

1 AN ACT concerning regulation.

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

4 Section 5. 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~~  
17 ~~cooperative society or association.~~

18 ~~(d)~~ "Financial institutions" means ambulatory and  
19 community currency exchanges, credit unions, guaranteed credit  
20 unions, money transmitters, ~~persons engaged in the business of~~  
21 ~~transmitting money to foreign countries or buying and selling~~  
22 ~~foreign money, pawnshops, societies, title insuring or~~  
23 guaranteeing companies, consumer installment lenders, payday

1 lenders, sales finance agencies, and any other industry or  
2 business that offers services or products that are regulated  
3 under any Act administered by the Director and persons engaged  
4 in the business of making loans of \$800 or less, all as  
5 respectively defined in the laws referred to in Section 6 of  
6 this Act. The term includes sales finance agencies, as defined  
7 in the "Sales Finance Agency Act", enacted by the 75th General  
8 Assembly.

9 "License" means any certificate or authorization issued to  
10 any person, party, or entity pursuant to any Act administered  
11 by the Division.

12 "Licensee" means any person, party, or entity who is or  
13 comes to be certified, chartered, registered, licensed, or  
14 otherwise authorized by the Division pursuant to any Act  
15 administered by the Division.

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

18 "Person" means any individual, partnership, joint venture,  
19 trust, estate, firm, corporation, cooperative society or  
20 association, or any other form of business association or  
21 legal entity.

22 "Secretary" means the Secretary of Financial and  
23 Professional Regulation and any authorized representative of  
24 the Secretary.

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

1 (20 ILCS 1205/6) (from Ch. 17, par. 106)

2 Sec. 6. General powers and duties. In addition to the  
3 powers and duties provided by law and imposed elsewhere in  
4 this Act, the Division ~~Department~~ has the following powers and  
5 duties:

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

15 (2) To administer and enforce the Currency Exchange Act  
16 and its implementing rules. ~~To exercise the rights, powers and~~  
17 ~~duties vested by law in the Auditor of Public Accounts under~~  
18 ~~"An Act in relation to the definition, licensing and~~  
19 ~~regulation of community currency exchanges and ambulatory~~  
20 ~~currency exchanges, and the operators and employees thereof,~~  
21 ~~and to make an appropriation therefor, and to provide~~  
22 ~~penalties and remedies for the violation thereof", approved~~  
23 ~~June 30, 1943, as amended.~~

24 (3) To administer and enforce the Debt Management Service  
25 Act and its implementing rules. ~~To exercise the rights,~~  
26 ~~powers, and duties vested by law in the Auditor of Public~~

1 ~~Accounts under "An Act in relation to the buying and selling of~~  
2 ~~foreign exchange and the transmission or transfer of money to~~  
3 ~~foreign countries", approved June 28, 1923, as amended.~~

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

10 (5) To administer and enforce the Illinois Development  
11 Credit Corporation Act and its implementing rules. ~~To exercise~~  
12 ~~the rights, powers and duties vested by law in the Department~~  
13 ~~of Insurance under "An Act to define, license, and regulate~~  
14 ~~the business of making loans of eight hundred dollars or less,~~  
15 ~~permitting an interest charge thereon greater than otherwise~~  
16 ~~allowed by law, authorizing and regulating the assignment of~~  
17 ~~wages or salary when taken as security for any such loan or as~~  
18 ~~consideration for a payment of eight hundred dollars or less,~~  
19 ~~providing penalties, and to repeal Acts therein named",~~  
20 ~~approved July 11, 1935, as amended.~~

21 (6) To administer and enforce the Payday Loan Reform Act  
22 and its implementing rules. ~~To administer and enforce "An Act~~  
23 ~~to license and regulate the keeping and letting of safety~~  
24 ~~deposit boxes, safes, and vaults, and the opening thereof, and~~  
25 ~~to repeal a certain Act therein named", approved June 13,~~  
26 ~~1945, as amended.~~

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

12           (8) To administer and enforce the Sales Finance Agency Act  
13 and its implementing rules. ~~To administer the Payday Loan~~  
14 ~~Reform Act, the Consumer Installment Loan Act, the Predatory~~  
15 ~~Loan Prevention Act, the Motor Vehicle Retail Installment~~  
16 ~~Sales Act, and the Retail Installment Sales Act.~~

17           (9) To administer and enforce the Title Insurance Act and  
18 its implementing rules.

