and power to
15 investigate any and all unlicensed activity.

16 (h) The civil penalty shall be paid within 60 days after
17 the effective date of the order imposing the civil penalty. The
18 order shall constitute a judgment and may be filed and
19 execution had thereon in the same manner as any judgment from
20 any court of record.

21 Section 15. Exemptions. The provisions of this Act related
22 to the licensure of dealers and dealerships do not apply to a
23 person or other entity that engages in the following
24 activities:

25 (1) transfers of less than 10 firearms within each calendar

1 year;

2 (2) temporary transfers of firearms solely for use at the
3 location or on the premises where the transfer takes place,
4 such as transfers at a shooting range for use at that location;

5 (3) temporary transfers of firearms solely for use while in
6 the presence of the transferor, such as transfers for the
7 purposes of firearm safety training by a training instructor;

8 (4) transfers of firearms among immediate family or
9 household members, as "immediate family or household member" is
10 defined in Section 3-2.7-10 of the Unified Code of Corrections;

11 (5) transfers by persons or entities acting under operation
12 of law or a court order;

13 (6) transfers by persons or entities liquidating all or
14 part of a collection. For purposes of this paragraph (6),
15 "collection" means 2 or more firearms which are of special
16 interest to collectors by reason of some quality other than is
17 associated with firearms intended for sporting use or as
18 offensive or defensive weapons;

19 (7) transfers of firearms that have been rendered
20 permanently inoperable to a nonprofit historical society,
21 museum, or institutional collection;

22 (8) transfers by a law enforcement or corrections agency or
23 a law enforcement or corrections officer acting within the
24 course and scope of his or her official duties;

25 (9) transfers by a person who has his or her Firearm
26 Owner's Identification Card revoked to a State or local law

1 enforcement agency;

2 (10) transfers of curios and relics, as defined under
3 federal law, between collectors licensed under subsection (b)
4 of Section 923 of the federal Gun Control Act of 1968;

5 (11) transfers by a manufacturer or importer; provided,
6 that a dealer holding a Federal Firearms License Type 01-dealer
7 in firearms other than destructive devices; Type 02-pawnbroker
8 in firearms other than destructive devices; or Type 09-dealer
9 of destructive devices on April 1, 2017, is not exempt from
10 this Act by obtaining a Manufacturer Federal Firearms License
11 or Importer Federal Firearms License;

12 (12) transfers of pieces or parts of a firearm that do not
13 themselves qualify as firearms under paragraph (3) of
14 subsection (a) of Section 921 of the federal Gun Control Act of
15 1968 by a person who is actually engaged in manufacturing and
16 selling those pieces or parts but only on the activities which
17 are within the lawful scope of that business, and the
18 manufacture of which do not require the manufacturer to hold a
19 Federal Firearms License; or

20 (13) transfers of firearms by a dealer in which 20% or less
21 of the dealer's annual sales are from the sale of firearms.

22 Section 20. Powers and duties of the Department. Subject to
23 the provisions of this Act, the Department shall exercise the
24 following powers and duties:

25 (1) Prescribe forms to be issued for the administration

1 and enforcement of this Act.

2 (2) Prescribe and publish rules for issuance of dealer
3 licenses and dealership licenses authorizing qualified
4 applicants to engage in the business of selling, leasing,
5 or otherwise transferring firearms.

6 (3) Review application to ascertain the qualifications
7 of applicants for licenses.

8 (4) Examine the records of licensees or investigate any
9 other aspect of the business of selling, leasing, or
10 otherwise transferring firearms.

11 (5) Conduct hearings on proceedings to refuse to issue
12 or renew licenses or to revoke, suspend, place on
13 probation, reprimand, or take any other disciplinary or
14 non-disciplinary action against licenses issued under this
15 Act.

16 (6) Formulate rules required for the administration of
17 this Act. Notice of proposed rulemaking shall be
18 transmitted to the Board, and the Department shall review
19 the Board's response and any recommendations made in the
20 response.

21 (7) Solicit the advice and expert knowledge of the
22 Board on any matter relating to the administration and
23 enforcement of this Act.

24 (8) Maintain rosters of the names and addresses of all
25 licensees and all persons whose licenses have been
26 suspended, revoked, denied renewal, or otherwise

1 disciplined within the previous calendar year. These
2 rosters shall be available upon written request and payment
3 of the required fee as established by rule.

4 (9) Exercise the powers and duties prescribed by the
5 Civil Administrative Code of Illinois for the
6 administration of licensing Acts.

7 (10) Contract with the Department of State Police, as
8 necessary, to perform inspections of licensees, as
9 provided under this Act.

10 (11) Authorize examinations to ascertain the
11 qualifications and fitness of applicants for licensing as a
12 dealer and pass upon the qualifications of applicants for
13 licensure.

14 Section 25. The Gun Dealer Licensing Board.

15 (a) The Gun Dealer Licensing Board shall consist of 5
16 members to be appointed by the Secretary. Each member shall
17 have a reasonable knowledge of the federal and State laws
18 regarding firearms. Each member shall either be a resident of
19 this State or shall certify that he or she will become a
20 resident of this State before taking office. The Board shall
21 consist of:

22 (1) one member with at least 5 years of service as a
23 county sheriff or chief of police of a municipal police
24 department within this State;

25 (2) one representative of the Department of State

1 Police with at least 5 years investigative experience or
2 duties related to criminal justice;

3 (3) one member with at least 5 years of experience as a
4 federally licensed firearms dealer in good standing within
5 this State;

6 (4) one member who is a representative of an advocacy
7 group for public safety; and

8 (5) one member shall be a lawyer licensed to practice
9 law in this State. The membership shall reasonably reflect
10 the different geographic areas in this State.

11 (b) Members shall serve 4 year terms and may serve until
12 their successors are appointed and qualified. Partial terms of
13 over 2 years in length shall be considered full terms. No
14 member shall serve for more than 2 successive terms. Whenever a
15 vacancy in the Board occurs, the remaining members of the Board
16 shall notify the Secretary of that vacancy within 5 days after
17 its occurrence and the Secretary shall fill the vacancy within
18 45 days. Appointments to fill vacancies shall be made in the
19 same manner as the original appointments for the unexpired
20 portion of the vacated term.

21 (c) The Secretary may recommend the removal of any member
22 of the Board for cause at any time before the expiration of his
23 or her term. A majority vote of the members is required for a
24 decision to remove any member of the Board. A member subject to
25 formal disciplinary proceedings shall disqualify himself or
26 herself from all Board business until the charge is resolved. A

1 member also shall disqualify himself or herself from any matter
2 on which the member cannot act objectively.

3 (d) The Board shall annually elect one of its members as
4 chairperson and one of its members as vice-chair.

5 (e) Members shall receive compensation as set by law. Each
6 member shall receive reimbursement as set by the Governor's
7 Travel Control Board for expenses incurred in carrying out the
8 duties as a Board member.

9 (f) A majority of Board members constitutes a quorum. A
10 majority vote of the members is required for a decision. A
11 vacancy in the membership of the Board shall not impair the
12 right of a quorum to exercise all of the rights and perform all
13 of the duties of the Board.

14 (g) The Board may recommend policies, procedures, and rules
15 relevant to the administration and enforcement of this Act.

16 Section 30. Application for license; forms.

17 (a) Each license application shall be on forms provided by
18 the Department.

19 (b) Every application for an original dealer license shall
20 include the applicant's social security number, which shall be
21 retained in the dealership's records pertaining to the license.
22 As soon as practical, the Department shall assign a customer's
23 identification number to each applicant for a license.

