

1 AN ACT concerning firearms.

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

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

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

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

15 "Applicant" means any person who applies for a dealership
16 license or dealer license, or the renewal of the dealership
17 license or dealer license under this Act.

18 "Board" means the Gun Dealer Licensing Board.

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

1 relics.

2 "Confidential or security information" means information
3 which identifies the purchasers or other transferees of
4 firearms from a dealer or dealership.

5 "Dealer" means any person engaged in the business of
6 selling, leasing, or otherwise transferring firearms or any
7 person within the meanings provided by 18 U.S.C. 921(a)(11) and
8 27 CFR 478.11 to include any person engaged in the business of
9 selling firearms at wholesale or retail, or repairing firearms
10 or making or fitting special barrels, stocks, or trigger
11 mechanisms to firearms. "Dealer" includes the following
12 Federal Firearms Licenses: Type 01-dealer in firearms other
13 than destructive devices; Type 02-pawnbroker in firearms other
14 than destructive devices; Type 09-dealer of destructive
15 devices.

16 "Dealership" means a person, firm, corporation, or other
17 legal entity that engages in the business of selling, leasing,
18 or otherwise transferring firearms and employs, in addition to
19 the gun dealer licensee-in-charge, at least one other
20 dealership agent.

21 "Dealership agent" means an owner, officer, paid or unpaid
22 agent, volunteer or employee of a licensed dealership who has
23 access to or control of firearms in the inventory of the
24 dealership or confidential or security information of the
25 dealership.

26 "Dealership licensee-in-charge" or "licensee-in-charge"

1 means a dealer who has been designated by a dealership to be
2 the licensee-in-charge of the dealership, who is a full-time
3 management employee or owner who assumes sole responsibility
4 for maintaining all records required by this Act, and who
5 assumes sole responsibility for assuring the dealership's
6 compliance with its responsibilities as stated in this Act. The
7 Department shall adopt rules mandating licensee-in-charge
8 participation in dealership affairs.

9 "Department" means the Department of Financial and
10 Professional Regulation.

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

16 (1) conducts a business selling, leasing, or
17 transferring firearms;

18 (2) holds himself or herself out as engaged in the
19 business of selling, leasing, or otherwise transferring
20 firearms; or

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

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

25 "Gunsmith" means, as defined in 27 CFR 478.11(d), any
26 person who receives firearms (frames, receivers, or otherwise)

1 provided by a customer for the purpose of repairing, modifying,
2 embellishing, refurbishing, or installing parts in or on those
3 firearms. A gunsmith is not "engaged in the business" of
4 manufacturing firearms because the firearms being produced are
5 not owned by the gunsmith and he does not sell or distribute
6 the firearms manufactured.

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

12 "Importer" shall include the following types of Federal
13 Firearms Licenses: Type 08-importer of firearms other than
14 destructive devices or ammunition for firearms other than
15 destructive devices, or ammunition other than armor piercing
16 ammunition; Type 11-importer of destructive devices,
17 ammunition for destructive devices, or armor piercing
18 ammunition.

19 "Licensee" means a dealer or a dealership licensed under
20 this Act. Anyone who holds himself or herself out as a licensee
21 or who is accused of unlicensed business is considered a
22 licensee for purposes of enforcement, investigation, hearings,
23 and the Illinois Administrative Procedure Act.

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

26 "Manufacturer" means, as defined by 18 U.S.C. 921 (a) (10)

1 and 27 CFR 478.11, any person engaged in the business of
2 manufacturing firearms or ammunition for purposes of sale or
3 distribution. "Manufacturer" includes the following types of
4 Federal Firearms Licenses: Type 06-manufacturer of ammunition
5 for firearms other than ammunition for destructive devices or
6 armor piercing ammunition; Type 07-manufacturer of firearms
7 other than destructive devices; Type 10-manufacturer of
8 destructive devices, ammunition for destructive devices, or
9 armor piercing ammunition.

10 "Person" means a natural person.

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 Section 10. License requirement.

14 (a) It is unlawful for a person to engage in the business
15 of selling, leasing, or otherwise transferring firearms
16 without a license under this Act. A dealership agent other than
17 a dealer licensee-in-charge may act on behalf of the licensed
18 dealership under Section 75 without being licensed as a dealer
19 under this Act.

20 (b) It is unlawful for a person, firm, corporation, group
21 of individuals, or other legal entity to act as a dealership
22 licensed under this Act, to advertise, or to assume to act as a
23 licensed dealership or to use a title implying that the person,
24 firm, or other entity is engaged in business as a dealership
25 without a license under this Act. An individual or sole

1 proprietor licensed as a dealer who operates without any
2 dealership agents may act as a dealership without having to
3 obtain a dealership license, provided the dealer notifies the
4 Department that he or she is operating in this manner and
5 provides the information required under Section 65, as
6 determined to be applicable to the dealer by the Department.
7 The dealer may operate under a "doing business as" or assumed
8 name certification so long as the assumed name is first
9 registered with the Department.

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

13 (c) No dealership shall operate a branch office without
14 first applying for and receiving a branch office license for
15 each location. The term "branch office" does not include a
16 location at which the dealership conducts business
17 temporarily, such as at a gun show.

18 (d) It is unlawful to obtain or attempt to obtain any
19 license or authorization issued under this Act by fraudulent
20 misrepresentation.

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

24 (f) In addition to any other penalty provided by law, any
25 person or entity who violates any provision of this Section
26 shall pay a civil penalty to the Department in an amount not to

1 exceed \$10,000 for each offense as determined by the
2 Department. The civil penalty shall be assessed by the
3 Department after a hearing is held in accordance with the
4 provisions set forth in this Act regarding the provision of a
5 hearing for the discipline of a licensee.

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

8 (h) The civil penalty shall be paid within 60 days after
9 the effective date of the order imposing the civil penalty. The
10 order shall constitute a judgment and may be filed and
11 execution had thereon in the same manner as any judgment from
12 any court of record.

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

17 (1) transfers of less than 10 firearms within each calendar
18 year;

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

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

25 (4) transfers of firearms among immediate family or

1 household members, as "immediate family or household member" is
2 defined in Section 3-2.7-10 of the Unified Code of Corrections;

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

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

11 (7) transfers of firearms that have been rendered
12 permanently inoperable to a nonprofit historical society,
13 museum, or institutional collection;

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

17 (9) transfers by a person who has his or her Firearm
18 Owner's Identification Card revoked to a State or local law
19 enforcement agency;

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

23 (11) transfers by a manufacturer or importer; provided,
24 that a dealer holding a Federal Firearms License Type 01-dealer
25 in firearms other than destructive devices; Type 02-pawnbroker
26 in firearms other than destructive devices; or Type 09-dealer

1 of destructive devices on April 1, 2017, is not exempt from
2 this Act by obtaining a Manufacturer Federal Firearms License
3 or Importer Federal Firearms License;

4 (12) transfers of pieces or parts of a firearm that do not
5 themselves qualify as firearms under paragraph (3) of
6 subsection (a) of Section 921 of the federal Gun Control Act of
7 1968 by a person who is actually engaged in manufacturing and
8 selling those pieces or parts but only on the activities which
9 are within the lawful scope of that business, and the
10 manufacture of which do not require the manufacturer to hold a
11 Federal Firearms License; or

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

14 Section 20. Powers and duties of the Department. Subject to
15 the provisions of this Act, the Department shall exercise the
16 following powers and duties:

17 (1) Prescribe forms to be issued for the administration
18 and enforcement of this Act.