19           (10) To administer and enforce the Transmitters of Money  
20 Act and its implementing rules.

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

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

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

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

3       (15) To administer and enforce the Collection Agency Act  
4 and its implementing rules.

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

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

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

19       (19) To conduct hearings in proceedings to revoke,  
20 suspend, refuse to renew, or take other disciplinary action  
21 regarding licenses, charters, certifications, registrations,  
22 or authorities of persons as authorized in any Act  
23 administered by the Division.

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

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

4 (225 ILCS 425/2) (from Ch. 111, par. 2002)

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

6 Sec. 2. Definitions. In this Act:

7 "Address of record" means the designated address recorded  
8 by the Department in the applicant's or licensee's application  
9 file or license file as maintained by the Department's  
10 licensure maintenance unit.

11 "Board" means the Collection Agency Licensing and  
12 Disciplinary Board.

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

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

18 "Collection agency" means any person who, in the ordinary  
19 course of business, regularly, on behalf of himself or herself  
20 or others, engages in the collection of a debt.

21 "Consumer debt" or "consumer credit" means money or  
22 property, or their equivalent, due or owing or alleged to be  
23 due or owing from a natural person by reason of a consumer  
24 credit transaction.

25 "Credit transaction" means a transaction between a natural

1 person and another person in which property, service, or money  
2 is acquired on credit by that natural person from such other  
3 person primarily for personal, family, or household purposes.

4 "Creditor" means a person who extends consumer credit to a  
5 debtor.

6 "Current balance" means the charge-off balance plus any  
7 legally collectible costs, expenses, and interest, less any  
8 credits or payments.

9 "Debt" means money, property, or their equivalent which is  
10 due or owing or alleged to be due or owing from a person to  
11 another person.

12 "Debt buyer" means a person or entity that is engaged in  
13 the business of purchasing delinquent or charged-off consumer  
14 loans or consumer credit accounts or other delinquent consumer  
15 debt for collection purposes, whether it collects the debt  
16 itself or hires a third-party for collection or an  
17 attorney-at-law for litigation in order to collect such debt.

18 "Debtor" means a person from whom a collection agency  
19 seeks to collect a consumer or commercial debt that is due and  
20 owing or alleged to be due and owing from such person.

21 "Department" means the Department of Financial and  
22 Professional Regulation.

23 "Email address of record" means the designated email  
24 address recorded by the Department in the applicant's  
25 application file or the licensee's license file, as maintained  
26 by the Department's licensure maintenance unit.



1 "Person" means a natural person, partnership, corporation,  
2 limited liability company, trust, estate, cooperative,  
3 association, or other similar entity.

4 "Licensed collection agency" means a person who is  
5 licensed under this Act to engage in the practice of debt  
6 collection in Illinois.

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

10 "Secretary" means the Secretary of Financial and  
11 Professional Regulation or his or her designee.

12 (Source: P.A. 99-227, eff. 8-3-15; 99-500, eff. 1-29-16;  
13 100-132, eff. 8-18-17.)

14 (225 ILCS 425/4.5)

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

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

17 (a) Any person who practices, offers to practice, attempts  
18 to practice, or holds oneself out to practice as a collection  
19 agency without being licensed under this Act shall, in  
20 addition to any other penalty provided by law, pay a civil  
21 penalty to the Department in an amount not to exceed \$10,000  
22 for each offense as determined by the Department. The civil  
23 penalty shall be assessed by the Department after a hearing is  
24 held in accordance with the provisions set forth in this Act  
25 regarding the provision of a hearing for the discipline of a

1 licensee.