24 Every application for a renewal or restored license shall
25 require the applicant's customer identification number.

1 (c) Beginning January 1, 2019, the Department shall accept
2 applications for dealership licenses and dealer licenses.

3 Section 35. Issuance of license; renewal; fees.

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

21 (b) The expiration date and renewal period for each license
22 shall be 5 years. The conditions for renewal and restoration of
23 each license shall be set by rule. The holder may renew the
24 license during the 90 days preceding its expiration by paying
25 the required fee and by meeting conditions that the Department

1 may specify. As a condition of renewal of a dealer's license,
2 the Department shall receive from the applicant a copy of his
3 or her valid and unexpired concealed carry license, or shall
4 verify the validity of the applicant's Firearm Owner's
5 Identification Card through the Department of State Police in a
6 manner prescribed by rule by the Department of State Police. A
7 dealership or dealer operating on an expired license is
8 considered to be practicing without a license.

9 (c) A dealership that has permitted a license to expire may
10 have it restored by submitting an application to the
11 Department, successfully completing an inspection by the
12 Department, and by paying the required restoration fee and all
13 lapsed renewal fees.

14 (d) A dealer that has permitted a license to expire may
15 have it restored by submitting an application to the
16 Department, paying the required restoration fee and all lapsed
17 renewal fees and by providing evidence of competence to resume
18 practice satisfactory to the Department and the Board, which
19 shall include a copy of the license holder's valid and
20 unexpired concealed carry license, or verification of the
21 continued validity of the license holder's Firearm Owner's
22 Identification Card through the Department of State Police in a
23 manner prescribed by rule by the Department of State Police,
24 and may include passing a written examination.

25 (e) Any dealer whose license has expired while he or she
26 has been engaged (1) in the federal service in active duty with

1 the Army of the United States, the United States Navy, the
2 Marine Corps, the Air Force, the Coast Guard, or the State
3 Militia called into the service or training of the United
4 States of America, or (2) in training or education under the
5 supervision of the United States preliminary to induction into
6 the military service, may have his or her license restored
7 without paying any lapsed renewal fees or restoration fee, if
8 within 2 years after termination of that service, training or
9 education, other than by dishonorable discharge, he or she
10 furnishes the Department with an affidavit to the effect that
11 he or she has been so engaged and that his or her service,
12 training or education has been so terminated.

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

18 Section 40. Continuing education. The Department may adopt
19 rules of continuing education for persons licensed under this
20 Act. The Department shall consider the recommendations of the
21 Board in establishing guidelines for the continuing education
22 requirements.

23 Section 45. Examination of applicants; fee forfeiture.

24 (a) Applicants for licensure as a dealer shall be examined

1 as provided by this Section if they are qualified to be
2 examined under this Act. All applicants taking the examination
3 shall be evaluated using the same standards as others who are
4 examined for the respective license.

5 (b) Examinations for licensure shall be held at the time
6 and place as the Department may determine, but shall be held at
7 least twice a year.

8 (c) Examinations shall test the amount of knowledge and
9 skill needed to perform the duties set under this Act and
10 comply with other provisions of federal and State law
11 applicable to the sale and transfer of firearms. The Department
12 may contract with a testing service for the preparation and
13 conduct of the examination.

14 (d) If an applicant neglects, fails, or refuses to take an
15 examination within one year after filing an application, the
16 fee shall be forfeited. However, an applicant may, after a
17 1-year period, make a new application for examination
18 accompanied by the required fee. If an applicant fails to pass
19 the examination within 3 years after filing an application, the
20 application shall be denied. An applicant may make a new
21 application after the 3-year period.

22 (e) This Section does not apply to an applicant who was
23 properly licensed as a firearms dealer under Section 923 of the
24 federal Gun Control Act of 1968 (18 U.S.C. 923) on the
25 effective date of this Act, in operation in this State.

1 Section 50. Qualifications for licensure as a dealer.

2 (a) A person is qualified for licensure as a dealer if he
3 or she meets all of the following requirements:

4 (1) is at least 21 years of age;

5 (2) has a currently valid and unexpired concealed carry
6 license or Firearm Owner's Identification Card. The
7 Department shall verify the validity of the applicant's
8 Firearm Owner's Identification Card through the Department
9 of State Police in a manner prescribed by rule by the
10 Department of State Police. The Department of State Police
11 shall provide the Department with an approval number if the
12 Firearm Owner's Identification Card is currently valid;

13 (3) has not had a license or permit to sell, lease,
14 transfer, purchase, or possess firearms from the federal
15 government or the government of any state or subdivision of
16 any state revoked or suspended for good cause within the
17 preceding 3 years, or been terminated from employment with
18 a licensee or former licensee for good cause within the
19 preceding 3 years;

20 (4) has a minimum of one year of experience, with a
21 minimum of 100 hours per year, during the 5 years
22 immediately preceding the application: (i) as a dealership
23 agent under this Act; or (ii) as a federal firearms dealer
24 licensed under Section 923 of the federal Gun Control Act
25 of 1968 (18 U.S.C. 923) or an employee of the business who
26 had access to firearms;

1 (5) has paid the fees required by this Act; and

2 (6) has passed an examination authorized by the
3 Department.

4 (b) The Department may request a personal interview of an
5 applicant before the Board to further evaluate his or her
6 qualifications for a license.

7 Section 55. Qualifications for licensure as a dealership.

8 (a) Upon receipt of the required fee and the information
9 listed in subsection (b) of this Section, the Department shall
10 issue a license as a dealership to any of the following:

11 (1) An individual who submits an application and is a
12 licensed dealer under this Act.

13 (2) A firm that submits an application and all of the
14 members of the firm are licensed dealers under this Act.

15 (3) A corporation or limited liability company doing
16 business in this State that is authorized by its articles
17 of incorporation or organization to engage in the business
18 of conducting a dealership if at least one executive
19 employee is licensed as a dealer under this Act.

20 (b) The Department shall require all of the following
21 information from each applicant for licensure as a dealership
22 under this Act:

23 (1) The name, full business address, and telephone
24 number of the dealership. The business address for the
25 dealership shall be the complete street address where

1 firearms in the inventory of the dealership are regularly
2 stored, shall be located within the State, and may not be a
3 Post Office Box. The applicant shall submit proof that the
4 business location is or will be used to conduct the
5 dealership's business.

6 (2) All trade or business names used by the licensee.

7 (3) The type of ownership or operation, such as a
8 partnership, corporation, or sole proprietorship.

9 (4) The name of the owner or operator of the
10 dealership, including:

11 (A) if a person, then the name and address of
12 record of the person;

13 (B) if a partnership, then the name and address of
14 record of each partner and the name of the partnership;

15 (C) if a corporation, then the name, address of
16 record, and title of each corporate officer and
17 director, the corporate names, and the name of the
18 state of incorporation; and

19 (D) if a sole proprietorship, then the full name
20 and address of record of the sole proprietor and the
21 name of the business entity.

22 (5) The name and license number of the
23 licensee-in-charge for the dealership.

24 (6) Proof that the applicant has applied for or
25 received a certificate of registration under the
26 Retailers' Occupation Tax Act.

