



Rep. Mark L. Walker

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10200HB5220ham001

LRB102 25772 BMS 36920 a

1 AMENDMENT TO HOUSE BILL 5220

2 AMENDMENT NO. _____. Amend House Bill 5220 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Financial Institutions Code is amended by
5 changing Sections 4 and 6 as follows:

6 (20 ILCS 1205/4) (from Ch. 17, par. 104)

7 Sec. 4. As used in this Act:

8 ~~(a)~~ "Department" means the Department of Financial and
9 Professional Regulation Institutions.

10 ~~(b)~~ "Director" means the Director of the Division of
11 Financial Institutions and any authorized representative of
12 the Director.

13 "Division" means the Division of Financial Institutions of
14 the Department.

15 ~~(c)~~ "Person" means any individual, partnership, joint
16 venture, trust, estate, firm, corporation, association or

1 ~~cooperative society or association.~~

2 ~~(d) "Financial institutions" means ambulatory and~~
3 ~~community currency exchanges, credit unions, guaranteed credit~~
4 ~~unions, money transmitters, ~~persons engaged in the business of~~~~
5 ~~transmitting money to foreign countries or buying and selling~~
6 ~~foreign money, ~~partners' societies~~, title insuring or~~
7 ~~guaranteeing companies, consumer installment lenders, payday~~
8 ~~lenders, sales finance agencies, and any other industry or~~
9 ~~business that offers services or products that are regulated~~
10 ~~under any Act administered by the Director and persons engaged~~
11 ~~in the business of making loans of \$800 or less, all as~~
12 ~~respectively defined in the laws referred to in Section 6 of~~
13 ~~this Act. The term includes sales finance agencies, as defined~~
14 ~~in the "Sales Finance Agency Act", enacted by the 75th General~~
15 ~~Assembly.~~

16 "License" means any certificate or authorization issued to
17 any person, party, or entity pursuant to any Act administered
18 by the Division.

19 "Licensee" means any person, party, or entity who is or
20 comes to be certified, chartered, registered, licensed, or
21 otherwise authorized by the Division pursuant to any Act
22 administered by the Division.

23 ~~(e) "Payday loan" has the meaning ascribed to that term in~~
24 ~~the Payday Loan Reform Act.~~

25 "Person" means any individual, partnership, joint venture,
26 trust, estate, firm, corporation, cooperative society or

1 association, or any other form of business association or
2 legal entity.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation and any authorized representative of
5 the Secretary.

6 (Source: P.A. 94-13, eff. 12-6-05.)

7 (20 ILCS 1205/6) (from Ch. 17, par. 106)

8 Sec. 6. General powers and duties. In addition to the
9 powers and duties provided by law and imposed elsewhere in
10 this Act, the ~~Division~~ Department has the following powers and
11 duties:

12 (1) To administer and enforce the Consumer Installment
13 Loan Act and its implementing rules. ~~To exercise the rights,~~
14 ~~powers and duties vested by law in the Auditor of Public~~
15 ~~Accounts under "An Act to provide for the incorporation,~~
16 ~~management and regulation of pawnners' societies and limiting~~
17 ~~the rate of compensation to be paid for advances, storage and~~
18 ~~insurance on pawns and pledges and to allow the loaning of~~
19 ~~money upon personal property", approved March 29, 1899, as~~
20 ~~amended.~~

21 (2) To administer and enforce the Currency Exchange Act
22 and its implementing rules. ~~To exercise the rights, powers and~~
23 ~~duties vested by law in the Auditor of Public Accounts under~~
24 ~~"An Act in relation to the definition, licensing and~~
25 ~~regulation of community currency exchanges and ambulatory~~

1 ~~currency exchanges, and the operators and employees thereof,~~
2 ~~and to make an appropriation therefor, and to provide~~
3 ~~penalties and remedies for the violation thereof", approved~~
4 ~~June 30, 1943, as amended.~~

5 (3) To administer and enforce the Debt Management Service
6 Act and its implementing rules. ~~To exercise the rights,~~
7 ~~powers, and duties vested by law in the Auditor of Public~~
8 ~~Accounts under "An Act in relation to the buying and selling of~~
9 ~~foreign exchange and the transmission or transfer of money to~~
10 ~~foreign countries", approved June 28, 1923, as amended.~~