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

23 (3) Review application to ascertain the qualifications
24 of applicants for licenses.

25 (4) Examine the records of licensees or investigate any

1 other aspect of the business of selling, leasing, or
2 otherwise transferring firearms.

3 (5) Conduct hearings on proceedings to refuse to issue
4 or renew licenses or to revoke, suspend, place on
5 probation, reprimand, or take any other disciplinary or
6 non-disciplinary action against licenses issued under this
7 Act.

8 (6) Formulate rules required for the administration of
9 this Act. Notice of proposed rulemaking shall be
10 transmitted to the Board, and the Department shall review
11 the Board's response and any recommendations made in the
12 response.

13 (7) Solicit the advice and expert knowledge of the
14 Board on any matter relating to the administration and
15 enforcement of this Act.

16 (8) Maintain rosters of the names and addresses of all
17 licensees and all persons whose licenses have been
18 suspended, revoked, denied renewal, or otherwise
19 disciplined within the previous calendar year. These
20 rosters shall be available upon written request and payment
21 of the required fee as established by rule.

22 (9) Exercise the powers and duties prescribed by the
23 Civil Administrative Code of Illinois for the
24 administration of licensing Acts.

25 (10) Contract with the Department of State Police, as
26 necessary, to perform inspections of licensees, as

1 provided under this Act.

2 (11) Authorize examinations to ascertain the
3 qualifications and fitness of applicants for licensing as a
4 dealer and pass upon the qualifications of applicants for
5 licensure.

6 Section 25. The Gun Dealer Licensing Board.

7 (a) The Gun Dealer Licensing Board shall consist of 5
8 members to be appointed by the Secretary. Each member shall
9 have a reasonable knowledge of the federal and State laws
10 regarding firearms. Each member shall either be a resident of
11 this State or shall certify that he or she will become a
12 resident of this State before taking office. The Board shall
13 consist of:

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

17 (2) one representative of the Department of State
18 Police with at least 5 years investigative experience or
19 duties related to criminal justice;

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

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

25 (5) one member shall be a lawyer licensed to practice

1 law in this State. The membership shall reasonably reflect
2 the different geographic areas in this State.

3 (b) Members shall serve 4 year terms and may serve until
4 their successors are appointed and qualified. Partial terms of
5 over 2 years in length shall be considered full terms. No
6 member shall serve for more than 2 successive terms. Whenever a
7 vacancy in the Board occurs, the remaining members of the Board
8 shall notify the Secretary of that vacancy within 5 days after
9 its occurrence and the Secretary shall fill the vacancy within
10 45 days. Appointments to fill vacancies shall be made in the
11 same manner as the original appointments for the unexpired
12 portion of the vacated term.

13 (c) The Secretary may recommend the removal of any member
14 of the Board for cause at any time before the expiration of his
15 or her term. A majority vote of the members is required for a
16 decision to remove any member of the Board. A member subject to
17 formal disciplinary proceedings shall disqualify himself or
18 herself from all Board business until the charge is resolved. A
19 member also shall disqualify himself or herself from any matter
20 on which the member cannot act objectively.

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

23 (e) Members shall receive compensation as set by law. Each
24 member shall receive reimbursement as set by the Governor's
25 Travel Control Board for expenses incurred in carrying out the
26 duties as a Board member.

1 (f) A majority of Board members constitutes a quorum. A
2 majority vote of the members is required for a decision. A
3 vacancy in the membership of the Board shall not impair the
4 right of a quorum to exercise all of the rights and perform all
5 of the duties of the Board.

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

8 Section 30. Application for license; forms.

9 (a) Each license application shall be on forms provided by
10 the Department.

11 (b) Every application for an original dealer license shall
12 include the applicant's social security number, which shall be
13 retained in the dealership's records pertaining to the license.
14 As soon as practical, the Department shall assign a customer's
15 identification number to each applicant for a license.

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

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

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

21 (a) The Department shall, upon the applicant's
22 satisfactory completion of the requirements under this Act and
23 receipt of the fee, issue the license indicating the name and
24 business location of the licensee and the date of expiration.

1 On or before December 31, 2019, the Department shall issue
2 dealer and dealership licenses to all qualified applicants
3 whose business existed in that location on the effective date
4 of this Act, and who submitted the application to the
5 Department on or after January 1, 2019 but before October 1,
6 2019. If an applicant submits an application for a license
7 before October 1, 2019 and the Department does not issue or
8 deny the license on or before December 31, 2019, or the
9 Department does not issue or deny a license within 90 days to
10 an applicant who submits an application for a license or
11 renewal of a license on October 1, 2019 or thereafter, the
12 applicant or licensee shall not be in violation of this Act on
13 the basis of continuing to operate the business.

14 (b) The expiration date, renewal period, and conditions for
15 renewal and restoration of each license shall be set by rule.
16 The holder may renew the license during the 90 days preceding
17 its expiration by paying the required fee and by meeting
18 conditions that the Department may specify. As a condition of
19 renewal of a dealer's license, the Department shall receive
20 from the applicant a copy of his or her valid and unexpired
21 concealed carry license, or shall verify the validity of the
22 applicant's Firearm Owner's Identification Card through the
23 Department of State Police in a manner prescribed by rule by
24 the Department of State Police. A dealership or dealer
25 operating on an expired license is considered to be practicing
26 without a license.

1 (c) A dealership that has permitted a license to expire may
2 have it restored by submitting an application to the
3 Department, successfully completing an inspection by the
4 Department, and by paying the required restoration fee and all
5 lapsed renewal fees.

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

17 (e) Any dealer whose license has expired while he or she
18 has been engaged (1) in the federal service in active duty with
19 the Army of the United States, the United States Navy, the
20 Marine Corps, the Air Force, the Coast Guard, or the State
21 Militia called into the service or training of the United
22 States of America, or (2) in training or education under the
23 supervision of the United States preliminary to induction into
24 the military service, may have his or her license restored
25 without paying any lapsed renewal fees or restoration fee, if
26 within 2 years after termination of that service, training or

1 education, other than by dishonorable discharge, he or she
2 furnishes the Department with an affidavit to the effect that
3 he or she has been so engaged and that his or her service,
4 training or education has been so terminated.

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

10 Section 40. Continuing education. The Department may adopt
11 rules of continuing education for persons licensed under this
12 Act. The Department shall consider the recommendations of the
13 Board in establishing guidelines for the continuing education
14 requirements.

15 Section 45. Examination of applicants; fee forfeiture.

16 (a) Applicants for licensure as a dealer shall be examined
17 as provided by this Section if they are qualified to be
18 examined under this Act. All applicants taking the examination
19 shall be evaluated using the same standards as others who are
20 examined for the respective license.