1 (7) From the sheriff of the county in which the
2 business address is located written confirmation stating
3 that, to the best of the sheriff's knowledge, the applicant
4 is in compliance with applicable federal, State, and local
5 laws. A sheriff that refuses to provide this confirmation
6 within 30 days after the date of the application shall
7 instead submit an objection in writing to the Department
8 and the license applicant based upon a reasonable suspicion
9 that the applicant is not in compliance with applicable
10 federal, State, and local laws. If no written confirmation
11 or objection is made under this paragraph (7) within 30
12 days after the date of the application, the Department
13 shall proceed as if the sheriff had provided confirmation.
14 A municipality or county may impose additional
15 requirements for the operation of gun dealers and
16 dealerships beyond the requirements of this Act and
17 consistent with the United States Constitution and the
18 Constitution of the State of Illinois, including local
19 license requirements. It shall be the duty of local
20 authorities to investigate and enforce any failure of a
21 dealer or dealership to meet these requirements and to
22 notify the Department of these investigations and
23 enforcement actions. This paragraph (7) supersedes Section
24 13.1 of the Firearm Owners Identification Card Act and
25 Section 90 of the Firearm Concealed Carry Act as applied to
26 the local regulation of dealers and dealerships.

1 (8) Proof that the dealership is properly licensed as a
2 firearms dealer under federal law.

3 (9) A final inspection report demonstrating that the
4 Department has determined upon inspection that the
5 proposed business premises comply with Section 70 of this
6 Act.

7 (c) No dealer may be the licensee-in-charge for more than
8 one dealership. Upon written request by a representative of a
9 dealership, within 10 days after the loss of a
10 licensee-in-charge of a dealership because of the death of that
11 individual or because of the termination of the employment of
12 that individual, the Department shall issue a temporary
13 certificate of authority allowing the continuing operation of
14 the licensed dealership. No temporary certificate of authority
15 shall be valid for more than 90 days. An extension of an
16 additional 90 days may be granted upon written request by the
17 representative of the dealership. Not more than 2 extensions
18 may be granted to any dealership. No temporary permit shall be
19 issued for loss of the licensee-in-charge because of
20 disciplinary action by the Department related to his or her
21 conduct on behalf of the dealership.

22 (d) The Department may request a personal interview of a
23 gun dealership licensee-in-charge to evaluate the dealership's
24 qualifications for a license.

25 Section 60. Training of dealership agents. The Department

1 shall adopt rules requiring dealership agents to undergo
2 training regarding legal requirements and responsible business
3 practices as applicable to the sale or transfer of firearms.
4 Before a dealership agent has unsupervised access to or control
5 over firearms in the dealership's inventory or confidential or
6 security information, the dealership shall ensure that the
7 dealership agent receives the training that the Department may
8 require.

9 Section 65. Display of license. Each licensee shall
10 prominently display his or her individual, agency, or branch
11 office license at each place where business is being conducted,
12 as required under this Act. A licensee-in-charge is required to
13 post his or her license only at the dealership office.

14 Section 70. Requirements; prohibitions.

15 (a) The Department of Financial and Professional
16 Regulation shall implement the provisions of this Section by
17 rule.

18 (b) A licensee shall maintain operating documents which
19 shall include procedures for the oversight of the licensee and
20 procedures to ensure accurate recordkeeping.

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

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

3 (2) alarm systems for licensees; and

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

7 (d) Beginning January 1, 2021, if a licensee operates the
8 business at a permanent physical location that is open to the
9 public, that location shall be equipped with a video
10 surveillance system sufficient to monitor the critical areas of
11 the business premises, including, but not limited to, all
12 places where firearms are stored, handled, sold, transferred,
13 or carried. A video surveillance system of the licensee's
14 business premises may not be installed in a bathroom and may
15 not monitor the bathrooms located in the business premises. The
16 video surveillance system shall operate without interruption
17 whenever the licensee is open for business. Whenever the
18 licensee is not open for business, the system shall be
19 triggered by a motion detector and begin recording immediately
20 upon detection of any motion within the monitored area. The
21 stored images shall be maintained on the business premises of
22 the licensee for a period of not less than 90 days from the
23 date of recording and shall only be available for inspection on
24 the premises by the licensee, the licensee's dealership agents,
25 the Department, or federal, State, and local law enforcement
26 upon request, and neither the stored images, copies, records,

1 or reproductions of the stored images shall leave the custody
2 of the licensee except under a court order, subpoena, or search
3 warrant. The licensee shall post a sign in a conspicuous place
4 at each entrance to the premises that states in block letters
5 not less than one inch in height:

6 "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE
7 MAY BE RECORDED."

8 (e) The area where the licensee stores firearms that are
9 inventory of the licensee shall only be accessed by dealership
10 agents, Department of Financial and Professional Regulation
11 staff performing inspections, law enforcement or other
12 emergency personnel, and contractors working on jobs unrelated
13 to firearms, such as installing or maintaining security devices
14 or performing electrical wiring.

15 (f) A licensee shall operate its business and conduct all
16 sales and transfers of firearms in compliance with all federal
17 and State laws, and maintain all records as required by federal
18 and State laws.

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

23 (h) A licensee shall post in a conspicuous position on the
24 premises where the licensee conducts business a sign that
25 contains the following warning in block letters not less than
26 one inch in height:

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

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

4 (2) sell or transfer your firearm to someone else
5 without receiving approval for the transfer from the
6 Department of State Police, or

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

9 A licensee shall post any additional warnings or provide
10 any other information regarding firearms laws and the safe
11 storage of firearms to consumers as required by the Department
12 by rule.

13 (i) Before issuance, renewal, or restoration of a
14 dealership license, the Department shall inspect the premises
15 of the proposed business to ensure compliance with this Act.
16 Licensees shall have their places of business open for
17 inspection by the Department and law enforcement during all
18 hours of operation, provided that the Department may conduct no
19 more than one unannounced inspection per dealer or dealership
20 per year without good cause. Licensees shall make all records,
21 documents, and firearms accessible for inspection upon the
22 request of law enforcement and the Department.

23 (j) The premises where the licensee conducts business shall
24 not be located in any district or area that is within 500 feet
25 of any school, pre-school, or day-care facility. This
26 subsection (j) does not apply to a licensee whose business

1 existed in that location on the effective date of this Act, and
2 does not limit the authority of a local government to impose
3 and enforce additional limits on the location of a business
4 regulated under this Act.

5 Section 75. Dealership agent requirements. A licensed
6 dealership may employ in the conduct of his or her business
7 dealership agents under the following provisions:

8 (1) A dealership shall not knowingly allow a person to have
9 unsupervised access to firearms in the inventory of the
10 dealership or confidential or security information who:

11 (A) is younger than 21 years of age;

12 (B) does not have a valid and unexpired concealed carry
13 license or Firearm Owner's Identification Card; or

14 (C) has had a license denied, suspended, or revoked
15 under this Act, or been terminated from employment as a
16 dealership agent:

17 (i) within one year before the date the person's
18 application for employment with the dealership; and

19 (ii) that refusal, denial, suspension, revocation,
20 or termination was based on any provision of this Act.

21 (2) No person may act as a dealership agent under this
22 Section until he or she has executed and furnished to the
23 employer, on forms furnished by the Department, a verified
24 statement to be known as "Dealership Agent's Statement" setting
25 forth:

1 (A) The person's full name, age, and residence address.

2 (B) That the person has not had a license denied,
3 revoked, or suspended under this Act, or been terminated
4 from employment as a dealership agent:

5 (i) within one year before the date the person's
6 application for employment with the dealership; and

7 (ii) that refusal, denial, suspension, revocation,
8 or termination was based on any provision of this Act.

9 (C) That the person will notify the dealership
10 immediately if his or her Firearm Owner's Identification
11 Card or concealed carry license is revoked for any reason.

12 (D) That the person will not divert firearms in
13 violation of the law.

