

# SB0644



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**SB0644**

Introduced 2/24/2021, by Sen. Laura Ellman

#### SYNOPSIS AS INTRODUCED:

225 ILCS 425/4.5

225 ILCS 425/8a

from Ch. 111, par. 2011a

Amends the Collection Agency Act by changing references to the General Professions Dedicated Fund to refer to the Financial Institution Fund. Provides that any fees collected and deposited into the General Professions Dedicated Fund for Fiscal Year 2021 may be transferred by the Department of Financial and Professional Regulation to the Financial Institution Fund. Effective immediately.

LRB102 11044 BMS 16376 b

A BILL FOR

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 Collection Agency Act is amended by  
5 changing Sections 4.5 and 8a as follows:

6 (225 ILCS 425/4.5)

7 (Section scheduled to be repealed on January 1, 2026)

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

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

19 (b) The Department has the authority and power to  
20 investigate any and all unlicensed activity. In addition to  
21 taking any other action provided under this Act, whenever the  
22 Department has reason to believe a person has violated any  
23 provision of subsection (a) of this Section, the Department

1 may issue a rule to show cause why an order to cease and desist  
2 should not be entered against that person. The rule shall  
3 clearly set forth the grounds relied upon by the Department  
4 and shall provide a period of 7 days from the date of the rule  
5 to file an answer to the satisfaction of the Department.  
6 Failure to answer to the satisfaction of the Department shall  
7 cause an order to cease and desist to be issued immediately.

8 (c) The civil penalty shall be paid within 60 days after  
9 the effective date of the order imposing the civil penalty.  
10 The 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 (d) All moneys collected under this Section shall be  
14 deposited into the Financial Institution ~~General Professions~~  
15 ~~Dedicated~~ Fund.

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

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 ~~General~~

1 ~~Professions Dedicated~~ Fund and shall be appropriated to the  
2 Department for the ordinary and contingent expenses of the  
3 Department in the administration of this Act. Any fees  
4 collected and deposited into the General Professions Dedicated  
5 Fund pursuant to this Act for Fiscal Year 2021 may be  
6 transferred by the Department to the Financial Institution  
7 Fund.

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

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.