



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3575

Introduced 2/17/2023, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. Abolishes the Department of Natural Resources Conservation Police Force and transfers its powers and duties to the Illinois State Police. Amends the Public Utilities Act. Abolishes the Illinois Commerce Commission Police Force and transfers its powers and duties to the Illinois State Police. Provides that the Illinois Commerce Commission may enter into an intergovernmental agreement with the Illinois State Police which shall provide: (1) for the transfer of the operational budget of the Illinois Commerce Commission Police Force to the Illinois State Police; (2) for division of appropriate enforcement and investigatory functions between the Commission and the Illinois State Police; (3) that the Illinois Commerce Commission shall provide administrative and other support to the Illinois State Police in the carrying out of the transferred enforcement and investigatory functions; and (4) for any other relevant matter related to the transfer of the Illinois Commerce Commission Police Force to the Illinois State Police. Amends the Illinois Vehicle Code. Abolishes the Secretary of State Department of Police and transfers its powers and duties to the Illinois State Police. Provides that the transitions shall be completed on or before July 1, 2025. Amends various Acts to make conforming changes. Effective October 1, 2023.

LRB103 29826 RLC 56234 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 4D as follows:

6 (15 ILCS 335/4D)

7 Sec. 4D. Issuance of confidential identification cards.

8 (a) Requirements for use of confidential identification
9 cards. Confidential identification cards may be issued to
10 local, state, and federal government agencies for bona fide
11 law enforcement purposes. The identification cards may be
12 issued in fictitious names and addresses, and may be used only
13 in confidential, investigative, or undercover law enforcement
14 operations. Confidential identification cards may be issued as
15 REAL ID compliant or non-compliant identification cards.

16 (b) Application procedures for confidential identification
17 cards:

18 (1) Applications by local, state, and federal
19 government agencies for confidential identification cards
20 must be made to the Secretary of State ~~Police Department~~
21 on a form and in a manner prescribed by the Secretary of
22 State ~~Police Department~~.

23 (2) The application form must include information, as

1 specific as possible without compromising investigations
2 or techniques, setting forth the need for the
3 identification cards and the uses to which the
4 identification cards will be limited.

5 (3) The application form must be signed and verified
6 by the local, state, or federal government agency head or
7 designee.

8 (4) Information maintained by the Secretary of State
9 ~~Police Department~~ for confidential identification cards
10 must show the fictitious names and addresses on all
11 records subject to public disclosure. All other
12 information concerning these confidential identification
13 cards are exempt from disclosure unless the disclosure is
14 ordered by a court of competent jurisdiction.

15 (c) Cancellation procedures for confidential
16 identification cards:

17 (1) The Secretary of State ~~Police Department~~ may
18 cancel or refuse to renew confidential identification
19 cards when they have reasonable cause to believe the cards
20 are being used for purposes other than those set forth in
21 the application form or authorized by this Section.

22 (2) A government agency must request cancellation of
23 confidential identification cards that are no longer
24 required for the purposes for which they were issued.

25 (3) Upon the request of the Secretary of State ~~Police~~
26 ~~Department~~, all cancelled confidential identification

1 cards must be promptly returned to the Secretary of State
2 ~~Police Department~~ by the government agency to which they
3 were issued.

4 (Source: P.A. 100-248, eff. 8-22-17.)

5 (20 ILCS 801/1-30 rep.)

6 Section 10. The Department of Natural Resources Act is
7 amended by repealing Section 1-30.

8 Section 15. The Department of Natural Resources
9 (Conservation) Law of the Civil Administrative Code of
10 Illinois is amended by adding Section 536 as follows:

11 (20 ILCS 805/536 new)

12 Sec. 536. Conservation Police Force abolished; transfer of
13 powers and duties.

14 (a) On and after the effective date of this amendatory Act
15 of the 103rd General Assembly, the Department of Natural
16 Resources Conservation Police Force is abolished and all
17 powers, duties, rights, and responsibilities of the Department
18 of Natural Resources Conservation Police Force shall be
19 transferred to the Illinois State Police. The powers, duties,
20 rights, and responsibilities related to the functions of the
21 Department of Natural Resources Conservation Police Force
22 transferred under this amendatory Act of the 103rd General
23 Assembly shall be vested in and shall be exercised by the

1 Illinois State Police. The Illinois State Police shall assume
2 all enforcement duties held currently by Conservation Police
3 Officers. On and after the effective date of this amendatory
4 Act of the 103rd General Assembly, the Department of Natural
5 Resources is prohibited from hiring additional Conservation
6 Police Officers.

7 (b) Conservation Police Officers within the Department of
8 Natural Resources who are engaged in the performance of
9 functions transferred to the Illinois State Police under this
10 amendatory Act of the 103rd General Assembly are transferred
11 to and shall continue their service within the Illinois State
12 Police. The status and rights of those employees under the
13 Personnel Code shall not be affected by this amendatory Act of
14 the 103rd General Assembly. The rights of the employees and
15 the State of Illinois and its agencies under the Personnel
16 Code and applicable collective bargaining agreements or under
17 any pension, retirement, or annuity plan, shall not be
18 affected by this amendatory Act of the 103rd General Assembly.
19 Current Conservation Police Officers' salaries shall remain at
20 the rate in effect on the effective date of this amendatory Act
21 of the 103rd General Assembly, until an applicable collective
22 bargaining agreement is adopted.

23 (c) All books, records, papers, documents, and equipment
24 related to the responsibilities transferred to the Illinois
25 State Police under this amendatory Act of the 103rd General
26 Assembly, including, but not limited to, material in

1 electronic or magnetic format and necessary computer hardware
2 and software, shall be transferred to the Illinois State
3 Police.

4 (d) All unexpended appropriations and balances and other
5 funds available for use by the Department of Natural Resources
6 Conservation Police Force shall be transferred for use by the
7 Illinois State Police in accordance with this amendatory Act
8 of the 103rd General Assembly. Unexpended balances so
9 transferred shall be expended by the Illinois State Police
10 only for the purpose for which the appropriations were
11 originally made.

12 (e) Any rules of the Department of Natural Resources that
13 relate to its powers, duties, rights, and responsibilities
14 with respect to functions transferred to the Illinois State
15 Police by this amendatory Act of the 103rd General Assembly
16 and which are in full force on the effective date of this
17 amendatory Act of the 103rd General Assembly shall become the
18 rules of the Illinois State Police. This amendatory Act of the
19 103rd General Assembly does not affect the legality of any of
20 those rules in the Illinois Administrative Code. Any proposed
21 rule filed with the Secretary of State by the Department of
22 Natural Resources that is pending in the rulemaking process on
23 the effective date of this amendatory Act of the 103rd General
24 Assembly and pertain to the powers, duties, rights, and
25 responsibilities transferred, shall be deemed to have been
26 filed by the Illinois State Police. As soon as practicable

1 hereafter, the Illinois State Police shall revise and clarify
2 the rules transferred to it under this amendatory Act of the
3 103rd General Assembly to reflect the reorganization of
4 powers, duties, rights, and responsibilities affected by this
5 amendatory Act of the 103rd General Assembly, using the
6 procedures for recodification of rules available under the
7 Illinois Administrative Procedure Act, except that existing
8 title, part, and section numbering for the affected rules may
9 be retained. On and after the effective date of this
10 amendatory Act of the 103rd General Assembly, the Illinois
11 State Police may propose and adopt, under the Illinois
12 Administrative Procedure Act, any other rules that relate to
13 the functions of the Conservation Police Force transferred to
14 and that will now be administered by the Illinois State
15 Police.

16 (f) The transfer of powers, duties, rights, and
17 responsibilities to the Illinois State Police under this
18 amendatory Act of the 103rd General Assembly does not affect
19 any person's rights, obligations, or duties, including any
20 civil or criminal penalties applicable, arising out of those
21 transferred powers, duties, rights, and responsibilities.

22 (g) This amendatory Act of the 103rd General Assembly does
23 not affect any act done, ratified, or canceled, or any right
24 occurring or established, or any action or proceeding had or
25 commenced in an administrative, civil, or criminal cause by
26 the Conservation Police Force or any Conservation Police

1 Officer before the effective date of this amendatory Act of
2 the 103rd General Assembly; those actions or proceedings may
3 be defended, prosecuted, or continued by the Illinois State
4 Police.

5 (h) The transition required under this Section shall be
6 completed on or before July 1, 2025.

7 (20 ILCS 805/805-535 rep.)

8 (20 ILCS 805/805-537 rep.)

9 (20 ILCS 805/805-540 rep.)

10 Section 20. The Department of Natural Resources
11 (Conservation) Law of the Civil Administrative Code of
12 Illinois is amended by repealing Sections 805-535, 805-537,
13 and 805-540.

14 Section 25. The Illinois State Police Law of the Civil
15 Administrative Code of Illinois is amended by changing Section
16 2605-25 and by adding Section 2605-56 as follows:

17 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

18 Sec. 2605-25. Illinois State Police divisions.

19 (a) The Illinois State Police is divided into the Division
20 of Statewide 9-1-1, the Division of Patrol Operations, the
21 Division of Criminal Investigation, the Division of Forensic
22 Services, the Division of Conservation, the Division of
23 Protected Services, the Division of Justice Services, the

1 Division of the Academy and Training, and the Division of
2 Internal Investigation.

3 (b) The Office of the Director shall:

4 (1) Exercise the rights, powers, and duties vested in
5 the Illinois State Police by the Governor's Office of
6 Management and Budget Act.

7 (2) Exercise the rights, powers, and duties vested in
8 the Illinois State Police by the Personnel Code.

9 (3) Exercise the rights, powers, and duties vested in
10 the Illinois State Police by "An Act relating to internal
11 auditing in State government", approved August 11, 1967
12 (repealed; now the Fiscal Control and Internal Auditing
13 Act).

14 (Source: P.A. 101-378, eff. 1-1-20; 102-538, eff. 8-20-21.)

15 (20 ILCS 2605/2605-56 new)

16 Sec. 2605-56. Intergovernmental agreement with Illinois
17 Commerce Commission. The Illinois State Police may enter into
18 an intergovernmental agreement with the Illinois Commerce
19 Commission concerning the abolition of the Illinois Commerce
20 Commission Police Force under this amendatory Act of the 103rd
21 General Assembly. The intergovernmental agreement shall
22 provide: (1) for the transfer of the operational budget of the
23 Illinois Commerce Commission Police Force to the Illinois
24 State Police; (2) for division of appropriate enforcement and
25 investigatory functions between the Illinois Commerce

1 Commission and the Illinois State Police; (3) that the
2 Illinois Commerce Commission shall provide administrative and
3 other support to the Illinois State Police in the carrying out
4 of the transferred enforcement and investigatory functions;
5 and (4) for any other relevant matter related to the transfer
6 of the Illinois Commerce Commission Police Force to the
7 Illinois State Police.

8 Section 30. The State Police Act is amended by changing
9 Section 9 as follows:

10 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

11 Sec. 9. Appointment; qualifications.

12 (a) Except as otherwise provided in this Section, the
13 appointment of Illinois State Police officers shall be made
14 from those applicants who have been certified by the Board as
15 being qualified for appointment. All persons so appointed
16 shall, at the time of their appointment, be not less than 21
17 years of age, or 20 years of age and have successfully
18 completed an associate's degree or 60 credit hours at an
19 accredited college or university. Any person appointed
20 subsequent to successful completion of an associate's degree
21 or 60 credit hours at an accredited college or university
22 shall not have power of arrest, nor shall he or she be
23 permitted to carry firearms, until he or she reaches 21 years
24 of age. In addition, all persons so certified for appointment

1 shall be of sound mind and body, be of good moral character, be
2 citizens of the United States, have no criminal records,
3 possess such prerequisites of training, education, and
4 experience as the Board may from time to time prescribe so long
5 as persons who have an associate's degree or 60 credit hours at
6 an accredited college or university are not disqualified, and
7 shall be required to pass successfully such mental and
8 physical tests and examinations as may be prescribed by the
9 Board. All persons who meet one of the following requirements
10 are deemed to have met the collegiate educational
11 requirements:

12 (i) have been honorably discharged and who have been
13 awarded a Southwest Asia Service Medal, Kosovo Campaign
14 Medal, Korean Defense Service Medal, Afghanistan Campaign
15 Medal, Iraq Campaign Medal, or Global War on Terrorism
16 Expeditionary Medal by the United States Armed Forces;

17 (ii) are active members of the Illinois National Guard
18 or a reserve component of the United States Armed Forces
19 and who have been awarded a Southwest Asia Service Medal,
20 Kosovo Campaign Medal, Korean Defense Service Medal,
21 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
22 War on Terrorism Expeditionary Medal as a result of
23 honorable service during deployment on active duty;

24 (iii) have been honorably discharged who served in a
25 combat mission by proof of hostile fire pay or imminent
26 danger pay during deployment on active duty; or

1 (iv) have at least 3 years of full active and
2 continuous military duty and received an honorable
3 discharge before hiring.

4 Preference shall be given in such appointments to persons
5 who have honorably served in the military or naval services of
6 the United States. All appointees shall serve a probationary
7 period of 12 months from the date of appointment and during
8 that period may be discharged at the will of the Director.
9 However, the Director may in his or her sole discretion extend
10 the probationary period of an officer up to an additional 6
11 months when to do so is deemed in the best interest of the
12 Illinois State Police. Nothing in this subsection (a) limits
13 the Board's ability to prescribe education prerequisites or
14 requirements to certify Illinois State Police officers for
15 promotion as provided in Section 10 of this Act.

16 (b) Notwithstanding the other provisions of this Act,
17 after July 1, 1977 and before July 1, 1980, the Director of
18 State Police may appoint and promote not more than 20 persons
19 having special qualifications as special agents as he or she
20 deems necessary to carry out the Department's objectives. Any
21 such appointment or promotion shall be ratified by the Board.

22 (c) During the 90 days following March 31, 1995 (the
23 effective date of Public Act 89-9), the Director of State
24 Police may appoint up to 25 persons as State Police officers.
25 These appointments shall be made in accordance with the
26 requirements of this subsection (c) and any additional

1 criteria that may be established by the Director, but are not
2 subject to any other requirements of this Act. The Director
3 may specify the initial rank for each person appointed under
4 this subsection.

5 All appointments under this subsection (c) shall be made
6 from personnel certified by the Board. A person certified by
7 the Board and appointed by the Director under this subsection
8 must have been employed by the Illinois Commerce Commission on
9 November 30, 1994 in a job title subject to the Personnel Code
10 and in a position for which the person was eligible to earn
11 "eligible creditable service" as a "noncovered employee", as
12 those terms are defined in Article 14 of the Illinois Pension
13 Code.

14 The Director may appoint an appropriate number of officers
15 on or after the effective date of this amendatory Act of the
16 103rd General Assembly to absorb police officers from the
17 Illinois Commerce Commission and Department of Natural
18 Resources, with the elimination of those agencies' police
19 forces.

20 Persons appointed under this subsection (c) shall
21 thereafter be subject to the same requirements and procedures
22 as other State police officers. A person appointed under this
23 subsection must serve a probationary period of 12 months from
24 the date of appointment, during which he or she may be
25 discharged at the will of the Director.

26 This subsection (c) does not affect or limit the

1 Director's authority to appoint other State Police officers
2 under subsection (a) of this Section.

3 (d) During the 180 days following January 1, 2022 (the
4 effective date of Public Act 101-652), the Director of the
5 Illinois State Police may appoint current Illinois State
6 Police employees serving in law enforcement officer positions
7 previously within Central Management Services as State Police
8 officers. These appointments shall be made in accordance with
9 the requirements of this subsection (d) and any institutional
10 criteria that may be established by the Director, but are not
11 subject to any other requirements of this Act. All
12 appointments under this subsection (d) shall be made from
13 personnel certified by the Board. A person certified by the
14 Board and appointed by the Director under this subsection must
15 have been employed by ~~the~~ a State agency, board, or commission
16 on January 1, 2021 in a job title subject to the Personnel Code
17 and in a position for which the person was eligible to earn
18 "eligible creditable service" as a "noncovered employee", as
19 those terms are defined in Article 14 of the Illinois Pension
20 Code. Persons appointed under this subsection (d) shall
21 thereafter be subject to the same requirements, and subject to
22 the same contractual benefits and obligations, as other State
23 police officers. This subsection (d) does not affect or limit
24 the Director's authority to appoint other State Police
25 officers under subsection (a) of this Section.

26 (e) The Merit Board shall review Illinois State Police

1 Cadet applicants. The Illinois State Police may provide
2 background check and investigation material to the Board for
3 its review pursuant to this Section. The Board shall approve
4 and ensure that no cadet applicant is certified unless the
5 applicant is a person of good character and has not been
6 convicted of, or entered a plea of guilty to, a felony offense,
7 any of the misdemeanors specified in this Section or if
8 committed in any other state would be an offense similar to
9 Section 11-1.50, 11-6, 11-6.5, 11-6.6, 11-9.1, 11-9.1B, 11-14,
10 11-14.1, 11-30, 12-2, 12-3.2, 12-3.4, 12-3.5, 16-1, 17-1,
11 17-2, 26.5-1, 26.5-2, 26.5-3, 28-3, 29-1, any misdemeanor in
12 violation of any Section of Part E of Title III of the Criminal
13 Code of 1961 or the Criminal Code of 2012, 32-4a, or 32-7 of
14 the Criminal Code of 1961 or the Criminal Code of 2012, or
15 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, to Section 5 or 5.2 of the Cannabis
17 Control Act, or any felony or misdemeanor in violation of
18 federal law or the law of any state that is the equivalent of
19 any of the offenses specified therein. The Officer
20 Professional Conduct Database, provided for in Section 9.2 of
21 the Illinois Police Training Act, shall be searched as part of
22 this process. For purposes of this Section, "convicted of, or
23 entered a plea of guilty" regardless of whether the
24 adjudication of guilt or sentence is withheld or not entered
25 thereon. This includes sentences of supervision, conditional
26 discharge, or first offender probation, or any similar

1 disposition provided for by law.

2 (f) The Board shall by rule establish an application fee
3 waiver program for any person who meets one or more of the
4 following criteria:

5 (1) his or her available personal income is 200% or
6 less of the current poverty level; or

7 (2) he or she is, in the discretion of the Board,
8 unable to proceed in an action with payment of application
9 fee and payment of that fee would result in substantial
10 hardship to the person or the person's family.

11 (Source: P.A. 101-374, eff. 1-1-20; 101-652, eff. 1-1-22;
12 102-538, eff. 8-20-21; 102-694, eff. 1-7-22; 102-813, eff.
13 5-13-22; revised 8-24-22.)

14 Section 35. The Illinois State Police Radio Act is amended
15 by changing Section 10 as follows:

16 (20 ILCS 2615/10)

17 Sec. 10. Public safety radio interoperability. Upon their
18 establishment and thereafter, the Director of the Illinois
19 State Police, or his or her designee, shall serve as the
20 chairman of the Illinois Statewide Interoperability Executive
21 Committee (SIEC) and as the chairman of the STARCOM21
22 Oversight Committee. The Director, as chairman, may increase
23 the size and makeup of the voting membership of each committee
24 when deemed necessary for improved public safety radio

1 interoperability, but the voting membership of each committee
2 must represent public safety users (police, fire, or EMS) and
3 must, at a minimum, include the representatives specified in
4 this Section. The STARCOM21 Oversight Committee must comprise
5 public safety users accessing the system. The SIEC shall have
6 at a minimum one representative from each of the following:
7 the Illinois Fire Chiefs Association, the Rural Fire
8 Protection Association, the Office of the State Fire Marshal,
9 the Illinois Association of Chiefs of Police, the Illinois
10 Sheriffs' Association, the Illinois State Police, the Illinois
11 Emergency Management Agency, and the Department of Public
12 Health, ~~and the Secretary of State Police (which~~
13 ~~representative shall be the Director of the Secretary of State~~
14 ~~Police or his or her designee).~~

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 Section 36. The Illinois Vehicle Hijacking and Motor
17 Vehicle Theft Prevention and Insurance Verification Act is
18 amended by changing Section 3 as follows:

19 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

20 (Section scheduled to be repealed on January 1, 2025)

21 Sec. 3. As used in this Act:

22 (a) (Blank).

23 (b) "Council" means the Illinois Vehicle Hijacking and
24 Motor Vehicle Theft Prevention and Insurance Verification

1 Council.

2 (b-2) "Director" means the Director of the Illinois State
3 Police ~~the Secretary of State Department of Police~~.

4 (b-5) "Police" means the Illinois State Police ~~Secretary~~
5 ~~of State Department of Police~~.

6 (b-7) "Secretary" means the Secretary of State.

7 (c) "Trust Fund" means the Vehicle Hijacking and Motor
8 Vehicle Theft Prevention and Insurance Verification Trust
9 Fund.

10 (Source: P.A. 102-904, eff. 1-1-23.)

11 Section 40. The State Finance Act is amended by changing
12 Sections 5.567 and 5.613 as follows:

13 (30 ILCS 105/5.567)

14 Sec. 5.567. The Secretary of State ~~Police~~ Services Fund.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 (30 ILCS 105/5.613)

17 Sec. 5.613. The Secretary of State ~~Police~~ DUI Fund.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 Section 45. The State Property Control Act is amended by
20 changing Section 7 as follows:

21 (30 ILCS 605/7) (from Ch. 127, par. 133b10)

1 Sec. 7. Disposition of transferable property.

2 (a) Except as provided in subsection (c), whenever a
3 responsible officer considers it advantageous to the State to
4 dispose of transferable property by trading it in for credit
5 on a replacement of like nature, the responsible officer shall
6 report the trade-in and replacement to the administrator on
7 forms furnished by the latter. The exchange, trade or transfer
8 of "textbooks" as defined in Section 18-17 of the School Code
9 between schools or school districts pursuant to regulations
10 adopted by the State Board of Education under that Section
11 shall not constitute a disposition of transferable property
12 within the meaning of this Section, even though such exchange,
13 trade or transfer occurs within 5 years after the textbooks
14 are first provided for loan pursuant to Section 18-17 of the
15 School Code.

16 (b) Except as provided in subsection (c), whenever it is
17 deemed necessary to dispose of any item of transferable
18 property, the administrator shall proceed to dispose of the
19 property by sale or scrapping as the case may be, in whatever
20 manner he considers most advantageous and most profitable to
21 the State. Items of transferable property which would
22 ordinarily be scrapped and disposed of by burning or by burial
23 in a landfill may be examined and a determination made whether
24 the property should be recycled. This determination and any
25 sale of recyclable property shall be in accordance with rules
26 promulgated by the Administrator.

1 When the administrator determines that property is to be
2 disposed of by sale, he shall offer it first to the
3 municipalities, counties, and school districts of the State
4 and to charitable, not-for-profit educational and public
5 health organizations, including but not limited to medical
6 institutions, clinics, hospitals, health centers, schools,
7 colleges, universities, child care centers, museums, nursing
8 homes, programs for the elderly, food banks, State Use
9 Sheltered Workshops and the Boy and Girl Scouts of America,
10 for purchase at an appraised value. Notice of inspection or
11 viewing dates and property lists shall be distributed in the
12 manner provided in rules and regulations promulgated by the
13 Administrator for that purpose.

14 Electronic data processing equipment purchased and charged
15 to appropriations may, at the discretion of the administrator,
16 be sold, pursuant to contracts entered into by the Director of
17 Central Management Services or the heads of agencies exempt
18 from "The Illinois Purchasing Act". However such equipment
19 shall not be sold at prices less than the purchase cost thereof
20 or depreciated value as determined by the administrator. No
21 sale of the electronic data processing equipment and lease to
22 the State by the purchaser of such equipment shall be made
23 under this Act unless the Director of Central Management
24 Services finds that such contracts are financially
25 advantageous to the State.

26 Disposition of other transferable property by sale, except

1 sales directly to local governmental units, school districts,
2 and not-for-profit educational, charitable and public health
3 organizations, shall be subject to the following minimum
4 conditions:

5 (1) The administrator shall cause the property to be
6 advertised for sale to the highest responsible bidder,
7 stating time, place, and terms of such sale at least 7 days
8 prior to the time of sale and at least once in a newspaper
9 having a general circulation in the county where the
10 property is to be sold.

11 (2) If no acceptable bids are received, the
12 administrator may then sell the property in whatever
13 manner he considers most advantageous and most profitable
14 to the State.

15 (c) Notwithstanding any other provision of this Act, an
16 agency covered by this Act may transfer books, serial
17 publications, or other library materials that are transferable
18 property, or that have been withdrawn from the agency's
19 library collection through a regular collection evaluation
20 process, to any of the following entities:

21 (1) Another agency covered by this Act located in
22 Illinois.

23 (2) A State supported university library located in
24 Illinois.

25 (3) A tax-supported public library located in
26 Illinois, including a library established by a public

1 library district.

2 (4) A library system organized under the Illinois
3 Library System Act or any library located in Illinois that
4 is a member of such a system.

5 (5) A non-profit agency, located in or outside
6 Illinois.

7 A transfer of property under this subsection is not
8 subject to the requirements of subsection (a) or (b).

9 In addition, an agency covered by this Act may sell or
10 exchange books, serial publications, and other library
11 materials that have been withdrawn from its library collection
12 through a regular collection evaluation process. Those items
13 may be sold to the public at library book sales or to book
14 dealers or may be offered through exchange to book dealers or
15 other organizations. Revenues generated from the sale of
16 withdrawn items shall be retained by the agency in a separate
17 account to be used solely for the purchase of library
18 materials; except that in the case of the State Library,
19 revenues from the sale of withdrawn items shall be deposited
20 into the State Library Fund to be used for the purposes stated
21 in Section 25 of the State Library Act.

22 For purposes of this subsection (c), "library materials"
23 means physical entities of any substance that serve as
24 carriers of information, including, without limitation, books,
25 serial publications, periodicals, microforms, graphics, audio
26 or video recordings, and machine readable data files.

1 (d) Notwithstanding any other provision of this Act, the
2 Director of the Illinois State Police may dispose of a service
3 firearm or police badge issued or previously issued to a
4 retiring or separating State Police officer as provided in
5 Section 17b of the Illinois State Police Act. The Director of
6 Natural Resources may dispose of a service firearm or police
7 badge issued previously to a retiring Conservation Police
8 Officer as provided in Section 805-538 of the Department of
9 Natural Resources (Conservation) Law of the Civil
10 Administrative Code of Illinois. The ~~Director of the~~ Secretary
11 of State ~~Department of Police~~ may dispose of a service firearm
12 ~~or police badge~~ issued or previously issued to a retiring
13 Secretary of State ~~Police officer,~~ inspector, or investigator
14 as provided in Section 2-116 of the Illinois Vehicle Code. The
15 Office of the State Fire Marshal may dispose of a service
16 firearm or badge previously issued to a State Fire Marshal
17 Arson Investigator Special Agent who is honorably retiring or
18 separating in good standing as provided in subsection (c) of
19 Section 1 of the Peace Officer Fire Investigation Act.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 Section 50. The State Vehicle Identification Act is
22 amended by changing Section 4 as follows:

23 (30 ILCS 610/4) (from Ch. 127, par. 133e4)

24 Sec. 4. This Act shall not apply to vehicles used by

1 elective State officers, by executive heads of State agencies
2 and departments, by presidents of colleges or universities
3 placed under control of officers of this State, or by any
4 employee of a State agency or department in the performance of
5 investigative services exclusively when the executive head
6 thereof has requested an exception in writing, and such
7 exception has been approved in writing by the Department, on
8 the basis that the identification would hamper the individual
9 employee in the routine performance of his investigative
10 duties. A record, open to public inspection, shall be kept by
11 the Department of all such exceptions approved by it.