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

24 (c) Examinations shall test the amount of knowledge and

1 skill needed to perform the duties set under this Act and
2 comply with other provisions of federal and State law
3 applicable to the sale and transfer of firearms. The Department
4 may contract with a testing service for the preparation and
5 conduct of the examination.

6 (d) If an applicant neglects, fails, or refuses to take an
7 examination within one year after filing an application, the
8 fee shall be forfeited. However, an applicant may, after a
9 1-year period, make a new application for examination
10 accompanied by the required fee. If an applicant fails to pass
11 the examination within 3 years after filing an application, the
12 application shall be denied. An applicant may make a new
13 application after the 3-year period.

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

18 Section 50. Qualifications for licensure as a dealer.

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

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

22 (2) has a currently valid and unexpired concealed carry
23 license or Firearm Owner's Identification Card. The
24 Department shall verify the validity of the applicant's
25 Firearm Owner's Identification Card through the Department

1 of State Police in a manner prescribed by rule by the
2 Department of State Police. The Department of State Police
3 shall provide the Department with an approval number if the
4 Firearm Owner's Identification Card is currently valid;

5 (3) has not had a license or permit to sell, lease,
6 transfer, purchase, or possess firearms from the federal
7 government or the government of any state or subdivision of
8 any state revoked or suspended for good cause within the
9 preceding 3 years, or been terminated from employment with
10 a licensee or former licensee for good cause within the
11 preceding 3 years;

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

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

20 (6) has passed an examination authorized by the
21 Department.

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

25 Section 55. Qualifications for licensure as a dealership.

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

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

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

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

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

16 (1) The name, full business address, and telephone
17 number of the dealership. The business address for the
18 dealership shall be the complete street address where
19 firearms in the inventory of the dealership are regularly
20 stored, shall be located within the State, and may not be a
21 Post Office Box. The applicant shall submit proof that the
22 business location is or will be used to conduct the
23 dealership's business.

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

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

1 (4) The name of the owner or operator of the
2 dealership, including:

3 (A) if a person, then the name and address of
4 record of the person;

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

7 (C) if a corporation, then the name, address of
8 record, and title of each corporate officer and
9 director, the corporate names, and the name of the
10 state of incorporation; and

11 (D) if a sole proprietorship, then the full name
12 and address of record of the sole proprietor and the
13 name of the business entity.

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

16 (6) Proof that the applicant has applied for or
17 received a certificate of registration under the
18 Retailers' Occupation Tax Act.

19 (7) From the sheriff of the county in which the
20 business address is located written confirmation stating
21 that, to the best of the sheriff's knowledge, the applicant
22 is in compliance with applicable federal, State, and local
23 laws. A sheriff that refuses to provide this confirmation
24 within 30 days after the date of the application shall
25 instead submit an objection in writing to the Department
26 and the license applicant based upon a reasonable suspicion

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

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

21 (9) A final inspection report demonstrating that the
22 Department has determined upon inspection that the
23 proposed business premises comply with Section 70 of this
24 Act.

25 (c) No dealer may be the licensee-in-charge for more than
26 one dealership. Upon written request by a representative of a

1 dealership, within 10 days after the loss of a
2 licensee-in-charge of a dealership because of the death of that
3 individual or because of the termination of the employment of
4 that individual, the Department shall issue a temporary
5 certificate of authority allowing the continuing operation of
6 the licensed dealership. No temporary certificate of authority
7 shall be valid for more than 90 days. An extension of an
8 additional 90 days may be granted upon written request by the
9 representative of the dealership. Not more than 2 extensions
10 may be granted to any dealership. No temporary permit shall be
11 issued for loss of the licensee-in-charge because of
12 disciplinary action by the Department related to his or her
13 conduct on behalf of the dealership.

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

17 Section 60. Training of dealership agents. The Department
18 shall adopt rules requiring dealership agents to undergo
19 training regarding legal requirements and responsible business
20 practices as applicable to the sale or transfer of firearms.
21 Before a dealership agent has unsupervised access to or control
22 over firearms in the dealership's inventory or confidential or
23 security information, the dealership shall ensure that the
24 dealership agent receives the training that the Department may
25 require.

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

6 Section 70. Requirements; prohibitions.

7 (a) The Department of Financial and Professional
8 Regulation shall implement the provisions of this Section by
9 rule.

10 (b) A licensee shall maintain operating documents which
11 shall include procedures for the oversight of the licensee and
12 procedures to ensure accurate recordkeeping.

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

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

19 (2) alarm systems for licensees; and

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

23 (d) If a licensee operates the business at a permanent
24 physical location that is open to the public, that location

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

21 "THESE PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE
22 MAY BE RECORDED."

23 (e) The area where the licensee stores firearms that are
24 inventory of the licensee shall only be accessed by dealership
25 agents, Department of Financial and Professional Regulation
26 staff performing inspections, law enforcement or other

1 emergency personnel, and contractors working on jobs unrelated
2 to firearms, such as installing or maintaining security devices
3 or performing electrical wiring.

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

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

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

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

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

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

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

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

1 by rule.

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

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

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

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

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

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

4 (C) has had a license denied, suspended, or revoked
5 under this Act, or been terminated from employment as a
6 dealership agent:

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

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

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

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

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

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

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

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

1 (D) That the person will not divert firearms in
2 violation of the law.

3 (3) Each applicant for employment as a dealership agent
4 shall provide a copy of his or her valid and unexpired
5 concealed carry license, or have the validity of his or her
6 Firearm Owner's Identification Card confirmed by the
7 dealership through the Department of State Police in a manner
8 prescribed by rule by the Department of State Police. The
9 Department of State Police shall provide the dealership with an
10 approval number if the Firearm Owner's Identification Card is
11 currently valid.

12 (4) As part of an application for renewal or restoration of
13 a dealership license, the dealership shall confirm the validity
14 of the Firearm Owner's Identification Card of each dealership
15 agent employed by the dealership, and record the unique
16 approval number provided by the Department of State Police in
17 the record maintained under paragraph (5) of this Section,
18 provided that a dealership shall not be required to confirm the
19 validity of the Firearm Owner's Identification Card of a
20 dealership agent if the dealership has already confirmed the
21 validity of the dealership agent's Firearm Owner's
22 Identification Card within the last 6 months or the dealership
23 agent has provided the dealership with a copy of his or her
24 valid and unexpired concealed carry license within the last 6
25 months.

26 (5) Each dealership shall maintain a record of each

1 dealership agent that is accessible to the Department. The
2 record shall contain the following information:

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

5 (B) A copy of the dealership agent's concealed carry
6 license or Firearm Owner's Identification Card, and the
7 approval number provided by the Department of State Police
8 when the dealership last confirmed the validity of the
9 dealership agent's Firearm Owner's Identification Card.
10 The Department may, by rule, prescribe further record
11 requirements.

12 (6) Every dealership shall maintain a separate roster of
13 the names of all dealership agents and submit the roster to the
14 Department on request.

15 (7) No dealership may employ any person to perform a
16 licensed activity under this Act unless the person possesses a
17 valid dealer license under this Act or the requirements of this
18 Section are met, or the person is exempt under paragraph (8) of
19 this Section.