11 (4) To administer and enforce the Debt Settlement Consumer
12 Protection Act and its implementing rules. ~~To exercise the~~
13 ~~rights, powers, and duties vested by law in the Auditor of~~
14 ~~Public Accounts under "An Act to provide for and regulate the~~
15 ~~business of guaranteeing titles to real estate by~~
16 ~~corporations", approved May 13, 1901, as amended.~~

17 (5) To administer and enforce the Illinois Development
18 Credit Corporation Act and its implementing rules. ~~To exercise~~
19 ~~the rights, powers and duties vested by law in the Department~~
20 ~~of Insurance under "An Act to define, license, and regulate~~
21 ~~the business of making loans of eight hundred dollars or less,~~
22 ~~permitting an interest charge thereon greater than otherwise~~
23 ~~allowed by law, authorizing and regulating the assignment of~~
24 ~~wages or salary when taken as security for any such loan or as~~
25 ~~consideration for a payment of eight hundred dollars or less,~~
26 ~~providing penalties, and to repeal Acts therein named",~~

1 ~~approved July 11, 1935, as amended.~~

2 (6) To administer and enforce the Payday Loan Reform Act
3 and its implementing rules. ~~To administer and enforce "An Act~~
4 ~~to license and regulate the keeping and letting of safety~~
5 ~~deposit boxes, safes, and vaults, and the opening thereof, and~~
6 ~~to repeal a certain Act therein named", approved June 13,~~
7 ~~1945, as amended.~~

8 (7) To administer and enforce the Safety Deposit License
9 Act and its implementing rules. ~~Whenever the Department is~~
10 ~~authorized or required by law to consider some aspect of~~
11 ~~criminal history record information for the purpose of~~
12 ~~carrying out its statutory powers and responsibilities, then,~~
13 ~~upon request and payment of fees in conformance with the~~
14 ~~requirements of Section 2605 400 of the Illinois State Police~~
15 ~~Law, the Illinois State Police is authorized to furnish,~~
16 ~~pursuant to positive identification, such information~~
17 ~~contained in State files as is necessary to fulfill the~~
18 ~~request.~~

19 (8) To administer and enforce the Sales Finance Agency Act
20 and its implementing rules. ~~To administer the Payday Loan~~
21 ~~Reform Act, the Consumer Installment Loan Act, the Predatory~~
22 ~~Loan Prevention Act, the Motor Vehicle Retail Installment~~
23 ~~Sales Act, and the Retail Installment Sales Act.~~

24 (9) To administer and enforce the Title Insurance Act and
25 its implementing rules.

26 (10) To administer and enforce the Transmitters of Money

1 Act and its implementing rules.

2 (11) To administer and enforce the Predatory Loan
3 Prevention Act and its implementing rules.

4 (12) To administer and enforce the Motor Vehicle Retail
5 Installment Sales Act and its implementing rules.

6 (13) To administer and enforce the Retail Installment
7 Sales Act and its implementing rules.

8 (14) To administer and enforce the Illinois Credit Union
9 Act and its implementing rules.

10 (15) To administer and enforce the Collection Agency Act
11 and its implementing rules.

12 (16) To administer and enforce any other Act administered
13 by the Director or Division.

14 (17) If the Division is authorized or required by law to
15 consider some aspect of criminal history record information
16 for the purpose of carrying out its statutory powers and
17 responsibilities, to obtain from the Illinois State Police,
18 upon request and payment of the fees required by the Illinois
19 State Police Law of the Civil Administrative Code of Illinois,
20 pursuant to positive identification, such information
21 contained in State files as is necessary to carry out the
22 duties of the Division.

23 (18) To authorize and administer examinations to ascertain
24 the qualifications of applicants and licensees for which the
25 examination is held.

26 (19) To conduct hearings in proceedings to revoke,

1 suspend, refuse to renew, or take other disciplinary action
2 regarding licenses, charters, certifications, registrations,
3 or authorities of persons as authorized in any Act
4 administered by the Division.

5 (Source: P.A. 101-658, eff. 3-23-21; 102-538, eff. 8-20-21;
6 revised 10-5-21.)

7 Section 10. The Collection Agency Act is amended by
8 changing Sections 2, 4.5, 5, 7, 8a, 9, 9.2, 11, 13.2, 16, 26,
9 and 30 as follows:

10 (225 ILCS 425/2) (from Ch. 111, par. 2002)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 2. Definitions. In this Act:

13 "Address of record" means the designated address recorded
14 by the Department in the applicant's or licensee's application
15 file or license file as maintained by the Department's
16 licensure maintenance unit.