12 This Act shall not apply to vehicles assigned to the use of
13 the Illinois State Police ~~and the Division of Law Enforcement~~
14 ~~of the Department of Natural Resources,~~ and the executive head
15 ~~heads~~ thereof shall have within its ~~their~~ discretion
16 determination of the type of markings or identification, if
17 any, to be affixed to vehicles assigned to the Illinois State
18 Police ~~said Department or Division nor shall this Act apply to~~
19 ~~vehicles assigned to the use of Secretary of State police~~
20 ~~officers.~~

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 Section 55. The Illinois Pension Code is amended by
23 changing Sections 3-110.6, 5-236, 7-139.8, 9-121.10, 14-110,
24 and 15-134.4 as follows:

1 (40 ILCS 5/3-110.6) (from Ch. 108 1/2, par. 3-110.6)

2 Sec. 3-110.6. Transfer to Article 14 System.

3 (a) Any active member of the State Employees' Retirement
4 System who is a State policeman, an investigator for the
5 Secretary of State, ~~a conservation police officer,~~ an
6 investigator for the Office of the Attorney General, an
7 investigator for the Department of Revenue, an investigator
8 for the Office of the State's Attorneys Appellate Prosecutor,
9 or a controlled substance inspector may apply for transfer of
10 some or all of his or her creditable service accumulated in any
11 police pension fund under this Article to the State Employees'
12 Retirement System in accordance with Section 14-110. The
13 creditable service shall be transferred only upon payment by
14 the police pension fund to the State Employees' Retirement
15 System of an amount equal to:

16 (1) the amounts accumulated to the credit of the
17 applicant for the service to be transferred on the books
18 of the fund on the date of transfer; and

19 (2) employer contributions in an amount equal to the
20 amount determined under subparagraph (1); and

21 (3) any interest paid by the applicant in order to
22 reinstate service to be transferred.

23 Participation in the police pension fund with respect to the
24 service to be transferred shall terminate on the date of
25 transfer.

26 (b) Any person applying to transfer service under this

1 Section may reinstate service that was terminated by receipt
2 of a refund, by paying to the police pension fund the amount of
3 the refund with interest thereon at the actuarially assumed
4 rate of interest, compounded annually, from the date of refund
5 to the date of payment.

6 (Source: P.A. 95-530, eff. 8-28-07; 96-745, eff. 8-25-09.)

7 (40 ILCS 5/5-236) (from Ch. 108 1/2, par. 5-236)

8 Sec. 5-236. Transfer to Article 14.

9 (a) Any active member of the State Employees' Retirement
10 System who is a State policeman, ~~conservation police officer,~~
11 an investigator for the Office of the Attorney General, an
12 investigator for the Department of Revenue, or investigator
13 for the Secretary of State may apply for transfer of some or
14 all of his or her creditable service accumulated under this
15 Article to the State Employees' Retirement System in
16 accordance with Section 14-110. At the time of the transfer
17 the Fund shall pay to the State Employees' Retirement System
18 an amount equal to:

19 (1) the amounts accumulated to the credit of the
20 applicant for the service to be transferred on the books
21 of the Fund on the date of transfer; and

22 (2) the corresponding municipality credits, including
23 interest, on the books of the Fund on the date of transfer;
24 and

25 (3) any interest paid by the applicant in order to

1 reinstate service to be transferred.

2 Participation in this Fund with respect to the service to be
3 transferred shall terminate on the date of transfer.

4 (b) Any such State policeman, ~~conservation police officer,~~
5 or investigator for the Secretary of State may reinstate
6 service that was terminated by receipt of a refund, by paying
7 to the Fund the amount of the refund with interest thereon at
8 the actuarially assumed rate of interest, compounded annually,
9 from the date of refund to the date of payment.

10 (c) Within 30 days after the effective date of this
11 amendatory Act of 1993, any active member of the State
12 Employees' Retirement System who was earning eligible
13 creditable service under subdivision (b)(12) of Section 14-110
14 on January 1, 1992 and who has at least 17 years of creditable
15 service under this Article may apply for transfer of his
16 creditable service accumulated under this Article to the State
17 Employees' Retirement System. At the time of the transfer the
18 Fund shall pay to the State Employees' Retirement System an
19 amount equal to:

20 (1) the amounts accumulated to the credit of the
21 applicant on the books of the Fund on the date of transfer;
22 and

23 (2) the corresponding municipality credits, including
24 interest, on the books of the Fund on the date of transfer.

25 Participation in this Fund shall terminate on the date of
26 transfer.

1 (Source: P.A. 95-530, eff. 8-28-07; 96-745, eff. 8-25-09.)

2 (40 ILCS 5/7-139.8) (from Ch. 108 1/2, par. 7-139.8)

3 Sec. 7-139.8. Transfer to Article 14 System.

4 (a) Any active member of the State Employees' Retirement
5 System who is a State policeman, an investigator for the
6 Secretary of State, ~~a conservation police officer,~~ an
7 investigator for the Office of the Attorney General, an
8 investigator for the Department of Revenue, an investigator
9 for the Illinois Gaming Board, an arson investigator, a
10 Commerce Commission police officer, an investigator for the
11 Office of the State's Attorneys Appellate Prosecutor, or a
12 controlled substance inspector may apply for transfer of some
13 or all of his or her credits and creditable service
14 accumulated in this Fund for service as a sheriff's law
15 enforcement employee, person employed by a participating
16 municipality to perform police duties, or law enforcement
17 officer employed on a full-time basis by a forest preserve
18 district to the State Employees' Retirement System in
19 accordance with Section 14-110. The creditable service shall
20 be transferred only upon payment by this Fund to the State
21 Employees' Retirement System of an amount equal to:

22 (1) the amounts accumulated to the credit of the
23 applicant for the service to be transferred, including
24 interest; and

25 (2) municipality credits based on such service,

1 including interest; and

2 (3) any interest paid by the applicant to reinstate
3 such service.

4 Participation in this Fund as to any credits transferred under
5 this Section shall terminate on the date of transfer.

6 (b) Any person applying to transfer service under this
7 Section may reinstate credits and creditable service
8 terminated upon receipt of a separation benefit, by paying to
9 the Fund the amount of the separation benefit plus interest
10 thereon at the actuarially assumed rate of interest to the
11 date of payment.

12 (Source: P.A. 102-210, eff. 7-30-21; 102-856, eff. 1-1-23.)

13 (40 ILCS 5/9-121.10) (from Ch. 108 1/2, par. 9-121.10)

14 Sec. 9-121.10. Transfer to Article 14.

15 (a) Any active member of the State Employees' Retirement
16 System who is a State policeman, investigator for the Office
17 of the Attorney General, an investigator for the Department of
18 Revenue, investigator for the Illinois Gaming Board, arson
19 investigator, or investigator for the Secretary of State, ~~or~~
20 ~~conservation police officer~~ may apply for transfer of some or
21 all of his creditable service as a member of the County Police
22 Department, a county corrections officer, or a court services
23 officer accumulated under this Article to the State Employees'
24 Retirement System in accordance with Section 14-110. At the
25 time of the transfer the Fund shall pay to the State Employees'

1 Retirement System an amount equal to:

2 (1) the amounts accumulated to the credit of the
3 applicant on the books of the Fund on the date of transfer
4 for the service to be transferred; and

5 (2) the corresponding municipality credits, including
6 interest, on the books of the Fund on the date of transfer;
7 and

8 (3) any interest paid by the applicant in order to
9 reinstate such service.

10 Participation in this Fund with respect to the credits
11 transferred shall terminate on the date of transfer.

12 (b) Any person applying to transfer service under this
13 Section may reinstate credit for service as a member of the
14 County Police Department that was terminated by receipt of a
15 refund, by paying to the Fund the amount of the refund with
16 interest thereon at the actuarially assumed rate of interest,
17 compounded annually, from the date of refund to the date of
18 payment.

19 (Source: P.A. 102-856, eff. 1-1-23.)

20 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

21 (Text of Section from P.A. 102-813)

22 Sec. 14-110. Alternative retirement annuity.

23 (a) Any member who has withdrawn from service with not
24 less than 20 years of eligible creditable service and has
25 attained age 55, and any member who has withdrawn from service

1 with not less than 25 years of eligible creditable service and
2 has attained age 50, regardless of whether the attainment of
3 either of the specified ages occurs while the member is still
4 in service, shall be entitled to receive at the option of the
5 member, in lieu of the regular or minimum retirement annuity,
6 a retirement annuity computed as follows:

7 (i) for periods of service as a noncovered employee:
8 if retirement occurs on or after January 1, 2001, 3% of
9 final average compensation for each year of creditable
10 service; if retirement occurs before January 1, 2001, 2
11 1/4% of final average compensation for each of the first
12 10 years of creditable service, 2 1/2% for each year above
13 10 years to and including 20 years of creditable service,
14 and 2 3/4% for each year of creditable service above 20
15 years; and

16 (ii) for periods of eligible creditable service as a
17 covered employee: if retirement occurs on or after January
18 1, 2001, 2.5% of final average compensation for each year
19 of creditable service; if retirement occurs before January
20 1, 2001, 1.67% of final average compensation for each of
21 the first 10 years of such service, 1.90% for each of the
22 next 10 years of such service, 2.10% for each year of such
23 service in excess of 20 but not exceeding 30, and 2.30% for
24 each year in excess of 30.

25 Such annuity shall be subject to a maximum of 75% of final
26 average compensation if retirement occurs before January 1,

1 2001 or to a maximum of 80% of final average compensation if
2 retirement occurs on or after January 1, 2001.

3 These rates shall not be applicable to any service
4 performed by a member as a covered employee which is not
5 eligible creditable service. Service as a covered employee
6 which is not eligible creditable service shall be subject to
7 the rates and provisions of Section 14-108.

8 (b) For the purpose of this Section, "eligible creditable
9 service" means creditable service resulting from service in
10 one or more of the following positions:

11 (1) State policeman;

12 (2) fire fighter in the fire protection service of a
13 department;

14 (3) air pilot;

15 (4) special agent;

16 (5) investigator for the Secretary of State;

17 (6) conservation police officer for service before the
18 effective date of this amendatory Act of the 103rd General
19 Assembly;

20 (7) investigator for the Department of Revenue or the
21 Illinois Gaming Board;

22 (8) security employee of the Department of Human
23 Services;

24 (9) Central Management Services security police
25 officer;

26 (10) security employee of the Department of

- 1 Corrections or the Department of Juvenile Justice;
- 2 (11) dangerous drugs investigator;
- 3 (12) investigator for the Illinois State Police;
- 4 (13) investigator for the Office of the Attorney
- 5 General;
- 6 (14) controlled substance inspector;
- 7 (15) investigator for the Office of the State's
- 8 Attorneys Appellate Prosecutor;
- 9 (16) Commerce Commission police officer for service
- 10 before the effective date of this amendatory Act of the
- 11 103rd General Assembly;
- 12 (17) arson investigator;
- 13 (18) State highway maintenance worker;
- 14 (19) security employee of the Department of Innovation
- 15 and Technology; or
- 16 (20) transferred employee.

17 A person employed in one of the positions specified in

18 this subsection is entitled to eligible creditable service for

19 service credit earned under this Article while undergoing the

20 basic police training course approved by the Illinois Law

21 Enforcement Training Standards Board, if completion of that

22 training is required of persons serving in that position. For

23 the purposes of this Code, service during the required basic

24 police training course shall be deemed performance of the

25 duties of the specified position, even though the person is

26 not a sworn peace officer at the time of the training.

1 A person under paragraph (20) is entitled to eligible
2 creditable service for service credit earned under this
3 Article on and after his or her transfer by Executive Order No.
4 2003-10, Executive Order No. 2004-2, or Executive Order No.
5 2016-1.

6 (c) For the purposes of this Section:

7 (1) The term "State policeman" includes any title or
8 position in the Illinois State Police that is held by an
9 individual employed under the Illinois State Police Act.

10 (2) The term "fire fighter in the fire protection
11 service of a department" includes all officers in such
12 fire protection service including fire chiefs and
13 assistant fire chiefs.

14 (3) The term "air pilot" includes any employee whose
15 official job description on file in the Department of
16 Central Management Services, or in the department by which
17 he is employed if that department is not covered by the
18 Personnel Code, states that his principal duty is the
19 operation of aircraft, and who possesses a pilot's
20 license; however, the change in this definition made by
21 Public Act 83-842 shall not operate to exclude any
22 noncovered employee who was an "air pilot" for the
23 purposes of this Section on January 1, 1984.

24 (4) The term "special agent" means any person who by
25 reason of employment by the Division of Narcotic Control,
26 the Bureau of Investigation or, after July 1, 1977, the

1 Division of Criminal Investigation, the Division of
2 Internal Investigation, the Division of Operations, the
3 Division of Patrol Operations, or any other Division or
4 organizational entity in the Illinois State Police is
5 vested by law with duties to maintain public order,
6 investigate violations of the criminal law of this State,
7 enforce the laws of this State, make arrests and recover
8 property. The term "special agent" includes any title or
9 position in the Illinois State Police that is held by an
10 individual employed under the Illinois State Police Act.

11 (5) The term "investigator for the Secretary of State"
12 means any person employed by the Office of the Secretary
13 of State and vested with such investigative duties as
14 render him ineligible for coverage under the Social
15 Security Act by reason of Sections 218(d)(5)(A),
16 218(d)(8)(D) and 218(1)(1) of that Act.

17 A person who became employed as an investigator for
18 the Secretary of State between January 1, 1967 and
19 December 31, 1975, and who has served as such until
20 attainment of age 60, either continuously or with a single
21 break in service of not more than 3 years duration, which
22 break terminated before January 1, 1976, shall be entitled
23 to have his retirement annuity calculated in accordance
24 with subsection (a), notwithstanding that he has less than
25 20 years of credit for such service.

26 (6) The term "Conservation Police Officer" means any

1 person who was employed by the Division of Law Enforcement
2 of the Department of Natural Resources before the
3 effective date of this amendatory Act of the 103rd General
4 Assembly and vested with such law enforcement duties as
5 render him ineligible for coverage under the Social
6 Security Act by reason of Sections 218(d)(5)(A),
7 218(d)(8)(D), and 218(1)(1) of that Act. The term
8 "Conservation Police Officer" includes the positions of
9 Chief Conservation Police Administrator and Assistant
10 Conservation Police Administrator.

11 (7) The term "investigator for the Department of
12 Revenue" means any person employed by the Department of
13 Revenue and vested with such investigative duties as
14 render him ineligible for coverage under the Social
15 Security Act by reason of Sections 218(d)(5)(A),
16 218(d)(8)(D) and 218(1)(1) of that Act.

17 The term "investigator for the Illinois Gaming Board"
18 means any person employed as such by the Illinois Gaming
19 Board and vested with such peace officer duties as render
20 the person ineligible for coverage under the Social
21 Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D), and 218(1)(1) of that Act.

23 (8) The term "security employee of the Department of
24 Human Services" means any person employed by the
25 Department of Human Services who (i) is employed at the
26 Chester Mental Health Center and has daily contact with

1 the residents thereof, (ii) is employed within a security
2 unit at a facility operated by the Department and has
3 daily contact with the residents of the security unit,
4 (iii) is employed at a facility operated by the Department
5 that includes a security unit and is regularly scheduled
6 to work at least 50% of his or her working hours within
7 that security unit, or (iv) is a mental health police
8 officer. "Mental health police officer" means any person
9 employed by the Department of Human Services in a position
10 pertaining to the Department's mental health and
11 developmental disabilities functions who is vested with
12 such law enforcement duties as render the person
13 ineligible for coverage under the Social Security Act by
14 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
15 218(1)(1) of that Act. "Security unit" means that portion
16 of a facility that is devoted to the care, containment,
17 and treatment of persons committed to the Department of
18 Human Services as sexually violent persons, persons unfit
19 to stand trial, or persons not guilty by reason of
20 insanity. With respect to past employment, references to
21 the Department of Human Services include its predecessor,
22 the Department of Mental Health and Developmental
23 Disabilities.

24 The changes made to this subdivision (c)(8) by Public
25 Act 92-14 apply to persons who retire on or after January
26 1, 2001, notwithstanding Section 1-103.1.

1 (9) "Central Management Services security police
2 officer" means any person employed by the Department of
3 Central Management Services who is vested with such law
4 enforcement duties as render him ineligible for coverage
5 under the Social Security Act by reason of Sections
6 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

7 (10) For a member who first became an employee under
8 this Article before July 1, 2005, the term "security
9 employee of the Department of Corrections or the
10 Department of Juvenile Justice" means any employee of the
11 Department of Corrections or the Department of Juvenile
12 Justice or the former Department of Personnel, and any
13 member or employee of the Prisoner Review Board, who has
14 daily contact with inmates or youth by working within a
15 correctional facility or Juvenile facility operated by the
16 Department of Juvenile Justice or who is a parole officer
17 or an employee who has direct contact with committed
18 persons in the performance of his or her job duties. For a
19 member who first becomes an employee under this Article on
20 or after July 1, 2005, the term means an employee of the
21 Department of Corrections or the Department of Juvenile
22 Justice who is any of the following: (i) officially
23 headquartered at a correctional facility or Juvenile
24 facility operated by the Department of Juvenile Justice,
25 (ii) a parole officer, (iii) a member of the apprehension
26 unit, (iv) a member of the intelligence unit, (v) a member

1 of the sort team, or (vi) an investigator.

2 (11) The term "dangerous drugs investigator" means any
3 person who is employed as such by the Department of Human
4 Services.

5 (12) The term "investigator for the Illinois State
6 Police" means a person employed by the Illinois State
7 Police who is vested under Section 4 of the Narcotic
8 Control Division Abolition Act with such law enforcement
9 powers as render him ineligible for coverage under the
10 Social Security Act by reason of Sections 218(d)(5)(A),
11 218(d)(8)(D) and 218(1)(1) of that Act.

12 (13) "Investigator for the Office of the Attorney
13 General" means any person who is employed as such by the
14 Office of the Attorney General and is vested with such
15 investigative duties as render him ineligible for coverage
16 under the Social Security Act by reason of Sections
17 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
18 the period before January 1, 1989, the term includes all
19 persons who were employed as investigators by the Office
20 of the Attorney General, without regard to social security
21 status.

22 (14) "Controlled substance inspector" means any person
23 who is employed as such by the Department of Professional
24 Regulation and is vested with such law enforcement duties
25 as render him ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D) and 218(1)(1) of that Act. The term
2 "controlled substance inspector" includes the Program
3 Executive of Enforcement and the Assistant Program
4 Executive of Enforcement.

5 (15) The term "investigator for the Office of the
6 State's Attorneys Appellate Prosecutor" means a person
7 employed in that capacity on a full-time basis under the
8 authority of Section 7.06 of the State's Attorneys
9 Appellate Prosecutor's Act.

10 (16) "Commerce Commission police officer" means any
11 person who was employed by the Illinois Commerce
12 Commission and who was ~~is~~ vested with such law enforcement
13 duties and employed by the Illinois Commerce Commission
14 before the effective date of this amendatory Act of the
15 103rd General Assembly as render him ineligible for
16 coverage under the Social Security Act by reason of
17 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that
18 Act.

19 (17) "Arson investigator" means any person who is
20 employed as such by the Office of the State Fire Marshal
21 and is vested with such law enforcement duties as render
22 the person ineligible for coverage under the Social
23 Security Act by reason of Sections 218(d)(5)(A),
24 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
25 employed as an arson investigator on January 1, 1995 and
26 is no longer in service but not yet receiving a retirement

1 annuity may convert his or her creditable service for
2 employment as an arson investigator into eligible
3 creditable service by paying to the System the difference
4 between the employee contributions actually paid for that
5 service and the amounts that would have been contributed
6 if the applicant were contributing at the rate applicable
7 to persons with the same social security status earning
8 eligible creditable service on the date of application.

9 (18) The term "State highway maintenance worker" means
10 a person who is either of the following:

11 (i) A person employed on a full-time basis by the
12 Illinois Department of Transportation in the position
13 of highway maintainer, highway maintenance lead
14 worker, highway maintenance lead/lead worker, heavy
15 construction equipment operator, power shovel
16 operator, or bridge mechanic; and whose principal
17 responsibility is to perform, on the roadway, the
18 actual maintenance necessary to keep the highways that
19 form a part of the State highway system in serviceable
20 condition for vehicular traffic.

21 (ii) A person employed on a full-time basis by the
22 Illinois State Toll Highway Authority in the position
23 of equipment operator/laborer H-4, equipment
24 operator/laborer H-6, welder H-4, welder H-6,
25 mechanical/electrical H-4, mechanical/electrical H-6,
26 water/sewer H-4, water/sewer H-6, sign maker/hanger

1 H-4, sign maker/hanger H-6, roadway lighting H-4,
2 roadway lighting H-6, structural H-4, structural H-6,
3 painter H-4, or painter H-6; and whose principal
4 responsibility is to perform, on the roadway, the
5 actual maintenance necessary to keep the Authority's
6 tollways in serviceable condition for vehicular
7 traffic.

8 (19) The term "security employee of the Department of
9 Innovation and Technology" means a person who was a
10 security employee of the Department of Corrections or the
11 Department of Juvenile Justice, was transferred to the
12 Department of Innovation and Technology pursuant to
13 Executive Order 2016-01, and continues to perform similar
14 job functions under that Department.

15 (20) "Transferred employee" means an employee who was
16 transferred to the Department of Central Management
17 Services by Executive Order No. 2003-10 or Executive Order
18 No. 2004-2 or transferred to the Department of Innovation
19 and Technology by Executive Order No. 2016-1, or both, and
20 was entitled to eligible creditable service for services
21 immediately preceding the transfer.

22 (d) A security employee of the Department of Corrections
23 or the Department of Juvenile Justice, a security employee of
24 the Department of Human Services who is not a mental health
25 police officer, and a security employee of the Department of
26 Innovation and Technology shall not be eligible for the

1 alternative retirement annuity provided by this Section unless
2 he or she meets the following minimum age and service
3 requirements at the time of retirement:

4 (i) 25 years of eligible creditable service and age
5 55; or

6 (ii) beginning January 1, 1987, 25 years of eligible
7 creditable service and age 54, or 24 years of eligible
8 creditable service and age 55; or

9 (iii) beginning January 1, 1988, 25 years of eligible
10 creditable service and age 53, or 23 years of eligible
11 creditable service and age 55; or

12 (iv) beginning January 1, 1989, 25 years of eligible
13 creditable service and age 52, or 22 years of eligible
14 creditable service and age 55; or

15 (v) beginning January 1, 1990, 25 years of eligible
16 creditable service and age 51, or 21 years of eligible
17 creditable service and age 55; or

18 (vi) beginning January 1, 1991, 25 years of eligible
19 creditable service and age 50, or 20 years of eligible
20 creditable service and age 55.

21 Persons who have service credit under Article 16 of this
22 Code for service as a security employee of the Department of
23 Corrections or the Department of Juvenile Justice, or the
24 Department of Human Services in a position requiring
25 certification as a teacher may count such service toward
26 establishing their eligibility under the service requirements

1 of this Section; but such service may be used only for
2 establishing such eligibility, and not for the purpose of
3 increasing or calculating any benefit.

4 (e) If a member enters military service while working in a
5 position in which eligible creditable service may be earned,
6 and returns to State service in the same or another such
7 position, and fulfills in all other respects the conditions
8 prescribed in this Article for credit for military service,
9 such military service shall be credited as eligible creditable
10 service for the purposes of the retirement annuity prescribed
11 in this Section.

12 (f) For purposes of calculating retirement annuities under
13 this Section, periods of service rendered after December 31,
14 1968 and before October 1, 1975 as a covered employee in the
15 position of special agent, conservation police officer, mental
16 health police officer, or investigator for the Secretary of
17 State, shall be deemed to have been service as a noncovered
18 employee, provided that the employee pays to the System prior
19 to retirement an amount equal to (1) the difference between
20 the employee contributions that would have been required for
21 such service as a noncovered employee, and the amount of
22 employee contributions actually paid, plus (2) if payment is
23 made after July 31, 1987, regular interest on the amount
24 specified in item (1) from the date of service to the date of
25 payment.

26 For purposes of calculating retirement annuities under

1 this Section, periods of service rendered after December 31,
2 1968 and before January 1, 1982 as a covered employee in the
3 position of investigator for the Department of Revenue shall
4 be deemed to have been service as a noncovered employee,
5 provided that the employee pays to the System prior to
6 retirement an amount equal to (1) the difference between the
7 employee contributions that would have been required for such
8 service as a noncovered employee, and the amount of employee
9 contributions actually paid, plus (2) if payment is made after
10 January 1, 1990, regular interest on the amount specified in
11 item (1) from the date of service to the date of payment.

12 (g) A State policeman may elect, not later than January 1,
13 1990, to establish eligible creditable service for up to 10
14 years of his service as a policeman under Article 3, by filing
15 a written election with the Board, accompanied by payment of
16 an amount to be determined by the Board, equal to (i) the
17 difference between the amount of employee and employer
18 contributions transferred to the System under Section 3-110.5,
19 and the amounts that would have been contributed had such
20 contributions been made at the rates applicable to State
21 policemen, plus (ii) interest thereon at the effective rate
22 for each year, compounded annually, from the date of service
23 to the date of payment.

24 Subject to the limitation in subsection (i), a State
25 policeman may elect, not later than July 1, 1993, to establish
26 eligible creditable service for up to 10 years of his service

1 as a member of the County Police Department under Article 9, by
2 filing a written election with the Board, accompanied by
3 payment of an amount to be determined by the Board, equal to
4 (i) the difference between the amount of employee and employer
5 contributions transferred to the System under Section 9-121.10
6 and the amounts that would have been contributed had those
7 contributions been made at the rates applicable to State
8 policemen, plus (ii) interest thereon at the effective rate
9 for each year, compounded annually, from the date of service
10 to the date of payment.

11 (h) Subject to the limitation in subsection (i), a State
12 policeman or investigator for the Secretary of State may elect
13 to establish eligible creditable service for up to 12 years of
14 his service as a policeman under Article 5, by filing a written
15 election with the Board on or before January 31, 1992, and
16 paying to the System by January 31, 1994 an amount to be
17 determined by the Board, equal to (i) the difference between
18 the amount of employee and employer contributions transferred
19 to the System under Section 5-236, and the amounts that would
20 have been contributed had such contributions been made at the
21 rates applicable to State policemen, plus (ii) interest
22 thereon at the effective rate for each year, compounded
23 annually, from the date of service to the date of payment.

24 Subject to the limitation in subsection (i), a State
25 policeman, conservation police officer, or investigator for
26 the Secretary of State may elect to establish eligible

1 creditable service for up to 10 years of service as a sheriff's
2 law enforcement employee under Article 7, by filing a written
3 election with the Board on or before January 31, 1993, and
4 paying to the System by January 31, 1994 an amount to be
5 determined by the Board, equal to (i) the difference between
6 the amount of employee and employer contributions transferred
7 to the System under Section 7-139.7, and the amounts that
8 would have been contributed had such contributions been made
9 at the rates applicable to State policemen, plus (ii) interest
10 thereon at the effective rate for each year, compounded
11 annually, from the date of service to the date of payment.

12 Subject to the limitation in subsection (i), a State
13 policeman, ~~conservation police officer,~~ or investigator for
14 the Secretary of State may elect to establish eligible
15 creditable service for up to 5 years of service as a police
16 officer under Article 3, a policeman under Article 5, a
17 sheriff's law enforcement employee under Article 7, a member
18 of the county police department under Article 9, or a police
19 officer under Article 15 by filing a written election with the
20 Board and paying to the System an amount to be determined by
21 the Board, equal to (i) the difference between the amount of
22 employee and employer contributions transferred to the System
23 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
24 and the amounts that would have been contributed had such
25 contributions been made at the rates applicable to State
26 policemen, plus (ii) interest thereon at the effective rate

1 for each year, compounded annually, from the date of service
2 to the date of payment.

3 Subject to the limitation in subsection (i), an
4 investigator for the Office of the Attorney General, or an
5 investigator for the Department of Revenue, may elect to
6 establish eligible creditable service for up to 5 years of
7 service as a police officer under Article 3, a policeman under
8 Article 5, a sheriff's law enforcement employee under Article
9 7, or a member of the county police department under Article 9
10 by filing a written election with the Board within 6 months
11 after August 25, 2009 (the effective date of Public Act
12 96-745) and paying to the System an amount to be determined by
13 the Board, equal to (i) the difference between the amount of
14 employee and employer contributions transferred to the System
15 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
16 amounts that would have been contributed had such
17 contributions been made at the rates applicable to State
18 policemen, plus (ii) interest thereon at the actuarially
19 assumed rate for each year, compounded annually, from the date
20 of service to the date of payment.