14 (3) Each applicant for employment as a dealership agent
15 shall provide a copy of his or her valid and unexpired
16 concealed carry license, or have the validity of his or her
17 Firearm Owner's Identification Card confirmed by the
18 dealership through the Department of State Police in a manner
19 prescribed by rule by the Department of State Police. The
20 Department of State Police shall provide the dealership with an
21 approval number if the Firearm Owner's Identification Card is
22 currently valid.

23 (4) As part of an application for renewal or restoration of
24 a dealership license, the dealership shall confirm the validity
25 of the Firearm Owner's Identification Card of each dealership
26 agent employed by the dealership, and record the unique

1 approval number provided by the Department of State Police in
2 the record maintained under paragraph (5) of this Section,
3 provided that a dealership shall not be required to confirm the
4 validity of the Firearm Owner's Identification Card of a
5 dealership agent if the dealership has already confirmed the
6 validity of the dealership agent's Firearm Owner's
7 Identification Card within the last 6 months or the dealership
8 agent has provided the dealership with a copy of his or her
9 valid and unexpired concealed carry license within the last 6
10 months.

11 (5) Each dealership shall maintain a record of each
12 dealership agent that is accessible to the Department. The
13 record shall contain the following information:

14 (A) The Dealership Agent's Statement specified in
15 paragraph (2) of this Section; and

16 (B) A copy of the dealership agent's concealed carry
17 license or Firearm Owner's Identification Card, and the
18 approval number provided by the Department of State Police
19 when the dealership last confirmed the validity of the
20 dealership agent's Firearm Owner's Identification Card.
21 The Department may, by rule, prescribe further record
22 requirements.

23 (6) Every dealership shall maintain a separate roster of
24 the names of all dealership agents and submit the roster to the
25 Department on request.

26 (7) No dealership may employ any person to perform a

1 licensed activity under this Act unless the person possesses a
2 valid dealer license under this Act or the requirements of this
3 Section are met, or the person is exempt under paragraph (8) of
4 this Section.

5 (8) Peace officers shall be exempt from the requirements of
6 this Section relating to Firearm Owner's Identification Cards
7 and concealed carry licenses. The dealership shall remain
8 responsible for any peace officer employed under this
9 exemption, regardless of whether the peace officer is
10 compensated as an employee or as an independent contractor and
11 as further defined by rule.

12 (9) Persons who have no unsupervised access to firearms in
13 the inventory of a dealership or confidential or security
14 information are exempt from the requirements of a dealership
15 agent.

16 (10) This Section shall apply to unpaid or paid volunteers
17 or other agents of the dealership who will have access to or
18 control over firearms in the inventory of the dealership or
19 confidential or security information, just as it applies to
20 paid employees.

21 Section 80. Employment requirement. A dealership licensed
22 under this Act is prohibited from evading or attempting to
23 evade the requirements for dealership agents under this Act by
24 engaging a contractor or independent contractor to perform the
25 activities of a dealer or dealership agent, unless that person

1 is licensed under this Act.

2 Section 85. Disciplinary sanctions.

3 (a) The Department may deny issuance, refuse to renew, or
4 restore or may reprimand, place on probation, suspend, revoke,
5 or take other disciplinary or non-disciplinary action against
6 any license, may impose a fine not to exceed \$10,000 for each
7 violation, and may assess costs as provided for under Section
8 150, for any of the following, consistent with the Protection
9 of Lawful Commerce in Arms Act, 15 U.S.C. 7901 through 7903 or
10 amendments thereto:

11 (1) Material misstatement in furnishing information to
12 the Department or to any other State or federal agency.

13 (2) Violations of this Act, any of the rules adopted
14 under this Act, or any law applicable to the sale or
15 transfer of firearms.

16 (3) Making any misrepresentation for the purpose of
17 obtaining licenses or cards.

18 (4) A pattern of practice or other behavior which
19 demonstrates incapacity or incompetency to practice under
20 this Act.

21 (5) Aiding or assisting another person in violating any
22 provision of this Act or rules adopted under this Act.

23 (6) Failing, within 60 days, to provide information in
24 response to a written request made by the Department.

25 (7) Conviction of or plea of guilty or plea of nolo

1 contendere to any crime that disqualifies the person from
2 obtaining a valid Firearm Owner's Identification Card.

3 (8) Continued practice, although the person has become
4 unfit to practice due to any of the following:

5 (A) Physical illness, mental illness, or other
6 impairment, including, but not limited to,
7 deterioration through the aging process or loss of
8 motor skills that results in the inability to serve the
9 public with reasonable judgment, skill, or safety.

10 (B) Any circumstance that disqualifies the person
11 from obtaining a valid Firearm Owner's Identification
12 Card.

13 (C) Habitual or excessive use or abuse of drugs
14 defined in law as controlled substances, alcohol, or
15 any other substance that results in the inability to
16 practice with reasonable judgment, skill, or safety.

17 (9) Receiving, directly or indirectly, compensation
18 for any firearms sold or transferred illegally.

19 (10) Discipline by another United States jurisdiction,
20 foreign nation, or governmental agency, if at least one of
21 the grounds for the discipline is the same or substantially
22 equivalent to those set forth in this Act.

23 (11) Giving differential treatment to a person that is
24 to that person's detriment because of race, color, creed,
25 sex, sexual orientation, religion, or national origin.

26 (12) Violation of any disciplinary order imposed on a

1 licensee by the Department.

2 (13) Conducting a dealership without a valid license.

3 (14) Revealing confidential or security information,
4 except as specifically authorized by law, including but not
5 limited to information about purchasers and transferees of
6 firearms, provided that a licensee or dealership agent may
7 disclose this information under a court order, subpoena, or
8 search warrant or to the Department or federal, State, or
9 local law enforcement agencies upon request.

10 (15) Purporting to be a licensee-in-charge of an agency
11 without active participation in the agency.

12 (16) A finding by the Department that the licensee,
13 after having his or her license placed on probationary
14 status, has violated the terms of probation.

15 (17) Failure to report in writing to the Department,
16 within 60 days of an entry of a settlement or a verdict in
17 excess of \$10,000, any legal action in which the business
18 of the dealer, dealership, or dealership agent was the
19 subject of the legal action.

20 (b) All fines imposed under this Section shall be paid
21 within 60 days after the effective date of the order imposing
22 the fine.

23 Section 90. Suspension or revocation of dealership agent
24 authority.

25 (a) Dealership agents shall be subject to the disciplinary

1 sanctions of this Act and shall otherwise comply with this Act
2 and the rules adopted under it. Notwithstanding any other
3 provision in this Act to the contrary, dealership agents shall
4 not be responsible for compliance with any requirement that
5 this Act assigns to the dealership or the licensee-in-charge
6 regardless of the agent's job title, job duties, or position in
7 the dealership. The procedures for disciplining a licensee
8 shall also apply in taking action against a dealership agent.

9 (b) The revocation of a dealer's or dealership agent's
10 Firearm Owner's Identification Card or concealed carry
11 license, if applicable, operates as an automatic suspension of
12 the dealer license or dealership agent's authority under this
13 Act. The suspension shall end only upon the issuance by the
14 Department of State Police of a new Firearm Owner's
15 Identification Card or concealed carry license to the dealer or
16 dealership agent.