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

1 (9) Persons who have no unsupervised access to firearms in
2 the inventory of a dealership or confidential or security
3 information are exempt from the requirements of a dealership
4 agent.

5 (10) This Section shall apply to unpaid or paid volunteers
6 or other agents of the dealership who will have access to or
7 control over firearms in the inventory of the dealership or
8 confidential or security information, just as it applies to
9 paid employees.

10 Section 80. Employment requirement. A dealership licensed
11 under this Act is prohibited from evading or attempting to
12 evade the requirements for dealership agents under this Act by
13 engaging a contractor or independent contractor to perform the
14 activities of a dealer or dealership agent, unless that person
15 is licensed under this Act.

16 Section 85. Disciplinary sanctions.

17 (a) The Department may deny issuance, refuse to renew, or
18 restore or may reprimand, place on probation, suspend, revoke,
19 or take other disciplinary or non-disciplinary action against
20 any license, may impose a fine not to exceed \$10,000 for each
21 violation, and may assess costs as provided for under Section
22 150, for any of the following, consistent with the Protection
23 of Lawful Commerce in Arms Act, 15 U.S.C. 7901 through 7903 or
24 amendments thereto:

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

3 (2) Violations of this Act, any of the rules adopted
4 under this Act, or any law applicable to the sale or
5 transfer of firearms.

6 (3) Making any misrepresentation for the purpose of
7 obtaining licenses or cards.

8 (4) A pattern of practice or other behavior which
9 demonstrates incapacity or incompetency to practice under
10 this Act.

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

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

15 (7) Conviction of or plea of guilty or plea of nolo
16 contendere to any crime that disqualifies the person from
17 obtaining a valid Firearm Owner's Identification Card.

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

20 (A) Physical illness, mental illness, or other
21 impairment, including, but not limited to,
22 deterioration through the aging process or loss of
23 motor skills that results in the inability to serve the
24 public with reasonable judgment, skill, or safety.

25 (B) Any circumstance that disqualifies the person
26 from obtaining a valid Firearm Owner's Identification

1 Card.

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

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

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

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

15 (12) Violation of any disciplinary order imposed on a
16 licensee by the Department.

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

18 (14) Revealing confidential or security information,
19 except as specifically authorized by law, including but not
20 limited to information about purchasers and transferees of
21 firearms, provided that a licensee or dealership agent may
22 disclose this information under a court order, subpoena, or
23 search warrant or to the Department or federal, State, or
24 local law enforcement agencies upon request.

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

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

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

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

12 Section 90. Suspension or revocation of dealership agent
13 authority.

14 (a) Dealership agents shall be subject to the disciplinary
15 sanctions of this Act and shall otherwise comply with this Act
16 and the rules adopted under it. Notwithstanding any other
17 provision in this Act to the contrary, dealership agents shall
18 not be responsible for compliance with any requirement that
19 this Act assigns to the dealership or the licensee-in-charge
20 regardless of the agent's job title, job duties, or position in
21 the dealership. The procedures for disciplining a licensee
22 shall also apply in taking action against a dealership agent.

23 (b) The revocation of a dealer's or dealership agent's
24 Firearm Owner's Identification Card or concealed carry
25 license, if applicable, operates as an automatic suspension of

1 the dealer license or dealership agent's authority under this
2 Act. The suspension shall end only upon the issuance by the
3 Department of State Police of a new Firearm Owner's
4 Identification Card or concealed carry license to the dealer or
5 dealership agent.

6 Section 95. Returned checks; fines. Any person who delivers
7 a check or other payment to the Department that is returned to
8 the Department unpaid by the financial institution upon which
9 it is drawn shall pay to the Department, in addition to the
10 amount already owed to the Department, a fine of \$50. The fines
11 imposed by this Section are in addition to any other discipline
12 provided under this Act for unlicensed business or business on
13 a nonrenewed license. The Department shall notify the person
14 that payment of fees and fines shall be paid to the Department
15 by certified check or money order within 30 calendar days of
16 the notification. If, after the expiration of 30 days from the
17 date of the notification, the person has failed to submit the
18 necessary remittance, the Department shall automatically
19 terminate the license or deny the application, without hearing.
20 If, after termination or denial, the person seeks a license, he
21 or she shall apply to the Department for restoration or
22 issuance of the license and pay all fees and fines due to the
23 Department. The Department may establish a fee for the
24 processing of an application for restoration of a license to
25 pay all expenses of processing this application. The Secretary

1 may waive the fines due under this Section in individual cases
2 if the Secretary finds that the fines would be unreasonable or
3 unnecessarily burdensome.

4 Section 100. Statute of limitations. No action may be taken
5 under this Act against a person or entity licensed under this
6 Act unless the action is commenced within 5 years after the
7 occurrence of the alleged violations. A continuing violation
8 shall be deemed to have occurred on the date when the
9 circumstances last existed that give rise to the alleged
10 violation.

11 Section 105. Complaints; investigations; hearings.

12 (a) The Department may investigate the actions of any
13 applicant or of any person or persons holding or claiming to
14 hold a license or registration under this Act.

15 (b) The Department shall, before disciplining a licensee
16 under Section 130 or refusing to issue or license, at least 30
17 days before the date set for the hearing, (i) notify the
18 accused in writing of the charges made and the time and place
19 for the hearing on the charges, (ii) direct him or her to file
20 a written answer to the charges under oath within 20 days after
21 service, and (iii) inform the applicant or licensee that
22 failure to answer will result in a default being entered
23 against the applicant or licensee.

24 (c) At the time and place fixed in the notice, the Board or

1 the hearing officer appointed by the Secretary shall proceed to
2 hear the charges, and the parties or their counsel shall be
3 accorded ample opportunity to present any pertinent
4 statements, testimony, evidence, and arguments. The Board or
5 hearing officer may continue the hearing from time to time. In
6 case the person, after receiving the notice, fails to file an
7 answer, his or her license may, in the discretion of the
8 Secretary, having first received the recommendation of the
9 Board, be suspended, revoked, or placed on probationary status,
10 or be subject to whatever disciplinary action the Secretary
11 considers proper, including limiting the scope, nature, or
12 extent of the person's business or the imposition of a fine,
13 without hearing, if the act or acts charged constitute
14 sufficient grounds for that action under this Act.

15 (d) The written notice and any notice in the subsequent
16 proceeding may be served by certified mail to the licensee's
17 address of record.

18 (e) The Secretary has the authority to appoint any attorney
19 licensed to practice law in this State to serve as the hearing
20 officer in any action for refusal to issue, restore, or renew a
21 license or to discipline a licensee. The hearing officer has
22 full authority to conduct the hearing.

23 Section 110. Hearing; rehearing.

24 (a) The Board or the hearing officer authorized by the
25 Department shall hear evidence in support of the formal charges

1 and evidence produced by the licensee. At the conclusion of the
2 hearing, the Board shall present to the Secretary a written
3 report of its findings of fact, conclusions of law, and
4 recommendations. The report shall contain a finding of whether
5 the accused person violated this Act or failed to comply with
6 the conditions required in this Act. The Board shall specify
7 the nature of the violation or failure to comply and shall make
8 its recommendation to the Secretary.