21 Subject to the limitation in subsection (i), a State
22 policeman, conservation police officer, investigator for the
23 Office of the Attorney General, an investigator for the
24 Department of Revenue, or investigator for the Secretary of
25 State may elect to establish eligible creditable service for
26 up to 5 years of service as a person employed by a

1 participating municipality to perform police duties, or law
2 enforcement officer employed on a full-time basis by a forest
3 preserve district under Article 7, a county corrections
4 officer, or a court services officer under Article 9, by
5 filing a written election with the Board within 6 months after
6 August 25, 2009 (the effective date of Public Act 96-745) and
7 paying to the System an amount to be determined by the Board,
8 equal to (i) the difference between the amount of employee and
9 employer contributions transferred to the System under
10 Sections 7-139.8 and 9-121.10 and the amounts that would have
11 been contributed had such contributions been made at the rates
12 applicable to State policemen, plus (ii) interest thereon at
13 the actuarially assumed rate for each year, compounded
14 annually, from the date of service to the date of payment.

15 Subject to the limitation in subsection (i), a State
16 policeman, arson investigator, or Commerce Commission police
17 officer may elect to establish eligible creditable service for
18 up to 5 years of service as a person employed by a
19 participating municipality to perform police duties under
20 Article 7, a county corrections officer, a court services
21 officer under Article 9, or a firefighter under Article 4 by
22 filing a written election with the Board within 6 months after
23 July 30, 2021 (the effective date of Public Act 102-210) and
24 paying to the System an amount to be determined by the Board
25 equal to (i) the difference between the amount of employee and
26 employer contributions transferred to the System under

1 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
2 would have been contributed had such contributions been made
3 at the rates applicable to State policemen, plus (ii) interest
4 thereon at the actuarially assumed rate for each year,
5 compounded annually, from the date of service to the date of
6 payment.

7 Subject to the limitation in subsection (i), a
8 conservation police officer may elect to establish eligible
9 creditable service for up to 5 years of service as a person
10 employed by a participating municipality to perform police
11 duties under Article 7, a county corrections officer, or a
12 court services officer under Article 9 by filing a written
13 election with the Board within 6 months after July 30, 2021
14 (the effective date of Public Act 102-210) and paying to the
15 System an amount to be determined by the Board equal to (i) the
16 difference between the amount of employee and employer
17 contributions transferred to the System under Sections 7-139.8
18 and 9-121.10 and the amounts that would have been contributed
19 had such contributions been made at the rates applicable to
20 State policemen, plus (ii) interest thereon at the actuarially
21 assumed rate for each year, compounded annually, from the date
22 of service to the date of payment.

23 Notwithstanding the limitation in subsection (i), a State
24 policeman or conservation police officer may elect to convert
25 service credit earned under this Article to eligible
26 creditable service, as defined by this Section, by filing a

1 written election with the board within 6 months after July 30,
2 2021 (the effective date of Public Act 102-210) and paying to
3 the System an amount to be determined by the Board equal to (i)
4 the difference between the amount of employee contributions
5 originally paid for that service and the amounts that would
6 have been contributed had such contributions been made at the
7 rates applicable to State policemen, plus (ii) the difference
8 between the employer's normal cost of the credit prior to the
9 conversion authorized by Public Act 102-210 and the employer's
10 normal cost of the credit converted in accordance with Public
11 Act 102-210, plus (iii) interest thereon at the actuarially
12 assumed rate for each year, compounded annually, from the date
13 of service to the date of payment.

14 (i) The total amount of eligible creditable service
15 established by any person under subsections (g), (h), (j),
16 (k), (l), (l-5), and (o) of this Section shall not exceed 12
17 years.

18 (j) Subject to the limitation in subsection (i), an
19 investigator for the Office of the State's Attorneys Appellate
20 Prosecutor or a controlled substance inspector may elect to
21 establish eligible creditable service for up to 10 years of
22 his service as a policeman under Article 3 or a sheriff's law
23 enforcement employee under Article 7, by filing a written
24 election with the Board, accompanied by payment of an amount
25 to be determined by the Board, equal to (1) the difference
26 between the amount of employee and employer contributions

1 transferred to the System under Section 3-110.6 or 7-139.8,
2 and the amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (2) interest thereon at the effective rate for
5 each year, compounded annually, from the date of service to
6 the date of payment.

7 (k) Subject to the limitation in subsection (i) of this
8 Section, an alternative formula employee may elect to
9 establish eligible creditable service for periods spent as a
10 full-time law enforcement officer or full-time corrections
11 officer employed by the federal government or by a state or
12 local government located outside of Illinois, for which credit
13 is not held in any other public employee pension fund or
14 retirement system. To obtain this credit, the applicant must
15 file a written application with the Board by March 31, 1998,
16 accompanied by evidence of eligibility acceptable to the Board
17 and payment of an amount to be determined by the Board, equal
18 to (1) employee contributions for the credit being
19 established, based upon the applicant's salary on the first
20 day as an alternative formula employee after the employment
21 for which credit is being established and the rates then
22 applicable to alternative formula employees, plus (2) an
23 amount determined by the Board to be the employer's normal
24 cost of the benefits accrued for the credit being established,
25 plus (3) regular interest on the amounts in items (1) and (2)
26 from the first day as an alternative formula employee after

1 the employment for which credit is being established to the
2 date of payment.

3 (1) Subject to the limitation in subsection (i), a
4 security employee of the Department of Corrections may elect,
5 not later than July 1, 1998, to establish eligible creditable
6 service for up to 10 years of his or her service as a policeman
7 under Article 3, by filing a written election with the Board,
8 accompanied by payment of an amount to be determined by the
9 Board, equal to (i) the difference between the amount of
10 employee and employer contributions transferred to the System
11 under Section 3-110.5, and the amounts that would have been
12 contributed had such contributions been made at the rates
13 applicable to security employees of the Department of
14 Corrections, plus (ii) interest thereon at the effective rate
15 for each year, compounded annually, from the date of service
16 to the date of payment.

17 (1-5) Subject to the limitation in subsection (i) of this
18 Section, a State policeman may elect to establish eligible
19 creditable service for up to 5 years of service as a full-time
20 law enforcement officer employed by the federal government or
21 by a state or local government located outside of Illinois for
22 which credit is not held in any other public employee pension
23 fund or retirement system. To obtain this credit, the
24 applicant must file a written application with the Board no
25 later than 3 years after January 1, 2020 (the effective date of
26 Public Act 101-610), accompanied by evidence of eligibility

1 acceptable to the Board and payment of an amount to be
2 determined by the Board, equal to (1) employee contributions
3 for the credit being established, based upon the applicant's
4 salary on the first day as an alternative formula employee
5 after the employment for which credit is being established and
6 the rates then applicable to alternative formula employees,
7 plus (2) an amount determined by the Board to be the employer's
8 normal cost of the benefits accrued for the credit being
9 established, plus (3) regular interest on the amounts in items
10 (1) and (2) from the first day as an alternative formula
11 employee after the employment for which credit is being
12 established to the date of payment.

13 (m) The amendatory changes to this Section made by Public
14 Act 94-696 apply only to: (1) security employees of the
15 Department of Juvenile Justice employed by the Department of
16 Corrections before June 1, 2006 (the effective date of Public
17 Act 94-696) and transferred to the Department of Juvenile
18 Justice by Public Act 94-696; and (2) persons employed by the
19 Department of Juvenile Justice on or after June 1, 2006 (the
20 effective date of Public Act 94-696) who are required by
21 subsection (b) of Section 3-2.5-15 of the Unified Code of
22 Corrections to have any bachelor's or advanced degree from an
23 accredited college or university or, in the case of persons
24 who provide vocational training, who are required to have
25 adequate knowledge in the skill for which they are providing
26 the vocational training.

1 (n) A person employed in a position under subsection (b)
2 of this Section who has purchased service credit under
3 subsection (j) of Section 14-104 or subsection (b) of Section
4 14-105 in any other capacity under this Article may convert up
5 to 5 years of that service credit into service credit covered
6 under this Section by paying to the Fund an amount equal to (1)
7 the additional employee contribution required under Section
8 14-133, plus (2) the additional employer contribution required
9 under Section 14-131, plus (3) interest on items (1) and (2) at
10 the actuarially assumed rate from the date of the service to
11 the date of payment.

12 (o) Subject to the limitation in subsection (i), a
13 conservation police officer, investigator for the Secretary of
14 State, Commerce Commission police officer, investigator for
15 the Department of Revenue or the Illinois Gaming Board, or
16 arson investigator subject to subsection (g) of Section 1-160
17 may elect to convert up to 8 years of service credit
18 established before January 1, 2020 (the effective date of
19 Public Act 101-610) as a conservation police officer,
20 investigator for the Secretary of State, Commerce Commission
21 police officer, investigator for the Department of Revenue or
22 the Illinois Gaming Board, or arson investigator under this
23 Article into eligible creditable service by filing a written
24 election with the Board no later than one year after January 1,
25 2020 (the effective date of Public Act 101-610), accompanied
26 by payment of an amount to be determined by the Board equal to

1 (i) the difference between the amount of the employee
2 contributions actually paid for that service and the amount of
3 the employee contributions that would have been paid had the
4 employee contributions been made as a noncovered employee
5 serving in a position in which eligible creditable service, as
6 defined in this Section, may be earned, plus (ii) interest
7 thereon at the effective rate for each year, compounded
8 annually, from the date of service to the date of payment.

9 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
10 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

11 (Text of Section from P.A. 102-856)

12 Sec. 14-110. Alternative retirement annuity.

13 (a) Any member who has withdrawn from service with not
14 less than 20 years of eligible creditable service and has
15 attained age 55, and any member who has withdrawn from service
16 with not less than 25 years of eligible creditable service and
17 has attained age 50, regardless of whether the attainment of
18 either of the specified ages occurs while the member is still
19 in service, shall be entitled to receive at the option of the
20 member, in lieu of the regular or minimum retirement annuity,
21 a retirement annuity computed as follows:

22 (i) for periods of service as a noncovered employee:
23 if retirement occurs on or after January 1, 2001, 3% of
24 final average compensation for each year of creditable
25 service; if retirement occurs before January 1, 2001, 2

1 1/4% of final average compensation for each of the first
2 10 years of creditable service, 2 1/2% for each year above
3 10 years to and including 20 years of creditable service,
4 and 2 3/4% for each year of creditable service above 20
5 years; and

6 (ii) for periods of eligible creditable service as a
7 covered employee: if retirement occurs on or after January
8 1, 2001, 2.5% of final average compensation for each year
9 of creditable service; if retirement occurs before January
10 1, 2001, 1.67% of final average compensation for each of
11 the first 10 years of such service, 1.90% for each of the
12 next 10 years of such service, 2.10% for each year of such
13 service in excess of 20 but not exceeding 30, and 2.30% for
14 each year in excess of 30.

15 Such annuity shall be subject to a maximum of 75% of final
16 average compensation if retirement occurs before January 1,
17 2001 or to a maximum of 80% of final average compensation if
18 retirement occurs on or after January 1, 2001.

19 These rates shall not be applicable to any service
20 performed by a member as a covered employee which is not
21 eligible creditable service. Service as a covered employee
22 which is not eligible creditable service shall be subject to
23 the rates and provisions of Section 14-108.

24 (b) For the purpose of this Section, "eligible creditable
25 service" means creditable service resulting from service in
26 one or more of the following positions:

- 1 (1) State policeman;
- 2 (2) fire fighter in the fire protection service of a
3 department;
- 4 (3) air pilot;
- 5 (4) special agent;
- 6 (5) investigator for the Secretary of State;
- 7 (6) conservation police officer before the effective
8 date of this amendatory Act of the 103rd General Assembly;
- 9 (7) investigator for the Department of Revenue or the
10 Illinois Gaming Board;
- 11 (8) security employee of the Department of Human
12 Services;
- 13 (9) Central Management Services security police
14 officer;
- 15 (10) security employee of the Department of
16 Corrections or the Department of Juvenile Justice;
- 17 (11) dangerous drugs investigator;
- 18 (12) investigator for the Illinois State Police;
- 19 (13) investigator for the Office of the Attorney
20 General;
- 21 (14) controlled substance inspector;
- 22 (15) investigator for the Office of the State's
23 Attorneys Appellate Prosecutor;
- 24 (16) Commerce Commission police officer;
- 25 (17) arson investigator;
- 26 (18) State highway maintenance worker;

1 (19) security employee of the Department of Innovation
2 and Technology; or

3 (20) transferred employee.

4 A person employed in one of the positions specified in
5 this subsection is entitled to eligible creditable service for
6 service credit earned under this Article while undergoing the
7 basic police training course approved by the Illinois Law
8 Enforcement Training Standards Board, if completion of that
9 training is required of persons serving in that position. For
10 the purposes of this Code, service during the required basic
11 police training course shall be deemed performance of the
12 duties of the specified position, even though the person is
13 not a sworn peace officer at the time of the training.

14 A person under paragraph (20) is entitled to eligible
15 creditable service for service credit earned under this
16 Article on and after his or her transfer by Executive Order No.
17 2003-10, Executive Order No. 2004-2, or Executive Order No.
18 2016-1.

19 (c) For the purposes of this Section:

20 (1) The term "State policeman" includes any title or
21 position in the Illinois State Police that is held by an
22 individual employed under the Illinois State Police Act.

23 (2) The term "fire fighter in the fire protection
24 service of a department" includes all officers in such
25 fire protection service including fire chiefs and
26 assistant fire chiefs.

1 (3) The term "air pilot" includes any employee whose
2 official job description on file in the Department of
3 Central Management Services, or in the department by which
4 he is employed if that department is not covered by the
5 Personnel Code, states that his principal duty is the
6 operation of aircraft, and who possesses a pilot's
7 license; however, the change in this definition made by
8 Public Act 83-842 shall not operate to exclude any
9 noncovered employee who was an "air pilot" for the
10 purposes of this Section on January 1, 1984.

11 (4) The term "special agent" means any person who by
12 reason of employment by the Division of Narcotic Control,
13 the Bureau of Investigation or, after July 1, 1977, the
14 Division of Criminal Investigation, the Division of
15 Internal Investigation, the Division of Operations, the
16 Division of Patrol Operations, or any other Division or
17 organizational entity in the Illinois State Police is
18 vested by law with duties to maintain public order,
19 investigate violations of the criminal law of this State,
20 enforce the laws of this State, make arrests and recover
21 property. The term "special agent" includes any title or
22 position in the Illinois State Police that is held by an
23 individual employed under the Illinois State Police Act.

24 (5) The term "investigator for the Secretary of State"
25 means any person employed by the Office of the Secretary
26 of State and vested with such investigative duties as

1 render him ineligible for coverage under the Social
2 Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D) and 218(1)(1) of that Act.

4 A person who became employed as an investigator for
5 the Secretary of State between January 1, 1967 and
6 December 31, 1975, and who has served as such until
7 attainment of age 60, either continuously or with a single
8 break in service of not more than 3 years duration, which
9 break terminated before January 1, 1976, shall be entitled
10 to have his retirement annuity calculated in accordance
11 with subsection (a), notwithstanding that he has less than
12 20 years of credit for such service.

13 (6) The term "Conservation Police Officer" means any
14 person employed by the Division of Law Enforcement of the
15 Department of Natural Resources before the effective date
16 of this amendatory Act of the 103rd General Assembly and
17 vested with such law enforcement duties as render him
18 ineligible for coverage under the Social Security Act by
19 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
20 218(1)(1) of that Act. The term "Conservation Police
21 Officer" includes the positions of Chief Conservation
22 Police Administrator and Assistant Conservation Police
23 Administrator.

24 (7) The term "investigator for the Department of
25 Revenue" means any person employed by the Department of
26 Revenue and vested with such investigative duties as

1 render him ineligible for coverage under the Social
2 Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D) and 218(1)(1) of that Act.

4 The term "investigator for the Illinois Gaming Board"
5 means any person employed as such by the Illinois Gaming
6 Board and vested with such peace officer duties as render
7 the person ineligible for coverage under the Social
8 Security Act by reason of Sections 218(d)(5)(A),
9 218(d)(8)(D), and 218(1)(1) of that Act.

10 (8) The term "security employee of the Department of
11 Human Services" means any person employed by the
12 Department of Human Services who (i) is employed at the
13 Chester Mental Health Center and has daily contact with
14 the residents thereof, (ii) is employed within a security
15 unit at a facility operated by the Department and has
16 daily contact with the residents of the security unit,
17 (iii) is employed at a facility operated by the Department
18 that includes a security unit and is regularly scheduled
19 to work at least 50% of his or her working hours within
20 that security unit, or (iv) is a mental health police
21 officer. "Mental health police officer" means any person
22 employed by the Department of Human Services in a position
23 pertaining to the Department's mental health and
24 developmental disabilities functions who is vested with
25 such law enforcement duties as render the person
26 ineligible for coverage under the Social Security Act by

1 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
2 218(1)(1) of that Act. "Security unit" means that portion
3 of a facility that is devoted to the care, containment,
4 and treatment of persons committed to the Department of
5 Human Services as sexually violent persons, persons unfit
6 to stand trial, or persons not guilty by reason of
7 insanity. With respect to past employment, references to
8 the Department of Human Services include its predecessor,
9 the Department of Mental Health and Developmental
10 Disabilities.

11 The changes made to this subdivision (c)(8) by Public
12 Act 92-14 apply to persons who retire on or after January
13 1, 2001, notwithstanding Section 1-103.1.

14 (9) "Central Management Services security police
15 officer" means any person employed by the Department of
16 Central Management Services who is vested with such law
17 enforcement duties as render him ineligible for coverage
18 under the Social Security Act by reason of Sections
19 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

20 (10) For a member who first became an employee under
21 this Article before July 1, 2005, the term "security
22 employee of the Department of Corrections or the
23 Department of Juvenile Justice" means any employee of the
24 Department of Corrections or the Department of Juvenile
25 Justice or the former Department of Personnel, and any
26 member or employee of the Prisoner Review Board, who has

1 daily contact with inmates or youth by working within a
2 correctional facility or Juvenile facility operated by the
3 Department of Juvenile Justice or who is a parole officer
4 or an employee who has direct contact with committed
5 persons in the performance of his or her job duties. For a
6 member who first becomes an employee under this Article on
7 or after July 1, 2005, the term means an employee of the
8 Department of Corrections or the Department of Juvenile
9 Justice who is any of the following: (i) officially
10 headquartered at a correctional facility or Juvenile
11 facility operated by the Department of Juvenile Justice,
12 (ii) a parole officer, (iii) a member of the apprehension
13 unit, (iv) a member of the intelligence unit, (v) a member
14 of the sort team, or (vi) an investigator.

15 (11) The term "dangerous drugs investigator" means any
16 person who is employed as such by the Department of Human
17 Services.

18 (12) The term "investigator for the Illinois State
19 Police" means a person employed by the Illinois State
20 Police who is vested under Section 4 of the Narcotic
21 Control Division Abolition Act with such law enforcement
22 powers as render him ineligible for coverage under the
23 Social Security Act by reason of Sections 218(d)(5)(A),
24 218(d)(8)(D) and 218(1)(1) of that Act.

25 (13) "Investigator for the Office of the Attorney
26 General" means any person who is employed as such by the

1 Office of the Attorney General and is vested with such
2 investigative duties as render him ineligible for coverage
3 under the Social Security Act by reason of Sections
4 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
5 the period before January 1, 1989, the term includes all
6 persons who were employed as investigators by the Office
7 of the Attorney General, without regard to social security
8 status.

9 (14) "Controlled substance inspector" means any person
10 who is employed as such by the Department of Professional
11 Regulation and is vested with such law enforcement duties
12 as render him ineligible for coverage under the Social
13 Security Act by reason of Sections 218(d)(5)(A),
14 218(d)(8)(D) and 218(1)(1) of that Act. The term
15 "controlled substance inspector" includes the Program
16 Executive of Enforcement and the Assistant Program
17 Executive of Enforcement.

18 (15) The term "investigator for the Office of the
19 State's Attorneys Appellate Prosecutor" means a person
20 employed in that capacity on a full-time basis under the
21 authority of Section 7.06 of the State's Attorneys
22 Appellate Prosecutor's Act.

23 (16) "Commerce Commission police officer" means any
24 person employed by the Illinois Commerce Commission who is
25 vested with such law enforcement duties as render him
26 ineligible for coverage under the Social Security Act by

1 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
2 218(1)(1) of that Act.

3 (17) "Arson investigator" means any person who is
4 employed as such by the Office of the State Fire Marshal
5 and is vested with such law enforcement duties as render
6 the person ineligible for coverage under the Social
7 Security Act by reason of Sections 218(d)(5)(A),
8 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
9 employed as an arson investigator on January 1, 1995 and
10 is no longer in service but not yet receiving a retirement
11 annuity may convert his or her creditable service for
12 employment as an arson investigator into eligible
13 creditable service by paying to the System the difference
14 between the employee contributions actually paid for that
15 service and the amounts that would have been contributed
16 if the applicant were contributing at the rate applicable
17 to persons with the same social security status earning
18 eligible creditable service on the date of application.

19 (18) The term "State highway maintenance worker" means
20 a person who is either of the following:

21 (i) A person employed on a full-time basis by the
22 Illinois Department of Transportation in the position
23 of highway maintainer, highway maintenance lead
24 worker, highway maintenance lead/lead worker, heavy
25 construction equipment operator, power shovel
26 operator, or bridge mechanic; and whose principal

1 responsibility is to perform, on the roadway, the
2 actual maintenance necessary to keep the highways that
3 form a part of the State highway system in serviceable
4 condition for vehicular traffic.

5 (ii) A person employed on a full-time basis by the
6 Illinois State Toll Highway Authority in the position
7 of equipment operator/laborer H-4, equipment
8 operator/laborer H-6, welder H-4, welder H-6,
9 mechanical/electrical H-4, mechanical/electrical H-6,
10 water/sewer H-4, water/sewer H-6, sign maker/hanger
11 H-4, sign maker/hanger H-6, roadway lighting H-4,
12 roadway lighting H-6, structural H-4, structural H-6,
13 painter H-4, or painter H-6; and whose principal
14 responsibility is to perform, on the roadway, the
15 actual maintenance necessary to keep the Authority's
16 tollways in serviceable condition for vehicular
17 traffic.

18 (19) The term "security employee of the Department of
19 Innovation and Technology" means a person who was a
20 security employee of the Department of Corrections or the
21 Department of Juvenile Justice, was transferred to the
22 Department of Innovation and Technology pursuant to
23 Executive Order 2016-01, and continues to perform similar
24 job functions under that Department.

25 (20) "Transferred employee" means an employee who was
26 transferred to the Department of Central Management

1 Services by Executive Order No. 2003-10 or Executive Order
2 No. 2004-2 or transferred to the Department of Innovation
3 and Technology by Executive Order No. 2016-1, or both, and
4 was entitled to eligible creditable service for services
5 immediately preceding the transfer.

6 (d) A security employee of the Department of Corrections
7 or the Department of Juvenile Justice, a security employee of
8 the Department of Human Services who is not a mental health
9 police officer, and a security employee of the Department of
10 Innovation and Technology shall not be eligible for the
11 alternative retirement annuity provided by this Section unless
12 he or she meets the following minimum age and service
13 requirements at the time of retirement:

14 (i) 25 years of eligible creditable service and age
15 55; or

16 (ii) beginning January 1, 1987, 25 years of eligible
17 creditable service and age 54, or 24 years of eligible
18 creditable service and age 55; or

19 (iii) beginning January 1, 1988, 25 years of eligible
20 creditable service and age 53, or 23 years of eligible
21 creditable service and age 55; or

22 (iv) beginning January 1, 1989, 25 years of eligible
23 creditable service and age 52, or 22 years of eligible
24 creditable service and age 55; or

25 (v) beginning January 1, 1990, 25 years of eligible
26 creditable service and age 51, or 21 years of eligible

1 creditable service and age 55; or

2 (vi) beginning January 1, 1991, 25 years of eligible
3 creditable service and age 50, or 20 years of eligible
4 creditable service and age 55.

5 Persons who have service credit under Article 16 of this
6 Code for service as a security employee of the Department of
7 Corrections or the Department of Juvenile Justice, or the
8 Department of Human Services in a position requiring
9 certification as a teacher may count such service toward
10 establishing their eligibility under the service requirements
11 of this Section; but such service may be used only for
12 establishing such eligibility, and not for the purpose of
13 increasing or calculating any benefit.

14 (e) If a member enters military service while working in a
15 position in which eligible creditable service may be earned,
16 and returns to State service in the same or another such
17 position, and fulfills in all other respects the conditions
18 prescribed in this Article for credit for military service,
19 such military service shall be credited as eligible creditable
20 service for the purposes of the retirement annuity prescribed
21 in this Section.

22 (f) For purposes of calculating retirement annuities under
23 this Section, periods of service rendered after December 31,
24 1968 and before October 1, 1975 as a covered employee in the
25 position of special agent, conservation police officer, mental
26 health police officer, or investigator for the Secretary of

1 State, shall be deemed to have been service as a noncovered
2 employee, provided that the employee pays to the System prior
3 to retirement an amount equal to (1) the difference between
4 the employee contributions that would have been required for
5 such service as a noncovered employee, and the amount of
6 employee contributions actually paid, plus (2) if payment is
7 made after July 31, 1987, regular interest on the amount
8 specified in item (1) from the date of service to the date of
9 payment.

10 For purposes of calculating retirement annuities under
11 this Section, periods of service rendered after December 31,
12 1968 and before January 1, 1982 as a covered employee in the
13 position of investigator for the Department of Revenue shall
14 be deemed to have been service as a noncovered employee,
15 provided that the employee pays to the System prior to
16 retirement an amount equal to (1) the difference between the
17 employee contributions that would have been required for such
18 service as a noncovered employee, and the amount of employee
19 contributions actually paid, plus (2) if payment is made after
20 January 1, 1990, regular interest on the amount specified in
21 item (1) from the date of service to the date of payment.

22 (g) A State policeman may elect, not later than January 1,
23 1990, to establish eligible creditable service for up to 10
24 years of his service as a policeman under Article 3, by filing
25 a written election with the Board, accompanied by payment of
26 an amount to be determined by the Board, equal to (i) the

1 difference between the amount of employee and employer
2 contributions transferred to the System under Section 3-110.5,
3 and the amounts that would have been contributed had such
4 contributions been made at the rates applicable to State
5 policemen, plus (ii) interest thereon at the effective rate
6 for each year, compounded annually, from the date of service
7 to the date of payment.

8 Subject to the limitation in subsection (i), a State
9 policeman may elect, not later than July 1, 1993, to establish
10 eligible creditable service for up to 10 years of his service
11 as a member of the County Police Department under Article 9, by
12 filing a written election with the Board, accompanied by
13 payment of an amount to be determined by the Board, equal to
14 (i) the difference between the amount of employee and employer
15 contributions transferred to the System under Section 9-121.10
16 and the amounts that would have been contributed had those
17 contributions been made at the rates applicable to State
18 policemen, plus (ii) interest thereon at the effective rate
19 for each year, compounded annually, from the date of service
20 to the date of payment.

21 (h) Subject to the limitation in subsection (i), a State
22 policeman or investigator for the Secretary of State may elect
23 to establish eligible creditable service for up to 12 years of
24 his service as a policeman under Article 5, by filing a written
25 election with the Board on or before January 31, 1992, and
26 paying to the System by January 31, 1994 an amount to be

1 determined by the Board, equal to (i) the difference between
2 the amount of employee and employer contributions transferred
3 to the System under Section 5-236, and the amounts that would
4 have been contributed had such contributions been made at the
5 rates applicable to State policemen, plus (ii) interest
6 thereon at the effective rate for each year, compounded
7 annually, from the date of service to the date of payment.

8 Subject to the limitation in subsection (i), a State
9 policeman, conservation police officer, or investigator for
10 the Secretary of State may elect to establish eligible
11 creditable service for up to 10 years of service as a sheriff's
12 law enforcement employee under Article 7, by filing a written
13 election with the Board on or before January 31, 1993, and
14 paying to the System by January 31, 1994 an amount to be
15 determined by the Board, equal to (i) the difference between
16 the amount of employee and employer contributions transferred
17 to the System under Section 7-139.7, and the amounts that
18 would have been contributed had such contributions been made
19 at the rates applicable to State policemen, plus (ii) interest
20 thereon at the effective rate for each year, compounded
21 annually, from the date of service to the date of payment.