17 "Board" means the Collection Agency Licensing and
18 Disciplinary Board.

19 "Charge-off balance" means an account principal and other
20 legally collectible costs, expenses, and interest accrued
21 prior to the charge-off date, less any payments or settlement.

22 "Charge-off date" means the date on which a receivable is
23 treated as a loss or expense.

24 "Collection agency" means any person who, in the ordinary

1 course of business, regularly, on behalf of himself or herself
2 or others, engages in the collection of a debt.

3 "Consumer debt" or "consumer credit" means money or
4 property, or their equivalent, due or owing or alleged to be
5 due or owing from a natural person by reason of a consumer
6 credit transaction.

7 "Credit transaction" means a transaction between a natural
8 person and another person in which property, service, or money
9 is acquired on credit by that natural person from such other
10 person primarily for personal, family, or household purposes.

11 "Creditor" means a person who extends consumer credit to a
12 debtor.

13 "Current balance" means the charge-off balance plus any
14 legally collectible costs, expenses, and interest, less any
15 credits or payments.

16 "Debt" means money, property, or their equivalent which is
17 due or owing or alleged to be due or owing from a person to
18 another person.

19 "Debt buyer" means a person or entity that is engaged in
20 the business of purchasing delinquent or charged-off consumer
21 loans or consumer credit accounts or other delinquent consumer
22 debt for collection purposes, whether it collects the debt
23 itself or hires a third-party for collection or an
24 attorney-at-law for litigation in order to collect such debt.

25 "Debtor" means a person from whom a collection agency
26 seeks to collect a consumer or commercial debt that is due and

1 owing or alleged to be due and owing from such person.

2 "Department" means the Department of Financial and
3 Professional Regulation.

4 "Email address of record" means the designated email
5 address recorded by the Department in the applicant's
6 application file or the licensee's license file, as maintained
7 by the Department's licensure maintenance unit.

8 "Person" means a natural person, partnership, corporation,
9 limited liability company, trust, estate, cooperative,
10 association, or other similar entity.

11 "Licensed collection agency" means a person who is
12 licensed under this Act to engage in the practice of debt
13 collection in Illinois.

14 "Multi-state licensing system" means a web-based platform
15 that allows licensure applicants to submit their applications
16 and renewals to the Department online.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation or his or her designee.

19 (Source: P.A. 99-227, eff. 8-3-15; 99-500, eff. 1-29-16;
20 100-132, eff. 8-18-17.)

21 (225 ILCS 425/4.5)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 4.5. Unlicensed practice; violation; civil penalty.

24 (a) Any person who practices, offers to practice, attempts
25 to practice, or holds oneself out to practice as a collection

1 agency without being licensed under this Act shall, in
2 addition to any other penalty provided by law, pay a civil
3 penalty to the Department in an amount not to exceed \$10,000
4 for each offense as determined by the Department. The civil
5 penalty shall be assessed by the Department after a hearing is
6 held in accordance with the provisions set forth in this Act
7 regarding the provision of a hearing for the discipline of a
8 licensee.

9 (b) The Department has the authority and power to
10 investigate any and all unlicensed activity. In addition to
11 taking any other action provided under this Act, whenever the
12 Department has reason to believe a person has violated any
13 provision of subsection (a) of this Section, the Department
14 may issue a rule to show cause why an order to cease and desist
15 should not be entered against that person. The rule shall
16 clearly set forth the grounds relied upon by the Department
17 and shall provide a period of 7 days from the date of the rule
18 to file an answer to the satisfaction of the Department.
19 Failure to answer to the satisfaction of the Department shall
20 provide the Department authority to issue ~~cause~~ an order to
21 cease and desist ~~to be issued~~ immediately.

22 (c) The civil penalty shall be paid within 60 days after
23 the effective date of the order imposing the civil penalty.
24 The order shall constitute a judgment and may be filed and
25 executed ~~execution had thereon~~ in the same manner as any
26 judgment from any court of record.

1 (d) All moneys collected under this Section shall be
2 deposited into the Financial Institution Fund.

3 (Source: P.A. 102-205, eff. 7-30-21.)