9 (b) At the conclusion of the hearing, a copy of the Board
10 or hearing officer's report shall be served upon the applicant
11 or licensee by the Department, either personally or as provided
12 in this Act for the service of a notice of hearing. Within 20
13 calendar days after service, the applicant or licensee may
14 present to the Department a motion in writing for a rehearing,
15 which shall specify the particular grounds for rehearing. The
16 Department may respond to the motion for rehearing within 20
17 calendar days after its service on the Department. If no motion
18 for rehearing is filed, then upon the expiration of the time
19 specified for filing such a motion, or upon denial of a motion
20 for rehearing, the Secretary may enter an order in accordance
21 with the recommendations of the Board or hearing officer. If
22 the applicant or licensee orders from the reporting service and
23 pays for a transcript of the record within the time for filing
24 a motion for rehearing, the 20-day period within which a motion
25 may be filed shall commence upon the delivery of the transcript
26 to the applicant or licensee.

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

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

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

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

13 Section 115. Disposition by consent order. At any point in
14 any investigation or disciplinary proceeding provided for in
15 the Act, both parties may agree to a negotiated consent order.
16 The consent order shall be final upon signature of the
17 Secretary.

18 Section 120. Restoration of license after disciplinary
19 proceedings. At any time after the successful completion of a
20 term of indefinite probation, indefinite suspension, or
21 revocation of a license, the Department may restore it to the
22 licensee, unless, after an investigation and a hearing, the
23 Secretary determines that restoration is not in the public
24 interest. No person or entity whose license, card, or authority

1 has been revoked as authorized in this Act may apply for
2 restoration of that license, registration, or authority until
3 such time as provided for in the Civil Administrative Code of
4 Illinois.

5 Section 125. Injunction; cease and desist orders.

6 (a) Upon the filing of a verified petition in court, if
7 satisfied by affidavit or otherwise that the person, firm,
8 corporation, or other legal entity is or has been conducting
9 activities in violation of this Act, the court may enter a
10 temporary restraining order or preliminary injunction, without
11 bond, enjoining the defendant from further activity. A copy of
12 the verified complaint shall be served upon the defendant and
13 the proceedings shall be conducted as in civil cases. If it is
14 established the defendant has been or is conducting activities
15 in violation of this Act, the court may enter a judgment
16 enjoining the defendant from that activity. In case of
17 violation of any injunctive order or judgment entered under
18 this Section, the court may punish the offender for contempt of
19 court. Injunctive proceedings shall be in addition to all other
20 penalties under this Act.

21 (b) If any person has engaged in the business of selling,
22 leasing, or otherwise transferring firearms without having a
23 valid license under this Act, then any licensee, any interested
24 party, or any person injured thereby may, in addition to the
25 Secretary, petition for relief as provided in subsection (a) of

1 this Section.

2 (c) Whenever the Department has reason to believe a person,
3 firm, corporation, or other legal entity has violated any
4 provision of this Act, the Department may issue a rule to show
5 cause why an order to cease and desist should not be entered
6 against that person, firm, corporation, or other legal entity.
7 The rule shall clearly set forth the grounds relied upon by the
8 Department and shall provide a period of 7 days from the date
9 of the rule to file an answer to the satisfaction of the
10 Department. Failure to answer to the satisfaction of the
11 Department shall cause an order to cease and desist to be
12 issued immediately.

13 Section 130. Administrative review. All final
14 administrative decisions of the Department are subject to
15 judicial review under Article III of the Code of Civil
16 Procedure. The term "administrative decision" is defined as in
17 Section 3-101 of the Code of Civil Procedure. The proceedings
18 for judicial review shall be commenced in the circuit court of
19 the county in which the party applying for review resides; but
20 if the party is not a resident of this State, the venue shall
21 be in Sangamon County. The Department shall not be required to
22 certify any record to the court or file any answer in court or
23 otherwise appear in any court in a judicial review proceeding,
24 unless and until the Department has received from the plaintiff
25 payment of the costs of furnishing and certifying the record,

1 which costs shall be determined by the Department. Exhibits
2 shall be certified without cost. Failure on the part of the
3 applicant or licensee to file a receipt in court is grounds for
4 dismissal of the action.

5 Section 135. Prima facie proof.

6 (a) An order or a certified copy thereof, over the seal of
7 the Department and purporting to be signed by the Secretary, is
8 prima facie proof that the signature is that of the Secretary,
9 and the Secretary is qualified to act.

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

14 Section 140. Subpoenas.

15 (a) The Department may subpoena and bring before it any
16 person to take the oral or written testimony or compel the
17 production of any books, papers, records, or any other
18 documents that the Secretary or his or her designee deems
19 relevant or material to any such investigation or hearing
20 conducted by the Department with the same fees and in the same
21 manner as prescribed in civil cases in the courts of this
22 State.

23 (b) Any circuit court, upon the application of the
24 applicant, licensee, or Department, may order the attendance

1 and testimony of witnesses and the production of relevant
2 documents, files, records, books, and papers in connection with
3 any hearing or investigation. The circuit court may compel
4 obedience to its order by proceedings for contempt.

5 (c) The Secretary, the hearing officer, any member of the
6 Board, or a certified shorthand court reporter may administer
7 oaths at any hearing the Department conducts. Notwithstanding
8 any other statute or Department rule to the contrary, all
9 requests for testimony, production of documents or records
10 shall be in accordance with this Act.

11 Section 145. Stenographers. The Department, at its
12 expense, shall preserve the record of all proceedings at a
13 formal hearing of any case. The notice of hearing, complaint,
14 all other documents in the nature of pleadings and written
15 motions filed in the proceedings, the transcript of testimony,
16 the report of the Board and orders of the Department shall be
17 in the record of the proceedings.

18 Section 150. Fees; deposit of fees and fines. The
19 Department shall by rule provide for fees for the
20 administration and enforcement of this Act, and those fees are
21 nonrefundable. All of the fees, penalties, and fines collected
22 under this Act shall be deposited into the General Professions
23 Dedicated Fund and shall be appropriated to the Department for
24 the ordinary and contingent expenses of the Department in the

1 administration and enforcement of this Act.

2 Section 155. Illinois Administrative Procedure Act;
3 application.

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

7 (b) Article 10 of the Illinois Administrative Procedure Act
8 is expressly adopted and incorporated in this Act as if all of
9 the provisions of that Article were included in this Act,
10 except that the provision of paragraph (d) of Section 10-65 of
11 the Illinois Administrative Procedure Act, which provides that
12 at hearings the registrant or licensee has the right to show
13 compliance with all lawful requirements for retention or
14 continuation or renewal of the license, is specifically
15 excluded. For the purpose of this Act, the notice required
16 under Section 10-25 of the Illinois Administrative Procedure
17 Act is considered sufficient when mailed to the address of
18 record of a party.