22 Subject to the limitation in subsection (i), a State
23 policeman, conservation police officer, or investigator for
24 the Secretary of State may elect to establish eligible
25 creditable service for up to 5 years of service as a police
26 officer under Article 3, a policeman under Article 5, a

1 sheriff's law enforcement employee under Article 7, a member
2 of the county police department under Article 9, or a police
3 officer under Article 15 by filing a written election with the
4 Board and paying to the System an amount to be determined by
5 the Board, equal to (i) the difference between the amount of
6 employee and employer contributions transferred to the System
7 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
8 and the amounts that would have been contributed had such
9 contributions been made at the rates applicable to State
10 policemen, plus (ii) interest thereon at the effective rate
11 for each year, compounded annually, from the date of service
12 to the date of payment.

13 Subject to the limitation in subsection (i), an
14 investigator for the Office of the Attorney General, or an
15 investigator for the Department of Revenue, may elect to
16 establish eligible creditable service for up to 5 years of
17 service as a police officer under Article 3, a policeman under
18 Article 5, a sheriff's law enforcement employee under Article
19 7, or a member of the county police department under Article 9
20 by filing a written election with the Board within 6 months
21 after August 25, 2009 (the effective date of Public Act
22 96-745) and paying to the System an amount to be determined by
23 the Board, equal to (i) the difference between the amount of
24 employee and employer contributions transferred to the System
25 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
26 amounts that would have been contributed had such

1 contributions been made at the rates applicable to State
2 policemen, plus (ii) interest thereon at the actuarially
3 assumed rate for each year, compounded annually, from the date
4 of service to the date of payment.

5 Subject to the limitation in subsection (i), a State
6 policeman, conservation police officer, investigator for the
7 Office of the Attorney General, an investigator for the
8 Department of Revenue, or investigator for the Secretary of
9 State may elect to establish eligible creditable service for
10 up to 5 years of service as a person employed by a
11 participating municipality to perform police duties, or law
12 enforcement officer employed on a full-time basis by a forest
13 preserve district under Article 7, a county corrections
14 officer, or a court services officer under Article 9, by
15 filing a written election with the Board within 6 months after
16 August 25, 2009 (the effective date of Public Act 96-745) and
17 paying to the System an amount to be determined by the Board,
18 equal to (i) the difference between the amount of employee and
19 employer contributions transferred to the System under
20 Sections 7-139.8 and 9-121.10 and the amounts that would have
21 been contributed had such contributions been made at the rates
22 applicable to State policemen, plus (ii) interest thereon at
23 the actuarially assumed rate for each year, compounded
24 annually, from the date of service to the date of payment.

25 Subject to the limitation in subsection (i), a State
26 policeman, arson investigator, or Commerce Commission police

1 officer may elect to establish eligible creditable service for
2 up to 5 years of service as a person employed by a
3 participating municipality to perform police duties under
4 Article 7, a county corrections officer, a court services
5 officer under Article 9, or a firefighter under Article 4 by
6 filing a written election with the Board within 6 months after
7 July 30, 2021 (the effective date of Public Act 102-210) and
8 paying to the System an amount to be determined by the Board
9 equal to (i) the difference between the amount of employee and
10 employer contributions transferred to the System under
11 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
12 would have been contributed had such contributions been made
13 at the rates applicable to State policemen, plus (ii) interest
14 thereon at the actuarially assumed rate for each year,
15 compounded annually, from the date of service to the date of
16 payment.

17 Subject to the limitation in subsection (i), a
18 conservation police officer may elect to establish eligible
19 creditable service for up to 5 years of service as a person
20 employed by a participating municipality to perform police
21 duties under Article 7, a county corrections officer, or a
22 court services officer under Article 9 by filing a written
23 election with the Board within 6 months after July 30, 2021
24 (the effective date of Public Act 102-210) and paying to the
25 System an amount to be determined by the Board equal to (i) the
26 difference between the amount of employee and employer

1 contributions transferred to the System under Sections 7-139.8
2 and 9-121.10 and the amounts that would have been contributed
3 had such contributions been made at the rates applicable to
4 State policemen, plus (ii) interest thereon at the actuarially
5 assumed rate for each year, compounded annually, from the date
6 of service to the date of payment.

7 Subject to the limitation in subsection (i), an
8 investigator for the Department of Revenue, investigator for
9 the Illinois Gaming Board, investigator for the Secretary of
10 State, or arson investigator may elect to establish eligible
11 creditable service for up to 5 years of service as a person
12 employed by a participating municipality to perform police
13 duties under Article 7, a county corrections officer, a court
14 services officer under Article 9, or a firefighter under
15 Article 4 by filing a written election with the Board within 6
16 months after the effective date of this amendatory Act of the
17 102nd General Assembly and paying to the System an amount to be
18 determined by the Board equal to (i) the difference between
19 the amount of employee and employer contributions transferred
20 to the System under Sections 4-108.8, 7-139.8, and 9-121.10
21 and the amounts that would have been contributed had such
22 contributions been made at the rates applicable to State
23 policemen, plus (ii) interest thereon at the actuarially
24 assumed rate for each year, compounded annually, from the date
25 of service to the date of payment.

26 Notwithstanding the limitation in subsection (i), a State

1 policeman or conservation police officer may elect to convert
2 service credit earned under this Article to eligible
3 creditable service, as defined by this Section, by filing a
4 written election with the board within 6 months after July 30,
5 2021 (the effective date of Public Act 102-210) and paying to
6 the System an amount to be determined by the Board equal to (i)
7 the difference between the amount of employee contributions
8 originally paid for that service and the amounts that would
9 have been contributed had such contributions been made at the
10 rates applicable to State policemen, plus (ii) the difference
11 between the employer's normal cost of the credit prior to the
12 conversion authorized by Public Act 102-210 and the employer's
13 normal cost of the credit converted in accordance with Public
14 Act 102-210, plus (iii) interest thereon at the actuarially
15 assumed rate for each year, compounded annually, from the date
16 of service to the date of payment.

17 Notwithstanding the limitation in subsection (i), an
18 investigator for the Department of Revenue, investigator for
19 the Illinois Gaming Board, investigator for the Secretary of
20 State, or arson investigator may elect to convert service
21 credit earned under this Article to eligible creditable
22 service, as defined by this Section, by filing a written
23 election with the Board within 6 months after the effective
24 date of this amendatory Act of the 102nd General Assembly and
25 paying to the System an amount to be determined by the Board
26 equal to (i) the difference between the amount of employee

1 contributions originally paid for that service and the amounts
2 that would have been contributed had such contributions been
3 made at the rates applicable to investigators for the
4 Department of Revenue, investigators for the Illinois Gaming
5 Board, investigators for the Secretary of State, or arson
6 investigators, plus (ii) the difference between the employer's
7 normal cost of the credit prior to the conversion authorized
8 by this amendatory Act of the 102nd General Assembly and the
9 employer's normal cost of the credit converted in accordance
10 with this amendatory Act of the 102nd General Assembly, plus
11 (iii) interest thereon at the actuarially assumed rate for
12 each year, compounded annually, from the date of service to
13 the date of payment.

14 (i) The total amount of eligible creditable service
15 established by any person under subsections (g), (h), (j),
16 (k), (l), (l-5), and (o) of this Section shall not exceed 12
17 years.

18 (j) Subject to the limitation in subsection (i), an
19 investigator for the Office of the State's Attorneys Appellate
20 Prosecutor or a controlled substance inspector may elect to
21 establish eligible creditable service for up to 10 years of
22 his service as a policeman under Article 3 or a sheriff's law
23 enforcement employee under Article 7, by filing a written
24 election with the Board, accompanied by payment of an amount
25 to be determined by the Board, equal to (1) the difference
26 between the amount of employee and employer contributions

1 transferred to the System under Section 3-110.6 or 7-139.8,
2 and the amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (2) interest thereon at the effective rate for
5 each year, compounded annually, from the date of service to
6 the date of payment.

7 (k) Subject to the limitation in subsection (i) of this
8 Section, an alternative formula employee may elect to
9 establish eligible creditable service for periods spent as a
10 full-time law enforcement officer or full-time corrections
11 officer employed by the federal government or by a state or
12 local government located outside of Illinois, for which credit
13 is not held in any other public employee pension fund or
14 retirement system. To obtain this credit, the applicant must
15 file a written application with the Board by March 31, 1998,
16 accompanied by evidence of eligibility acceptable to the Board
17 and payment of an amount to be determined by the Board, equal
18 to (1) employee contributions for the credit being
19 established, based upon the applicant's salary on the first
20 day as an alternative formula employee after the employment
21 for which credit is being established and the rates then
22 applicable to alternative formula employees, plus (2) an
23 amount determined by the Board to be the employer's normal
24 cost of the benefits accrued for the credit being established,
25 plus (3) regular interest on the amounts in items (1) and (2)
26 from the first day as an alternative formula employee after

1 the employment for which credit is being established to the
2 date of payment.

3 (1) Subject to the limitation in subsection (i), a
4 security employee of the Department of Corrections may elect,
5 not later than July 1, 1998, to establish eligible creditable
6 service for up to 10 years of his or her service as a policeman
7 under Article 3, by filing a written election with the Board,
8 accompanied by payment of an amount to be determined by the
9 Board, equal to (i) the difference between the amount of
10 employee and employer contributions transferred to the System
11 under Section 3-110.5, and the amounts that would have been
12 contributed had such contributions been made at the rates
13 applicable to security employees of the Department of
14 Corrections, plus (ii) interest thereon at the effective rate
15 for each year, compounded annually, from the date of service
16 to the date of payment.

17 (1-5) Subject to the limitation in subsection (i) of this
18 Section, a State policeman may elect to establish eligible
19 creditable service for up to 5 years of service as a full-time
20 law enforcement officer employed by the federal government or
21 by a state or local government located outside of Illinois for
22 which credit is not held in any other public employee pension
23 fund or retirement system. To obtain this credit, the
24 applicant must file a written application with the Board no
25 later than 3 years after January 1, 2020 (the effective date of
26 Public Act 101-610), accompanied by evidence of eligibility

1 acceptable to the Board and payment of an amount to be
2 determined by the Board, equal to (1) employee contributions
3 for the credit being established, based upon the applicant's
4 salary on the first day as an alternative formula employee
5 after the employment for which credit is being established and
6 the rates then applicable to alternative formula employees,
7 plus (2) an amount determined by the Board to be the employer's
8 normal cost of the benefits accrued for the credit being
9 established, plus (3) regular interest on the amounts in items
10 (1) and (2) from the first day as an alternative formula
11 employee after the employment for which credit is being
12 established to the date of payment.

13 (m) The amendatory changes to this Section made by Public
14 Act 94-696 apply only to: (1) security employees of the
15 Department of Juvenile Justice employed by the Department of
16 Corrections before June 1, 2006 (the effective date of Public
17 Act 94-696) and transferred to the Department of Juvenile
18 Justice by Public Act 94-696; and (2) persons employed by the
19 Department of Juvenile Justice on or after June 1, 2006 (the
20 effective date of Public Act 94-696) who are required by
21 subsection (b) of Section 3-2.5-15 of the Unified Code of
22 Corrections to have any bachelor's or advanced degree from an
23 accredited college or university or, in the case of persons
24 who provide vocational training, who are required to have
25 adequate knowledge in the skill for which they are providing
26 the vocational training.

1 (n) A person employed in a position under subsection (b)
2 of this Section who has purchased service credit under
3 subsection (j) of Section 14-104 or subsection (b) of Section
4 14-105 in any other capacity under this Article may convert up
5 to 5 years of that service credit into service credit covered
6 under this Section by paying to the Fund an amount equal to (1)
7 the additional employee contribution required under Section
8 14-133, plus (2) the additional employer contribution required
9 under Section 14-131, plus (3) interest on items (1) and (2) at
10 the actuarially assumed rate from the date of the service to
11 the date of payment.

12 (o) Subject to the limitation in subsection (i), a
13 conservation police officer, investigator for the Secretary of
14 State, Commerce Commission police officer, investigator for
15 the Department of Revenue or the Illinois Gaming Board, or
16 arson investigator subject to subsection (g) of Section 1-160
17 may elect to convert up to 8 years of service credit
18 established before January 1, 2020 (the effective date of
19 Public Act 101-610) as a conservation police officer,
20 investigator for the Secretary of State, Commerce Commission
21 police officer, investigator for the Department of Revenue or
22 the Illinois Gaming Board, or arson investigator under this
23 Article into eligible creditable service by filing a written
24 election with the Board no later than one year after January 1,
25 2020 (the effective date of Public Act 101-610), accompanied
26 by payment of an amount to be determined by the Board equal to

1 (i) the difference between the amount of the employee
2 contributions actually paid for that service and the amount of
3 the employee contributions that would have been paid had the
4 employee contributions been made as a noncovered employee
5 serving in a position in which eligible creditable service, as
6 defined in this Section, may be earned, plus (ii) interest
7 thereon at the effective rate for each year, compounded
8 annually, from the date of service to the date of payment.

9 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
10 102-538, eff. 8-20-21; 102-856, eff. 1-1-23.)

11 (Text of Section from P.A. 102-956)

12 Sec. 14-110. Alternative retirement annuity.

13 (a) Any member who has withdrawn from service with not
14 less than 20 years of eligible creditable service and has
15 attained age 55, and any member who has withdrawn from service
16 with not less than 25 years of eligible creditable service and
17 has attained age 50, regardless of whether the attainment of
18 either of the specified ages occurs while the member is still
19 in service, shall be entitled to receive at the option of the
20 member, in lieu of the regular or minimum retirement annuity,
21 a retirement annuity computed as follows:

22 (i) for periods of service as a noncovered employee:
23 if retirement occurs on or after January 1, 2001, 3% of
24 final average compensation for each year of creditable
25 service; if retirement occurs before January 1, 2001, 2

1 1/4% of final average compensation for each of the first
2 10 years of creditable service, 2 1/2% for each year above
3 10 years to and including 20 years of creditable service,
4 and 2 3/4% for each year of creditable service above 20
5 years; and

6 (ii) for periods of eligible creditable service as a
7 covered employee: if retirement occurs on or after January
8 1, 2001, 2.5% of final average compensation for each year
9 of creditable service; if retirement occurs before January
10 1, 2001, 1.67% of final average compensation for each of
11 the first 10 years of such service, 1.90% for each of the
12 next 10 years of such service, 2.10% for each year of such
13 service in excess of 20 but not exceeding 30, and 2.30% for
14 each year in excess of 30.

15 Such annuity shall be subject to a maximum of 75% of final
16 average compensation if retirement occurs before January 1,
17 2001 or to a maximum of 80% of final average compensation if
18 retirement occurs on or after January 1, 2001.

19 These rates shall not be applicable to any service
20 performed by a member as a covered employee which is not
21 eligible creditable service. Service as a covered employee
22 which is not eligible creditable service shall be subject to
23 the rates and provisions of Section 14-108.

24 (b) For the purpose of this Section, "eligible creditable
25 service" means creditable service resulting from service in
26 one or more of the following positions:

- 1 (1) State policeman;
- 2 (2) fire fighter in the fire protection service of a
3 department;
- 4 (3) air pilot;
- 5 (4) special agent;
- 6 (5) investigator for the Secretary of State;
- 7 (6) conservation police officer;
- 8 (7) investigator for the Department of Revenue or the
9 Illinois Gaming Board;
- 10 (8) security employee of the Department of Human
11 Services;
- 12 (9) Central Management Services security police
13 officer;
- 14 (10) security employee of the Department of
15 Corrections or the Department of Juvenile Justice;
- 16 (11) dangerous drugs investigator;
- 17 (12) investigator for the Illinois State Police;
- 18 (13) investigator for the Office of the Attorney
19 General;
- 20 (14) controlled substance inspector;
- 21 (15) investigator for the Office of the State's
22 Attorneys Appellate Prosecutor;
- 23 (16) Commerce Commission police officer;
- 24 (17) arson investigator;
- 25 (18) State highway maintenance worker;
- 26 (19) security employee of the Department of Innovation

1 and Technology; or

2 (20) transferred employee.

3 A person employed in one of the positions specified in
4 this subsection is entitled to eligible creditable service for
5 service credit earned under this Article while undergoing the
6 basic police training course approved by the Illinois Law
7 Enforcement Training Standards Board, if completion of that
8 training is required of persons serving in that position. For
9 the purposes of this Code, service during the required basic
10 police training course shall be deemed performance of the
11 duties of the specified position, even though the person is
12 not a sworn peace officer at the time of the training.

13 A person under paragraph (20) is entitled to eligible
14 creditable service for service credit earned under this
15 Article on and after his or her transfer by Executive Order No.
16 2003-10, Executive Order No. 2004-2, or Executive Order No.
17 2016-1.

18 (c) For the purposes of this Section:

19 (1) The term "State policeman" includes any title or
20 position in the Illinois State Police that is held by an
21 individual employed under the Illinois State Police Act.

22 (2) The term "fire fighter in the fire protection
23 service of a department" includes all officers in such
24 fire protection service including fire chiefs and
25 assistant fire chiefs.

26 (3) The term "air pilot" includes any employee whose

1 official job description on file in the Department of
2 Central Management Services, or in the department by which
3 he is employed if that department is not covered by the
4 Personnel Code, states that his principal duty is the
5 operation of aircraft, and who possesses a pilot's
6 license; however, the change in this definition made by
7 Public Act 83-842 shall not operate to exclude any
8 noncovered employee who was an "air pilot" for the
9 purposes of this Section on January 1, 1984.

10 (4) The term "special agent" means any person who by
11 reason of employment by the Division of Narcotic Control,
12 the Bureau of Investigation or, after July 1, 1977, the
13 Division of Criminal Investigation, the Division of
14 Internal Investigation, the Division of Operations, the
15 Division of Patrol Operations, or any other Division or
16 organizational entity in the Illinois State Police is
17 vested by law with duties to maintain public order,
18 investigate violations of the criminal law of this State,
19 enforce the laws of this State, make arrests and recover
20 property. The term "special agent" includes any title or
21 position in the Illinois State Police that is held by an
22 individual employed under the Illinois State Police Act.

23 (5) The term "investigator for the Secretary of State"
24 means any person employed by the Office of the Secretary
25 of State and vested with such investigative duties as
26 render him ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act.

3 A person who became employed as an investigator for
4 the Secretary of State between January 1, 1967 and
5 December 31, 1975, and who has served as such until
6 attainment of age 60, either continuously or with a single
7 break in service of not more than 3 years duration, which
8 break terminated before January 1, 1976, shall be entitled
9 to have his retirement annuity calculated in accordance
10 with subsection (a), notwithstanding that he has less than
11 20 years of credit for such service.

12 (6) (Blank). ~~The term "Conservation Police Officer"~~
13 ~~means any person employed by the Division of Law~~
14 ~~Enforcement of the Department of Natural Resources and~~
15 ~~vested with such law enforcement duties as render him~~
16 ~~ineligible for coverage under the Social Security Act by~~
17 ~~reason of Sections 218(d)(5)(A), 218(d)(8)(D), and~~
18 ~~218(1)(1) of that Act. The term "Conservation Police~~
19 ~~Officer" includes the positions of Chief Conservation~~
20 ~~Police Administrator and Assistant Conservation Police~~
21 ~~Administrator.~~

22 (7) The term "investigator for the Department of
23 Revenue" means any person employed by the Department of
24 Revenue and vested with such investigative duties as
25 render him ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D) and 218(1)(1) of that Act.

2 The term "investigator for the Illinois Gaming Board"
3 means any person employed as such by the Illinois Gaming
4 Board and vested with such peace officer duties as render
5 the person ineligible for coverage under the Social
6 Security Act by reason of Sections 218(d)(5)(A),
7 218(d)(8)(D), and 218(1)(1) of that Act.

8 (8) The term "security employee of the Department of
9 Human Services" means any person employed by the
10 Department of Human Services who (i) is employed at the
11 Chester Mental Health Center and has daily contact with
12 the residents thereof, (ii) is employed within a security
13 unit at a facility operated by the Department and has
14 daily contact with the residents of the security unit,
15 (iii) is employed at a facility operated by the Department
16 that includes a security unit and is regularly scheduled
17 to work at least 50% of his or her working hours within
18 that security unit, or (iv) is a mental health police
19 officer. "Mental health police officer" means any person
20 employed by the Department of Human Services in a position
21 pertaining to the Department's mental health and
22 developmental disabilities functions who is vested with
23 such law enforcement duties as render the person
24 ineligible for coverage under the Social Security Act by
25 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
26 218(1)(1) of that Act. "Security unit" means that portion

1 of a facility that is devoted to the care, containment,
2 and treatment of persons committed to the Department of
3 Human Services as sexually violent persons, persons unfit
4 to stand trial, or persons not guilty by reason of
5 insanity. With respect to past employment, references to
6 the Department of Human Services include its predecessor,
7 the Department of Mental Health and Developmental
8 Disabilities.

9 The changes made to this subdivision (c)(8) by Public
10 Act 92-14 apply to persons who retire on or after January
11 1, 2001, notwithstanding Section 1-103.1.

12 (9) "Central Management Services security police
13 officer" means any person employed by the Department of
14 Central Management Services who is vested with such law
15 enforcement duties as render him ineligible for coverage
16 under the Social Security Act by reason of Sections
17 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

18 (10) For a member who first became an employee under
19 this Article before July 1, 2005, the term "security
20 employee of the Department of Corrections or the
21 Department of Juvenile Justice" means any employee of the
22 Department of Corrections or the Department of Juvenile
23 Justice or the former Department of Personnel, and any
24 member or employee of the Prisoner Review Board, who has
25 daily contact with inmates or youth by working within a
26 correctional facility or Juvenile facility operated by the

1 Department of Juvenile Justice or who is a parole officer
2 or an employee who has direct contact with committed
3 persons in the performance of his or her job duties. For a
4 member who first becomes an employee under this Article on
5 or after July 1, 2005, the term means an employee of the
6 Department of Corrections or the Department of Juvenile
7 Justice who is any of the following: (i) officially
8 headquartered at a correctional facility or Juvenile
9 facility operated by the Department of Juvenile Justice,
10 (ii) a parole officer, (iii) a member of the apprehension
11 unit, (iv) a member of the intelligence unit, (v) a member
12 of the sort team, or (vi) an investigator.

13 (11) The term "dangerous drugs investigator" means any
14 person who is employed as such by the Department of Human
15 Services.

16 (12) The term "investigator for the Illinois State
17 Police" means a person employed by the Illinois State
18 Police who is vested under Section 4 of the Narcotic
19 Control Division Abolition Act with such law enforcement
20 powers as render him ineligible for coverage under the
21 Social Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D) and 218(1)(1) of that Act.

23 (13) "Investigator for the Office of the Attorney
24 General" means any person who is employed as such by the
25 Office of the Attorney General and is vested with such
26 investigative duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
3 the period before January 1, 1989, the term includes all
4 persons who were employed as investigators by the Office
5 of the Attorney General, without regard to social security
6 status.

7 (14) "Controlled substance inspector" means any person
8 who is employed as such by the Department of Professional
9 Regulation and is vested with such law enforcement duties
10 as render him ineligible for coverage under the Social
11 Security Act by reason of Sections 218(d)(5)(A),
12 218(d)(8)(D) and 218(1)(1) of that Act. The term
13 "controlled substance inspector" includes the Program
14 Executive of Enforcement and the Assistant Program
15 Executive of Enforcement.

16 (15) The term "investigator for the Office of the
17 State's Attorneys Appellate Prosecutor" means a person
18 employed in that capacity on a full-time basis under the
19 authority of Section 7.06 of the State's Attorneys
20 Appellate Prosecutor's Act.

21 (16) "Commerce Commission police officer" means any
22 person employed by the Illinois Commerce Commission who is
23 vested with such law enforcement duties as render him
24 ineligible for coverage under the Social Security Act by
25 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
26 218(1)(1) of that Act.

1 (17) "Arson investigator" means any person who is
2 employed as such by the Office of the State Fire Marshal
3 and is vested with such law enforcement duties as render
4 the person ineligible for coverage under the Social
5 Security Act by reason of Sections 218(d)(5)(A),
6 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
7 employed as an arson investigator on January 1, 1995 and
8 is no longer in service but not yet receiving a retirement
9 annuity may convert his or her creditable service for
10 employment as an arson investigator into eligible
11 creditable service by paying to the System the difference
12 between the employee contributions actually paid for that
13 service and the amounts that would have been contributed
14 if the applicant were contributing at the rate applicable
15 to persons with the same social security status earning
16 eligible creditable service on the date of application.

17 (18) The term "State highway maintenance worker" means
18 a person who is either of the following:

19 (i) A person employed on a full-time basis by the
20 Illinois Department of Transportation in the position
21 of highway maintainer, highway maintenance lead
22 worker, highway maintenance lead/lead worker, heavy
23 construction equipment operator, power shovel
24 operator, or bridge mechanic; and whose principal
25 responsibility is to perform, on the roadway, the
26 actual maintenance necessary to keep the highways that

1 form a part of the State highway system in serviceable
2 condition for vehicular traffic.

3 (ii) A person employed on a full-time basis by the
4 Illinois State Toll Highway Authority in the position
5 of equipment operator/laborer H-4, equipment
6 operator/laborer H-6, welder H-4, welder H-6,
7 mechanical/electrical H-4, mechanical/electrical H-6,
8 water/sewer H-4, water/sewer H-6, sign maker/hanger
9 H-4, sign maker/hanger H-6, roadway lighting H-4,
10 roadway lighting H-6, structural H-4, structural H-6,
11 painter H-4, or painter H-6; and whose principal
12 responsibility is to perform, on the roadway, the
13 actual maintenance necessary to keep the Authority's
14 tollways in serviceable condition for vehicular
15 traffic.

16 (19) The term "security employee of the Department of
17 Innovation and Technology" means a person who was a
18 security employee of the Department of Corrections or the
19 Department of Juvenile Justice, was transferred to the
20 Department of Innovation and Technology pursuant to
21 Executive Order 2016-01, and continues to perform similar
22 job functions under that Department.

23 (20) "Transferred employee" means an employee who was
24 transferred to the Department of Central Management
25 Services by Executive Order No. 2003-10 or Executive Order
26 No. 2004-2 or transferred to the Department of Innovation

1 and Technology by Executive Order No. 2016-1, or both, and
2 was entitled to eligible creditable service for services
3 immediately preceding the transfer.

4 (d) A security employee of the Department of Corrections
5 or the Department of Juvenile Justice, a security employee of
6 the Department of Human Services who is not a mental health
7 police officer, and a security employee of the Department of
8 Innovation and Technology shall not be eligible for the
9 alternative retirement annuity provided by this Section unless
10 he or she meets the following minimum age and service
11 requirements at the time of retirement:

12 (i) 25 years of eligible creditable service and age
13 55; or

14 (ii) beginning January 1, 1987, 25 years of eligible
15 creditable service and age 54, or 24 years of eligible
16 creditable service and age 55; or

17 (iii) beginning January 1, 1988, 25 years of eligible
18 creditable service and age 53, or 23 years of eligible
19 creditable service and age 55; or

20 (iv) beginning January 1, 1989, 25 years of eligible
21 creditable service and age 52, or 22 years of eligible
22 creditable service and age 55; or

23 (v) beginning January 1, 1990, 25 years of eligible
24 creditable service and age 51, or 21 years of eligible
25 creditable service and age 55; or

26 (vi) beginning January 1, 1991, 25 years of eligible

1 creditable service and age 50, or 20 years of eligible
2 creditable service and age 55.

3 Persons who have service credit under Article 16 of this
4 Code for service as a security employee of the Department of
5 Corrections or the Department of Juvenile Justice, or the
6 Department of Human Services in a position requiring
7 certification as a teacher may count such service toward
8 establishing their eligibility under the service requirements
9 of this Section; but such service may be used only for
10 establishing such eligibility, and not for the purpose of
11 increasing or calculating any benefit.

12 (e) If a member enters military service while working in a
13 position in which eligible creditable service may be earned,
14 and returns to State service in the same or another such
15 position, and fulfills in all other respects the conditions
16 prescribed in this Article for credit for military service,
17 such military service shall be credited as eligible creditable
18 service for the purposes of the retirement annuity prescribed
19 in this Section.

20 (f) For purposes of calculating retirement annuities under
21 this Section, periods of service rendered after December 31,
22 1968 and before October 1, 1975 as a covered employee in the
23 position of special agent, conservation police officer, mental
24 health police officer, or investigator for the Secretary of
25 State, shall be deemed to have been service as a noncovered
26 employee, provided that the employee pays to the System prior

1 to retirement an amount equal to (1) the difference between
2 the employee contributions that would have been required for
3 such service as a noncovered employee, and the amount of
4 employee contributions actually paid, plus (2) if payment is
5 made after July 31, 1987, regular interest on the amount
6 specified in item (1) from the date of service to the date of
7 payment.