4 (225 ILCS 425/5) (from Ch. 111, par. 2008)

5 (Section scheduled to be repealed on January 1, 2026)

6 Sec. 5. Application for original license. Application for
7 an original license shall be made to the Secretary on forms
8 provided by the Department or through a multi-state licensing
9 system as designated by the Secretary. The application, shall
10 be accompanied by the required fee and shall state:

11 (1) the applicant's name and address;

12 (2) the names and addresses of the officers of the
13 collection agency and, if the collection agency is a
14 corporation, the names and addresses of all persons owning
15 10% or more of the stock of such corporation, if the
16 collection agency is a partnership, the names and
17 addresses of all partners of the partnership holding a 10%
18 or more interest in the partnership, if the collection
19 agency is a limited liability company, the names and
20 addresses of all members holding 10% or more interest in
21 the limited liability company, and if the collection
22 agency is any other legal business entity, the names and
23 addresses of all persons owning 10% or more interest in
24 the entity; and

25 (3) such other information as the Department may deem

1 necessary.

2 (Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

3 (225 ILCS 425/7) (from Ch. 111, par. 2010)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 7. Qualifications for license. In order to be
6 qualified to obtain a license or a renewal license under this
7 Act, a collection agency's owners or officers shall:

8 (a) have the financial responsibility, financial
9 condition, business experience, character, and general
10 fitness such as to merit the confidence and trust of the
11 public that an applicant, licensee, or regulated person is
12 fit, willing, and able to carry on his or her proposed
13 business in a lawful and fair manner ~~be of good moral~~
14 ~~character and of the age of 18 years or more;~~

15 (a-5) be 18 years of age or more;

16 (b) (blank); and

17 (c) have an acceptable credit rating, have no
18 unsatisfied judgments; and not have been officers and
19 owners of 10% or more interest of a former licensee under
20 this Act whose license was suspended or revoked without
21 subsequent restoration.

22 (Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

23 (225 ILCS 425/8a) (from Ch. 111, par. 2011a)

24 (Section scheduled to be repealed on January 1, 2026)

1 Sec. 8a. Fees.

2 (a) The fees for the administration and enforcement of
3 this Act, including but not limited to original licensure,
4 renewal, and restoration, shall be set by the Department by
5 rule. All fees are nonrefundable.

6 (b) All fees collected under this Act by the Department
7 shall be deposited into the Financial Institution Fund and
8 shall be appropriated to the Department for the ordinary and
9 contingent expenses of the Department in the administration of
10 this Act. After the effective date of this amendatory Act of
11 the 102nd General Assembly, the Department may transfer any
12 funds ~~fees~~ collected under this Act from the General
13 Professions Dedicated Fund to the Financial Institution Fund.

14 (c) The administration fee charged by the multi-state
15 licensing system shall be paid directly to the multi-state
16 licensing system.

17 (Source: P.A. 102-205, eff. 7-30-21.)

18 (225 ILCS 425/9) (from Ch. 111, par. 2012)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 9. Disciplinary actions.

21 (a) The Department may refuse to issue or renew, or may
22 revoke, suspend, place on probation, reprimand or take other
23 disciplinary or non-disciplinary action as the Department may
24 deem proper, including fines not to exceed \$10,000 per
25 violation, for any one or any combination of the following

1 causes:

2 (1) Material misstatement in furnishing information to
3 the Department.

4 (2) Violations of this Act or of the rules promulgated
5 hereunder.

6 (3) Conviction by plea of guilty or nolo contendere,
7 finding of guilt, jury verdict, or entry of judgment or by
8 sentencing of any crime, including, but not limited to,
9 convictions, preceding sentences of supervision,
10 conditional discharge, or first offender probation of the
11 collection agency or any of the officers or owners of more
12 than 10% interest of the agency of any crime under the laws
13 of any U.S. jurisdiction that (i) is a felony, (ii) is a
14 misdemeanor, an essential element of which is dishonesty,
15 or (iii) is directly related to the practice of a
16 collection agency.

17 (4) Fraud or misrepresentation in applying for, or
18 procuring, a license under this Act or in connection with
19 applying for renewal of a license under this Act.

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

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

24 (7) Habitual or excessive use or addiction to alcohol,
25 narcotics, stimulants or any other chemical agent or drug
26 which results in the inability to practice with reasonable

1 judgment, skill, or safety by any of the officers or
2 owners of 10% or more interest of a collection agency.