19 Section 160. Confidentiality. All information collected by
20 the Department in the course of an examination or investigation
21 of a licensee or applicant, including, but not limited to, any
22 complaint against a licensee filed with the Department and
23 information collected to investigate any such complaint, shall
24 be maintained for the confidential use of the Department and

1 shall not be disclosed. The Department shall not disclose the
2 information to anyone other than law enforcement officials,
3 regulatory agencies that have an appropriate regulatory
4 interest as determined by the Secretary, or a party presenting
5 a lawful subpoena to the Department. Information and documents
6 disclosed to a federal, State, county, or local law enforcement
7 agency shall not be disclosed by the agency for any purpose to
8 any other agency or person. A formal complaint filed against a
9 licensee by the Department or any order issued by the
10 Department against a licensee or applicant shall be a public
11 record, except as otherwise prohibited by law.

12 Section 165. Rules. The Department shall adopt rules
13 necessary to implement the provisions of this Act no later than
14 180 days after the effective date of this Act. The Department
15 may adopt rules necessary to implement the provisions of this
16 Act through the use of emergency rulemaking in accordance with
17 Section 5-45 of the Illinois Administrative Procedure Act for a
18 period not to exceed 180 days after the effective date of this
19 Act.

20 Section 900. The Regulatory Sunset Act is amended by adding
21 Section 4.38 as follows:

22 (5 ILCS 80/4.38 new)

23 Sec. 4.38. Act repealed on January 1, 2028. The following

1 Act is repealed on January 1, 2028:

2 The Gun Dealer Licensing Act.

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

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

6 (Text of Section before amendment by P.A. 99-906)

7 Sec. 5-45. Emergency rulemaking.

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

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's
24 finding and a statement of the specific reasons for the finding

1 shall be filed with the rule. The agency shall take reasonable
2 and appropriate measures to make emergency rules known to the
3 persons who may be affected by them.

4 (c) An emergency rule may be effective for a period of not
5 longer than 150 days, but the agency's authority to adopt an
6 identical rule under Section 5-40 is not precluded. No
7 emergency rule may be adopted more than once in any 24-month ~~24~~
8 ~~month~~ period, except that this limitation on the number of
9 emergency rules that may be adopted in a 24-month ~~24-month~~
10 period does not apply to (i) emergency rules that make
11 additions to and deletions from the Drug Manual under Section
12 5-5.16 of the Illinois Public Aid Code or the generic drug
13 formulary under Section 3.14 of the Illinois Food, Drug and
14 Cosmetic Act, (ii) emergency rules adopted by the Pollution
15 Control Board before July 1, 1997 to implement portions of the
16 Livestock Management Facilities Act, (iii) emergency rules
17 adopted by the Illinois Department of Public Health under
18 subsections (a) through (i) of Section 2 of the Department of
19 Public Health Act when necessary to protect the public's
20 health, (iv) emergency rules adopted pursuant to subsection (n)
21 of this Section, (v) emergency rules adopted pursuant to
22 subsection (o) of this Section, or (vi) emergency rules adopted
23 pursuant to subsection (c-5) of this Section. Two or more
24 emergency rules having substantially the same purpose and
25 effect shall be deemed to be a single rule for purposes of this
26 Section.

1 (c-5) To facilitate the maintenance of the program of group
2 health benefits provided to annuitants, survivors, and retired
3 employees under the State Employees Group Insurance Act of
4 1971, rules to alter the contributions to be paid by the State,
5 annuitants, survivors, retired employees, or any combination
6 of those entities, for that program of group health benefits,
7 shall be adopted as emergency rules. The adoption of those
8 rules shall be considered an emergency and necessary for the
9 public interest, safety, and welfare.

10 (d) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 1999 budget,
12 emergency rules to implement any provision of Public Act 90-587
13 or 90-588 or any other budget initiative for fiscal year 1999
14 may be adopted in accordance with this Section by the agency
15 charged with administering that provision or initiative,
16 except that the 24-month limitation on the adoption of
17 emergency rules and the provisions of Sections 5-115 and 5-125
18 do not apply to rules adopted under this subsection (d). The
19 adoption of emergency rules authorized by this subsection (d)
20 shall be deemed to be necessary for the public interest,
21 safety, and welfare.

22 (e) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2000 budget,
24 emergency rules to implement any provision of Public Act 91-24
25 or any other budget initiative for fiscal year 2000 may be
26 adopted in accordance with this Section by the agency charged

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

8 (f) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2001 budget,
10 emergency rules to implement any provision of Public Act 91-712
11 or any other budget initiative for fiscal year 2001 may be
12 adopted in accordance with this Section by the agency charged
13 with administering that provision or initiative, except that
14 the 24-month limitation on the adoption of emergency rules and
15 the provisions of Sections 5-115 and 5-125 do not apply to
16 rules adopted under this subsection (f). The adoption of
17 emergency rules authorized by this subsection (f) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (g) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2002 budget,
22 emergency rules to implement any provision of Public Act 92-10
23 or any other budget initiative for fiscal year 2002 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

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

6 (h) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2003 budget,
8 emergency rules to implement any provision of Public Act 92-597
9 or any other budget initiative for fiscal year 2003 may be
10 adopted in accordance with this Section by the agency charged
11 with administering that provision or initiative, except that
12 the 24-month limitation on the adoption of emergency rules and
13 the provisions of Sections 5-115 and 5-125 do not apply to
14 rules adopted under this subsection (h). The adoption of
15 emergency rules authorized by this subsection (h) shall be
16 deemed to be necessary for the public interest, safety, and
17 welfare.

18 (i) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2004 budget,
20 emergency rules to implement any provision of Public Act 93-20
21 or any other budget initiative for fiscal year 2004 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (i). The adoption of

1 emergency rules authorized by this subsection (i) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (j) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2005 budget as provided under the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act, emergency rules to
8 implement any provision of the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision, except that the 24-month
12 limitation on the adoption of emergency rules and the
13 provisions of Sections 5-115 and 5-125 do not apply to rules
14 adopted under this subsection (j). The Department of Public Aid
15 may also adopt rules under this subsection (j) necessary to
16 administer the Illinois Public Aid Code and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (j) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2006 budget, emergency rules to implement any provision of
23 Public Act 94-48 or any other budget initiative for fiscal year
24 2006 may be adopted in accordance with this Section by the
25 agency charged with administering that provision or
26 initiative, except that the 24-month limitation on the adoption

1 of emergency rules and the provisions of Sections 5-115 and
2 5-125 do not apply to rules adopted under this subsection (k).
3 The Department of Healthcare and Family Services may also adopt
4 rules under this subsection (k) necessary to administer the
5 Illinois Public Aid Code, the Senior Citizens and Persons with
6 Disabilities Property Tax Relief Act, the Senior Citizens and
7 Disabled Persons Prescription Drug Discount Program Act (now
8 the Illinois Prescription Drug Discount Program Act), and the
9 Children's Health Insurance Program Act. The adoption of
10 emergency rules authorized by this subsection (k) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (l) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2007 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2007, including
17 rules effective July 1, 2007, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (l) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

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

1 implementation of the provisions of the State's fiscal year
2 2008 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2008, including
4 rules effective July 1, 2008, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (m) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (n) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2010 budget, emergency rules to implement any provision of
16 Public Act 96-45 or any other budget initiative authorized by
17 the 96th General Assembly for fiscal year 2010 may be adopted
18 in accordance with this Section by the agency charged with
19 administering that provision or initiative. The adoption of
20 emergency rules authorized by this subsection (n) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare. The rulemaking authority granted in this subsection
23 (n) shall apply only to rules promulgated during Fiscal Year
24 2010.