8 For purposes of calculating retirement annuities under
9 this Section, periods of service rendered after December 31,
10 1968 and before January 1, 1982 as a covered employee in the
11 position of investigator for the Department of Revenue shall
12 be deemed to have been service as a noncovered employee,
13 provided that the employee pays to the System prior to
14 retirement an amount equal to (1) the difference between the
15 employee contributions that would have been required for such
16 service as a noncovered employee, and the amount of employee
17 contributions actually paid, plus (2) if payment is made after
18 January 1, 1990, regular interest on the amount specified in
19 item (1) from the date of service to the date of payment.

20 (g) A State policeman may elect, not later than January 1,
21 1990, to establish eligible creditable service for up to 10
22 years of his service as a policeman under Article 3, by filing
23 a written election with the Board, accompanied by payment of
24 an amount to be determined by the Board, equal to (i) the
25 difference between the amount of employee and employer
26 contributions transferred to the System under Section 3-110.5,

1 and the amounts that would have been contributed had such
2 contributions been made at the rates applicable to State
3 policemen, plus (ii) interest thereon at the effective rate
4 for each year, compounded annually, from the date of service
5 to the date of payment.

6 Subject to the limitation in subsection (i), a State
7 policeman may elect, not later than July 1, 1993, to establish
8 eligible creditable service for up to 10 years of his service
9 as a member of the County Police Department under Article 9, by
10 filing a written election with the Board, accompanied by
11 payment of an amount to be determined by the Board, equal to
12 (i) the difference between the amount of employee and employer
13 contributions transferred to the System under Section 9-121.10
14 and the amounts that would have been contributed had those
15 contributions been made at the rates applicable to State
16 policemen, plus (ii) interest thereon at the effective rate
17 for each year, compounded annually, from the date of service
18 to the date of payment.

19 (h) Subject to the limitation in subsection (i), a State
20 policeman or investigator for the Secretary of State may elect
21 to establish eligible creditable service for up to 12 years of
22 his service as a policeman under Article 5, by filing a written
23 election with the Board on or before January 31, 1992, and
24 paying to the System by January 31, 1994 an amount to be
25 determined by the Board, equal to (i) the difference between
26 the amount of employee and employer contributions transferred

1 to the System under Section 5-236, and the amounts that would
2 have been contributed had such contributions been made at the
3 rates applicable to State policemen, plus (ii) interest
4 thereon at the effective rate for each year, compounded
5 annually, from the date of service to the date of payment.

6 Subject to the limitation in subsection (i), a State
7 policeman, conservation police officer, or investigator for
8 the Secretary of State may elect to establish eligible
9 creditable service for up to 10 years of service as a sheriff's
10 law enforcement employee under Article 7, by filing a written
11 election with the Board on or before January 31, 1993, and
12 paying to the System by January 31, 1994 an amount to be
13 determined by the Board, equal to (i) the difference between
14 the amount of employee and employer contributions transferred
15 to the System under Section 7-139.7, and the amounts that
16 would have been contributed had such contributions been made
17 at the rates applicable to State policemen, plus (ii) interest
18 thereon at the effective rate for each year, compounded
19 annually, from the date of service to the date of payment.

20 Subject to the limitation in subsection (i), a State
21 policeman, conservation police officer, or investigator for
22 the Secretary of State may elect to establish eligible
23 creditable service for up to 5 years of service as a police
24 officer under Article 3, a policeman under Article 5, a
25 sheriff's law enforcement employee under Article 7, a member
26 of the county police department under Article 9, or a police

1 officer under Article 15 by filing a written election with the
2 Board and paying to the System an amount to be determined by
3 the Board, equal to (i) the difference between the amount of
4 employee and employer contributions transferred to the System
5 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
6 and the amounts that would have been contributed had such
7 contributions been made at the rates applicable to State
8 policemen, plus (ii) interest thereon at the effective rate
9 for each year, compounded annually, from the date of service
10 to the date of payment.

11 Subject to the limitation in subsection (i), an
12 investigator for the Office of the Attorney General, or an
13 investigator for the Department of Revenue, may elect to
14 establish eligible creditable service for up to 5 years of
15 service as a police officer under Article 3, a policeman under
16 Article 5, a sheriff's law enforcement employee under Article
17 7, or a member of the county police department under Article 9
18 by filing a written election with the Board within 6 months
19 after August 25, 2009 (the effective date of Public Act
20 96-745) and paying to the System an amount to be determined by
21 the Board, equal to (i) the difference between the amount of
22 employee and employer contributions transferred to the System
23 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
24 amounts that would have been contributed had such
25 contributions been made at the rates applicable to State
26 policemen, plus (ii) interest thereon at the actuarially

1 assumed rate for each year, compounded annually, from the date
2 of service to the date of payment.

3 Subject to the limitation in subsection (i), a State
4 policeman, conservation police officer, investigator for the
5 Office of the Attorney General, an investigator for the
6 Department of Revenue, or investigator for the Secretary of
7 State may elect to establish eligible creditable service for
8 up to 5 years of service as a person employed by a
9 participating municipality to perform police duties, or law
10 enforcement officer employed on a full-time basis by a forest
11 preserve district under Article 7, a county corrections
12 officer, or a court services officer under Article 9, by
13 filing a written election with the Board within 6 months after
14 August 25, 2009 (the effective date of Public Act 96-745) and
15 paying to the System an amount to be determined by the Board,
16 equal to (i) the difference between the amount of employee and
17 employer contributions transferred to the System under
18 Sections 7-139.8 and 9-121.10 and the amounts that would have
19 been contributed had such contributions been made at the rates
20 applicable to State policemen, plus (ii) interest thereon at
21 the actuarially assumed rate for each year, compounded
22 annually, from the date of service to the date of payment.

23 Subject to the limitation in subsection (i), a State
24 policeman, arson investigator, or Commerce Commission police
25 officer may elect to establish eligible creditable service for
26 up to 5 years of service as a person employed by a

1 participating municipality to perform police duties under
2 Article 7, a county corrections officer, a court services
3 officer under Article 9, or a firefighter under Article 4 by
4 filing a written election with the Board within 6 months after
5 July 30, 2021 (the effective date of Public Act 102-210) and
6 paying to the System an amount to be determined by the Board
7 equal to (i) the difference between the amount of employee and
8 employer contributions transferred to the System under
9 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
10 would have been contributed had such contributions been made
11 at the rates applicable to State policemen, plus (ii) interest
12 thereon at the actuarially assumed rate for each year,
13 compounded annually, from the date of service to the date of
14 payment.

15 Subject to the limitation in subsection (i), a
16 conservation police officer may elect to establish eligible
17 creditable service for up to 5 years of service as a person
18 employed by a participating municipality to perform police
19 duties under Article 7, a county corrections officer, or a
20 court services officer under Article 9 by filing a written
21 election with the Board within 6 months after July 30, 2021
22 (the effective date of Public Act 102-210) and paying to the
23 System an amount to be determined by the Board equal to (i) the
24 difference between the amount of employee and employer
25 contributions transferred to the System under Sections 7-139.8
26 and 9-121.10 and the amounts that would have been contributed

1 had such contributions been made at the rates applicable to
2 State policemen, plus (ii) interest thereon at the actuarially
3 assumed rate for each year, compounded annually, from the date
4 of service to the date of payment.

5 Notwithstanding the limitation in subsection (i), a State
6 policeman or conservation police officer may elect to convert
7 service credit earned under this Article to eligible
8 creditable service, as defined by this Section, by filing a
9 written election with the board within 6 months after July 30,
10 2021 (the effective date of Public Act 102-210) and paying to
11 the System an amount to be determined by the Board equal to (i)
12 the difference between the amount of employee contributions
13 originally paid for that service and the amounts that would
14 have been contributed had such contributions been made at the
15 rates applicable to State policemen, plus (ii) the difference
16 between the employer's normal cost of the credit prior to the
17 conversion authorized by Public Act 102-210 and the employer's
18 normal cost of the credit converted in accordance with Public
19 Act 102-210, plus (iii) interest thereon at the actuarially
20 assumed rate for each year, compounded annually, from the date
21 of service to the date of payment.

22 (i) The total amount of eligible creditable service
23 established by any person under subsections (g), (h), (j),
24 (k), (l), (l-5), (o), and (p) of this Section shall not exceed
25 12 years.

26 (j) Subject to the limitation in subsection (i), an

1 investigator for the Office of the State's Attorneys Appellate
2 Prosecutor or a controlled substance inspector may elect to
3 establish eligible creditable service for up to 10 years of
4 his service as a policeman under Article 3 or a sheriff's law
5 enforcement employee under Article 7, by filing a written
6 election with the Board, accompanied by payment of an amount
7 to be determined by the Board, equal to (1) the difference
8 between the amount of employee and employer contributions
9 transferred to the System under Section 3-110.6 or 7-139.8,
10 and the amounts that would have been contributed had such
11 contributions been made at the rates applicable to State
12 policemen, plus (2) interest thereon at the effective rate for
13 each year, compounded annually, from the date of service to
14 the date of payment.

15 (k) Subject to the limitation in subsection (i) of this
16 Section, an alternative formula employee may elect to
17 establish eligible creditable service for periods spent as a
18 full-time law enforcement officer or full-time corrections
19 officer employed by the federal government or by a state or
20 local government located outside of Illinois, for which credit
21 is not held in any other public employee pension fund or
22 retirement system. To obtain this credit, the applicant must
23 file a written application with the Board by March 31, 1998,
24 accompanied by evidence of eligibility acceptable to the Board
25 and payment of an amount to be determined by the Board, equal
26 to (1) employee contributions for the credit being

1 established, based upon the applicant's salary on the first
2 day as an alternative formula employee after the employment
3 for which credit is being established and the rates then
4 applicable to alternative formula employees, plus (2) an
5 amount determined by the Board to be the employer's normal
6 cost of the benefits accrued for the credit being established,
7 plus (3) regular interest on the amounts in items (1) and (2)
8 from the first day as an alternative formula employee after
9 the employment for which credit is being established to the
10 date of payment.

11 (1) Subject to the limitation in subsection (i), a
12 security employee of the Department of Corrections may elect,
13 not later than July 1, 1998, to establish eligible creditable
14 service for up to 10 years of his or her service as a policeman
15 under Article 3, by filing a written election with the Board,
16 accompanied by payment of an amount to be determined by the
17 Board, equal to (i) the difference between the amount of
18 employee and employer contributions transferred to the System
19 under Section 3-110.5, and the amounts that would have been
20 contributed had such contributions been made at the rates
21 applicable to security employees of the Department of
22 Corrections, plus (ii) interest thereon at the effective rate
23 for each year, compounded annually, from the date of service
24 to the date of payment.

25 (1-5) Subject to the limitation in subsection (i) of this
26 Section, a State policeman may elect to establish eligible

1 creditable service for up to 5 years of service as a full-time
2 law enforcement officer employed by the federal government or
3 by a state or local government located outside of Illinois for
4 which credit is not held in any other public employee pension
5 fund or retirement system. To obtain this credit, the
6 applicant must file a written application with the Board no
7 later than 3 years after January 1, 2020 (the effective date of
8 Public Act 101-610), accompanied by evidence of eligibility
9 acceptable to the Board and payment of an amount to be
10 determined by the Board, equal to (1) employee contributions
11 for the credit being established, based upon the applicant's
12 salary on the first day as an alternative formula employee
13 after the employment for which credit is being established and
14 the rates then applicable to alternative formula employees,
15 plus (2) an amount determined by the Board to be the employer's
16 normal cost of the benefits accrued for the credit being
17 established, plus (3) regular interest on the amounts in items
18 (1) and (2) from the first day as an alternative formula
19 employee after the employment for which credit is being
20 established to the date of payment.

21 (m) The amendatory changes to this Section made by Public
22 Act 94-696 apply only to: (1) security employees of the
23 Department of Juvenile Justice employed by the Department of
24 Corrections before June 1, 2006 (the effective date of Public
25 Act 94-696) and transferred to the Department of Juvenile
26 Justice by Public Act 94-696; and (2) persons employed by the

1 Department of Juvenile Justice on or after June 1, 2006 (the
2 effective date of Public Act 94-696) who are required by
3 subsection (b) of Section 3-2.5-15 of the Unified Code of
4 Corrections to have any bachelor's or advanced degree from an
5 accredited college or university or, in the case of persons
6 who provide vocational training, who are required to have
7 adequate knowledge in the skill for which they are providing
8 the vocational training.

9 (n) A person employed in a position under subsection (b)
10 of this Section who has purchased service credit under
11 subsection (j) of Section 14-104 or subsection (b) of Section
12 14-105 in any other capacity under this Article may convert up
13 to 5 years of that service credit into service credit covered
14 under this Section by paying to the Fund an amount equal to (1)
15 the additional employee contribution required under Section
16 14-133, plus (2) the additional employer contribution required
17 under Section 14-131, plus (3) interest on items (1) and (2) at
18 the actuarially assumed rate from the date of the service to
19 the date of payment.

20 (o) Subject to the limitation in subsection (i), a
21 conservation police officer, investigator for the Secretary of
22 State, Commerce Commission police officer, investigator for
23 the Department of Revenue or the Illinois Gaming Board, or
24 arson investigator subject to subsection (g) of Section 1-160
25 may elect to convert up to 8 years of service credit
26 established before January 1, 2020 (the effective date of

1 Public Act 101-610) as a conservation police officer,
2 investigator for the Secretary of State, Commerce Commission
3 police officer, investigator for the Department of Revenue or
4 the Illinois Gaming Board, or arson investigator under this
5 Article into eligible creditable service by filing a written
6 election with the Board no later than one year after January 1,
7 2020 (the effective date of Public Act 101-610), accompanied
8 by payment of an amount to be determined by the Board equal to
9 (i) the difference between the amount of the employee
10 contributions actually paid for that service and the amount of
11 the employee contributions that would have been paid had the
12 employee contributions been made as a noncovered employee
13 serving in a position in which eligible creditable service, as
14 defined in this Section, may be earned, plus (ii) interest
15 thereon at the effective rate for each year, compounded
16 annually, from the date of service to the date of payment.

17 (p) Subject to the limitation in subsection (i), an
18 investigator for the Office of the Attorney General subject to
19 subsection (g) of Section 1-160 may elect to convert up to 8
20 years of service credit established before the effective date
21 of this amendatory Act of the 102nd General Assembly as an
22 investigator for the Office of the Attorney General under this
23 Article into eligible creditable service by filing a written
24 election with the Board no later than one year after the
25 effective date of this amendatory Act of the 102nd General
26 Assembly, accompanied by payment of an amount to be determined

1 by the Board equal to (i) the difference between the amount of
2 the employee contributions actually paid for that service and
3 the amount of the employee contributions that would have been
4 paid had the employee contributions been made as a noncovered
5 employee serving in a position in which eligible creditable
6 service, as defined in this Section, may be earned, plus (ii)
7 interest thereon at the effective rate for each year,
8 compounded annually, from the date of service to the date of
9 payment.

10 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
11 102-538, eff. 8-20-21; 102-956, eff. 5-27-22.)

12 (40 ILCS 5/15-134.4) (from Ch. 108 1/2, par. 15-134.4)

13 Sec. 15-134.4. Transfer of creditable service to an
14 Article 3 pension fund, the Article 5 Pension Fund, or the
15 Article 14 System.

16 (a) An active member of the Pension Fund established under
17 Article 5 of this Code may apply, not later than January 1,
18 1990, to transfer his or her credits and creditable service
19 accumulated under this System for service with the City
20 Colleges of Chicago teaching in the Criminal Justice Program,
21 to the Article 5 Fund. Such credits and creditable service
22 shall be transferred forthwith.

23 Payment by this System to the Article 5 Fund shall be made
24 at the same time and shall consist of:

25 (1) the amounts credited to the applicant for such

1 service through employee contributions, including
2 interest, as of the date of transfer; and

3 (2) employer contributions equal in amount to the
4 accumulated employee contributions as determined in item
5 (1).

6 Participation in this System with respect to such credits
7 shall terminate on the date of transfer.

8 (b) Any active member of the State Employees' Retirement
9 System who is a State policeman or ~~an~~ investigator for the
10 Secretary of State, ~~or a conservation police officer~~, and who
11 is not a participating employee in this System, may apply for
12 transfer of some or all of his or her creditable service
13 accumulated in this System for service as a police officer to
14 the State Employees' Retirement System in accordance with
15 Section 14-110. The creditable service shall be transferred
16 only upon payment by this System to the State Employees'
17 Retirement System of an amount equal to:

18 (1) the amounts accumulated to the credit of the
19 applicant for the service to be transferred, including
20 interest, as of the date of transfer, and any interest
21 paid by the applicant to reinstate such service; and

22 (2) employer contributions equal in amount to the
23 accumulated employee contributions as determined in item
24 (1).

25 Participation in this System as to any credits transferred
26 under this Section shall terminate on the date of transfer.

1 (c) Any person applying to transfer service under
2 subsection (b) may reinstate credits and creditable service
3 terminated upon receipt of a refund by paying to the System the
4 amount of the refund plus interest thereon at the rate of 6%
5 per year from the date of the refund to the date of payment.

6 (d) No later than June 30, 2023, any active member of a
7 pension fund established under Article 3 of this Code who is
8 not a participating employee in this System may apply for
9 transfer of some or all of his or her creditable service
10 accumulated in this System for service as a police officer to
11 that Article 3 pension fund in accordance with Section
12 3-110.13. The creditable service shall be transferred only
13 upon payment by this System to that Article 3 pension fund of
14 an amount equal to:

15 (1) the amounts accumulated to the credit of the
16 applicant for the service to be transferred, including
17 interest, as of the date of transfer, and any interest
18 paid by the applicant to reinstate such service; and

19 (2) employer contributions equal in amount to the
20 accumulated employee contributions as determined in item
21 (1).

22 Participation in this System as to any credits transferred
23 under this Section shall terminate on the date of transfer.

24 (e) An application to transfer credits and creditable
25 service under this Section shall be irrevocable.

26 (Source: P.A. 102-1061, eff. 1-1-23.)

1 Section 60. The Public Utilities Act is amended by
2 changing Section 2-101 and by adding Section 2-104.5 as
3 follows:

4 (220 ILCS 5/2-101) (from Ch. 111 2/3, par. 2-101)

5 Sec. 2-101. Commerce Commission created. There is created
6 an Illinois Commerce Commission consisting of 5 members not
7 more than 3 of whom shall be members of the same political
8 party at the time of appointment. The Governor shall appoint
9 the members of such Commission by and with the advice and
10 consent of the Senate. In case of a vacancy in such office
11 during the recess of the Senate the Governor shall make a
12 temporary appointment until the next meeting of the Senate,
13 when he shall nominate some person to fill such office; and any
14 person so nominated who is confirmed by the Senate, shall hold
15 his office during the remainder of the term and until his
16 successor shall be appointed and qualified. Each member of the
17 Commission shall hold office for a term of 5 years from the
18 third Monday in January of the year in which his predecessor's
19 term expires.

20 Notwithstanding any provision of this Section to the
21 contrary, the term of office of each member of the Commission
22 is terminated on the effective date of this amendatory Act of
23 1995, but the incumbent members shall continue to exercise all
24 of the powers and be subject to all of the duties of members of

1 the Commission until their respective successors are appointed
2 and qualified. Of the members initially appointed under the
3 provisions of this amendatory Act of 1995, one member shall be
4 appointed for a term of office which shall expire on the third
5 Monday of January, 1997; 2 members shall be appointed for
6 terms of office which shall expire on the third Monday of
7 January, 1998; one member shall be appointed for a term of
8 office which shall expire on the third Monday of January,
9 1999; and one member shall be appointed for a term of office
10 which shall expire on the third Monday of January, 2000. Each
11 respective successor shall be appointed for a term of 5 years
12 from the third Monday of January of the year in which his
13 predecessor's term expires in accordance with the provisions
14 of the first paragraph of this Section.

15 Each member shall serve until his successor is appointed
16 and qualified, except that if the Senate refuses to consent to
17 the appointment of any member, such office shall be deemed
18 vacant, and within 2 weeks of the date the Senate refuses to
19 consent to the reappointment of any member, such member shall
20 vacate such office. The Governor shall from time to time
21 designate the member of the Commission who shall be its
22 chairman. Consistent with the provisions of this Act, the
23 Chairman shall be the chief executive officer of the
24 Commission for the purpose of ensuring that the Commission's
25 policies are properly executed.

26 If there is no vacancy on the Commission, 4 members of the

1 Commission shall constitute a quorum to transact business;
2 otherwise, a majority of the Commission shall constitute a
3 quorum to transact business, and no vacancy shall impair the
4 right of the remaining commissioners to exercise all of the
5 powers of the Commission. Every finding, order, or decision
6 approved by a majority of the members of the Commission shall
7 be deemed to be the finding, order, or decision of the
8 Commission.

9 The Commission may enter into an intergovernmental
10 agreement with the Illinois State Police regarding the
11 abolition of the Illinois Commerce Commission Police Force
12 under this amendatory Act of the 103rd General Assembly. The
13 intergovernmental agreement shall provide: (1) for the
14 transfer of the operational budget of the Illinois Commerce
15 Commission Police Force to the Illinois State Police; (2) for
16 division of appropriate enforcement and investigatory
17 functions between the Illinois Commerce Commission and the
18 Illinois State Police; (3) that the Illinois Commerce
19 Commission shall provide administrative and other support to
20 the Illinois State Police in the carrying out of the
21 transferred enforcement and investigatory functions; and (4)
22 for any other relevant matter related to the transfer of the
23 Illinois Commerce Commission Police Force to the Illinois
24 State Police.

25 (Source: P.A. 92-22, eff. 6-30-01.)

1 (220 ILCS 5/2-104.5 new)

2 Sec. 2-104.5. Illinois Commerce Commission Police Force
3 abolished; transfer of powers and duties.

4 (a) On and after the effective date of this amendatory Act
5 of the 103rd General Assembly, the Illinois Commerce
6 Commission Police Force is abolished and all powers, duties,
7 rights, and responsibilities of the Illinois Commerce
8 Commission Police Force shall be transferred to the Illinois
9 State Police. The powers, duties, rights, and responsibilities
10 related to the functions of the Illinois Commerce Commission
11 Police Force transferred under this amendatory Act of the
12 103rd General Assembly shall be vested in and shall be
13 exercised by the Illinois State Police. The Illinois State
14 Police shall assume all enforcement duties held currently by
15 the Illinois Commerce Commission Police Force. On and after
16 the effective date of this amendatory Act of the 103rd General
17 Assembly, the Illinois Commerce Commission is prohibited from
18 hiring additional Illinois Commerce Commission Police
19 Officers.

20 (b) Illinois Commerce Commission Police Officers within
21 the Illinois Commerce Commission who are engaged in the
22 performance of functions transferred to the Illinois State
23 Police under this amendatory Act of the 103rd General Assembly
24 are transferred to and shall continue their service within the
25 Illinois State Police. The status and rights of those
26 employees under the Personnel Code shall not be affected by

1 this amendatory Act of the 103rd General Assembly. The rights
2 of the employees and the State of Illinois and its agencies
3 under the Personnel Code and applicable collective bargaining
4 agreements or under any pension, retirement, or annuity plan,
5 shall not be affected by this amendatory Act of the 103rd
6 General Assembly. Current Illinois Commerce Police Officers'
7 salaries shall remain at the rate in effect on the effective
8 date of this amendatory Act of the 103rd General Assembly,
9 until an applicable collective bargaining agreement is
10 adopted.

11 (c) All books, records, papers, documents, and equipment
12 related to the responsibilities transferred to the Illinois
13 State Police under this amendatory Act of the 103rd General
14 Assembly, including, but not limited to, material in
15 electronic or magnetic format and necessary computer hardware
16 and software, shall be transferred to the Illinois State
17 Police.

18 (d) All unexpended appropriations and balances and other
19 funds available for use by the Illinois Commerce Commission
20 Police Force shall be transferred for use by the Illinois
21 State Police in accordance with this amendatory Act of the
22 103rd General Assembly. Unexpended balances so transferred
23 shall be expended by the Illinois State Police only for the
24 purpose for which the appropriations were originally made.

25 (e) Any rules of the Illinois Commerce Commission that
26 relate to its powers, duties, rights, and responsibilities

1 with respect to functions transferred to the Illinois State
2 Police by this amendatory Act of the 103rd General Assembly
3 and which are in full force on the effective date of this
4 amendatory Act of the 103rd General Assembly shall become the
5 rules of the Illinois State Police. This amendatory Act of the
6 103rd General Assembly does not affect the legality of any of
7 those rules in the Illinois Administrative Code. Any proposed
8 rule filed with the Secretary of State by the Illinois
9 Commerce Commission that is pending in the rulemaking process
10 on the effective date of this amendatory Act of the 103rd
11 General Assembly and pertain to the powers, duties, rights,
12 and responsibilities transferred, shall be deemed to have been
13 filed by the Illinois State Police. As soon as practicable
14 hereafter, the Illinois State Police shall revise and clarify
15 the rules transferred to it under this amendatory Act of the
16 103rd General Assembly to reflect the reorganization of
17 powers, duties, rights, and responsibilities affected by this
18 amendatory Act of the 103rd General Assembly, using the
19 procedures for recodification of rules available under the
20 Illinois Administrative Procedure Act, except that existing
21 title, part, and section numbering for the affected rules may
22 be retained. On and after the effective date of this
23 amendatory Act of the 103rd General Assembly, the Illinois
24 State Police may propose and adopt, under the Illinois
25 Administrative Procedure Act, any other rules that relate to
26 the functions of the Illinois Commerce Commission Police Force

1 transferred to and that will now be administered by the
2 Illinois State Police.

3 (f) The transfer of powers, duties, rights, and
4 responsibilities to the Illinois State Police under this
5 amendatory Act of the 103rd General Assembly does not affect
6 any person's rights, obligations, or duties, including any
7 civil or criminal penalties applicable, arising out of those
8 transferred powers, duties, rights, and responsibilities.

9 (g) This amendatory Act of the 103rd General Assembly does
10 not affect any act done, ratified, or canceled, or any right
11 occurring or established, or any action or proceeding had or
12 commenced in an administrative, civil, or criminal cause by
13 the Illinois Commerce Commission Police Force or any Illinois
14 Commerce Commission Police Officer before the effective date
15 of this amendatory Act of the 103rd General Assembly; those
16 actions or proceedings may be defended, prosecuted, or
17 continued by the Illinois State Police.

18 (h) The transition required under this Section shall be
19 completed on or before July 1, 2025.

20 Section 65. The Collateral Recovery Act is amended by
21 changing Sections 45 and 60 as follows:

22 (225 ILCS 422/45)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 45. Repossession agency employee requirements.

1 (a) All employees of a licensed repossession agency whose
2 duties include the actual repossession of collateral must
3 apply for a recovery permit. The holder of a repossession
4 agency license issued under this Act, known in this Section as
5 the "employer", may employ in the conduct of the business
6 under the following provisions:

7 (1) No person may be issued a recovery permit who
8 meets any of the following criteria:

9 (A) Is younger than 21 years of age.

10 (B) Has been convicted of a crime identified in
11 paragraph (3) of subsection (a) of Section 80 of this
12 Act and the Commission determines the ability of the
13 person to engage in the position for which a permit is
14 sought is impaired as a result of the conviction.

15 (C) Has had a license or recovery permit denied,
16 suspended, or revoked under this Act.

17 (D) Has not successfully completed a certification
18 program approved by the Commission.

19 (2) No person may be employed by a repossession agency
20 under this Section until he or she has executed and
21 furnished to the Commission, on forms furnished by the
22 Commission, a verified statement to be known as an
23 "Employee's Statement" setting forth all of the following:

24 (A) The person's full name, age, and residence
25 address.

26 (B) The business or occupation engaged in for the

1 5 years immediately before the date of the execution
2 of the statement, the place where the business or
3 occupation was engaged in, and the names of the
4 employers, if any.

5 (C) That the person has not had a license or
6 recovery permit denied, revoked, or suspended under
7 this Act.

8 (D) Any conviction of a felony, except as provided
9 for in Section 85.

10 (E) Any other information as may be required by
11 any rule of the Commission to show the good character,
12 competency, and integrity of the person executing the
13 statement.