3 (8) Discipline by another state, the District of
4 Columbia, a territory of the United States, or a foreign
5 nation, if at least one of the grounds for the discipline
6 is the same or substantially equivalent to those set forth
7 in this Act.

8 (9) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation.

11 (10) Willfully making or filing false records or
12 reports in his or her practice, including, but not limited
13 to, false records filed with State agencies or
14 departments.

15 (11) Practicing or attempting to practice under a
16 false or, except as provided by law, an assumed name.

17 (12) An adjudicated ~~A~~ finding by the Federal Trade
18 Commission or other federal or State agency that a
19 licensee violated the federal Fair Debt Collection
20 Practices Act or its rules.

21 (13) Failure to file a return, or to pay the tax,
22 penalty or interest shown in a filed return, or to pay any
23 final assessment of tax, penalty or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue until such time as the requirements of any such
26 tax Act are satisfied.

1 (14) Using or threatening to use force or violence to
2 cause physical harm to a debtor, his or her family or his
3 or her property.

4 (15) Threatening to instigate an arrest or criminal
5 prosecution where no basis for a criminal complaint
6 lawfully exists.

7 (16) Threatening the seizure, attachment or sale of a
8 debtor's property where such action can only be taken
9 pursuant to court order without disclosing that prior
10 court proceedings are required.

11 (17) Disclosing or threatening to disclose information
12 adversely affecting a debtor's reputation for credit
13 worthiness with knowledge the information is false.

14 (18) Threatening ~~Initiating or threatening~~ to initiate
15 communication with a debtor's employer unless there has
16 been a default of the payment of the obligation for at
17 least 30 days and the licensee has given at least 5 days
18 prior written notice, ~~to the last known address of the~~
19 ~~debtor,~~ of the intention to communicate with the employer
20 ~~has been given~~ to the employee to the last known address of
21 the debtor, ~~except as expressly permitted by law or court~~
22 ~~order.~~

23 (19) Communicating with the debtor or any member of
24 the debtor's family at such a time of day or night and with
25 such frequency as to constitute harassment of the debtor
26 or any member of the debtor's family. For purposes of this

1 Section the following conduct shall constitute harassment:

2 (A) Communicating with the debtor or any member of
3 his or her family in connection with the collection of
4 any debt without the prior consent of the debtor given
5 directly to the debt collector, or the express
6 permission of a court of competent jurisdiction, at
7 any unusual time or place or a time or place known or
8 which should be known to be inconvenient to the
9 debtor. In the absence of knowledge of circumstances
10 to the contrary, a debt collector shall assume that
11 the convenient time for communicating with a consumer
12 is after 8 o'clock a.m. and before 9 o'clock p.m. in
13 the debtor's local time ~~at the debtor's location~~.

14 (B) The threat of publication or publication of a
15 list of consumers who allegedly refuse to pay debts,
16 except to a consumer reporting agency.

17 (C) The threat of advertisement or advertisement
18 for sale of any debt to coerce payment of the debt.

19 (D) Causing a telephone to ring or engaging any
20 person in telephone conversation repeatedly or
21 continuously with intent to annoy, abuse, or harass
22 any person at the called number.

23 (20) Using profane, obscene or abusive language in
24 communicating with a debtor, his or her family or others.

25 (21) Disclosing or threatening to disclose information
26 relating to a debtor's debt to any other person except

1 where such other person has a legitimate business need for
2 the information or except where such disclosure is
3 permitted by law.

4 (22) Disclosing or threatening to disclose information
5 concerning the existence of a debt which the collection
6 agency knows to be disputed by the debtor without
7 disclosing the fact that the debtor disputes the debt.

8 (23) Engaging in any conduct that is intended to cause
9 and did cause mental or physical illness to the debtor or
10 his or her family.

11 (24) Attempting or threatening to enforce a right or
12 remedy with knowledge or reason to know that the right or
13 remedy does not exist.

14 (25) Failing to disclose to the debtor or his or her
15 family the legally authorized corporate, partnership or
16 proprietary name, or other trade or business name, under
17 which the collection agency is engaging in debt
18 collections ~~and which he or she is legally authorized to~~
19 ~~use~~.

20 (26) Using any form of communication which simulates
21 legal or judicial process or which gives the appearance of
22 being authorized, issued, or approved by a governmental
23 agency or official or by an attorney at law when it is not.

24 (27) Using any badge, uniform, or other indicia of any
25 governmental agency or official except as authorized by
26 law.