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

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

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

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

23 (225 ILCS 425/5) (from Ch. 111, par. 2008)

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

25 Sec. 5. Application for original license. Application for

1 an original license shall be made to the Secretary on forms  
2 provided by the Department or through a multi-state licensing  
3 system as designated by the Secretary. The application, shall  
4 be accompanied by the required fee and shall state:

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

6 (2) the names and addresses of the officers of the  
7 collection agency and, if the collection agency is a  
8 corporation, the names and addresses of all persons owning  
9 10% or more of the stock of such corporation, if the  
10 collection agency is a partnership, the names and  
11 addresses of all partners of the partnership holding a 10%  
12 or more interest in the partnership, if the collection  
13 agency is a limited liability company, the names and  
14 addresses of all members holding 10% or more interest in  
15 the limited liability company, and if the collection  
16 agency is any other legal business entity, the names and  
17 addresses of all persons owning 10% or more interest in  
18 the entity; and

19 (3) such other information as the Department may deem  
20 necessary.

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

22 (225 ILCS 425/7) (from Ch. 111, par. 2010)

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

24 Sec. 7. Qualifications for license. In order to be  
25 qualified to obtain a license or a renewal license under this

1 Act, a collection agency's owners or officers shall:

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

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

10 (b) (blank); and

11 (c) have an acceptable credit rating, have no  
12 unsatisfied judgments; and not have been officers and  
13 owners of 10% or more interest of a former licensee under  
14 this Act whose license was suspended or revoked without  
15 subsequent restoration.

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

17 (225 ILCS 425/8a) (from Ch. 111, par. 2011a)

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

19 Sec. 8a. Fees.

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

24 (b) All fees collected under this Act by the Department  
25 shall be deposited into the Financial Institution Fund and

1 shall be appropriated to the Department for the ordinary and  
2 contingent expenses of the Department in the administration of  
3 this Act. After the effective date of this amendatory Act of  
4 the 102nd General Assembly, the Department may transfer any  
5 funds ~~fees~~ collected under this Act from the General  
6 Professions Dedicated Fund to the Financial Institution Fund.

7 (c) The administration fee charged by the multi-state  
8 licensing system shall be paid directly to the multi-state  
9 licensing system.

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

11 (225 ILCS 425/9) (from Ch. 111, par. 2012)

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

13 Sec. 9. Disciplinary actions.

14 (a) The Department may refuse to issue or renew, or may  
15 revoke, suspend, place on probation, reprimand or take other  
16 disciplinary or non-disciplinary action as the Department may  
17 deem proper, including fines not to exceed \$10,000 per  
18 violation, for any one or any combination of the following  
19 causes:

20 (1) Material misstatement in furnishing information to  
21 the Department.

22 (2) Violations of this Act or of the rules promulgated  
23 hereunder.

24 (3) Conviction by plea of guilty or nolo contendere,  
25 finding of guilt, jury verdict, or entry of judgment or by

1 sentencing of any crime, including, but not limited to,  
2 convictions, preceding sentences of supervision,  
3 conditional discharge, or first offender probation of the  
4 collection agency or any of the officers or owners of more  
5 than 10% interest of the agency of any crime under the laws  
6 of any U.S. jurisdiction that (i) is a felony, (ii) is a  
7 misdemeanor, an essential element of which is dishonesty,  
8 or (iii) is directly related to the practice of a  
9 collection agency.

10 (4) Fraud or misrepresentation in applying for, or  
11 procuring, a license under this Act or in connection with  
12 applying for renewal of a license under this Act.

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

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

17 (7) Habitual or excessive use or addiction to alcohol,  
18 narcotics, stimulants or any other chemical agent or drug  
19 which results in the inability to practice with reasonable  
20 judgment, skill, or safety by any of the officers or  
21 owners of 10% or more interest of a collection agency.

22 (8) Discipline by another state, the District of  
23 Columbia, a territory of the United States, or a foreign  
24 nation, if at least one of the grounds for the discipline  
25 is the same or substantially equivalent to those set forth  
26 in this Act.

1           (9) 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           (10) Willfully making or filing false records or  
5           reports in his or her practice, including, but not limited  
6           to, false records filed with State agencies or  
7           departments.