25 (o) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2011 budget, emergency rules to implement any provision of
2 Public Act 96-958 or any other budget initiative authorized by
3 the 96th General Assembly for fiscal year 2011 may be adopted
4 in accordance with this Section by the agency charged with
5 administering that provision or initiative. The adoption of
6 emergency rules authorized by this subsection (o) is deemed to
7 be necessary for the public interest, safety, and welfare. The
8 rulemaking authority granted in this subsection (o) applies
9 only to rules promulgated on or after July 1, 2010 (the
10 effective date of Public Act 96-958) through June 30, 2011.

11 (p) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 97-689,
13 emergency rules to implement any provision of Public Act 97-689
14 may be adopted in accordance with this subsection (p) by the
15 agency charged with administering that provision or
16 initiative. The 150-day limitation of the effective period of
17 emergency rules does not apply to rules adopted under this
18 subsection (p), and the effective period may continue through
19 June 30, 2013. The 24-month limitation on the adoption of
20 emergency rules does not apply to rules adopted under this
21 subsection (p). The adoption of emergency rules authorized by
22 this subsection (p) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (q) In order to provide for the expeditious and timely
25 implementation of the provisions of Articles 7, 8, 9, 11, and
26 12 of Public Act 98-104, emergency rules to implement any

1 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
2 may be adopted in accordance with this subsection (q) by the
3 agency charged with administering that provision or
4 initiative. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (q). The adoption of emergency rules authorized by
7 this subsection (q) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (r) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 98-651,
11 emergency rules to implement Public Act 98-651 may be adopted
12 in accordance with this subsection (r) by the Department of
13 Healthcare and Family Services. The 24-month limitation on the
14 adoption of emergency rules does not apply to rules adopted
15 under this subsection (r). The adoption of emergency rules
16 authorized by this subsection (r) is deemed to be necessary for
17 the public interest, safety, and welfare.

18 (s) In order to provide for the expeditious and timely
19 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
20 the Illinois Public Aid Code, emergency rules to implement any
21 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
22 Public Aid Code may be adopted in accordance with this
23 subsection (s) by the Department of Healthcare and Family
24 Services. The rulemaking authority granted in this subsection
25 (s) shall apply only to those rules adopted prior to July 1,
26 2015. Notwithstanding any other provision of this Section, any

1 emergency rule adopted under this subsection (s) shall only
2 apply to payments made for State fiscal year 2015. The adoption
3 of emergency rules authorized by this subsection (s) is deemed
4 to be necessary for the public interest, safety, and welfare.

5 (t) In order to provide for the expeditious and timely
6 implementation of the provisions of Article II of Public Act
7 99-6, emergency rules to implement the changes made by Article
8 II of Public Act 99-6 to the Emergency Telephone System Act may
9 be adopted in accordance with this subsection (t) by the
10 Department of State Police. The rulemaking authority granted in
11 this subsection (t) shall apply only to those rules adopted
12 prior to July 1, 2016. The 24-month limitation on the adoption
13 of emergency rules does not apply to rules adopted under this
14 subsection (t). The adoption of emergency rules authorized by
15 this subsection (t) is deemed to be necessary for the public
16 interest, safety, and welfare.

17 (u) In order to provide for the expeditious and timely
18 implementation of the provisions of the Burn Victims Relief
19 Act, emergency rules to implement any provision of the Act may
20 be adopted in accordance with this subsection (u) by the
21 Department of Insurance. The rulemaking authority granted in
22 this subsection (u) shall apply only to those rules adopted
23 prior to December 31, 2015. The adoption of emergency rules
24 authorized by this subsection (u) is deemed to be necessary for
25 the public interest, safety, and welfare.

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

1 implementation of the provisions of Public Act 99-516 ~~this~~
2 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
3 implement Public Act 99-516 ~~this amendatory Act of the 99th~~
4 ~~General Assembly~~ may be adopted in accordance with this
5 subsection (v) by the Department of Healthcare and Family
6 Services. The 24-month limitation on the adoption of emergency
7 rules does not apply to rules adopted under this subsection
8 (v). The adoption of emergency rules authorized by this
9 subsection (v) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (w) ~~(v)~~ In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 99-796 ~~this~~
13 ~~amendatory Act of the 99th General Assembly~~, emergency rules to
14 implement the changes made by Public Act 99-796 ~~this amendatory~~
15 ~~Act of the 99th General Assembly~~ may be adopted in accordance
16 with this subsection (w) ~~(v)~~ by the Adjutant General. The
17 adoption of emergency rules authorized by this subsection (w)
18 ~~(v)~~ is deemed to be necessary for the public interest, safety,
19 and welfare.

20 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
21 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
22 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
23 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; revised
24 9-21-16.)

25 (Text of Section after amendment by P.A. 99-906)

1 Sec. 5-45. Emergency rulemaking.

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

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

22 (c) An emergency rule may be effective for a period of not
23 longer than 150 days, but the agency's authority to adopt an
24 identical rule under Section 5-40 is not precluded. No
25 emergency rule may be adopted more than once in any 24-month
26 period, except that this limitation on the number of emergency

1 rules that may be adopted in a 24-month period does not apply
2 to (i) emergency rules that make additions to and deletions
3 from the Drug Manual under Section 5-5.16 of the Illinois
4 Public Aid Code or the generic drug formulary under Section
5 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
6 emergency rules adopted by the Pollution Control Board before
7 July 1, 1997 to implement portions of the Livestock Management
8 Facilities Act, (iii) emergency rules adopted by the Illinois
9 Department of Public Health under subsections (a) through (i)
10 of Section 2 of the Department of Public Health Act when
11 necessary to protect the public's health, (iv) emergency rules
12 adopted pursuant to subsection (n) of this Section, (v)
13 emergency rules adopted pursuant to subsection (o) of this
14 Section, or (vi) emergency rules adopted pursuant to subsection
15 (c-5) of this Section. Two or more emergency rules having
16 substantially the same purpose and effect shall be deemed to be
17 a single rule for purposes of this Section.

18 (c-5) To facilitate the maintenance of the program of group
19 health benefits provided to annuitants, survivors, and retired
20 employees under the State Employees Group Insurance Act of
21 1971, rules to alter the contributions to be paid by the State,
22 annuitants, survivors, retired employees, or any combination
23 of those entities, for that program of group health benefits,
24 shall be adopted as emergency rules. The adoption of those
25 rules shall be considered an emergency and necessary for the
26 public interest, safety, and welfare.

1 (d) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 1999 budget,
3 emergency rules to implement any provision of Public Act 90-587
4 or 90-588 or any other budget initiative for fiscal year 1999
5 may be adopted in accordance with this Section by the agency
6 charged with administering that provision or initiative,
7 except that the 24-month limitation on the adoption of
8 emergency rules and the provisions of Sections 5-115 and 5-125
9 do not apply to rules adopted under this subsection (d). The
10 adoption of emergency rules authorized by this subsection (d)
11 shall be deemed to be necessary for the public interest,
12 safety, and welfare.