14 (b) Each applicant for a recovery permit shall have his or
15 her fingerprints submitted to the Commission by a Live Scan
16 fingerprint vendor certified by the Illinois State Police
17 under the Private Detective, Private Alarm, Private Security,
18 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
19 format that complies with the form and manner for requesting
20 and furnishing criminal history record information as
21 prescribed by the Illinois State Police. These fingerprints
22 shall be checked against the Illinois State Police and Federal
23 Bureau of Investigation criminal history record databases now
24 and hereafter filed. The Commission shall charge applicants a
25 fee for conducting the criminal history records check, which
26 shall not exceed the actual cost of the records check. The

1 Illinois State Police ~~Illinois Commerce Commission Police~~
2 shall furnish, pursuant to positive identification, records of
3 Illinois convictions to the Commission. The Commission, in its
4 discretion, may allow an applicant who does not have
5 reasonable access to a designated vendor to provide his or her
6 fingerprints in an alternative manner. The Commission, in its
7 discretion, may also use other procedures in performing or
8 obtaining criminal history records checks of applicants.
9 Instead of submitting his or her fingerprints, an individual
10 may submit proof that is satisfactory to the Commission that
11 an equivalent security clearance has been conducted.

12 (c) Qualified applicants shall purchase a recovery permit
13 from the Commission and in a form that the Commission
14 prescribes. The Commission shall notify the submitting person
15 within 14 days after receipt of a criminal history records
16 check from the Illinois Commerce Commission Police conducted
17 pursuant to subsection (b) of its intent to issue the recovery
18 permit or set the matter for an administrative hearing before
19 an administrative law judge to assist the Commission in
20 determining whether the applicant is fit pursuant to Section
21 80. The holder of a recovery permit shall carry the recovery
22 permit at all times while actually engaged in the performance
23 of the duties of his or her employment. No recovery permit
24 shall be effective unless accompanied by a license issued by
25 the Commission. Expiration and requirements for renewal of
26 recovery permits shall be established by rule of the

1 Commission. Possession of a recovery permit does not in any
2 way imply that the holder of the recovery permit is employed by
3 any agency unless the recovery permit is accompanied by the
4 employee identification card required by subsection (e) of
5 this Section.

6 (d) Each employer shall maintain a record of each employee
7 that is accessible to the duly authorized representatives of
8 the Commission. The record shall contain all of the following
9 information:

10 (1) A photograph taken within 10 days after the date
11 that the employee begins employment with the employer. The
12 photograph shall be replaced with a current photograph
13 every 3 calendar years.

14 (2) The Employee's Statement specified in paragraph
15 (2) of subsection (a) of this Section.

16 (3) All correspondence or documents relating to the
17 character and integrity of the employee received by the
18 employer from any official source or law enforcement
19 agency.

20 (4) In the case of former employees, the employee
21 identification card of that person issued under subsection
22 (e) of this Section.

23 (e) Every employer shall furnish an employee
24 identification card to each of his or her employees. This
25 subsection (e) shall not apply to office or clerical
26 personnel. This employee identification card shall contain a

1 recent photograph of the employee, the employee's name, the
2 name and agency license number of the employer, the employee's
3 personal description, the signature of the employer, the
4 signature of that employee, the date of issuance, and an
5 employee identification card number.

6 (f) No employer may issue an employee identification card
7 to any person who is not employed by the employer in accordance
8 with this Section or falsely state or represent that a person
9 is or has been in his or her employ. It is unlawful for an
10 applicant for registration to file with the Commission the
11 fingerprints of a person other than himself or herself or to
12 fail to exercise due diligence in resubmitting replacement
13 fingerprints for those employees who have had original
14 fingerprint submissions returned as unclassifiable. An agency
15 shall inform the Commission within 15 days after contracting
16 or employing a licensed repossession agency employee. The
17 Commission shall develop a registration process by rule.

18 (g) Every employer shall obtain the identification card of
19 every employee who terminates employment with the employer. An
20 employer shall immediately report an identification card that
21 is lost or stolen to the local police department having
22 jurisdiction over the repossession agency location.

23 (h) No agency may employ any person to perform any
24 activity under this Act unless the person possesses a valid
25 license or recovery permit under this Act.

26 (i) If information is discovered affecting the

1 registration of a person whose fingerprints were submitted
2 under this Section, then the Commission shall so notify the
3 agency that submitted the fingerprints on behalf of that
4 person.

5 (j) A person employed under this Section shall have 15
6 business days within which to notify the Commission of any
7 change in employer. A recovery employee may work under the
8 recovery permit for multiple licensed repossession agencies.

9 (k) This Section applies only to those employees of
10 licensed repossession agencies whose duties include actual
11 repossession of collateral.

12 (l) An applicant who is 21 years of age or older seeking a
13 religious exemption to the photograph requirement of this
14 Section shall furnish with his or her application an approved
15 copy of United States Department of the Treasury Internal
16 Revenue Service Form 4029. Regardless of age, an applicant
17 seeking a religious exemption to this photograph requirement
18 shall submit fingerprints in a form and manner prescribed by
19 the Commission with his or her application in lieu of a
20 photograph.

21 (Source: P.A. 102-748, eff. 1-1-23.)

22 (225 ILCS 422/60)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 60. Criminal background check. The Commission shall
25 require that each individual, partner of a partnership,

1 officer of a corporation, or owner of a limited liability
2 company, as part of the application process, authorize a
3 criminal history records check to determine if such applicant
4 has ever been charged with a crime and, if so, the disposition
5 of those charges. Upon this authorization, each individual,
6 partner of a partnership, officer of a corporation, or owner
7 of a limited liability company shall submit his or her
8 fingerprints to the Commission in the form and manner
9 prescribed by the Illinois State Police ~~Illinois Commerce~~
10 ~~Commission Police~~. These fingerprints shall be checked against
11 the fingerprint records now and hereafter filed in the
12 Illinois State Police and Federal Bureau of Investigation
13 criminal history records databases. The Commission shall
14 charge a fee for conducting the criminal history records
15 check, which shall be deposited in the Transportation
16 Regulatory Fund and shall not exceed the actual cost of the
17 records check. The Illinois State Police ~~Illinois Commerce~~
18 ~~Commission Police~~ shall provide information concerning any
19 criminal charges, and their disposition, now or hereafter
20 filed against an applicant upon request of the Commission when
21 the request is made in the form and manner required by the
22 Illinois State Police ~~Illinois Commerce Commission Police~~.

23 (Source: P.A. 97-576, eff. 7-1-12.)

24 Section 70. The Illinois Natural Areas Preservation Act is
25 amended by changing Section 24 as follows:

1 (525 ILCS 30/24) (from Ch. 105, par. 724)

2 Sec. 24. The Illinois State Police, ~~Conservation Police~~
3 ~~Officers, other employees designated by the Director,~~
4 sheriffs, and other police officers shall enforce this Act and
5 the rules promulgated thereunder and are empowered to arrest
6 any person detected in violation thereof.

7 (Source: P.A. 82-445.)

8 Section 75. The Illinois Vehicle Code is amended by
9 changing Sections 2-115, 2-116, 3-209, 3-406, 3-422, 4-107,
10 5-101, 5-101.1, 5-102, 5-102.8, 5-403, 5-803, 5-901, 6-121,
11 11-501.01, 11-1301.3, 18a-101, 18a-200, 18c-1104, 18c-1202,
12 18c-1204, 18c-1205, 18c-4101, 18c-4308, 18c-6101, 18c-7101,
13 18c-7403, and 18c-7404 and by adding Sections 2-116.1,
14 18a-101.5, 18c-1201.5, and 18d-111 as follows:

15 (625 ILCS 5/2-115) (from Ch. 95 1/2, par. 2-115)

16 Sec. 2-115. Investigators.

17 (a) The Secretary of State, for the purpose of more
18 effectively carrying out the provisions of the laws in
19 relation to motor vehicles, shall have power to appoint such
20 number of investigators as he may deem necessary. It shall be
21 the duty of such investigators to investigate and enforce
22 violations of the provisions of this Act administered by the
23 Secretary of State and provisions of Chapters 11, 12, 13, 14,

1 and 15 and to investigate and report any violation by any
2 person who operates as a motor carrier of property as defined
3 in Section 18-100 of this Act and does not hold a valid
4 certificate or permit. Such investigators shall have and may
5 exercise throughout the State all of the powers of peace
6 officers.

7 No person may be retained in service as an investigator
8 under this Section after he or she has reached 60 years of age,
9 except for a person employed in the title of Capitol Police
10 Investigator, in which case, that person may not be retained
11 in service after that person has reached 65 years of age.

12 The Secretary of State must authorize to each investigator
13 employed under this Section and to any other employee of the
14 Office of the Secretary of State exercising the powers of a
15 peace officer a distinct badge that, on its face, (i) clearly
16 states that the badge is authorized by the Office of the
17 Secretary of State and (ii) contains a unique identifying
18 number. No other badge shall be authorized by the Office of the
19 Secretary of State.

20 (b) The Secretary may expend such sums as he deems
21 necessary from Contractual Services appropriations for the
22 ~~Department of Police for the~~ purchase of evidence, for the
23 employment of persons to obtain evidence, and for the payment
24 for any goods or services related to obtaining evidence. Such
25 sums shall be advanced to investigators authorized by the
26 Secretary to expend funds, on vouchers signed by the

1 Secretary. In addition, the Secretary of State is authorized
2 to maintain one or more commercial checking accounts with any
3 State banking corporation or corporations organized under or
4 subject to the Illinois Banking Act for the deposit and
5 withdrawal of moneys to be used solely for the purchase of
6 evidence and for the employment of persons to obtain evidence,
7 or for the payment for any goods or services related to
8 obtaining evidence; provided that no check may be written on
9 nor any withdrawal made from any such account except on the
10 written signatures of 2 persons designated by the Secretary to
11 write such checks and make such withdrawals, and provided
12 further that the balance of moneys on deposit in any such
13 account shall not exceed \$5,000 at any time, nor shall any one
14 check written on or single withdrawal made from any such
15 account exceed \$5,000.

16 All fines or moneys collected or received by the Secretary
17 of State ~~Department of Police~~ under any State or federal
18 forfeiture statute; including, but not limited to moneys
19 forfeited under Section 12 of the Cannabis Control Act, moneys
20 forfeited under Section 85 of the Methamphetamine Control and
21 Community Protection Act, and moneys distributed under Section
22 413 of the Illinois Controlled Substances Act, shall be
23 deposited into the Secretary of State Evidence Fund.

24 In all convictions for offenses in violation of this Act,
25 the Court may order restitution to the Secretary of any or all
26 sums expended for the purchase of evidence, for the employment

1 of persons to obtain evidence, and for the payment for any
2 goods or services related to obtaining evidence. All such
3 restitution received by the Secretary shall be deposited into
4 the Secretary of State Evidence Fund. Moneys deposited into
5 the fund shall, subject to appropriation, be used by the
6 Secretary of State for the purposes provided for under the
7 provisions of this Section.

8 (Source: P.A. 100-201, eff. 8-18-17; 101-610, eff. 1-1-20.)

9 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

10 Sec. 2-116. Secretary of State ~~Department of Police~~.

11 (a) The Secretary of State and the officers, inspectors,
12 and investigators appointed by him shall cooperate with the
13 Illinois State Police and the sheriffs and police in enforcing
14 the laws regulating the operation of vehicles and the use of
15 the highways.

16 (b) The Secretary of State may provide training and
17 education for members of his office in traffic regulation, the
18 promotion of traffic safety and the enforcement of laws vested
19 in the Secretary of State for administration and enforcement
20 regulating the operation of vehicles and the use of the
21 highways.

22 (c) The Secretary of State may provide distinctive
23 uniforms and badges for officers, inspectors and investigators
24 employed in the administration of laws relating to the
25 operation of vehicles and the use of the highways and vesting

1 the administration and enforcement of such laws in the
2 Secretary of State.

3 (c-5) The ~~Director of the~~ Secretary of State ~~Department of~~
4 ~~Police~~ shall establish a program to allow a Secretary of State
5 ~~Police officer,~~ inspector, or investigator who is honorably
6 retiring in good standing to purchase either one or both of the
7 following: (1) any Secretary of State ~~Department of Police~~
8 badge previously issued to that ~~officer,~~ inspector, or
9 investigator; or (2) if the ~~officer,~~ inspector, or
10 investigator has a currently valid Firearm Owner's
11 Identification Card, the service firearm issued or previously
12 issued to the ~~officer,~~ inspector, or investigator by the
13 Secretary of State ~~Department of Police~~. The cost of the
14 firearm shall be the replacement value of the firearm and not
15 the firearm's fair market value.

16 (d) (Blank). ~~The Secretary of State Department of Police~~
17 ~~is authorized to:~~

18 ~~(1) investigate the origins, activities, persons, and~~
19 ~~incidents of crime and the ways and means, if any, to~~
20 ~~redress the victims of crimes, and study the impact, if~~
21 ~~any, of legislation relative to the criminal laws of this~~
22 ~~State related thereto and conduct any other investigations~~
23 ~~as may be provided by law;~~

24 ~~(2) employ skilled experts, technicians,~~
25 ~~investigators, special agents, or otherwise specially~~
26 ~~qualified persons to aid in preventing or detecting crime,~~

1 ~~apprehending criminals, or preparing and presenting~~
2 ~~evidence of violations of the criminal laws of the State;~~

3 ~~(3) cooperate with the police of cities, villages, and~~
4 ~~incorporated towns, and with the police officers of any~~
5 ~~county, in enforcing the laws of the State and in making~~
6 ~~arrests;~~

7 ~~(4) provide, as may be required by law, assistance to~~
8 ~~local law enforcement agencies through training,~~
9 ~~management, and consultant services for local law~~
10 ~~enforcement agencies, pertaining to law enforcement~~
11 ~~activities;~~

12 ~~(5) exercise the rights, powers, and duties which have~~
13 ~~been vested in it by the Secretary of State Act and this~~
14 ~~Code; and~~

15 ~~(6) enforce and administer any other laws in relation~~
16 ~~to law enforcement as may be vested in the Secretary of~~
17 ~~State Department of Police.~~

18 ~~Persons within the Secretary of State Department of Police~~
19 ~~who exercise these powers are conservators of the peace and~~
20 ~~have all the powers possessed by policemen in municipalities~~
21 ~~and sheriffs, and may exercise these powers anywhere in the~~
22 ~~State in cooperation with local law enforcement officials.~~
23 ~~These persons may use false or fictitious names in the~~
24 ~~performance of their duties under this Section, upon approval~~
25 ~~of the Director of Police Secretary of State, and shall not be~~
26 ~~subject to prosecution under the criminal laws for that use.~~

1 (e) (Blank). ~~The Secretary of State Department of Police~~
2 ~~may charge, collect, and receive fees or moneys equivalent to~~
3 ~~the cost of providing its personnel, equipment, and services~~
4 ~~to governmental agencies when explicitly requested by a~~
5 ~~governmental agency and according to an intergovernmental~~
6 ~~agreement or memorandums of understanding as provided by this~~
7 ~~Section, including but not limited to fees or moneys~~
8 ~~equivalent to the cost of providing training to other~~
9 ~~governmental agencies on terms and conditions that in the~~
10 ~~judgment of the Director of Police Secretary of State are in~~
11 ~~the best interest of the Secretary of State. All fees received~~
12 ~~by the Secretary of State Police Department under this Act~~
13 ~~shall be deposited in a special fund in the State Treasury to~~
14 ~~be known as the Secretary of State Police Services Fund. The~~
15 ~~money deposited in the Secretary of State Police Services Fund~~
16 ~~shall be appropriated to the Secretary of State Department of~~
17 ~~Police as provided for in subsection (g).~~

18 (f) (Blank). ~~The Secretary of State Department of Police~~
19 ~~may apply for grants or contracts and receive, expend,~~
20 ~~allocate, or disburse moneys made available by public or~~
21 ~~private entities, including, but not limited to, contracts,~~
22 ~~bequests, grants, or receiving equipment from corporations,~~
23 ~~foundations, or public or private institutions of higher~~
24 ~~learning.~~

25 (g) (Blank). ~~The Secretary of State Police Services Fund~~
26 ~~is hereby created as a special fund in the State Treasury. All~~

1 ~~moneys received under this Section by the Secretary of State~~
2 ~~Department of Police shall be deposited into the Secretary of~~
3 ~~State Police Services Fund to be appropriated to the Secretary~~
4 ~~of State Department of Police for purposes as indicated by the~~
5 ~~grantor or contractor or, in the case of moneys bequeathed or~~
6 ~~granted for no specific purpose, for any purpose as deemed~~
7 ~~appropriate by the Director of Police Secretary of State in~~
8 ~~administering the responsibilities of the Secretary of State~~
9 ~~Department of Police.~~

10 (Source: P.A. 102-538, eff. 8-20-21.)

11 (625 ILCS 5/2-116.1 new)

12 Sec. 2-116.1. Secretary of State Department of Police
13 abolished; transfer of powers and duties.

14 (a) On and after the effective date of this amendatory Act
15 of the 103rd General Assembly, the Secretary of State
16 Department of Police is abolished and all powers, duties,
17 rights, and responsibilities of the Secretary of State
18 Department of Police shall be transferred to the Illinois
19 State Police. The powers, duties, rights, and responsibilities
20 related to the functions of the Secretary of State Department
21 of Police transferred under this amendatory Act of the 103rd
22 General Assembly shall be vested in and shall be exercised by
23 the Illinois State Police. The Illinois State Police shall
24 assume all enforcement duties held currently by Secretary of
25 State Department of Police Officers. On and after the

1 effective date of this amendatory Act of the 103rd General
2 Assembly, the Secretary of State is prohibited from hiring
3 additional Secretary of State Department of Police Officers.

4 (b) Secretary of State Department of Police Officers
5 within the office of the Secretary of State who are engaged in
6 the performance of functions transferred to the Illinois State
7 Police under this amendatory Act of the 103rd General Assembly
8 are transferred to and shall continue their service within the
9 Illinois State Police. The status and rights of those
10 employees under the Personnel Code shall not be affected by
11 this amendatory Act of the 103rd General Assembly. The rights
12 of the employees and the State of Illinois and its agencies
13 under the Personnel Code and applicable collective bargaining
14 agreements or under any pension, retirement, or annuity plan,
15 shall not be affected by this amendatory Act of the 103rd
16 General Assembly. Current Secretary of State Department of
17 Police Officers' salaries shall remain at the rate in effect
18 on the effective date of this amendatory Act of the 103rd
19 General Assembly, until an applicable collective bargaining
20 agreement is adopted.

21 (c) All books, records, papers, documents, and equipment
22 related to the responsibilities transferred to the Illinois
23 State Police under this amendatory Act of the 103rd General
24 Assembly, including, but not limited to, material in
25 electronic or magnetic format and necessary computer hardware
26 and software, shall be transferred to the Illinois State

1 Police.

2 (d) All unexpended appropriations and balances and other
3 funds available for use by the Secretary of State Department
4 of Police shall be transferred for use by the Illinois State
5 Police in accordance with this amendatory Act of the 103rd
6 General Assembly. Unexpended balances so transferred shall be
7 expended by the Illinois State Police only for the purpose for
8 which the appropriations were originally made.

9 (e) Any rules of the Secretary of State that relate to its
10 powers, duties, rights, and responsibilities with respect to
11 functions transferred to the Illinois State Police by this
12 amendatory Act of the 103rd General Assembly and which are in
13 full force on the effective date of this amendatory Act of the
14 103rd General Assembly shall become the rules of the Illinois
15 State Police. This amendatory Act of the 103rd General
16 Assembly does not affect the legality of any of those rules in
17 the Illinois Administrative Code. Any proposed rule filed with
18 the Secretary of State by the Secretary of State Department of
19 Police that is pending in the rulemaking process on the
20 effective date of this amendatory Act of the 103rd General
21 Assembly and pertain to the powers, duties, rights, and
22 responsibilities transferred, shall be deemed to have been
23 filed by the Illinois State Police. As soon as practicable
24 hereafter, the Illinois State Police shall revise and clarify
25 the rules transferred to it under this amendatory Act of the
26 103rd General Assembly to reflect the reorganization of

1 powers, duties, rights, and responsibilities affected by this
2 amendatory Act of the 103rd General Assembly, using the
3 procedures for recodification of rules available under the
4 Illinois Administrative Procedure Act, except that existing
5 title, part, and section numbering for the affected rules may
6 be retained. On and after the effective date of this
7 amendatory Act of the 103rd General Assembly, the Illinois
8 State Police may propose and adopt, under the Illinois
9 Administrative Procedure Act, any other rules that relate to
10 the functions of the Conservation Police Force transferred to
11 and that will now be administered by the Illinois State
12 Police.

13 (f) The transfer of powers, duties, rights, and
14 responsibilities to the Illinois State Police under this
15 amendatory Act of the 103rd General Assembly does not affect
16 any person's rights, obligations, or duties, including any
17 civil or criminal penalties applicable, arising out of those
18 transferred powers, duties, rights, and responsibilities.

19 (g) This amendatory Act of the 103rd General Assembly does
20 not affect any act done, ratified, or canceled, or any right
21 occurring or established, or any action or proceeding had or
22 commenced in an administrative, civil, or criminal cause by
23 the Secretary of State Department of Police or any Secretary
24 of State Department of Police Officer before the effective
25 date of this amendatory Act of the 103rd General Assembly;
26 those actions or proceedings may be defended, prosecuted, or

1 continued by the Illinois State Police.

2 (h) The transition required under this Section shall be
3 completed on or before July 1, 2025.

4 (625 ILCS 5/3-209) (from Ch. 95 1/2, par. 3-209)

5 Sec. 3-209. Powers of Secretary of State.

6 (a) The Secretary of State shall prescribe and provide
7 suitable forms of applications, certificates of title, notices
8 of security interests, and all other notices and forms
9 necessary to carry out the provisions of this chapter.

10 (b) The Secretary of State may:

11 1. Make necessary investigations to procure
12 information required to carry out the provisions of this
13 Act.

14 2. Assign a new identifying number to a vehicle if it
15 has none, or its identifying number is destroyed or
16 obliterated, or its motor is changed, and shall either
17 issue a new certificate of title showing the new
18 identifying number or make an appropriate endorsement on
19 the original certificate.

20 3. Remove a franchise affiliate's lien so that the
21 franchise affiliate may pursue the balance of the lien
22 with the defunct dealership instead of the constituent.
23 This item applies if a franchise dealer neglects to pay
24 off a trade-in vehicle's lien, and that lien is held by the
25 franchise affiliate. The Secretary shall make this

1 determination pursuant to an investigation by the
2 Secretary of State ~~Department of Police~~.

3 (Source: P.A. 102-154, eff. 1-1-22.)

4 (625 ILCS 5/3-406) (from Ch. 95 1/2, par. 3-406)

5 Sec. 3-406. Application for specially constructed,
6 reconstructed, custom, street rod, foreign vehicles, or glider
7 kits.

8 (a) In the event the vehicle to be registered is a
9 specially constructed, reconstructed or foreign vehicle, such
10 fact shall be stated in the application and with reference to
11 every foreign vehicle which has been registered heretofore
12 outside of this State the owner shall surrender to the
13 Secretary of State all registration plates, registration cards
14 or other evidence of such foreign registration as may be in his
15 possession or under his control except as provided in
16 subdivision (b) hereof.

17 (b) Where in the course of interstate operation of a
18 vehicle registered in another State, it is desirable to retain
19 registration of said vehicle in such other State, such
20 applicant need not surrender but shall submit for inspection
21 said evidences of such foreign registration and the Secretary
22 of State upon a proper showing shall register said vehicle in
23 this State but shall not issue a certificate of title for such
24 vehicle.

25 (c) In the event the applicant seeks to have the vehicle

1 registered as a custom vehicle or street rod, that fact must be
2 stated in the application. Prior to registration, custom
3 vehicles or street rods must be inspected by the Secretary of
4 State ~~Department of Police~~. Upon successful completion of the
5 inspection, the vehicle may be registered in the following
6 manner. The make of the vehicle shall be listed as the make of
7 the actual vehicle or the make it is designed to resemble
8 (e.g., Ford or Chevrolet); the model of the vehicle shall be
9 listed as custom vehicle or street rod; and the year of the
10 vehicle shall be listed as the year the actual vehicle was
11 manufactured or the year it is designed to resemble.

12 (d) In the event the applicant seeks to have the vehicle
13 registered as a glider kit, that fact must be stated in the
14 application. Each glider kit sought to be registered shall be
15 inspected by the Secretary of State ~~Department of Police~~ who
16 shall verify the chassis, cab, front axle, and other essential
17 parts as acceptable. Upon successful completion of the
18 inspection, the vehicle may be registered in the following
19 manner: (1) the make of the vehicle shall be listed as the make
20 of the chassis of the actual manufacturer; (2) the model of the
21 vehicle shall be listed as glider kit; and (3) the year of the
22 vehicle shall be listed as the year presented on the
23 manufacturer's certificate of origin for the chassis, unless
24 no year is presented, then it shall be listed as the year the
25 application is received.

26 (Source: P.A. 99-748, eff. 8-5-16.)

1 (625 ILCS 5/3-422)

2 Sec. 3-422. Issuance of confidential license plates and
3 registrations.

4 (a) Requirements for use of confidential vehicle license
5 plates and registrations. Confidential vehicle license plates
6 and registrations may be issued to local, state, and federal
7 government agencies for bona fide law enforcement purposes.
8 The plates and registrations may be issued in fictitious names
9 and addresses, and may be used only in confidential,
10 investigative, or undercover law enforcement operations.

11 (b) Application procedures for confidential plates and
12 registrations:

13 (1) Applications by local, state, and federal
14 government agencies for confidential license plates and
15 registrations must be made to the Secretary of State
16 ~~Police Department~~ on a form and in a manner prescribed by
17 the Secretary of State ~~Police Department~~.

18 (2) The application form must include information, as
19 specific as possible without compromising investigations
20 or techniques, setting forth the need for the license
21 plates and registrations and the uses to which the license
22 plates and registrations will be limited.

23 (3) The application form must be signed and verified
24 by the local, state, or federal government agency head or
25 designee.

1 (4) Registration information maintained by the
2 Secretary of State ~~Police Department~~ for confidential
3 license plates and registrations must show the fictitious
4 names and addresses on all records subject to public
5 disclosure. All other information concerning these
6 confidential license plates and registrations are exempt
7 from disclosure unless the disclosure is ordered by a
8 court of competent jurisdiction.

9 (c) Revocation and cancellation procedures for
10 confidential license plates and registrations:

11 (1) The Secretary of State ~~Police Department~~ may
12 revoke or refuse to renew confidential license plates and
13 registrations when they have reasonable cause to believe
14 the license plates and registrations are being used for
15 purposes other than those set forth in the application
16 form or authorized by this Section, or where records
17 indicate that within a one-year period five or more
18 parking or toll highway violations have been issued to the
19 vehicle associated with the license plate and registration
20 and those violations remain unpaid.

21 (2) A government agency must request cancellation of
22 confidential license plates and registrations that are no
23 longer required for the purposes for which they were
24 issued.

25 (3) All revoked confidential license plates and
26 certificates of registration must be promptly returned to

1 the Secretary of State ~~Police Department~~ by the government
2 agency to which they were issued.

3 (d) All fees collected for the issuance of confidential
4 license plates and registrations must be deposited in the
5 Secretary of State ~~Police~~ Services Fund.

6 (Source: P.A. 96-549, eff. 8-17-09.)

7 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

8 Sec. 4-107. Stolen, converted, recovered and unclaimed
9 vehicles.

10 (a) Every Sheriff, Superintendent of police, Chief of
11 police or other police officer in command of any Police
12 department in any City, Village or Town of the State, shall, by
13 the fastest means of communications available to his law
14 enforcement agency, immediately report to the Illinois State
15 Police, in Springfield, Illinois, the theft or recovery of any
16 stolen or converted vehicle within his district or
17 jurisdiction. The report shall give the date of theft,
18 description of the vehicle including color, year of
19 manufacture, manufacturer's trade name, manufacturer's series
20 name, body style, vehicle identification number and license
21 registration number, including the state in which the license
22 was issued and the year of issuance, together with the name,
23 residence address, business address, and telephone number of
24 the owner. The report shall be routed by the originating law
25 enforcement agency through the Illinois State Police District

1 in which such agency is located.