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

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

14          (13) Failure to file a return, or to pay the tax,  
15          penalty or interest shown in a filed return, or to pay any  
16          final assessment of tax, penalty or interest, as required  
17          by any tax Act administered by the Illinois Department of  
18          Revenue until such time as the requirements of any such  
19          tax Act are satisfied.

20          (14) Using or threatening to use force or violence to  
21          cause physical harm to a debtor, his or her family or his  
22          or her property.

23          (15) Threatening to instigate an arrest or criminal  
24          prosecution where no basis for a criminal complaint  
25          lawfully exists.

26          (16) Threatening the seizure, attachment or sale of a

1 debtor's property where such action can only be taken  
2 pursuant to court order without disclosing that prior  
3 court proceedings are required.

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

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

16 (19) Communicating with the debtor or any member of  
17 the debtor's family at such a time of day or night and with  
18 such frequency as to constitute harassment of the debtor  
19 or any member of the debtor's family. For purposes of this  
20 Section the following conduct shall constitute harassment:

21 (A) Communicating with the debtor or any member of  
22 his or her family in connection with the collection of  
23 any debt without the prior consent of the debtor given  
24 directly to the debt collector, or the express  
25 permission of a court of competent jurisdiction, at  
26 any unusual time or place or a time or place known or



1           which should be known to be inconvenient to the  
2           debtor. In the absence of knowledge of circumstances  
3           to the contrary, a debt collector shall assume that  
4           the convenient time for communicating with a consumer  
5           is after 8 o'clock a.m. and before 9 o'clock p.m. in  
6           the debtor's local time ~~at the debtor's location~~.

7           (B) The threat of publication or publication of a  
8           list of consumers who allegedly refuse to pay debts,  
9           except to a consumer reporting agency.

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

12          (D) Causing a telephone to ring or engaging any  
13          person in telephone conversation repeatedly or  
14          continuously with intent to annoy, abuse, or harass  
15          any person at the called number.

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

18          (21) Disclosing or threatening to disclose information  
19          relating to a debtor's debt to any other person except  
20          where such other person has a legitimate business need for  
21          the information or except where such disclosure is  
22          permitted by law.

23          (22) Disclosing or threatening to disclose information  
24          concerning the existence of a debt which the collection  
25          agency knows to be disputed by the debtor without  
26          disclosing the fact that the debtor disputes the debt.

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

4           (24) Attempting or threatening to enforce a right or  
5           remedy with knowledge or reason to know that the right or  
6           remedy does not exist.

7           (25) Failing to disclose to the debtor or his or her  
8           family the legally authorized corporate, partnership or  
9           proprietary name, or other trade or business name, under  
10          which the collection agency is engaging in debt  
11          collections ~~and which he or she is legally authorized to~~  
12          use.

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

17          (27) Using any badge, uniform, or other indicia of any  
18          governmental agency or official except as authorized by  
19          law.

20          (28) Conducting business under any name or in any  
21          manner which suggests or implies that the collection  
22          agency is a branch of or is affiliated in any way with a  
23          governmental agency or court if such collection agency is  
24          not.

25          (29) Failing to disclose, at the time of making any  
26          demand for payment, the name of the person to whom the debt

1 is owed and at the request of the debtor, the address where  
2 payment is to be made and the address of the person to whom  
3 the debt is owed.

4 (30) Misrepresenting the amount of the debt alleged to  
5 be owed.

6 (31) Representing that an existing debt may be  
7 increased by the addition of attorney's fees,  
8 investigation fees or any other fees or charges when such  
9 fees or charges may not legally be added to the existing  
10 debt.

11 (32) Representing that the collection agency is an  
12 attorney at law or an agent for an attorney if he or she is  
13 not.

14 (33) Collecting or attempting to collect any interest  
15 or other charge or fee in excess of the actual debt unless  
16 such interest or other charge or fee is expressly  
17 authorized by the agreement creating the debt unless  
18 expressly authorized by law or unless in a commercial  
19 transaction such interest or other charge or fee is  
20 expressly authorized in a subsequent agreement. If a  
21 contingency or hourly fee arrangement (i) is established  
22 under an agreement between a collection agency and a  
23 creditor to collect a debt and (ii) is paid by a debtor  
24 pursuant to a contract between the debtor and the  
25 creditor, then that fee arrangement does not violate this  
26 Section unless the fee is unreasonable. The Department

1 shall determine what constitutes a reasonable collection  
2 fee.