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

25 (f) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2001 budget,

1 emergency rules to implement any provision of Public Act 91-712
2 or any other budget initiative for fiscal year 2001 may be
3 adopted in accordance with this Section by the agency charged
4 with administering that provision or initiative, except that
5 the 24-month limitation on the adoption of emergency rules and
6 the provisions of Sections 5-115 and 5-125 do not apply to
7 rules adopted under this subsection (f). The adoption of
8 emergency rules authorized by this subsection (f) shall be
9 deemed to be necessary for the public interest, safety, and
10 welfare.

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

23 (h) In order to provide for the expeditious and timely
24 implementation of the State's fiscal year 2003 budget,
25 emergency rules to implement any provision of Public Act 92-597
26 or any other budget initiative for fiscal year 2003 may be

1 adopted in accordance with this Section by the agency charged
2 with administering that provision or initiative, except that
3 the 24-month limitation on the adoption of emergency rules and
4 the provisions of Sections 5-115 and 5-125 do not apply to
5 rules adopted under this subsection (h). The adoption of
6 emergency rules authorized by this subsection (h) shall be
7 deemed to be necessary for the public interest, safety, and
8 welfare.

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

21 (j) In order to provide for the expeditious and timely
22 implementation of the provisions of the State's fiscal year
23 2005 budget as provided under the Fiscal Year 2005 Budget
24 Implementation (Human Services) Act, emergency rules to
25 implement any provision of the Fiscal Year 2005 Budget
26 Implementation (Human Services) Act may be adopted in

1 accordance with this Section by the agency charged with
2 administering that provision, except that the 24-month
3 limitation on the adoption of emergency rules and the
4 provisions of Sections 5-115 and 5-125 do not apply to rules
5 adopted under this subsection (j). The Department of Public Aid
6 may also adopt rules under this subsection (j) necessary to
7 administer the Illinois Public Aid Code and the Children's
8 Health Insurance Program Act. The adoption of emergency rules
9 authorized by this subsection (j) shall be deemed to be
10 necessary for the public interest, safety, and welfare.

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

1 emergency rules authorized by this subsection (k) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

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

17 (m) In order to provide for the expeditious and timely
18 implementation of the provisions of the State's fiscal year
19 2008 budget, the Department of Healthcare and Family Services
20 may adopt emergency rules during fiscal year 2008, including
21 rules effective July 1, 2008, in accordance with this
22 subsection to the extent necessary to administer the
23 Department's responsibilities with respect to amendments to
24 the State plans and Illinois waivers approved by the federal
25 Centers for Medicare and Medicaid Services necessitated by the
26 requirements of Title XIX and Title XXI of the federal Social

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

4 (n) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2010 budget, emergency rules to implement any provision of
7 Public Act 96-45 or any other budget initiative authorized by
8 the 96th General Assembly for fiscal year 2010 may be adopted
9 in accordance with this Section by the agency charged with
10 administering that provision or initiative. The adoption of
11 emergency rules authorized by this subsection (n) shall be
12 deemed to be necessary for the public interest, safety, and
13 welfare. The rulemaking authority granted in this subsection
14 (n) shall apply only to rules promulgated during Fiscal Year
15 2010.

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

1 effective date of Public Act 96-958) through June 30, 2011.

2 (p) In order to provide for the expeditious and timely
3 implementation of the provisions of Public Act 97-689,
4 emergency rules to implement any provision of Public Act 97-689
5 may be adopted in accordance with this subsection (p) by the
6 agency charged with administering that provision or
7 initiative. The 150-day limitation of the effective period of
8 emergency rules does not apply to rules adopted under this
9 subsection (p), and the effective period may continue through
10 June 30, 2013. The 24-month limitation on the adoption of
11 emergency rules does not apply to rules adopted under this
12 subsection (p). The adoption of emergency rules authorized by
13 this subsection (p) is deemed to be necessary for the public
14 interest, safety, and welfare.

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

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

1 implementation of the provisions of Public Act 98-651,
2 emergency rules to implement Public Act 98-651 may be adopted
3 in accordance with this subsection (r) by the Department of
4 Healthcare and Family Services. The 24-month limitation on the
5 adoption of emergency rules does not apply to rules adopted
6 under this subsection (r). The adoption of emergency rules
7 authorized by this subsection (r) is deemed to be necessary for
8 the public interest, safety, and welfare.

9 (s) In order to provide for the expeditious and timely
10 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
11 the Illinois Public Aid Code, emergency rules to implement any
12 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
13 Public Aid Code may be adopted in accordance with this
14 subsection (s) by the Department of Healthcare and Family
15 Services. The rulemaking authority granted in this subsection
16 (s) shall apply only to those rules adopted prior to July 1,
17 2015. Notwithstanding any other provision of this Section, any
18 emergency rule adopted under this subsection (s) shall only
19 apply to payments made for State fiscal year 2015. The adoption
20 of emergency rules authorized by this subsection (s) is deemed
21 to be necessary for the public interest, safety, and welfare.

22 (t) In order to provide for the expeditious and timely
23 implementation of the provisions of Article II of Public Act
24 99-6, emergency rules to implement the changes made by Article
25 II of Public Act 99-6 to the Emergency Telephone System Act may
26 be adopted in accordance with this subsection (t) by the

1 Department of State Police. The rulemaking authority granted in
2 this subsection (t) shall apply only to those rules adopted
3 prior to July 1, 2016. The 24-month limitation on the adoption
4 of emergency rules does not apply to rules adopted under this
5 subsection (t). The adoption of emergency rules authorized by
6 this subsection (t) is deemed to be necessary for the public
7 interest, safety, and welfare.

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

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

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

1 implementation of the provisions of Public Act 99-796,
2 emergency rules to implement the changes made by Public Act
3 99-796 may be adopted in accordance with this subsection (w) by
4 the Adjutant General. The adoption of emergency rules
5 authorized by this subsection (w) is deemed to be necessary for
6 the public interest, safety, and welfare.

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

20 (y) In order to provide for the expeditious and timely
21 implementation of the provisions of the Gun Dealer Licensing
22 Act, emergency rules to implement any provision of the Act may
23 be adopted in accordance with this subsection (y) by the
24 Department of Financial and Professional Regulation. The
25 rulemaking authority granted in this subsection (y) shall apply
26 only to those rules adopted no later than one year after the

1 effective date of this amendatory Act of the 100th General
2 Assembly. The adoption of emergency rules authorized by this
3 subsection (y) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (Source: P.A. 98-104, eff. 7-22-13; 98-463, eff. 8-16-13;
6 98-651, eff. 6-16-14; 99-2, eff. 3-26-15; 99-6, eff. 1-1-16;
7 99-143, eff. 7-27-15; 99-455, eff. 1-1-16; 99-516, eff.
8 6-30-16; 99-642, eff. 7-28-16; 99-796, eff. 1-1-17; 99-906,
9 eff. 6-1-17; revised 1-1-17.)

10 Section 995. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.