2 (b) A registered owner or a lienholder may report the
3 theft by conversion of a vehicle, to the Illinois State
4 Police, or any other police department or Sheriff's office.
5 Such report will be accepted as a report of theft and processed
6 only if a formal complaint is on file and a warrant issued.

7 (c) An operator of a place of business for garaging,
8 repairing, parking or storing vehicles for the public, in
9 which a vehicle remains unclaimed, after being left for the
10 purpose of garaging, repairing, parking or storage, for a
11 period of 15 days, shall, within 5 days after the expiration of
12 that period, report the vehicle as unclaimed to the municipal
13 police when the vehicle is within the corporate limits of any
14 City, Village or incorporated Town, or the County Sheriff, or
15 State Police when the vehicle is outside the corporate limits
16 of a City, Village or incorporated Town. This Section does not
17 apply to any vehicle:

18 (1) removed to a place of storage by a law enforcement
19 agency having jurisdiction, in accordance with Sections
20 4-201 and 4-203 of this Act; or

21 (2) left under a garaging, repairing, parking, or
22 storage order signed by the owner, lessor, or other
23 legally entitled person.

24 Failure to comply with this Section will result in the
25 forfeiture of storage fees for that vehicle involved.

26 (d) The Illinois State Police shall keep a complete record

1 of all reports filed under this Section of the Act. Upon
2 receipt of such report, a careful search shall be made of the
3 records of the office of the Illinois State Police, and where
4 it is found that a vehicle reported recovered was stolen in a
5 County, City, Village or Town other than the County, City,
6 Village or Town in which it is recovered, the Illinois State
7 Police shall immediately notify the Sheriff, Superintendent of
8 police, Chief of police, or other police officer in command of
9 the Sheriff's office or Police department of the County, City,
10 Village or Town in which the vehicle was originally reported
11 stolen, giving complete data as to the time and place of
12 recovery.

13 (e) Notification of the theft or conversion of a vehicle
14 will be furnished to the Secretary of State by the Illinois
15 State Police. The Secretary of State shall place the proper
16 information in the license registration and title registration
17 files to indicate the theft or conversion of a motor vehicle or
18 other vehicle. Notification of the recovery of a vehicle
19 previously reported as a theft or a conversion will be
20 furnished to the Secretary of State by the Illinois State
21 Police. The Secretary of State shall remove the proper
22 information from the license registration and title
23 registration files that has previously indicated the theft or
24 conversion of a vehicle. The Secretary of State shall suspend
25 the registration of a vehicle upon receipt of a report from the
26 Illinois State Police that such vehicle was stolen or

1 converted.

2 (f) When the Secretary of State receives an application
3 for a certificate of title or an application for registration
4 of a vehicle and it is determined from the records of the
5 office of the Secretary of State that such vehicle has been
6 reported stolen or converted, the Secretary of State shall
7 immediately notify the Illinois State Police ~~or the Secretary~~
8 ~~of State Department of Police~~ and shall give the Illinois
9 State Police ~~or the Secretary of State Department of Police~~
10 the name and address of the person or firm titling or
11 registering the vehicle, together with all other information
12 contained in the application submitted by such person or firm.
13 If the Secretary of State ~~Department of Police~~ receives
14 notification under this subsection (f), it shall conduct an
15 investigation concerning the identity of the registered owner
16 of the stolen or converted vehicle.

17 (g) During the usual course of business the manufacturer
18 of any vehicle shall place an original manufacturer's vehicle
19 identification number on all such vehicles manufactured and on
20 any part of such vehicles requiring an identification number.

21 (h) Except provided in subsection (h-1), if a
22 manufacturer's vehicle identification number is missing or has
23 been removed, changed or mutilated on any vehicle, or any part
24 of such vehicle requiring an identification number, the
25 Illinois State Police ~~or the Secretary of State Department of~~
26 ~~Police~~ shall restore, restamp or reaffix the vehicle

1 identification number plate, or affix a new plate bearing the
2 original manufacturer's vehicle identification number on each
3 such vehicle and on all necessary parts of the vehicles. A
4 vehicle identification number so affixed, restored, restamped,
5 reaffixed or replaced is not falsified, altered or forged
6 within the meaning of this Act.

7 (h-1) A person engaged in the repair or servicing of
8 vehicles may reaffix a manufacturer's identification number
9 plate on the same damaged vehicle from which it was originally
10 removed, if the person reaffixes the original manufacturer's
11 identification number plate in place of the identification
12 number plate affixed on a new dashboard that has been
13 installed in the vehicle. The person must notify the Secretary
14 of State each time the original manufacturer's identification
15 number plate is reaffixed on a vehicle. The person must keep a
16 record indicating that the identification number plate affixed
17 on the new dashboard has been removed and has been replaced by
18 the manufacturer's identification number plate originally
19 affixed on the vehicle. The person also must keep a record
20 regarding the status and location of the identification number
21 plate removed from the replacement dashboard. The Secretary
22 shall adopt rules for implementing this subsection (h-1).

23 (h-2) The owner of a vehicle repaired under subsection
24 (h-1) must, within 90 days of the date of the repairs, contact
25 an officer of the Illinois State Police Vehicle Inspection
26 Bureau and arrange for an inspection of the vehicle, by the

1 officer or the officer's designee, at a mutually agreed upon
2 date and location.

3 (i) If a vehicle or part of any vehicle is found to have
4 the manufacturer's identification number removed, altered,
5 defaced or destroyed, the vehicle or part shall be seized by
6 any law enforcement agency having jurisdiction and held for
7 the purpose of identification. In the event that the
8 manufacturer's identification number of a vehicle or part
9 cannot be identified, the vehicle or part shall be considered
10 contraband, and no right of property shall exist in any person
11 owning, leasing or possessing such property, unless the person
12 owning, leasing or possessing the vehicle or part acquired
13 such without knowledge that the manufacturer's vehicle
14 identification number has been removed, altered, defaced,
15 falsified or destroyed.

16 Either the seizing law enforcement agency or the State's
17 Attorney of the county where the seizure occurred may make an
18 application for an order of forfeiture to the circuit court in
19 the county of seizure. The application for forfeiture shall be
20 independent from any prosecution arising out of the seizure
21 and is not subject to any final determination of such
22 prosecution. The circuit court shall issue an order forfeiting
23 the property to the seizing law enforcement agency if the
24 court finds that the property did not at the time of seizure
25 possess a valid manufacturer's identification number and that
26 the original manufacturer's identification number cannot be

1 ascertained. The seizing law enforcement agency may:

2 (1) retain the forfeited property for official use; or

3 (2) sell the forfeited property and distribute the
4 proceeds in accordance with Section 4-211 of this Code, or
5 dispose of the forfeited property in such manner as the
6 law enforcement agency deems appropriate.

7 (i-1) If a motorcycle is seized under subsection (i), the
8 motorcycle must be returned within 45 days of the date of
9 seizure to the person from whom it was seized, unless (i)
10 criminal charges are pending against that person or (ii) an
11 application for an order of forfeiture has been submitted to
12 the circuit in the county of seizure or (iii) the circuit court
13 in the county of seizure has received from the seizing law
14 enforcement agency and has granted a petition to extend, for a
15 single 30 day period, the 45 days allowed for return of the
16 motorcycle. Except as provided in subsection (i-2), a
17 motorcycle returned to the person from whom it was seized must
18 be returned in essentially the same condition it was in at the
19 time of seizure.

20 (i-2) If any part or parts of a motorcycle seized under
21 subsection (i) are found to be stolen and are removed, the
22 seizing law enforcement agency is not required to replace the
23 part or parts before returning the motorcycle to the person
24 from whom it was seized.

25 (j) The Illinois State Police ~~or the Secretary of State~~
26 ~~Department of Police~~ shall notify the Secretary of State each

1 time a manufacturer's vehicle identification number is
2 affixed, reattached, restored or restamped on any vehicle. The
3 Secretary of State shall make the necessary changes or
4 corrections in his records, after the proper applications and
5 fees have been submitted, if applicable.

6 (k) Any vessel, vehicle or aircraft used with knowledge
7 and consent of the owner in the commission of, or in the
8 attempt to commit as defined in Section 8-4 of the Criminal
9 Code of 2012, an offense prohibited by Section 4-103 of this
10 Chapter, including transporting of a stolen vehicle or stolen
11 vehicle parts, shall be seized by any law enforcement agency.
12 The seizing law enforcement agency may:

13 (1) return the vehicle to its owner if such vehicle is
14 stolen; or

15 (2) confiscate the vehicle and retain it for any
16 purpose which the law enforcement agency deems
17 appropriate; or

18 (3) sell the vehicle at a public sale or dispose of the
19 vehicle in such other manner as the law enforcement agency
20 deems appropriate.

21 If the vehicle is sold at public sale, the proceeds of the
22 sale shall be paid to the law enforcement agency.

23 The law enforcement agency shall not retain, sell or
24 dispose of a vehicle under paragraphs (2) or (3) of this
25 subsection (k) except upon an order of forfeiture issued by
26 the circuit court. The circuit court may issue such order of

1 forfeiture upon application of the law enforcement agency or
2 State's Attorney of the county where the law enforcement
3 agency has jurisdiction, or in the case of the Illinois State
4 Police or the Secretary of State, upon application of the
5 Attorney General.

6 The court shall issue the order if the owner of the vehicle
7 has been convicted of transporting stolen vehicles or stolen
8 vehicle parts and the evidence establishes that the owner's
9 vehicle has been used in the commission of such offense.

10 The provisions of subsection (k) of this Section shall not
11 apply to any vessel, vehicle or aircraft, which has been
12 leased, rented or loaned by its owner, if the owner did not
13 have knowledge of and consent to the use of the vessel, vehicle
14 or aircraft in the commission of, or in an attempt to commit,
15 an offense prohibited by Section 4-103 of this Chapter.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

18 (Text of Section before amendment by P.A. 102-982)

19 Sec. 5-101. New vehicle dealers must be licensed.

20 (a) No person shall engage in this State in the business of
21 selling or dealing in, on consignment or otherwise, new
22 vehicles of any make, or act as an intermediary or agent or
23 broker for any licensed dealer or vehicle purchaser other than
24 as a salesperson, or represent or advertise that he is so
25 engaged or intends to so engage in such business unless

1 licensed to do so in writing by the Secretary of State under
2 the provisions of this Section.

3 (b) An application for a new vehicle dealer's license
4 shall be filed with the Secretary of State, duly verified by
5 oath, on such form as the Secretary of State may by rule or
6 regulation prescribe and shall contain:

7 1. The name and type of business organization of the
8 applicant and his established and additional places of
9 business, if any, in this State.

10 2. If the applicant is a corporation, a list of its
11 officers, directors, and shareholders having a ten percent
12 or greater ownership interest in the corporation, setting
13 forth the residence address of each; if the applicant is a
14 sole proprietorship, a partnership, an unincorporated
15 association, a trust, or any similar form of business
16 organization, the name and residence address of the
17 proprietor or of each partner, member, officer, director,
18 trustee, or manager.

19 3. The make or makes of new vehicles which the
20 applicant will offer for sale at retail in this State.

21 4. The name of each manufacturer or franchised
22 distributor, if any, of new vehicles with whom the
23 applicant has contracted for the sale of such new
24 vehicles. As evidence of this fact, the application shall
25 be accompanied by a signed statement from each such
26 manufacturer or franchised distributor. If the applicant

1 is in the business of offering for sale new conversion
2 vehicles, trucks or vans, except for trucks modified to
3 serve a special purpose which includes but is not limited
4 to the following vehicles: street sweepers, fertilizer
5 spreaders, emergency vehicles, implements of husbandry or
6 maintenance type vehicles, he must furnish evidence of a
7 sales and service agreement from both the chassis
8 manufacturer and second stage manufacturer.

9 5. A statement that the applicant has been approved
10 for registration under the Retailers' Occupation Tax Act
11 by the Department of Revenue: Provided that this
12 requirement does not apply to a dealer who is already
13 licensed hereunder with the Secretary of State, and who is
14 merely applying for a renewal of his license. As evidence
15 of this fact, the application shall be accompanied by a
16 certification from the Department of Revenue showing that
17 that Department has approved the applicant for
18 registration under the Retailers' Occupation Tax Act.

19 6. A statement that the applicant has complied with
20 the appropriate liability insurance requirement. A
21 Certificate of Insurance in a solvent company authorized
22 to do business in the State of Illinois shall be included
23 with each application covering each location at which he
24 proposes to act as a new vehicle dealer. The policy must
25 provide liability coverage in the minimum amounts of
26 \$100,000 for bodily injury to, or death of, any person,

1 \$300,000 for bodily injury to, or death of, two or more
2 persons in any one accident, and \$50,000 for damage to
3 property. Such policy shall expire not sooner than
4 December 31 of the year for which the license was issued or
5 renewed. The expiration of the insurance policy shall not
6 terminate the liability under the policy arising during
7 the period for which the policy was filed. Trailer and
8 mobile home dealers are exempt from this requirement.

9 If the permitted user has a liability insurance policy
10 that provides automobile liability insurance coverage of
11 at least \$100,000 for bodily injury to or the death of any
12 person, \$300,000 for bodily injury to or the death of any 2
13 or more persons in any one accident, and \$50,000 for
14 damage to property, then the permitted user's insurer
15 shall be the primary insurer and the dealer's insurer
16 shall be the secondary insurer. If the permitted user does
17 not have a liability insurance policy that provides
18 automobile liability insurance coverage of at least
19 \$100,000 for bodily injury to or the death of any person,
20 \$300,000 for bodily injury to or the death of any 2 or more
21 persons in any one accident, and \$50,000 for damage to
22 property, or does not have any insurance at all, then the
23 dealer's insurer shall be the primary insurer and the
24 permitted user's insurer shall be the secondary insurer.

25 When a permitted user is "test driving" a new vehicle
26 dealer's automobile, the new vehicle dealer's insurance

1 shall be primary and the permitted user's insurance shall
2 be secondary.

3 As used in this paragraph 6, a "permitted user" is a
4 person who, with the permission of the new vehicle dealer
5 or an employee of the new vehicle dealer, drives a vehicle
6 owned and held for sale or lease by the new vehicle dealer
7 which the person is considering to purchase or lease, in
8 order to evaluate the performance, reliability, or
9 condition of the vehicle. The term "permitted user" also
10 includes a person who, with the permission of the new
11 vehicle dealer, drives a vehicle owned or held for sale or
12 lease by the new vehicle dealer for loaner purposes while
13 the user's vehicle is being repaired or evaluated.

14 As used in this paragraph 6, "test driving" occurs
15 when a permitted user who, with the permission of the new
16 vehicle dealer or an employee of the new vehicle dealer,
17 drives a vehicle owned and held for sale or lease by a new
18 vehicle dealer that the person is considering to purchase
19 or lease, in order to evaluate the performance,
20 reliability, or condition of the vehicle.

21 As used in this paragraph 6, "loaner purposes" means
22 when a person who, with the permission of the new vehicle
23 dealer, drives a vehicle owned or held for sale or lease by
24 the new vehicle dealer while the user's vehicle is being
25 repaired or evaluated.

26 7. (A) An application for a new motor vehicle dealer's

1 license shall be accompanied by the following license
2 fees:

3 (i) \$1,000 for applicant's established place of
4 business, and \$100 for each additional place of
5 business, if any, to which the application pertains;
6 but if the application is made after June 15 of any
7 year, the license fee shall be \$500 for applicant's
8 established place of business plus \$50 for each
9 additional place of business, if any, to which the
10 application pertains. License fees shall be returnable
11 only in the event that the application is denied by the
12 Secretary of State. All moneys received by the
13 Secretary of State as license fees under this
14 subparagraph (i) prior to applications for the 2004
15 licensing year shall be deposited into the Motor
16 Vehicle Review Board Fund and shall be used to
17 administer the Motor Vehicle Review Board under the
18 Motor Vehicle Franchise Act. Of the money received by
19 the Secretary of State as license fees under this
20 subparagraph (i) for the 2004 licensing year and
21 thereafter, 10% shall be deposited into the Motor
22 Vehicle Review Board Fund and shall be used to
23 administer the Motor Vehicle Review Board under the
24 Motor Vehicle Franchise Act and 90% shall be deposited
25 into the General Revenue Fund.

26 (ii) Except for dealers selling 25 or fewer

1 automobiles or as provided in subsection (h) of
2 Section 5-102.7 of this Code, an Annual Dealer
3 Recovery Fund Fee in the amount of \$500 for the
4 applicant's established place of business, and \$50 for
5 each additional place of business, if any, to which
6 the application pertains; but if the application is
7 made after June 15 of any year, the fee shall be \$250
8 for the applicant's established place of business plus
9 \$25 for each additional place of business, if any, to
10 which the application pertains. For a license renewal
11 application, the fee shall be based on the amount of
12 automobiles sold in the past year according to the
13 following formula:

14 (1) \$0 for dealers selling 25 or less
15 automobiles;

16 (2) \$150 for dealers selling more than 25 but
17 less than 200 automobiles;

18 (3) \$300 for dealers selling 200 or more
19 automobiles but less than 300 automobiles; and

20 (4) \$500 for dealers selling 300 or more
21 automobiles.

22 License fees shall be returnable only in the event
23 that the application is denied by the Secretary of
24 State. Moneys received under this subparagraph (ii)
25 shall be deposited into the Dealer Recovery Trust
26 Fund.

1 (B) An application for a new vehicle dealer's license,
2 other than for a new motor vehicle dealer's license, shall
3 be accompanied by the following license fees:

4 (i) \$1,000 for applicant's established place of
5 business, and \$50 for each additional place of
6 business, if any, to which the application pertains;
7 but if the application is made after June 15 of any
8 year, the license fee shall be \$500 for applicant's
9 established place of business plus \$25 for each
10 additional place of business, if any, to which the
11 application pertains. License fees shall be returnable
12 only in the event that the application is denied by the
13 Secretary of State. Of the money received by the
14 Secretary of State as license fees under this
15 subparagraph (i) for the 2004 licensing year and
16 thereafter, 95% shall be deposited into the General
17 Revenue Fund.

18 (ii) Except as provided in subsection (h) of
19 Section 5-102.7 of this Code, an Annual Dealer
20 Recovery Fund Fee in the amount of \$500 for the
21 applicant's established place of business, and \$50 for
22 each additional place of business, if any, to which
23 the application pertains; but if the application is
24 made after June 15 of any year, the fee shall be \$250
25 for the applicant's established place of business plus
26 \$25 for each additional place of business, if any, to

1 which the application pertains. License fees shall be
2 returnable only in the event that the application is
3 denied by the Secretary of State. Moneys received
4 under this subparagraph (ii) shall be deposited into
5 the Dealer Recovery Trust Fund.

6 8. A statement that the applicant's officers,
7 directors, shareholders having a 10% or greater ownership
8 interest therein, proprietor, a partner, member, officer,
9 director, trustee, manager or other principals in the
10 business have not committed in the past 3 years any one
11 violation as determined in any civil, criminal or
12 administrative proceedings of any one of the following
13 Acts:

14 (A) The Anti-Theft Laws of the Illinois Vehicle
15 Code;

16 (B) The Certificate of Title Laws of the Illinois
17 Vehicle Code;

18 (C) The Offenses against Registration and
19 Certificates of Title Laws of the Illinois Vehicle
20 Code;

21 (D) The Dealers, Transporters, Wreckers and
22 Rebuilders Laws of the Illinois Vehicle Code;

23 (E) Section 21-2 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, Criminal Trespass to
25 Vehicles; or

26 (F) The Retailers' Occupation Tax Act.

1 9. A statement that the applicant's officers,
2 directors, shareholders having a 10% or greater ownership
3 interest therein, proprietor, partner, member, officer,
4 director, trustee, manager or other principals in the
5 business have not committed in any calendar year 3 or more
6 violations, as determined in any civil, criminal or
7 administrative proceedings, of any one or more of the
8 following Acts:

9 (A) The Consumer Finance Act;

10 (B) The Consumer Installment Loan Act;

11 (C) The Retail Installment Sales Act;

12 (D) The Motor Vehicle Retail Installment Sales
13 Act;

14 (E) The Interest Act;

15 (F) The Illinois Wage Assignment Act;

16 (G) Part 8 of Article XII of the Code of Civil
17 Procedure; or

18 (H) The Consumer Fraud Act.

19 9.5. A statement that, within 10 years of application,
20 each officer, director, shareholder having a 10% or
21 greater ownership interest therein, proprietor, partner,
22 member, officer, director, trustee, manager, or other
23 principal in the business of the applicant has not
24 committed, as determined in any civil, criminal, or
25 administrative proceeding, in any calendar year one or
26 more forcible felonies under the Criminal Code of 1961 or

1 the Criminal Code of 2012, or a violation of either or both
2 Article 16 or 17 of the Criminal Code of 1961 or a
3 violation of either or both Article 16 or 17 of the
4 Criminal Code of 2012, Article 29B of the Criminal Code of
5 1961 or the Criminal Code of 2012, or a similar
6 out-of-state offense. For the purposes of this paragraph,
7 "forcible felony" has the meaning provided in Section 2-8
8 of the Criminal Code of 2012.

9 10. A bond or certificate of deposit in the amount of
10 \$50,000 for each location at which the applicant intends
11 to act as a new vehicle dealer. The bond shall be for the
12 term of the license, or its renewal, for which application
13 is made, and shall expire not sooner than December 31 of
14 the year for which the license was issued or renewed. The
15 bond shall run to the People of the State of Illinois, with
16 surety by a bonding or insurance company authorized to do
17 business in this State. It shall be conditioned upon the
18 proper transmittal of all title and registration fees and
19 taxes (excluding taxes under the Retailers' Occupation Tax
20 Act) accepted by the applicant as a new vehicle dealer.

21 11. Such other information concerning the business of
22 the applicant as the Secretary of State may by rule or
23 regulation prescribe.

24 12. A statement that the applicant understands Chapter
25 1 through Chapter 5 of this Code.

26 13. The full name, address, and contact information of

1 each of the dealer's agents or legal representatives who
2 is an Illinois resident and liable for the performance of
3 the dealership.

4 (c) Any change which renders no longer accurate any
5 information contained in any application for a new vehicle
6 dealer's license shall be amended within 30 days after the
7 occurrence of such change on such form as the Secretary of
8 State may prescribe by rule or regulation, accompanied by an
9 amendatory fee of \$2.

10 (d) Anything in this Chapter 5 to the contrary
11 notwithstanding no person shall be licensed as a new vehicle
12 dealer unless:

13 1. He is authorized by contract in writing between
14 himself and the manufacturer or franchised distributor of
15 such make of vehicle to so sell the same in this State, and

16 2. Such person shall maintain an established place of
17 business as defined in this Act.

18 (e) The Secretary of State shall, within a reasonable time
19 after receipt, examine an application submitted to him under
20 this Section and unless he makes a determination that the
21 application submitted to him does not conform with the
22 requirements of this Section or that grounds exist for a
23 denial of the application, under Section 5-501 of this
24 Chapter, grant the applicant an original new vehicle dealer's
25 license in writing for his established place of business and a
26 supplemental license in writing for each additional place of

1 business in such form as he may prescribe by rule or regulation
2 which shall include the following:

3 1. The name of the person licensed;

4 2. If a corporation, the name and address of its
5 officers or if a sole proprietorship, a partnership, an
6 unincorporated association or any similar form of business
7 organization, the name and address of the proprietor or of
8 each partner, member, officer, director, trustee or
9 manager;

10 3. In the case of an original license, the established
11 place of business of the licensee;

12 4. In the case of a supplemental license, the
13 established place of business of the licensee and the
14 additional place of business to which such supplemental
15 license pertains;

16 5. The make or makes of new vehicles which the
17 licensee is licensed to sell;

18 6. The full name, address, and contact information of
19 each of the dealer's agents or legal representatives who
20 is an Illinois resident and liable for the performance of
21 the dealership.

22 (f) The appropriate instrument evidencing the license or a
23 certified copy thereof, provided by the Secretary of State,
24 shall be kept posted conspicuously in the established place of
25 business of the licensee and in each additional place of
26 business, if any, maintained by such licensee.

1 (g) Except as provided in subsection (h) hereof, all new
2 vehicle dealer's licenses granted under this Section shall
3 expire by operation of law on December 31 of the calendar year
4 for which they are granted unless sooner revoked or cancelled
5 under the provisions of Section 5-501 of this Chapter.

6 (h) A new vehicle dealer's license may be renewed upon
7 application and payment of the fee required herein, and
8 submission of proof of coverage under an approved bond under
9 the Retailers' Occupation Tax Act or proof that applicant is
10 not subject to such bonding requirements, as in the case of an
11 original license, but in case an application for the renewal
12 of an effective license is made during the month of December,
13 the effective license shall remain in force until the
14 application is granted or denied by the Secretary of State.

15 (i) All persons licensed as a new vehicle dealer are
16 required to furnish each purchaser of a motor vehicle:

17 1. In the case of a new vehicle a manufacturer's
18 statement of origin and in the case of a used motor vehicle
19 a certificate of title, in either case properly assigned
20 to the purchaser;

21 2. A statement verified under oath that all
22 identifying numbers on the vehicle agree with those on the
23 certificate of title or manufacturer's statement of
24 origin;

25 3. A bill of sale properly executed on behalf of such
26 person;

1 4. A copy of the Uniform Invoice-transaction reporting
2 return referred to in Section 5-402 hereof;

3 5. In the case of a rebuilt vehicle, a copy of the
4 Disclosure of Rebuilt Vehicle Status; and

5 6. In the case of a vehicle for which the warranty has
6 been reinstated, a copy of the warranty.

7 (j) Except at the time of sale or repossession of the
8 vehicle, no person licensed as a new vehicle dealer may issue
9 any other person a newly created key to a vehicle unless the
10 new vehicle dealer makes a color photocopy or electronic scan
11 of the driver's license or State identification card of the
12 person requesting or obtaining the newly created key. The new
13 vehicle dealer must retain the photocopy or scan for 30 days.

14 A new vehicle dealer who violates this subsection (j) is
15 guilty of a petty offense. Violation of this subsection (j) is
16 not cause to suspend, revoke, cancel, or deny renewal of the
17 new vehicle dealer's license.

18 This amendatory Act of 1983 shall be applicable to the
19 1984 registration year and thereafter.

20 (k) If a licensee under this Section voluntarily
21 surrenders a license to the Illinois Secretary of State Police
22 or a representative of the Secretary of State Vehicle Services
23 Department due to the licensee's inability to adhere to
24 recordkeeping provisions, or the inability to properly issue
25 certificates of title or registrations under this Code, or the
26 Secretary revokes a license under this Section, then the

1 licensee and the licensee's agent, designee, or legal
2 representative, if applicable, may not be named on a new
3 application for a licensee under this Section or under this
4 Chapter, nor is the licensee or the licensee's agent,
5 designee, or legal representative permitted to work for
6 another licensee under this Chapter in a recordkeeping,
7 management, or financial position or as an employee who
8 handles certificate of title and registration documents and
9 applications.

10 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22.)

11 (Text of Section after amendment by P.A. 102-982)

12 Sec. 5-101. New vehicle dealers must be licensed.

13 (a) No person shall engage in this State in the business of
14 selling or dealing in, on consignment or otherwise, new
15 vehicles of any make, or act as an intermediary or agent or
16 broker for any licensed dealer or vehicle purchaser other than
17 as a salesperson, or represent or advertise that he is so
18 engaged or intends to so engage in such business unless
19 licensed to do so in writing by the Secretary of State under
20 the provisions of this Section.

21 (b) An application for a new vehicle dealer's license
22 shall be filed with the Secretary of State, duly verified by
23 oath, on such form as the Secretary of State may by rule or
24 regulation prescribe and shall contain:

25 1. The name and type of business organization of the

1 applicant and his established and additional places of
2 business, if any, in this State.

3 2. If the applicant is a corporation, a list of its
4 officers, directors, and shareholders having a ten percent
5 or greater ownership interest in the corporation, setting
6 forth the residence address of each; if the applicant is a
7 sole proprietorship, a partnership, an unincorporated
8 association, a trust, or any similar form of business
9 organization, the name and residence address of the
10 proprietor or of each partner, member, officer, director,
11 trustee, or manager.

12 3. The make or makes of new vehicles which the
13 applicant will offer for sale at retail in this State.