3 (34) Communicating or threatening to communicate with  
4 a debtor when the collection agency is informed in writing  
5 by an attorney that the attorney represents the debtor  
6 concerning the debt. If the attorney fails to respond  
7 within a reasonable period of time, the collector may  
8 communicate with the debtor. The collector may communicate  
9 with the debtor when the attorney gives his or her  
10 consent.

11 (35) Engaging in dishonorable, unethical, or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud, or harm the public.

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

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

18 (225 ILCS 425/9.2)

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

20 Sec. 9.2. Communication in connection with debt  
21 collection.

22 (a) Without the prior consent of the debtor given directly  
23 to the collection agency or the express permission of a court  
24 of competent jurisdiction, a collection agency may not  
25 communicate with a debtor in connection with the collection of

1 any debt in any of the following circumstances:

2 (1) At any unusual time, place, or manner that is  
3 known or should be known to be inconvenient to the debtor.  
4 In the absence of knowledge of circumstances to the  
5 contrary, a collection agency shall assume that the  
6 convenient time for communicating with a debtor is after  
7 8:00 a.m. and before 9:00 p.m. in the debtor's local time  
8 ~~at the debtor's location.~~

9 (2) If the collection agency knows the debtor is  
10 represented by an attorney with respect to such debt and  
11 has knowledge of or can readily ascertain, the attorney's  
12 name and address, unless the attorney fails to respond  
13 within a reasonable period of time to a communication from  
14 the collection agency or unless the attorney consents to  
15 direct communication with the debtor.

16 (3) At the debtor's place of employment, if the  
17 collection agency knows or has reason to know that the  
18 debtor's employer prohibits the debtor from receiving such  
19 communication.

20 (b) Except as provided in Section 9.1 of this Act, a  
21 collection agency may not communicate, in connection with the  
22 collection of any debt, with any person other than the debtor,  
23 the debtor's attorney, a consumer reporting agency if  
24 otherwise permitted by law, the creditor, the attorney of the  
25 creditor, or the attorney of the collection agency without the  
26 prior consent of the debtor given directly to the collection

1 agency, the express permission of a court of competent  
2 jurisdiction, or as reasonably necessary to effectuate a  
3 post-judgment judicial remedy,~~a collection agency may not~~  
4 ~~communicate, in connection with the collection of any debt,~~  
5 ~~with any person other than the debtor, the debtor's attorney,~~  
6 ~~a consumer reporting agency if otherwise permitted by law, the~~  
7 ~~creditor, the attorney of the creditor, or the attorney of the~~  
8 ~~collection agency.~~

9 (c) If a debtor notifies a collection agency in writing  
10 that the debtor refuses to pay a debt or that the debtor wishes  
11 the collection agency to cease further communication with the  
12 debtor, the collection agency may not communicate further with  
13 the debtor with respect to such debt, except to perform any of  
14 the following tasks:

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

17 (2) Notify the debtor that the collection agency or  
18 creditor may invoke specified remedies that are ordinarily  
19 invoked by such collection agency or creditor.

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

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

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

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

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

4 (225 ILCS 425/11) (from Ch. 111, par. 2036)

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

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

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

18 (225 ILCS 425/13.2) (from Ch. 111, par. 2038.2)

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

20 Sec. 13.2. Powers and duties of Department. The Department  
21 shall exercise the powers and duties prescribed by the  
22 Financial Institutions Code ~~Civil Administrative Code~~ of  
23 ~~Illinois~~ for the administration of licensing Acts and shall  
24 exercise such other powers and duties necessary for

1 effectuating the purposes of this Act.

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

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

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

19 (3) Obtain written recommendations from the Board  
20 regarding standards of professional conduct, formal  
21 disciplinary actions and the formulation of rules  
22 affecting these matters. Notice of proposed rulemaking  
23 shall be transmitted to the Board and the Department shall  
24 review the response of the Board and any recommendations  
25 made in the response. The Department may solicit the  
26 advice of the Board on any matter relating to the



1 administration and enforcement of this Act.

