



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5094

Introduced 2/18/2020, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

805 ILCS 5/15.95 from Ch. 32, par. 15.95
805 ILCS 215/1308

Amends the Business Corporation Act of 1983 and the Uniform Limited Partnership Act (2001). Requires that the filing of annual reports and requests for certificates of good standing be made in "real time" only and without expedited services available and eliminates the \$20 fee for certificates of good standing under the Business Corporation of 1983. Amends the Uniform limited Partnership Act (2001) to require that the filing of annual reports and requests for certificates of existence be made in real time only and without expedited services available. Eliminates the \$20 fee for a certificate of existence.

LRB101 16706 JLS 66094 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

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

4 Section 5. The Business Corporation Act of 1983 is amended
5 by changing Section 15.95 as follows:

6 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

7 Sec. 15.95. Department of Business Services Special
8 Operations Fund.

9 (a) A special fund in the State treasury known as the
10 Division of Corporations Special Operations Fund is renamed the
11 Department of Business Services Special Operations Fund.
12 Moneys deposited into the Fund shall, subject to appropriation,
13 be used by the Department of Business Services of the Office of
14 the Secretary of State, hereinafter "Department", to create and
15 maintain the capability to perform expedited services in
16 response to special requests made by the public for same day or
17 24 hour service. Moneys deposited into the Fund shall be used
18 for, but not limited to, expenditures for personal services,
19 retirement, social security, contractual services, equipment,
20 electronic data processing, and telecommunications.

21 (b) On or before August 31 of each year, the balance in the
22 Fund in excess of \$600,000 shall be transferred to the General
23 Revenue Fund.

1 (c) All fees payable to the Secretary of State under this
2 Section shall be deposited into the Fund. No other fees or
3 taxes collected under this Act shall be deposited into the
4 Fund.

5 (d) "Expedited services" means services rendered within
6 the same day, or within 24 hours from the time, the request
7 therefor is submitted by the filer, law firm, service company,
8 or messenger physically in person or, at the Secretary of
9 State's discretion, by electronic means, to the Department's
10 Springfield Office and includes requests for certified copies
11 ~~and~~, photocopies, ~~and certificates of good standing or fact~~
12 made to the Department's Springfield Office in person or by
13 telephone, or requests ~~for certificates of good standing or~~
14 ~~fact~~ made in person or by telephone to the Department's Chicago
15 Office. A request submitted by electronic means may not be
16 considered a request for expedited services solely because of
17 its submission by electronic means, unless expedited service is
18 requested by the filer.

19 (e) Fees for expedited services shall be as follows:

20 Restatement of articles, \$200;
21 Merger, consolidation or exchange, \$200;
22 Articles of incorporation, \$100;
23 Articles of amendment, \$100;
24 Revocation of dissolution, \$100;
25 Reinstatement, \$100;
26 Application for authority, \$100;

1 Cumulative report of changes in issued shares or
2 paid-in capital, \$100;

3 Report following merger or consolidation, \$100;

4 ~~Certificate of good standing or fact, \$20;~~

5 All other filings, copies of documents, ~~annual reports~~
6 ~~filed on or after January 1, 1984,~~ and copies of documents
7 of dissolved or revoked corporations having a file number
8 over 5199, \$50.

9 (f) Expedited services shall not be available for a
10 statement of correction, a petition for refund or adjustment,
11 or a request involving annual reports filed before January 1,
12 1984 or involving dissolved corporations with a file number
13 below 5200.

14 (g) Filing of annual reports and requests for certificates
15 of good standing or fact shall be made in real time only
16 without expedited services available.

17 (Source: P.A. 99-620, eff. 1-1-17; 100-186, eff. 7-1-18.)

18 Section 10. The Uniform Limited Partnership Act (2001) is
19 amended by changing Section 1308 as follows:

20 (805 ILCS 215/1308)

21 Sec. 1308. Department of Business Services Special
22 Operations Fund.

23 (a) A special fund in the State Treasury is created and
24 shall be known as the Department of Business Services Special

1 Operations Fund. Moneys deposited into the Fund shall, subject
2 to appropriation, be used by the Department of Business
3 Services of the Office of the Secretary of State, hereinafter
4 "Department", to create and maintain the capability to perform
5 expedited services in response to special requests made by the
6 public for same day or 24 hour service. Moneys deposited into
7 the Fund shall be used for, but not limited to, expenditures
8 for personal services, retirement, Social Security,
9 contractual services, equipment, electronic data processing,
10 and telecommunications.

11 (b) The balance in the Fund at the end of any fiscal year
12 shall not exceed \$600,000 and any amount in excess thereof
13 shall be transferred to the General Revenue Fund.

14 (c) All fees payable to the Secretary of State under this
15 Section shall be deposited into the Fund. No other fees or
16 charges collected under this Act shall be deposited into the
17 Fund.

18 (d) "Expedited services" means services rendered within
19 the same day, or within 24 hours from the time the request
20 therefor is submitted by the filer, law firm, service company,
21 or messenger physically in person or, at the Secretary of
22 State's discretion, by electronic means, to the Department's
23 Springfield Office or Chicago Office and includes requests for
24 certified copies and, photocopies, and ~~certificates of~~
25 ~~existence or~~ abstracts of computer record made to the
26 Department's Springfield Office in person or by telephone, ~~or~~

1 ~~requests for certificates of existence~~ or abstracts of computer
2 record made in person or by telephone to the Department's
3 Chicago Office. A request submitted by electronic means may not
4 be considered a request for expedited services solely because
5 of its submission by electronic means, unless expedited service
6 is requested by the filer.

7 (e) Fees for expedited services shall be as follows:

8 Merger, \$200;

9 Certificate of limited partnership, \$100;

10 Certificate of amendment, \$100;

11 Reinstatement, \$100;

12 Application for admission to transact business, \$100;

13 Abstract ~~Certificate of existence or abstract~~ of
14 computer record, \$20;

15 All other filings, copies of documents, ~~annual renewal~~
16 ~~reports,~~ and copies of documents of canceled limited
17 partnerships, \$50.

18 (f) Filing of annual renewal reports and requests for
19 certificates of existence shall be made in real time only
20 without expedited services available.

21 (Source: P.A. 100-186, eff. 7-1-18; 100-561, eff. 7-1-18;
22 101-81, eff. 7-12-19.)