1 (28) Conducting business under any name or in any
2 manner which suggests or implies that the collection
3 agency is a branch of or is affiliated in any way with a
4 governmental agency or court if such collection agency is
5 not.

6 (29) Failing to disclose, at the time of making any
7 demand for payment, the name of the person to whom the debt
8 is owed and at the request of the debtor, the address where
9 payment is to be made and the address of the person to whom
10 the debt is owed.

11 (30) Misrepresenting the amount of the debt alleged to
12 be owed.

13 (31) Representing that an existing debt may be
14 increased by the addition of attorney's fees,
15 investigation fees or any other fees or charges when such
16 fees or charges may not legally be added to the existing
17 debt.

18 (32) Representing that the collection agency is an
19 attorney at law or an agent for an attorney if he or she is
20 not.

21 (33) Collecting or attempting to collect any interest
22 or other charge or fee in excess of the actual debt unless
23 such interest or other charge or fee is expressly
24 authorized by the agreement creating the debt unless
25 expressly authorized by law or unless in a commercial
26 transaction such interest or other charge or fee is

1 expressly authorized in a subsequent agreement. If a
2 contingency or hourly fee arrangement (i) is established
3 under an agreement between a collection agency and a
4 creditor to collect a debt and (ii) is paid by a debtor
5 pursuant to a contract between the debtor and the
6 creditor, then that fee arrangement does not violate this
7 Section unless the fee is unreasonable. The Department
8 shall determine what constitutes a reasonable collection
9 fee.

10 (34) Communicating or threatening to communicate with
11 a debtor when the collection agency is informed in writing
12 by an attorney that the attorney represents the debtor
13 concerning the debt. If the attorney fails to respond
14 within a reasonable period of time, the collector may
15 communicate with the debtor. The collector may communicate
16 with the debtor when the attorney gives his or her
17 consent.

18 (35) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (b) No collection agency while collecting or attempting to
22 collect a debt shall engage in any of the Acts specified in
23 this Section, each of which shall be unlawful practice.

24 (Source: P.A. 99-227, eff. 8-3-15; 100-872, eff. 8-14-18.)

1 (Section scheduled to be repealed on January 1, 2026)

2 Sec. 9.2. Communication in connection with debt
3 collection.

4 (a) Without the prior consent of the debtor given directly
5 to the collection agency or the express permission of a court
6 of competent jurisdiction, a collection agency may not
7 communicate with a debtor in connection with the collection of
8 any debt in any of the following circumstances:

9 (1) At any unusual time, place, or manner that is
10 known or should be known to be inconvenient to the debtor.
11 In the absence of knowledge of circumstances to the
12 contrary, a collection agency shall assume that the
13 convenient time for communicating with a debtor is after
14 8:00 a.m. and before 9:00 p.m. in the debtor's local time
15 ~~at the debtor's location.~~

16 (2) If the collection agency knows the debtor is
17 represented by an attorney with respect to such debt and
18 has knowledge of or can readily ascertain, the attorney's
19 name and address, unless the attorney fails to respond
20 within a reasonable period of time to a communication from
21 the collection agency or unless the attorney consents to
22 direct communication with the debtor.

23 (3) At the debtor's place of employment, if the
24 collection agency knows or has reason to know that the
25 debtor's employer prohibits the debtor from receiving such
26 communication.

1 (b) Except as provided in Section 9.1 of this Act, a
2 collection agency may not communicate, in connection with the
3 collection of any debt, with any person other than the debtor,
4 the debtor's attorney, a consumer reporting agency if
5 otherwise permitted by law, the creditor, the attorney of the
6 creditor, or the attorney of the collection agency without the
7 prior consent of the debtor given directly to the collection
8 agency, the express permission of a court of competent
9 jurisdiction, or as reasonably necessary to effectuate a
10 post-judgment judicial remedy, ~~a collection agency may not~~
11 ~~communicate, in connection with the collection of any debt,~~
12 ~~with any person other than the debtor, the debtor's attorney,~~
13 ~~a consumer reporting agency if otherwise permitted by law, the~~
14 ~~creditor, the attorney of the creditor, or the attorney of the~~
15 ~~collection agency.~~

16 (c) If a debtor notifies a collection agency in writing
17 that the debtor refuses to pay a debt or that the debtor wishes
18 the collection agency to cease further communication with the
19 debtor, the collection agency may not communicate further with
20 the debtor with respect to such debt, except to perform any of
21 the following tasks:

22 (1) Advise the debtor that the collection agency's
23 further efforts are being terminated.

