



Sen. Laura Ellman

**Filed: 4/9/2021**

10200SB0644sam002

LRB102 11044 BMS 24891 a

1 AMENDMENT TO SENATE BILL 644

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 644 by replacing  
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on January 1, 2026)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

1 regarding the provision of a hearing for the discipline of a  
2 licensee.

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

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

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

24 (225 ILCS 425/8a) (from Ch. 111, par. 2011a)

25 (Section scheduled to be repealed on January 1, 2026)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 ~~General~~  
8 ~~Professions Dedicated~~ Fund and shall be appropriated to the  
9 Department for the ordinary and contingent expenses of the  
10 Department in the administration of this Act. After the  
11 effective date of this amendatory Act of the 102nd General  
12 Assembly, the Department may transfer any fees collected under  
13 this Act from the General Professions Dedicated Fund to the  
14 Financial Institution Fund.

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

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

19           Section 99. Effective date. This Act takes effect upon  
20 becoming law.".