17 Section 95. Returned checks; fines. Any person who delivers
18 a check or other payment to the Department that is returned to
19 the Department unpaid by the financial institution upon which
20 it is drawn shall pay to the Department, in addition to the
21 amount already owed to the Department, a fine of \$50. The fines
22 imposed by this Section are in addition to any other discipline
23 provided under this Act for unlicensed business or business on
24 a nonrenewed license. The Department shall notify the person
25 that payment of fees and fines shall be paid to the Department

1 by certified check or money order within 30 calendar days of
2 the notification. If, after the expiration of 30 days from the
3 date of the notification, the person has failed to submit the
4 necessary remittance, the Department shall automatically
5 terminate the license or deny the application, without hearing.
6 If, after termination or denial, the person seeks a license, he
7 or she shall apply to the Department for restoration or
8 issuance of the license and pay all fees and fines due to the
9 Department. The Department may establish a fee for the
10 processing of an application for restoration of a license to
11 pay all expenses of processing this application. The Secretary
12 may waive the fines due under this Section in individual cases
13 if the Secretary finds that the fines would be unreasonable or
14 unnecessarily burdensome.

15 Section 100. Statute of limitations. No action may be taken
16 under this Act against a person or entity licensed under this
17 Act unless the action is commenced within 5 years after the
18 occurrence of the alleged violations. A continuing violation
19 shall be deemed to have occurred on the date when the
20 circumstances last existed that give rise to the alleged
21 violation.

22 Section 105. Complaints; investigations; hearings.

23 (a) The Department may investigate the actions of any
24 applicant or of any person or persons holding or claiming to

1 hold a license or registration under this Act.

2 (b) The Department shall, before disciplining a licensee
3 under Section 130 or refusing to issue or license, at least 30
4 days before the date set for the hearing, (i) notify the
5 accused in writing of the charges made and the time and place
6 for the hearing on the charges, (ii) direct him or her to file
7 a written answer to the charges under oath within 20 days after
8 service, and (iii) inform the applicant or licensee that
9 failure to answer will result in a default being entered
10 against the applicant or licensee.

11 (c) At the time and place fixed in the notice, the Board or
12 the hearing officer appointed by the Secretary shall proceed to
13 hear the charges, and the parties or their counsel shall be
14 accorded ample opportunity to present any pertinent
15 statements, testimony, evidence, and arguments. The Board or
16 hearing officer may continue the hearing from time to time. In
17 case the person, after receiving the notice, fails to file an
18 answer, his or her license may, in the discretion of the
19 Secretary, having first received the recommendation of the
20 Board, be suspended, revoked, or placed on probationary status,
21 or be subject to whatever disciplinary action the Secretary
22 considers proper, including limiting the scope, nature, or
23 extent of the person's business or the imposition of a fine,
24 without hearing, if the act or acts charged constitute
25 sufficient grounds for that action under this Act.

26 (d) The written notice and any notice in the subsequent

1 proceeding may be served by certified mail to the licensee's
2 address of record.

3 (e) The Secretary has the authority to appoint any attorney
4 licensed to practice law in this State to serve as the hearing
5 officer in any action for refusal to issue, restore, or renew a
6 license or to discipline a licensee. The hearing officer has
7 full authority to conduct the hearing.

8 Section 110. Hearing; rehearing.

9 (a) The Board or the hearing officer authorized by the
10 Department shall hear evidence in support of the formal charges
11 and evidence produced by the licensee. At the conclusion of the
12 hearing, the Board shall present to the Secretary a written
13 report of its findings of fact, conclusions of law, and
14 recommendations. The report shall contain a finding of whether
15 the accused person violated this Act or failed to comply with
16 the conditions required in this Act. The Board shall specify
17 the nature of the violation or failure to comply and shall make
18 its recommendation to the Secretary.

19 (b) At the conclusion of the hearing, a copy of the Board
20 or hearing officer's report shall be served upon the applicant
21 or licensee by the Department, either personally or as provided
22 in this Act for the service of a notice of hearing. Within 20
23 calendar days after service, the applicant or licensee may
24 present to the Department a motion in writing for a rehearing,
25 which shall specify the particular grounds for rehearing. The

1 Department may respond to the motion for rehearing within 20
2 calendar days after its service on the Department. If no motion
3 for rehearing is filed, then upon the expiration of the time
4 specified for filing such a motion, or upon denial of a motion
5 for rehearing, the Secretary may enter an order in accordance
6 with the recommendations of the Board or hearing officer. If
7 the applicant or licensee orders from the reporting service and
8 pays for a transcript of the record within the time for filing
9 a motion for rehearing, the 20-day period within which a motion
10 may be filed shall commence upon the delivery of the transcript
11 to the applicant or licensee.

12 (c) Whenever the Secretary is not satisfied that
13 substantial justice has been done, the Secretary may order a
14 rehearing by the same or another hearing officer.

15 (d) All proceedings under this Section are matters of
16 public record and shall be preserved.

17 (e) The dealer or dealership may continue to operate as a
18 dealer or dealership during the course of an investigation or
19 hearing, unless the Secretary finds that the public interest,
20 safety, or welfare requires an emergency action.

21 (f) Upon the suspension or revocation of a license, the
22 licensee shall surrender the license to the Department and,
23 upon failure to do so, the Department shall seize the same.

24 Section 115. Disposition by consent order. At any point in
25 any investigation or disciplinary proceeding provided for in

1 the Act, both parties may agree to a negotiated consent order.
2 The consent order shall be final upon signature of the
3 Secretary.

4 Section 120. Restoration of license after disciplinary
5 proceedings. At any time after the successful completion of a
6 term of indefinite probation, indefinite suspension, or
7 revocation of a license, the Department may restore it to the
8 licensee, unless, after an investigation and a hearing, the
9 Secretary determines that restoration is not in the public
10 interest. No person or entity whose license, card, or authority
11 has been revoked as authorized in this Act may apply for
12 restoration of that license, registration, or authority until
13 such time as provided for in the Civil Administrative Code of
14 Illinois.

15 Section 125. Injunction; cease and desist orders.

16 (a) Upon the filing of a verified petition in court, if
17 satisfied by affidavit or otherwise that the person, firm,
18 corporation, or other legal entity is or has been conducting
19 activities in violation of this Act, the court may enter a
20 temporary restraining order or preliminary injunction, without
21 bond, enjoining the defendant from further activity. A copy of
22 the verified complaint shall be served upon the defendant and
23 the proceedings shall be conducted as in civil cases. If it is
24 established the defendant has been or is conducting activities

1 in violation of this Act, the court may enter a judgment
2 enjoining the defendant from that activity. In case of
3 violation of any injunctive order or judgment entered under
4 this Section, the court may punish the offender for contempt of
5 court. Injunctive proceedings shall be in addition to all other
6 penalties under this Act.

7 (b) If any person has engaged in the business of selling,
8 leasing, or otherwise transferring firearms without having a
9 valid license under this Act, then any licensee, any interested
10 party, or any person injured thereby may, in addition to the
11 Secretary, petition for relief as provided in subsection (a) of
12 this Section.

13 (c) Whenever the Department has reason to believe a person,
14 firm, corporation, or other legal entity has violated any
15 provision of this Act, the Department may issue a rule to show
16 cause why an order to cease and desist should not be entered
17 against that person, firm, corporation, or other legal entity.
18 The rule shall clearly set forth the grounds relied upon by the
19 Department and shall provide a period of 7 days from the date
20 of the rule to file an answer to the satisfaction of the
21 Department. Failure to answer to the satisfaction of the
22 Department shall cause an order to cease and desist to be
23 issued immediately.