24 (2) Notify the debtor that the collection agency or
25 creditor may invoke specified remedies that are ordinarily
26 invoked by such collection agency or creditor.

1 (3) Notify the debtor that the collection agency or
2 creditor intends to invoke a specified remedy.

3 If such notice from the debtor is made by mail,
4 notification shall be complete upon receipt.

5 (d) For the purposes of this Section, "debtor" includes
6 the debtor's spouse, parent (if the debtor is a minor),
7 guardian, executor, or administrator.

8 (e) This Section applies to a collection agency or debt
9 buyer only when engaged in the collection of consumer debt.

10 (Source: P.A. 99-227, eff. 8-3-15; 99-500, eff. 1-29-16.)

11 (225 ILCS 425/11) (from Ch. 111, par. 2036)

12 (Section scheduled to be repealed on January 1, 2026)

13 Sec. 11. Informal conferences. Informal conferences, after
14 a formal hearing is requested, shall be conducted with at
15 least one member of the Board in attendance. Notwithstanding
16 any provisions concerning the conduct of hearings and
17 recommendations for disciplinary actions, the Department has
18 the authority to negotiate agreements with licensees and
19 applicants resulting in disciplinary or non-disciplinary
20 consent orders. The consent orders may provide for any of the
21 forms of discipline provided in this Act. The consent orders
22 shall provide that they were not entered into as a result of
23 any coercion by the Department.

24 (Source: P.A. 99-227, eff. 8-3-15.)

1 (225 ILCS 425/13.2) (from Ch. 111, par. 2038.2)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 13.2. Powers and duties of Department. The Department
4 shall exercise the powers and duties prescribed by the
5 Financial Institutions Code ~~Civil Administrative Code of~~
6 ~~Illinois~~ for the administration of licensing Acts and shall
7 exercise such other powers and duties necessary for
8 effectuating the purposes of this Act.

9 Subject to the provisions of this Act, the Department may:

10 (1) Conduct hearings on proceedings to refuse to issue
11 or renew or to revoke licenses or suspend, place on
12 probation, or reprimand persons licensed under this Act.

13 (2) To adopt rules consistent with the purposes of
14 this Act, including, but not limited to: (i) rules in
15 connection with the activities of collection agencies as
16 may be necessary and appropriate for the protection of
17 consumers in this State; (ii) rules as may be necessary
18 and appropriate to define and enforce against improper or
19 fraudulent business practices in connection with the
20 activities of collection agencies; (iii) rules that define
21 the terms used in this Act and as may be necessary and
22 appropriate to interpret and implement the provisions of
23 this Act; and (iv) rules as may be necessary for the
24 enforcement of this Act ~~Formulate rules required for the~~
25 ~~administration of this Act.~~

26 (3) Obtain written recommendations from the Board

1 regarding standards of professional conduct, formal
2 disciplinary actions and the formulation of rules
3 affecting these matters. Notice of proposed rulemaking
4 shall be transmitted to the Board and the Department shall
5 review the response of the Board and any recommendations
6 made in the response. The Department may solicit the
7 advice of the Board on any matter relating to the
8 administration and enforcement of this Act.

9 (4) (Blank).

10 (Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

11 (225 ILCS 425/16)

12 (Section scheduled to be repealed on January 1, 2026)

13 Sec. 16. Investigation; notice and hearing. The Department
14 may investigate the actions or qualifications of any applicant
15 or of any person rendering or offering to render collection
16 agency services or any person holding or claiming to hold a
17 license as a collection agency. The Department shall, before
18 refusing to issue or renew, revoking, suspending, placing on
19 probation, reprimanding, or taking any other disciplinary
20 action under Section 9 of this Act, serve notice on any person,
21 including a statement of the reasons for the Department's
22 action, and notify the person that they may file a Petition for
23 a Hearing with the Department within 30 days of service. All
24 hearings shall be conducted in accordance with 38 Ill. Adm.
25 Code 100 at least 30 days before the date set for the hearing,