2 (4) (Blank).

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

4 (225 ILCS 425/16)

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

6 Sec. 16. Investigation; notice and hearing. The Department  
7 may investigate the actions or qualifications of any applicant  
8 or of any person rendering or offering to render collection  
9 agency services or any person holding or claiming to hold a  
10 license as a collection agency. The Department shall, before  
11 refusing to issue or renew, revoking, suspending, placing on  
12 probation, reprimanding, or taking any other disciplinary  
13 action under Section 9 of this Act, serve notice on any person,  
14 including a statement of the reasons for the Department's  
15 action, and notify the person that they may file a Petition for  
16 a Hearing with the Department within 30 days of service. All  
17 hearings shall be conducted in accordance with 38 Ill. Adm.  
18 Code 100 at least 30 days before the date set for the hearing,  
19 ~~(i) notify the accused in writing of the charges made and the~~  
20 ~~time and place for the hearing on the charges, (ii) direct him~~  
21 ~~or her to file his or her written answer to the charges with~~  
22 ~~the Department under oath within 20 days after the service on~~  
23 ~~him or her of the notice, and (iii) inform the accused that if~~  
24 ~~he or she fails to file an answer default will be taken against~~  
25 ~~him or her or his or her license may be suspended, revoked, or~~

1 ~~placed on probation, or other disciplinary action may be taken~~  
2 ~~with regard to the license, including limiting the scope,~~  
3 ~~nature, or extent of his or her practice, as the Department may~~  
4 ~~consider proper. At the time and place fixed in the notice, the~~  
5 ~~Department shall proceed to hear the charges. The parties or~~  
6 ~~their counsel shall be accorded ample opportunity to present~~  
7 ~~any pertinent statements, testimony, evidence, and arguments.~~  
8 ~~The Department may continue the hearing from time to time.~~  
9 ~~Nothing in this Section shall be construed to require that a~~  
10 ~~hearing be commenced and completed in one day. At the~~  
11 ~~discretion of the Secretary, after having first received the~~  
12 ~~recommendation of the Board, the accused person's license may~~  
13 ~~be suspended or revoked, if the evidence constitutes~~  
14 ~~sufficient grounds for such action under this Act. If the~~  
15 ~~person fails to file an answer after receiving notice, his or~~  
16 ~~her license may, in the discretion of the Department, be~~  
17 ~~suspended, revoked, or placed on probation, or the Department~~  
18 ~~may take whatever disciplinary action it considers proper,~~  
19 ~~including limiting the scope, nature, or extent of the~~  
20 ~~person's practice or the imposition of a fine, without a~~  
21 ~~hearing, if the act or acts charged constitute sufficient~~  
22 ~~grounds for such action under this Act. Written or electronic~~  
23 ~~notice may be served by personal delivery, mail, or email to~~  
24 ~~the applicant or licensee at the address of record or email~~  
25 ~~address of record. Service by mail is completed when the~~  
26 ~~notice is deposited in the U.S. Mail. Service to the email~~

1 address of record is completed when the email is sent.

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

3 (225 ILCS 425/26)

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

5 Sec. 26. Administrative review; venue.

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

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

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

15 (225 ILCS 425/30)

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

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

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

23 However, any licensed collection agency whose license has  
24 expired while the ~~individual~~ licensed person or ~~while~~ a

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

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

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

18 (225 ILCS 425/25 rep.)

19 Section 15. The Collection Agency Act is amended by  
20 repealing Section 25.

21 Section 95. Illinois Compiled Statutes reassignment. The  
22 Legislative Reference Bureau shall reassign the following Act  
23 to the specified location in the Illinois Compiled Statutes  
24 and file appropriate documents with the Index Division of the

1 Office of the Secretary of State in accordance with subsection  
2 (c) of Section 5.04 of the Legislative Reference Bureau Act:  
3 Collection Agency Act, reassigned from 225 ILCS 425/ to  
4 205 ILCS 740/.

5 Section 99. Effective date. This Act takes effect January  
6 1, 2023.