24 Section 130. Administrative review. All final
25 administrative decisions of the Department are subject to

1 judicial review under Article III of the Code of Civil
2 Procedure. The term "administrative decision" is defined as in
3 Section 3-101 of the Code of Civil Procedure. The proceedings
4 for judicial review shall be commenced in the circuit court of
5 the county in which the party applying for review resides; but
6 if the party is not a resident of this State, the venue shall
7 be in Sangamon County. The Department shall not be required to
8 certify any record to the court or file any answer in court or
9 otherwise appear in any court in a judicial review proceeding,
10 unless and until the Department has received from the plaintiff
11 payment of the costs of furnishing and certifying the record,
12 which costs shall be determined by the Department. Exhibits
13 shall be certified without cost. Failure on the part of the
14 applicant or licensee to file a receipt in court is grounds for
15 dismissal of the action.

16 Section 135. Prima facie proof.

17 (a) An order or a certified copy thereof, over the seal of
18 the Department and purporting to be signed by the Secretary, is
19 prima facie proof that the signature is that of the Secretary,
20 and the Secretary is qualified to act.

21 (b) A certified copy of a record of the Department shall,
22 without further proof, be admitted into evidence in any legal
23 proceeding, and shall be prima facie correct and prima facie
24 evidence of the information contained therein.

1 Section 140. Subpoenas.

2 (a) The Department may subpoena and bring before it any
3 person to take the oral or written testimony or compel the
4 production of any books, papers, records, or any other
5 documents that the Secretary or his or her designee deems
6 relevant or material to any such investigation or hearing
7 conducted by the Department with the same fees and in the same
8 manner as prescribed in civil cases in the courts of this
9 State.

10 (b) Any circuit court, upon the application of the
11 applicant, licensee, or Department, may order the attendance
12 and testimony of witnesses and the production of relevant
13 documents, files, records, books, and papers in connection with
14 any hearing or investigation. The circuit court may compel
15 obedience to its order by proceedings for contempt.

16 (c) The Secretary, the hearing officer, any member of the
17 Board, or a certified shorthand court reporter may administer
18 oaths at any hearing the Department conducts. Notwithstanding
19 any other statute or Department rule to the contrary, all
20 requests for testimony, production of documents or records
21 shall be in accordance with this Act.

22 Section 145. Stenographers. The Department, at its
23 expense, shall preserve the record of all proceedings at a
24 formal hearing of any case. The notice of hearing, complaint,
25 all other documents in the nature of pleadings and written

1 motions filed in the proceedings, the transcript of testimony,
2 the report of the Board and orders of the Department shall be
3 in the record of the proceedings.

4 Section 150. Fees; deposit of fees and fines. The
5 Department shall by rule provide for fees for the
6 administration and enforcement of this Act, and those fees are
7 nonrefundable. An application fee or renewal fee for a
8 dealership license or a dealer license shall not exceed \$1,000
9 for the 5-year period. All of the fees, penalties, and fines
10 collected under this Act shall be deposited into the General
11 Professions Dedicated Fund and shall be appropriated to the
12 Department for the ordinary and contingent expenses of the
13 Department in the administration and enforcement of this Act.

14 Section 155. Illinois Administrative Procedure Act;
15 application.

16 (a) All rules required under this Act shall be adopted in
17 accordance with Article 5 of the Illinois Administrative
18 Procedure Act.

19 (b) Article 10 of the Illinois Administrative Procedure Act
20 is expressly adopted and incorporated in this Act as if all of
21 the provisions of that Article were included in this Act,
22 except that the provision of paragraph (d) of Section 10-65 of
23 the Illinois Administrative Procedure Act, which provides that
24 at hearings the registrant or licensee has the right to show

1 compliance with all lawful requirements for retention or
2 continuation or renewal of the license, is specifically
3 excluded. For the purpose of this Act, the notice required
4 under Section 10-25 of the Illinois Administrative Procedure
5 Act is considered sufficient when mailed to the address of
6 record of a party.

7 Section 160. Confidentiality. All information collected by
8 the Department in the course of an examination or investigation
9 of a licensee or applicant, including, but not limited to, any
10 complaint against a licensee filed with the Department and
11 information collected to investigate any such complaint, shall
12 be maintained for the confidential use of the Department and
13 shall not be disclosed. The Department shall not disclose the
14 information to anyone other than law enforcement officials,
15 regulatory agencies that have an appropriate regulatory
16 interest as determined by the Secretary, or a party presenting
17 a lawful subpoena to the Department. Information and documents
18 disclosed to a federal, State, county, or local law enforcement
19 agency shall not be disclosed by the agency for any purpose to
20 any other agency or person. A formal complaint filed against a
21 licensee by the Department or any order issued by the
22 Department against a licensee or applicant shall be a public
23 record, except as otherwise prohibited by law.

24 Section 165. Rules. The Department shall adopt rules

1 necessary to implement the provisions of this Act no later than
2 180 days after the effective date of this Act. The Department
3 may adopt rules necessary to implement the provisions of this
4 Act through the use of emergency rulemaking in accordance with
5 Section 5-45 of the Illinois Administrative Procedure Act for a
6 period not to exceed 180 days after the effective date of this
7 Act.

8 Section 900. The Regulatory Sunset Act is amended by adding
9 Section 4.39 as follows:

10 (5 ILCS 80/4.39 new)

11 Sec. 4.39. Act repealed on January 1, 2029. The following
12 Act is repealed on January 1, 2029:

13 The Gun Dealer Licensing Act.

14 Section 905. The Illinois Administrative Procedure Act is
15 amended by changing Section 5-45 as follows:

16 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

17 Sec. 5-45. Emergency rulemaking.

18 (a) "Emergency" means the existence of any situation that
19 any agency finds reasonably constitutes a threat to the public
20 interest, safety, or welfare.

21 (b) If any agency finds that an emergency exists that
22 requires adoption of a rule upon fewer days than is required by

1 Section 5-40 and states in writing its reasons for that
2 finding, the agency may adopt an emergency rule without prior
3 notice or hearing upon filing a notice of emergency rulemaking
4 with the Secretary of State under Section 5-70. The notice
5 shall include the text of the emergency rule and shall be
6 published in the Illinois Register. Consent orders or other
7 court orders adopting settlements negotiated by an agency may
8 be adopted under this Section. Subject to applicable
9 constitutional or statutory provisions, an emergency rule
10 becomes effective immediately upon filing under Section 5-65 or
11 at a stated date less than 10 days thereafter. The agency's
12 finding and a statement of the specific reasons for the finding
13 shall be filed with the rule. The agency shall take reasonable
14 and appropriate measures to make emergency rules known to the
15 persons who may be affected by them.

16 (c) An emergency rule may be effective for a period of not
17 longer than 150 days, but the agency's authority to adopt an
18 identical rule under Section 5-40 is not precluded. No
19 emergency rule may be adopted more than once in any 24-month
20 period, except that this limitation on the number of emergency
21 rules that may be adopted in a 24-month period does not apply
22 to (i) emergency rules that make additions to and deletions
23 from the Drug Manual under Section 5-5.16 of the Illinois
24 Public Aid Code or the generic drug formulary under Section
25 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
26 emergency rules adopted by the Pollution Control Board before

1 July 1, 1997 to implement portions of the Livestock Management
2 Facilities Act, (iii) emergency rules adopted by the Illinois
3 Department of Public Health under subsections (a) through (i)
4 of Section 2 of the Department of Public Health Act when
5 necessary to protect the public's health, (iv) emergency rules
6 adopted pursuant to subsection (n) of this Section, (v)
7 emergency rules adopted pursuant to subsection (o) of this
8 Section, or (vi) emergency rules adopted pursuant to subsection
9 (c-5) of this Section. Two or more emergency rules having
10 substantially the same purpose and effect shall be deemed to be
11 a single rule for purposes of this Section.