1 ~~(i) notify the accused in writing of the charges made and the~~
2 ~~time and place for the hearing on the charges, (ii) direct him~~
3 ~~or her to file his or her written answer to the charges with~~
4 ~~the Department under oath within 20 days after the service on~~
5 ~~him or her of the notice, and (iii) inform the accused that if~~
6 ~~he or she fails to file an answer default will be taken against~~
7 ~~him or her or his or her license may be suspended, revoked, or~~
8 ~~placed on probation, or other disciplinary action may be taken~~
9 ~~with regard to the license, including limiting the scope,~~
10 ~~nature, or extent of his or her practice, as the Department may~~
11 ~~consider proper. At the time and place fixed in the notice, the~~
12 ~~Department shall proceed to hear the charges. The parties or~~
13 ~~their counsel shall be accorded ample opportunity to present~~
14 ~~any pertinent statements, testimony, evidence, and arguments.~~
15 ~~The Department may continue the hearing from time to time.~~
16 ~~Nothing in this Section shall be construed to require that a~~
17 ~~hearing be commenced and completed in one day. At the~~
18 ~~discretion of the Secretary, after having first received the~~
19 ~~recommendation of the Board, the accused person's license may~~
20 ~~be suspended or revoked, if the evidence constitutes~~
21 ~~sufficient grounds for such action under this Act. If the~~
22 ~~person fails to file an answer after receiving notice, his or~~
23 ~~her license may, in the discretion of the Department, be~~
24 ~~suspended, revoked, or placed on probation, or the Department~~
25 ~~may take whatever disciplinary action it considers proper,~~
26 ~~including limiting the scope, nature, or extent of the~~

1 ~~person's practice or the imposition of a fine, without a~~
2 ~~hearing, if the act or acts charged constitute sufficient~~
3 ~~grounds for such action under this Act.~~ Written or electronic
4 notice may be served by personal delivery, mail, or email to
5 the applicant or licensee at the address of record or email
6 address of record. Service by mail is completed when the
7 notice is deposited in the U.S. Mail. Service to the email
8 address of record is completed when the email is sent.

9 (Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

10 (225 ILCS 425/26)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 26. Administrative review; venue.

13 (a) All final administrative decisions of the Department
14 are subject to judicial review under the Administrative Review
15 Law and its rules. The term "administrative decision" is
16 defined as in Section 3-101 of the Code of Civil Procedure.

17 (b) Proceedings for judicial review shall be commenced in
18 the circuit court of the county in which the party applying for
19 review resides, but if the party is not a resident of Illinois,
20 the venue shall be in Cook County or Sangamon County.

21 (Source: P.A. 99-227, eff. 8-3-15.)

22 (225 ILCS 425/30)

23 (Section scheduled to be repealed on January 1, 2026)

24 Sec. 30. Expiration, renewal, and restoration of license.

1 The expiration date and renewal period for each license shall
2 be set by rule. A collection agency whose license has expired
3 may restore its license at any time within one year ~~5 years~~
4 after the expiration thereof, by making a renewal application
5 and by paying the required fee.

6 However, any licensed collection agency whose license has
7 expired while the ~~individual~~ licensed person or ~~while~~ a
8 shareholder, partner, or member owning 50% or more of the
9 interest in the collection agency ~~whose license has expired~~
10 ~~while he or she~~ was (i) on active duty with the Armed Forces of
11 the United States or called into service or training by the
12 State militia; or (ii) in training or education under the
13 supervision of the United States preliminary to induction into
14 the military service, may have his or her license renewed or
15 restored without paying any lapsed renewal fee or restoration
16 fee if, within 2 years after termination of the service,
17 training, or education, he or she furnishes the Department
18 with satisfactory evidence of service, training, or education
19 and it has been terminated under honorable conditions.

20 Any collection agency whose license has expired for more
21 than one year ~~5 years~~ may have it restored by applying to the
22 Department, paying the required fee, and filing acceptable
23 proof of fitness to have the license restored as set by rule.

24 (Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

1 Section 15. The Collection Agency Act is amended by
2 repealing Section 25.

3 Section 95. Illinois Compiled Statutes reassignment. The
4 Legislative Reference Bureau shall reassign the following Act
5 to the specified location in the Illinois Compiled Statutes
6 and file appropriate documents with the Index Division of the
7 Office of the Secretary of State in accordance with subsection
8 (c) of Section 5.04 of the Legislative Reference Bureau Act:
9 Collection Agency Act, reassigned from 225 ILCS 425/ to
10 205 ILCS 740/.

11 Section 99. Effective date. This Act takes effect January
12 1, 2023."