12 (c-5) To facilitate the maintenance of the program of group
13 health benefits provided to annuitants, survivors, and retired
14 employees under the State Employees Group Insurance Act of
15 1971, rules to alter the contributions to be paid by the State,
16 annuitants, survivors, retired employees, or any combination
17 of those entities, for that program of group health benefits,
18 shall be adopted as emergency rules. The adoption of those
19 rules shall be considered an emergency and necessary for the
20 public interest, safety, and welfare.

21 (d) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 1999 budget,
23 emergency rules to implement any provision of Public Act 90-587
24 or 90-588 or any other budget initiative for fiscal year 1999
25 may be adopted in accordance with this Section by the agency
26 charged with administering that provision or initiative,

1 except that the 24-month limitation on the adoption of
2 emergency rules and the provisions of Sections 5-115 and 5-125
3 do not apply to rules adopted under this subsection (d). The
4 adoption of emergency rules authorized by this subsection (d)
5 shall be deemed to be necessary for the public interest,
6 safety, and welfare.

7 (e) In order to provide for the expeditious and timely
8 implementation of the State's fiscal year 2000 budget,
9 emergency rules to implement any provision of Public Act 91-24
10 or any other budget initiative for fiscal year 2000 may be
11 adopted in accordance with this Section by the agency charged
12 with administering that provision or initiative, except that
13 the 24-month limitation on the adoption of emergency rules and
14 the provisions of Sections 5-115 and 5-125 do not apply to
15 rules adopted under this subsection (e). The adoption of
16 emergency rules authorized by this subsection (e) shall be
17 deemed to be necessary for the public interest, safety, and
18 welfare.

19 (f) In order to provide for the expeditious and timely
20 implementation of the State's fiscal year 2001 budget,
21 emergency rules to implement any provision of Public Act 91-712
22 or any other budget initiative for fiscal year 2001 may be
23 adopted in accordance with this Section by the agency charged
24 with administering that provision or initiative, except that
25 the 24-month limitation on the adoption of emergency rules and
26 the provisions of Sections 5-115 and 5-125 do not apply to

1 rules adopted under this subsection (f). The adoption of
2 emergency rules authorized by this subsection (f) shall be
3 deemed to be necessary for the public interest, safety, and
4 welfare.

5 (g) In order to provide for the expeditious and timely
6 implementation of the State's fiscal year 2002 budget,
7 emergency rules to implement any provision of Public Act 92-10
8 or any other budget initiative for fiscal year 2002 may be
9 adopted in accordance with this Section by the agency charged
10 with administering that provision or initiative, except that
11 the 24-month limitation on the adoption of emergency rules and
12 the provisions of Sections 5-115 and 5-125 do not apply to
13 rules adopted under this subsection (g). The adoption of
14 emergency rules authorized by this subsection (g) shall be
15 deemed to be necessary for the public interest, safety, and
16 welfare.

17 (h) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 2003 budget,
19 emergency rules to implement any provision of Public Act 92-597
20 or any other budget initiative for fiscal year 2003 may be
21 adopted in accordance with this Section by the agency charged
22 with administering that provision or initiative, except that
23 the 24-month limitation on the adoption of emergency rules and
24 the provisions of Sections 5-115 and 5-125 do not apply to
25 rules adopted under this subsection (h). The adoption of
26 emergency rules authorized by this subsection (h) shall be

1 deemed to be necessary for the public interest, safety, and
2 welfare.

3 (i) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2004 budget,
5 emergency rules to implement any provision of Public Act 93-20
6 or any other budget initiative for fiscal year 2004 may be
7 adopted in accordance with this Section by the agency charged
8 with administering that provision or initiative, except that
9 the 24-month limitation on the adoption of emergency rules and
10 the provisions of Sections 5-115 and 5-125 do not apply to
11 rules adopted under this subsection (i). The adoption of
12 emergency rules authorized by this subsection (i) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 (j) In order to provide for the expeditious and timely
16 implementation of the provisions of the State's fiscal year
17 2005 budget as provided under the Fiscal Year 2005 Budget
18 Implementation (Human Services) Act, emergency rules to
19 implement any provision of the Fiscal Year 2005 Budget
20 Implementation (Human Services) Act may be adopted in
21 accordance with this Section by the agency charged with
22 administering that provision, except that the 24-month
23 limitation on the adoption of emergency rules and the
24 provisions of Sections 5-115 and 5-125 do not apply to rules
25 adopted under this subsection (j). The Department of Public Aid
26 may also adopt rules under this subsection (j) necessary to

1 administer the Illinois Public Aid Code and the Children's
2 Health Insurance Program Act. The adoption of emergency rules
3 authorized by this subsection (j) shall be deemed to be
4 necessary for the public interest, safety, and welfare.

5 (k) In order to provide for the expeditious and timely
6 implementation of the provisions of the State's fiscal year
7 2006 budget, emergency rules to implement any provision of
8 Public Act 94-48 or any other budget initiative for fiscal year
9 2006 may be adopted in accordance with this Section by the
10 agency charged with administering that provision or
11 initiative, except that the 24-month limitation on the adoption
12 of emergency rules and the provisions of Sections 5-115 and
13 5-125 do not apply to rules adopted under this subsection (k).
14 The Department of Healthcare and Family Services may also adopt
15 rules under this subsection (k) necessary to administer the
16 Illinois Public Aid Code, the Senior Citizens and Persons with
17 Disabilities Property Tax Relief Act, the Senior Citizens and
18 Disabled Persons Prescription Drug Discount Program Act (now
19 the Illinois Prescription Drug Discount Program Act), and the
20 Children's Health Insurance Program Act. The adoption of
21 emergency rules authorized by this subsection (k) shall be
22 deemed to be necessary for the public interest, safety, and
23 welfare.

24 (l) In order to provide for the expeditious and timely
25 implementation of the provisions of the State's fiscal year
26 2007 budget, the Department of Healthcare and Family Services

1 may adopt emergency rules during fiscal year 2007, including
2 rules effective July 1, 2007, in accordance with this
3 subsection to the extent necessary to administer the
4 Department's responsibilities with respect to amendments to
5 the State plans and Illinois waivers approved by the federal
6 Centers for Medicare and Medicaid Services necessitated by the
7 requirements of Title XIX and Title XXI of the federal Social
8 Security Act. The adoption of emergency rules authorized by
9 this subsection (l) shall be deemed to be necessary for the
10 public interest, safety, and welfare.

11 (m) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2008 budget, the Department of Healthcare and Family Services
14 may adopt emergency rules during fiscal year 2008, including
15 rules effective July 1, 2008, in accordance with this
16 subsection to the extent necessary to administer the
17 Department's responsibilities with respect to amendments to
18 the State plans and Illinois waivers approved by the federal
19 Centers for Medicare and Medicaid Services necessitated by the
20 requirements of Title XIX and Title XXI of the federal Social
21 Security Act. The adoption of emergency rules authorized by
22 this subsection (m) shall be deemed to be necessary for the
23 public interest, safety, and welfare.

24 (n) In order to provide for the expeditious and timely
25 implementation of the provisions of the State's fiscal year
26 2010 budget, emergency rules to implement any provision of

1 Public Act 96-45 or any other budget initiative authorized by
2 the 96th General Assembly for fiscal year 2010 may be adopted
3 in accordance with this Section by the agency charged with
4 administering that provision or initiative. The adoption of
5 emergency rules authorized by this subsection (n) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare. The rulemaking authority granted in this subsection
8 (n) shall apply only to rules promulgated during Fiscal Year
9 2010.

10 (o) In order to provide for the expeditious and timely
11 implementation of the provisions of the State's fiscal year
12 2011 budget, emergency rules to implement any provision of
13 Public Act 96-958 or any other budget initiative authorized by
14 the 96th General Assembly for fiscal year 2011 may be adopted
15 in accordance with this Section by the agency charged with
16 administering that provision or initiative. The adoption of
17 emergency rules authorized by this subsection (o) is deemed to
18 be necessary for the public interest, safety, and welfare. The
19 rulemaking authority granted in this subsection (o) applies
20 only to rules promulgated on or after July 1, 2010 (the
21 effective date of Public Act 96-958) through June 30, 2011.

22 (p) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 97-689,
24 emergency rules to implement any provision of Public Act 97-689
25 may be adopted in accordance with this subsection (p) by the
26 agency charged with administering that provision or

1 initiative. The 150-day limitation of the effective period of
2 emergency rules does not apply to rules adopted under this
3 subsection (p), and the effective period may continue through
4 June 30, 2013. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (p). The adoption of emergency rules authorized by
7 this subsection (p) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (q) In order to provide for the expeditious and timely
10 implementation of the provisions of Articles 7, 8, 9, 11, and
11 12 of Public Act 98-104, emergency rules to implement any
12 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
13 may be adopted in accordance with this subsection (q) by the
14 agency charged with administering that provision or
15 initiative. The 24-month limitation on the adoption of
16 emergency rules does not apply to rules adopted under this
17 subsection (q). The adoption of emergency rules authorized by
18 this subsection (q) is deemed to be necessary for the public
19 interest, safety, and welfare.

20 (r) In order to provide for the expeditious and timely
21 implementation of the provisions of Public Act 98-651,
22 emergency rules to implement Public Act 98-651 may be adopted
23 in accordance with this subsection (r) by the Department of
24 Healthcare and Family Services. The 24-month limitation on the
25 adoption of emergency rules does not apply to rules adopted
26 under this subsection (r). The adoption of emergency rules

1 authorized by this subsection (r) is deemed to be necessary for
2 the public interest, safety, and welfare.

3 (s) In order to provide for the expeditious and timely
4 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
5 the Illinois Public Aid Code, emergency rules to implement any
6 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
7 Public Aid Code may be adopted in accordance with this
8 subsection (s) by the Department of Healthcare and Family
9 Services. The rulemaking authority granted in this subsection
10 (s) shall apply only to those rules adopted prior to July 1,
11 2015. Notwithstanding any other provision of this Section, any
12 emergency rule adopted under this subsection (s) shall only
13 apply to payments made for State fiscal year 2015. The adoption
14 of emergency rules authorized by this subsection (s) is deemed
15 to be necessary for the public interest, safety, and welfare.

16 (t) In order to provide for the expeditious and timely
17 implementation of the provisions of Article II of Public Act
18 99-6, emergency rules to implement the changes made by Article
19 II of Public Act 99-6 to the Emergency Telephone System Act may
20 be adopted in accordance with this subsection (t) by the
21 Department of State Police. The rulemaking authority granted in
22 this subsection (t) shall apply only to those rules adopted
23 prior to July 1, 2016. The 24-month limitation on the adoption
24 of emergency rules does not apply to rules adopted under this
25 subsection (t). The adoption of emergency rules authorized by
26 this subsection (t) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (u) In order to provide for the expeditious and timely
3 implementation of the provisions of the Burn Victims Relief
4 Act, emergency rules to implement any provision of the Act may
5 be adopted in accordance with this subsection (u) by the
6 Department of Insurance. The rulemaking authority granted in
7 this subsection (u) shall apply only to those rules adopted
8 prior to December 31, 2015. The adoption of emergency rules
9 authorized by this subsection (u) is deemed to be necessary for
10 the public interest, safety, and welfare.

11 (v) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 99-516,
13 emergency rules to implement Public Act 99-516 may be adopted
14 in accordance with this subsection (v) by the Department of
15 Healthcare and Family Services. The 24-month limitation on the
16 adoption of emergency rules does not apply to rules adopted
17 under this subsection (v). The adoption of emergency rules
18 authorized by this subsection (v) is deemed to be necessary for
19 the public interest, safety, and welfare.

20 (w) In order to provide for the expeditious and timely
21 implementation of the provisions of Public Act 99-796,
22 emergency rules to implement the changes made by Public Act
23 99-796 may be adopted in accordance with this subsection (w) by
24 the Adjutant General. The adoption of emergency rules
25 authorized by this subsection (w) is deemed to be necessary for
26 the public interest, safety, and welfare.

1 (x) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 99-906,
3 emergency rules to implement subsection (i) of Section 16-115D,
4 subsection (g) of Section 16-128A, and subsection (a) of
5 Section 16-128B of the Public Utilities Act may be adopted in
6 accordance with this subsection (x) by the Illinois Commerce
7 Commission. The rulemaking authority granted in this
8 subsection (x) shall apply only to those rules adopted within
9 180 days after June 1, 2017 (the effective date of Public Act
10 99-906). The adoption of emergency rules authorized by this
11 subsection (x) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (y) In order to provide for the expeditious and timely
14 implementation of the provisions of this amendatory Act of the
15 100th General Assembly, emergency rules to implement the
16 changes made by this amendatory Act of the 100th General
17 Assembly to Section 4.02 of the Illinois Act on Aging, Sections
18 5.5.4 and 5-5.4i of the Illinois Public Aid Code, Section 55-30
19 of the Alcoholism and Other Drug Abuse and Dependency Act, and
20 Sections 74 and 75 of the Mental Health and Developmental
21 Disabilities Administrative Act may be adopted in accordance
22 with this subsection (y) by the respective Department. The
23 adoption of emergency rules authorized by this subsection (y)
24 is deemed to be necessary for the public interest, safety, and
25 welfare.

26 (z) In order to provide for the expeditious and timely

1 implementation of the provisions of this amendatory Act of the
2 100th General Assembly, emergency rules to implement the
3 changes made by this amendatory Act of the 100th General
4 Assembly to Section 4.7 of the Lobbyist Registration Act may be
5 adopted in accordance with this subsection (z) by the Secretary
6 of State. The adoption of emergency rules authorized by this
7 subsection (z) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (aa) In order to provide for the expeditious and timely
10 initial implementation of the changes made to Articles 5, 5A,
11 12, and 14 of the Illinois Public Aid Code under the provisions
12 of this amendatory Act of the 100th General Assembly, the
13 Department of Healthcare and Family Services may adopt
14 emergency rules in accordance with this subsection (aa). The
15 24-month limitation on the adoption of emergency rules does not
16 apply to rules to initially implement the changes made to
17 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code
18 adopted under this subsection (aa). The adoption of emergency
19 rules authorized by this subsection (aa) is deemed to be
20 necessary for the public interest, safety, and welfare.

21 (bb) In order to provide for the expeditious and timely
22 implementation of the provisions of the Gun Dealer Licensing
23 Act, emergency rules to implement any provision of the Act may
24 be adopted in accordance with this subsection (bb) by the
25 Department of Financial and Professional Regulation. The
26 rulemaking authority granted in this subsection (bb) shall

1 apply only to those rules adopted no later than one year after
2 the effective date of this amendatory Act of the 100th General
3 Assembly. The adoption of emergency rules authorized by this
4 subsection (bb) is deemed to be necessary for the public
5 interest, safety, and welfare.

6 (Source: P.A. 99-2, eff. 3-26-15; 99-6, eff. 1-1-16; 99-143,
7 eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff. 6-30-16;
8 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906, eff. 6-1-17;
9 100-23, eff. 7-6-17; 100-554, eff. 11-16-17; 100-581, eff.
10 3-12-18.)".