14 4. The name of each manufacturer or franchised
15 distributor, if any, of new vehicles with whom the
16 applicant has contracted for the sale of such new
17 vehicles. As evidence of this fact, the application shall
18 be accompanied by a signed statement from each such
19 manufacturer or franchised distributor. If the applicant
20 is in the business of offering for sale new conversion
21 vehicles, trucks or vans, except for trucks modified to
22 serve a special purpose which includes but is not limited
23 to the following vehicles: street sweepers, fertilizer
24 spreaders, emergency vehicles, implements of husbandry or
25 maintenance type vehicles, he must furnish evidence of a
26 sales and service agreement from both the chassis

1 manufacturer and second stage manufacturer.

2 5. A statement that the applicant has been approved
3 for registration under the Retailers' Occupation Tax Act
4 by the Department of Revenue: Provided that this
5 requirement does not apply to a dealer who is already
6 licensed hereunder with the Secretary of State, and who is
7 merely applying for a renewal of his license. As evidence
8 of this fact, the application shall be accompanied by a
9 certification from the Department of Revenue showing that
10 that Department has approved the applicant for
11 registration under the Retailers' Occupation Tax Act.

12 6. A statement that the applicant has complied with
13 the appropriate liability insurance requirement. A
14 Certificate of Insurance in a solvent company authorized
15 to do business in the State of Illinois shall be included
16 with each application covering each location at which he
17 proposes to act as a new vehicle dealer. The policy must
18 provide liability coverage in the minimum amounts of
19 \$100,000 for bodily injury to, or death of, any person,
20 \$300,000 for bodily injury to, or death of, two or more
21 persons in any one crash, and \$50,000 for damage to
22 property. Such policy shall expire not sooner than
23 December 31 of the year for which the license was issued or
24 renewed. The expiration of the insurance policy shall not
25 terminate the liability under the policy arising during
26 the period for which the policy was filed. Trailer and

1 mobile home dealers are exempt from this requirement.

2 If the permitted user has a liability insurance policy
3 that provides automobile liability insurance coverage of
4 at least \$100,000 for bodily injury to or the death of any
5 person, \$300,000 for bodily injury to or the death of any 2
6 or more persons in any one crash, and \$50,000 for damage to
7 property, then the permitted user's insurer shall be the
8 primary insurer and the dealer's insurer shall be the
9 secondary insurer. If the permitted user does not have a
10 liability insurance policy that provides automobile
11 liability insurance coverage of at least \$100,000 for
12 bodily injury to or the death of any person, \$300,000 for
13 bodily injury to or the death of any 2 or more persons in
14 any one crash, and \$50,000 for damage to property, or does
15 not have any insurance at all, then the dealer's insurer
16 shall be the primary insurer and the permitted user's
17 insurer shall be the secondary insurer.

18 When a permitted user is "test driving" a new vehicle
19 dealer's automobile, the new vehicle dealer's insurance
20 shall be primary and the permitted user's insurance shall
21 be secondary.

22 As used in this paragraph 6, a "permitted user" is a
23 person who, with the permission of the new vehicle dealer
24 or an employee of the new vehicle dealer, drives a vehicle
25 owned and held for sale or lease by the new vehicle dealer
26 which the person is considering to purchase or lease, in

1 order to evaluate the performance, reliability, or
2 condition of the vehicle. The term "permitted user" also
3 includes a person who, with the permission of the new
4 vehicle dealer, drives a vehicle owned or held for sale or
5 lease by the new vehicle dealer for loaner purposes while
6 the user's vehicle is being repaired or evaluated.

7 As used in this paragraph 6, "test driving" occurs
8 when a permitted user who, with the permission of the new
9 vehicle dealer or an employee of the new vehicle dealer,
10 drives a vehicle owned and held for sale or lease by a new
11 vehicle dealer that the person is considering to purchase
12 or lease, in order to evaluate the performance,
13 reliability, or condition of the vehicle.

14 As used in this paragraph 6, "loaner purposes" means
15 when a person who, with the permission of the new vehicle
16 dealer, drives a vehicle owned or held for sale or lease by
17 the new vehicle dealer while the user's vehicle is being
18 repaired or evaluated.

19 7. (A) An application for a new motor vehicle dealer's
20 license shall be accompanied by the following license
21 fees:

22 (i) \$1,000 for applicant's established place of
23 business, and \$100 for each additional place of
24 business, if any, to which the application pertains;
25 but if the application is made after June 15 of any
26 year, the license fee shall be \$500 for applicant's

1 established place of business plus \$50 for each
2 additional place of business, if any, to which the
3 application pertains. License fees shall be returnable
4 only in the event that the application is denied by the
5 Secretary of State. All moneys received by the
6 Secretary of State as license fees under this
7 subparagraph (i) prior to applications for the 2004
8 licensing year shall be deposited into the Motor
9 Vehicle Review Board Fund and shall be used to
10 administer the Motor Vehicle Review Board under the
11 Motor Vehicle Franchise Act. Of the money received by
12 the Secretary of State as license fees under this
13 subparagraph (i) for the 2004 licensing year and
14 thereafter, 10% shall be deposited into the Motor
15 Vehicle Review Board Fund and shall be used to
16 administer the Motor Vehicle Review Board under the
17 Motor Vehicle Franchise Act and 90% shall be deposited
18 into the General Revenue Fund.

19 (ii) Except for dealers selling 25 or fewer
20 automobiles or as provided in subsection (h) of
21 Section 5-102.7 of this Code, an Annual Dealer
22 Recovery Fund Fee in the amount of \$500 for the
23 applicant's established place of business, and \$50 for
24 each additional place of business, if any, to which
25 the application pertains; but if the application is
26 made after June 15 of any year, the fee shall be \$250

1 for the applicant's established place of business plus
2 \$25 for each additional place of business, if any, to
3 which the application pertains. For a license renewal
4 application, the fee shall be based on the amount of
5 automobiles sold in the past year according to the
6 following formula:

7 (1) \$0 for dealers selling 25 or less
8 automobiles;

9 (2) \$150 for dealers selling more than 25 but
10 less than 200 automobiles;

11 (3) \$300 for dealers selling 200 or more
12 automobiles but less than 300 automobiles; and

13 (4) \$500 for dealers selling 300 or more
14 automobiles.

15 License fees shall be returnable only in the event
16 that the application is denied by the Secretary of
17 State. Moneys received under this subparagraph (ii)
18 shall be deposited into the Dealer Recovery Trust
19 Fund.

20 (B) An application for a new vehicle dealer's license,
21 other than for a new motor vehicle dealer's license, shall
22 be accompanied by the following license fees:

23 (i) \$1,000 for applicant's established place of
24 business, and \$50 for each additional place of
25 business, if any, to which the application pertains;
26 but if the application is made after June 15 of any

1 year, the license fee shall be \$500 for applicant's
2 established place of business plus \$25 for each
3 additional place of business, if any, to which the
4 application pertains. License fees shall be returnable
5 only in the event that the application is denied by the
6 Secretary of State. Of the money received by the
7 Secretary of State as license fees under this
8 subparagraph (i) for the 2004 licensing year and
9 thereafter, 95% shall be deposited into the General
10 Revenue Fund.

11 (ii) Except as provided in subsection (h) of
12 Section 5-102.7 of this Code, an Annual Dealer
13 Recovery Fund Fee in the amount of \$500 for the
14 applicant's established place of business, and \$50 for
15 each additional place of business, if any, to which
16 the application pertains; but if the application is
17 made after June 15 of any year, the fee shall be \$250
18 for the applicant's established place of business plus
19 \$25 for each additional place of business, if any, to
20 which the application pertains. License fees shall be
21 returnable only in the event that the application is
22 denied by the Secretary of State. Moneys received
23 under this subparagraph (ii) shall be deposited into
24 the Dealer Recovery Trust Fund.

25 8. A statement that the applicant's officers,
26 directors, shareholders having a 10% or greater ownership

1 interest therein, proprietor, a partner, member, officer,
2 director, trustee, manager or other principals in the
3 business have not committed in the past 3 years any one
4 violation as determined in any civil, criminal or
5 administrative proceedings of any one of the following
6 Acts:

7 (A) The Anti-Theft Laws of the Illinois Vehicle
8 Code;

9 (B) The Certificate of Title Laws of the Illinois
10 Vehicle Code;

11 (C) The Offenses against Registration and
12 Certificates of Title Laws of the Illinois Vehicle
13 Code;

14 (D) The Dealers, Transporters, Wreckers and
15 Rebuilders Laws of the Illinois Vehicle Code;

16 (E) Section 21-2 of the Criminal Code of 1961 or
17 the Criminal Code of 2012, Criminal Trespass to
18 Vehicles; or

19 (F) The Retailers' Occupation Tax Act.

20 9. A statement that the applicant's officers,
21 directors, shareholders having a 10% or greater ownership
22 interest therein, proprietor, partner, member, officer,
23 director, trustee, manager or other principals in the
24 business have not committed in any calendar year 3 or more
25 violations, as determined in any civil, criminal or
26 administrative proceedings, of any one or more of the

1 following Acts:

2 (A) The Consumer Finance Act;

3 (B) The Consumer Installment Loan Act;

4 (C) The Retail Installment Sales Act;

5 (D) The Motor Vehicle Retail Installment Sales
6 Act;

7 (E) The Interest Act;

8 (F) The Illinois Wage Assignment Act;

9 (G) Part 8 of Article XII of the Code of Civil
10 Procedure; or

11 (H) The Consumer Fraud Act.

12 9.5. A statement that, within 10 years of application,
13 each officer, director, shareholder having a 10% or
14 greater ownership interest therein, proprietor, partner,
15 member, officer, director, trustee, manager, or other
16 principal in the business of the applicant has not
17 committed, as determined in any civil, criminal, or
18 administrative proceeding, in any calendar year one or
19 more forcible felonies under the Criminal Code of 1961 or
20 the Criminal Code of 2012, or a violation of either or both
21 Article 16 or 17 of the Criminal Code of 1961 or a
22 violation of either or both Article 16 or 17 of the
23 Criminal Code of 2012, Article 29B of the Criminal Code of
24 1961 or the Criminal Code of 2012, or a similar
25 out-of-state offense. For the purposes of this paragraph,
26 "forcible felony" has the meaning provided in Section 2-8

1 of the Criminal Code of 2012.

2 10. A bond or certificate of deposit in the amount of
3 \$50,000 for each location at which the applicant intends
4 to act as a new vehicle dealer. The bond shall be for the
5 term of the license, or its renewal, for which application
6 is made, and shall expire not sooner than December 31 of
7 the year for which the license was issued or renewed. The
8 bond shall run to the People of the State of Illinois, with
9 surety by a bonding or insurance company authorized to do
10 business in this State. It shall be conditioned upon the
11 proper transmittal of all title and registration fees and
12 taxes (excluding taxes under the Retailers' Occupation Tax
13 Act) accepted by the applicant as a new vehicle dealer.

14 11. Such other information concerning the business of
15 the applicant as the Secretary of State may by rule or
16 regulation prescribe.

17 12. A statement that the applicant understands Chapter
18 1 through Chapter 5 of this Code.

19 13. The full name, address, and contact information of
20 each of the dealer's agents or legal representatives who
21 is an Illinois resident and liable for the performance of
22 the dealership.

23 (c) Any change which renders no longer accurate any
24 information contained in any application for a new vehicle
25 dealer's license shall be amended within 30 days after the
26 occurrence of such change on such form as the Secretary of

1 State may prescribe by rule or regulation, accompanied by an
2 amendatory fee of \$2.

3 (d) Anything in this Chapter 5 to the contrary
4 notwithstanding no person shall be licensed as a new vehicle
5 dealer unless:

6 1. He is authorized by contract in writing between
7 himself and the manufacturer or franchised distributor of
8 such make of vehicle to so sell the same in this State, and

9 2. Such person shall maintain an established place of
10 business as defined in this Act.

11 (e) The Secretary of State shall, within a reasonable time
12 after receipt, examine an application submitted to him under
13 this Section and unless he makes a determination that the
14 application submitted to him does not conform with the
15 requirements of this Section or that grounds exist for a
16 denial of the application, under Section 5-501 of this
17 Chapter, grant the applicant an original new vehicle dealer's
18 license in writing for his established place of business and a
19 supplemental license in writing for each additional place of
20 business in such form as he may prescribe by rule or regulation
21 which shall include the following:

22 1. The name of the person licensed;

23 2. If a corporation, the name and address of its
24 officers or if a sole proprietorship, a partnership, an
25 unincorporated association or any similar form of business
26 organization, the name and address of the proprietor or of

1 each partner, member, officer, director, trustee or
2 manager;

3 3. In the case of an original license, the established
4 place of business of the licensee;

5 4. In the case of a supplemental license, the
6 established place of business of the licensee and the
7 additional place of business to which such supplemental
8 license pertains;

9 5. The make or makes of new vehicles which the
10 licensee is licensed to sell;

11 6. The full name, address, and contact information of
12 each of the dealer's agents or legal representatives who
13 is an Illinois resident and liable for the performance of
14 the dealership.

15 (f) The appropriate instrument evidencing the license or a
16 certified copy thereof, provided by the Secretary of State,
17 shall be kept posted conspicuously in the established place of
18 business of the licensee and in each additional place of
19 business, if any, maintained by such licensee.

20 (g) Except as provided in subsection (h) hereof, all new
21 vehicle dealer's licenses granted under this Section shall
22 expire by operation of law on December 31 of the calendar year
23 for which they are granted unless sooner revoked or cancelled
24 under the provisions of Section 5-501 of this Chapter.

25 (h) A new vehicle dealer's license may be renewed upon
26 application and payment of the fee required herein, and

1 submission of proof of coverage under an approved bond under
2 the Retailers' Occupation Tax Act or proof that applicant is
3 not subject to such bonding requirements, as in the case of an
4 original license, but in case an application for the renewal
5 of an effective license is made during the month of December,
6 the effective license shall remain in force until the
7 application is granted or denied by the Secretary of State.

8 (i) All persons licensed as a new vehicle dealer are
9 required to furnish each purchaser of a motor vehicle:

10 1. In the case of a new vehicle a manufacturer's
11 statement of origin and in the case of a used motor vehicle
12 a certificate of title, in either case properly assigned
13 to the purchaser;

14 2. A statement verified under oath that all
15 identifying numbers on the vehicle agree with those on the
16 certificate of title or manufacturer's statement of
17 origin;

18 3. A bill of sale properly executed on behalf of such
19 person;

20 4. A copy of the Uniform Invoice-transaction reporting
21 return referred to in Section 5-402 hereof;

22 5. In the case of a rebuilt vehicle, a copy of the
23 Disclosure of Rebuilt Vehicle Status; and

24 6. In the case of a vehicle for which the warranty has
25 been reinstated, a copy of the warranty.

26 (j) Except at the time of sale or repossession of the

1 vehicle, no person licensed as a new vehicle dealer may issue
2 any other person a newly created key to a vehicle unless the
3 new vehicle dealer makes a color photocopy or electronic scan
4 of the driver's license or State identification card of the
5 person requesting or obtaining the newly created key. The new
6 vehicle dealer must retain the photocopy or scan for 30 days.

7 A new vehicle dealer who violates this subsection (j) is
8 guilty of a petty offense. Violation of this subsection (j) is
9 not cause to suspend, revoke, cancel, or deny renewal of the
10 new vehicle dealer's license.

11 This amendatory Act of 1983 shall be applicable to the
12 1984 registration year and thereafter.

13 (k) If a licensee under this Section voluntarily
14 surrenders a license to ~~the Illinois Secretary of State Police~~
15 ~~or~~ a representative of the Secretary of State Vehicle Services
16 Department due to the licensee's inability to adhere to
17 recordkeeping provisions, or the inability to properly issue
18 certificates of title or registrations under this Code, or the
19 Secretary revokes a license under this Section, then the
20 licensee and the licensee's agent, designee, or legal
21 representative, if applicable, may not be named on a new
22 application for a licensee under this Section or under this
23 Chapter, nor is the licensee or the licensee's agent,
24 designee, or legal representative permitted to work for
25 another licensee under this Chapter in a recordkeeping,
26 management, or financial position or as an employee who

1 handles certificate of title and registration documents and
2 applications.

3 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;
4 102-982, eff. 7-1-23.)

5 (625 ILCS 5/5-101.1)

6 (Text of Section before amendment by P.A. 102-982)

7 Sec. 5-101.1. Motor vehicle financing affiliates;
8 licensing.

9 (a) In this State, l no business shall engage in the
10 business of a motor vehicle financing affiliate without a
11 license to do so in writing from the Secretary of State.

12 (b) An application for a motor vehicle financing
13 affiliate's license must be filed with the Secretary of State,
14 duly verified by oath, on a form prescribed by the Secretary of
15 State and shall contain all of the following:

16 (1) The name and type of business organization of the
17 applicant and the applicant's established place of
18 business and any additional places of business in this
19 State.

20 (2) The name and address of the licensed new or used
21 vehicle dealer to which the applicant will be selling,
22 transferring, or assigning new or used motor vehicles
23 pursuant to a written contract. If more than one dealer is
24 on the application, the applicant shall state in writing
25 the basis of common ownership among the dealers.

1 (3) A list of the business organization's officers,
2 directors, members, and shareholders having a 10% or
3 greater ownership interest in the business, providing the
4 residential address for each person listed.

5 (4) If selling, transferring, or assigning new motor
6 vehicles, the make or makes of new vehicles that it will
7 sell, assign, or otherwise transfer to the contracting new
8 motor vehicle dealer listed on the application pursuant to
9 paragraph (2).

10 (5) The name of each manufacturer or franchised
11 distributor, if any, of new vehicles with whom the
12 applicant has contracted for the sale of new vehicles and
13 a signed statement from each manufacturer or franchised
14 distributor acknowledging the contract.

15 (6) A statement that the applicant has been approved
16 for registration under the Retailers' Occupation Tax Act
17 by the Department of Revenue. This requirement does not
18 apply to a motor vehicle financing affiliate that is
19 already licensed with the Secretary of State and is
20 applying for a renewal of its license.

21 (7) A statement that the applicant has complied with
22 the appropriate liability insurance requirement and a
23 Certificate of Insurance that shall not expire before
24 December 31 of the year for which the license was issued or
25 renewed with a minimum liability coverage of \$100,000 for
26 the bodily injury or death of any person, \$300,000 for the

1 bodily injury or death of 2 or more persons in any one
2 accident, and \$50,000 for damage to property. The
3 expiration of the insurance policy shall not terminate the
4 liability under the policy arising during the period for
5 which the policy was filed. Trailer and mobile home
6 dealers are exempt from the requirements of this
7 paragraph. A motor vehicle financing affiliate is exempt
8 from the requirements of this paragraph if it is covered
9 by the insurance policy of the new or used dealer listed on
10 the application pursuant to paragraph (2).

11 (8) A license fee of \$1,000 for the applicant's
12 established place of business and \$250 for each additional
13 place of business, if any, to which the application
14 pertains. However, if the application is made after June
15 15 of any year, the license fee shall be \$500 for the
16 applicant's established place of business and \$125 for
17 each additional place of business, if any, to which the
18 application pertains. These license fees shall be
19 returnable only in the event that the application is
20 denied by the Secretary of State.

21 (9) A statement incorporating the requirements of
22 paragraphs 8 and 9 of subsection (b) of Section 5-101.

23 (10) Any other information concerning the business of
24 the applicant as the Secretary of State may prescribe.

25 (11) A statement that the applicant understands
26 Chapter 1 through Chapter 5 of this Code.

1 (12) The full name, address, and contact information
2 of each of the dealer's agents or legal representatives
3 who is an Illinois resident and liable for the performance
4 of the dealership.

5 (c) Any change which renders no longer accurate any
6 information contained in any application for a motor vehicle
7 financing affiliate's license shall be amended within 30 days
8 after the occurrence of the change on a form prescribed by the
9 Secretary of State, accompanied by an amendatory fee of \$2.

10 (d) If a new vehicle dealer is not listed on the
11 application, pursuant to paragraph (2) of subsection (b), the
12 motor vehicle financing affiliate shall not receive, possess,
13 or transfer any new vehicle. If a new motor vehicle dealer is
14 listed on the application, pursuant to paragraph (2) of
15 subsection (b), the new motor vehicle dealer can only receive
16 those new cars it is permitted to receive under its franchise
17 agreement. If both a new and used motor vehicle dealer are
18 listed on the application, pursuant to paragraph (2) of
19 subsection (b), only the new motor vehicle dealer may receive
20 new motor vehicles. If a used motor vehicle is listed on the
21 application, pursuant to paragraph (2) of subsection (b), the
22 used motor vehicle dealer shall not receive any new motor
23 vehicles.

24 (e) The applicant and dealer provided pursuant to
25 paragraph (2) of subsection (b) must be business organizations
26 registered to conduct business in Illinois. Three-fourths of

1 the dealer's board of directors must be members of the motor
2 vehicle financing affiliate's board of directors, if
3 applicable.

4 (f) Unless otherwise provided in this Chapter 5, no
5 business organization registered to do business in Illinois
6 shall be licensed as a motor vehicle financing affiliate
7 unless:

8 (1) The motor vehicle financing affiliate shall only
9 sell, transfer, or assign motor vehicles to the licensed
10 new or used dealer listed on the application pursuant to
11 paragraph (2) of subsection (b).

12 (2) The motor vehicle financing affiliate sells,
13 transfers, or assigns to the new motor vehicle dealer
14 listed on the application, if any, only those new motor
15 vehicles the motor vehicle financing affiliate has
16 received under the contract set forth in paragraph (5) of
17 subsection (b).

18 (3) Any new vehicle dealer listed pursuant to
19 paragraph (2) of subsection (b) has a franchise agreement
20 that permits the dealer to receive motor vehicles from the
21 motor vehicle franchise affiliate.

22 (4) The new or used motor vehicle dealer listed on the
23 application pursuant to paragraph (2) of subsection (b)
24 has one established place of business or supplemental
25 places of business as referenced in subsection (g).

26 (g) The Secretary of State shall, within a reasonable time

1 after receipt, examine an application submitted pursuant to
2 this Section and, unless it is determined that the application
3 does not conform with the requirements of this Section or that
4 grounds exist for a denial of the application under Section
5 5-501, grant the applicant a motor vehicle financing affiliate
6 license in writing for the applicant's established place of
7 business and a supplemental license in writing for each
8 additional place of business in a form prescribed by the
9 Secretary, which shall include all of the following:

10 (1) The name of the business licensed;

11 (2) The name and address of its officers, directors,
12 or members, as applicable;

13 (3) In the case of an original license, the
14 established place of business of the licensee;

15 (4) If applicable, the make or makes of new vehicles
16 which the licensee is licensed to sell to the new motor
17 vehicle dealer listed on the application pursuant to
18 paragraph (2) of subsection (b); and

19 (5) The full name, address, and contact information of
20 each of the dealer's agents or legal representatives who
21 is an Illinois resident and liable for the performance of
22 the dealership.

23 (h) The appropriate instrument evidencing the license or a
24 certified copy, provided by the Secretary of State, shall be
25 kept posted conspicuously in the established place of business
26 of the licensee.

1 (i) Except as provided in subsection (h), all motor
2 vehicle financing affiliate's licenses granted under this
3 Section shall expire ~~expired~~ by operation of law on December
4 31 of the calendar year for which they are granted, unless
5 revoked or canceled at an earlier date pursuant to Section
6 5-501.

7 (j) A motor vehicle financing affiliate's license may be
8 renewed upon application and payment of the required fee.
9 However, when an application for renewal of a motor vehicle
10 financing affiliate's license is made during the month of
11 December, the effective license shall remain in force until
12 the application is granted or denied by the Secretary of
13 State.

14 (k) The contract a motor vehicle financing affiliate has
15 with a manufacturer or franchised distributor, as provided in
16 paragraph (5) of subsection (b), shall only permit the
17 applicant to sell, transfer, or assign new motor vehicles to
18 the new motor vehicle dealer listed on the application
19 pursuant to paragraph (2) of subsection (b). The contract
20 shall specifically prohibit the motor vehicle financing
21 affiliate from selling motor vehicles at retail. This contract
22 shall not be considered the granting of a franchise as defined
23 in Section 2 of the Motor Vehicle Franchise Act.

24 (l) When purchasing ~~of~~ a motor vehicle by a new or used
25 motor vehicle dealer, all persons licensed as a motor vehicle
26 financing affiliate are required to furnish all of the

1 following:

2 (1) For a new vehicle, a manufacturer's statement of
3 origin properly assigned to the purchasing dealer. For a
4 used vehicle, a certificate of title properly assigned to
5 the purchasing dealer.

6 (2) A statement verified under oath that all
7 identifying numbers on the vehicle agree with those on the
8 certificate of title or manufacturer's statement of
9 origin.

10 (3) A bill of sale properly executed on behalf of the
11 purchasing dealer.

12 (4) A copy of the Uniform Invoice-transaction report
13 pursuant to Section 5-402.

14 (5) In the case of a rebuilt vehicle, a copy of the
15 Disclosure of Rebuilt Vehicle Status pursuant to Section
16 5-104.3.

17 (6) In the case of a vehicle for which a warranty has
18 been reinstated, a copy of the warranty.

19 (m) The motor vehicle financing affiliate shall use the
20 established and supplemental place or places of business the
21 new or used vehicle dealer listed on the application pursuant
22 to paragraph (2) of subsection (b) as its established and
23 supplemental place or places of business.

24 (n) The motor vehicle financing affiliate shall keep all
25 books and records required by this Code with the books and
26 records of the new or used vehicle dealer listed on the

1 application pursuant to paragraph (2) of subsection (b). The
2 motor vehicle financing affiliate may use the books and
3 records of the new or used motor vehicle dealer listed on the
4 application pursuant to paragraph (2) of subsection (b).

5 (o) Under no circumstances shall a motor vehicle financing
6 affiliate sell, transfer, or assign a new vehicle to any place
7 of business of a new motor vehicle dealer, unless that place of
8 business is licensed under this Chapter to sell, assign, or
9 otherwise transfer the make of the new motor vehicle
10 transferred.

11 (p) All moneys received by the Secretary of State as
12 license fees under this Section shall be deposited into the
13 Motor Vehicle Review Board Fund and shall be used to
14 administer the Motor Vehicle Review Board under the Motor
15 Vehicle Franchise Act.

16 (q) Except as otherwise provided in this Section, a motor
17 vehicle financing affiliate shall comply with all provisions
18 of this Code.

19 (r) If a licensee under this Section voluntarily
20 surrenders a license to the Illinois Secretary of State Police
21 or a representative of the Secretary of State Vehicle Services
22 Department due to the licensee's inability to adhere to
23 recordkeeping provisions, or the inability to properly issue
24 certificates of title or registrations under this Code, or the
25 Secretary revokes a license under this Section, then the
26 licensee and the licensee's agent, designee, or legal

1 representative, if applicable, may not be named on a new
2 application for a licensee under this Section or under this
3 Chapter, nor is the licensee or the licensee's agent,
4 designee, or legal representative permitted to work for
5 another licensee under this Chapter in a recordkeeping,
6 management, or financial position or as an employee who
7 handles certificate of title and registration documents and
8 applications.

9 (Source: P.A. 102-154, eff. 1-1-22; revised 8-22-22.)

10 (Text of Section after amendment by P.A. 102-982)

11 Sec. 5-101.1. Motor vehicle financing affiliates;
12 licensing.

13 (a) In this State, no business shall engage in the
14 business of a motor vehicle financing affiliate without a
15 license to do so in writing from the Secretary of State.

16 (b) An application for a motor vehicle financing
17 affiliate's license must be filed with the Secretary of State,
18 duly verified by oath, on a form prescribed by the Secretary of
19 State and shall contain all of the following:

20 (1) The name and type of business organization of the
21 applicant and the applicant's established place of
22 business and any additional places of business in this
23 State.

24 (2) The name and address of the licensed new or used
25 vehicle dealer to which the applicant will be selling,

1 transferring, or assigning new or used motor vehicles
2 pursuant to a written contract. If more than one dealer is
3 on the application, the applicant shall state in writing
4 the basis of common ownership among the dealers.

5 (3) A list of the business organization's officers,
6 directors, members, and shareholders having a 10% or
7 greater ownership interest in the business, providing the
8 residential address for each person listed.

9 (4) If selling, transferring, or assigning new motor
10 vehicles, the make or makes of new vehicles that it will
11 sell, assign, or otherwise transfer to the contracting new
12 motor vehicle dealer listed on the application pursuant to
13 paragraph (2).

14 (5) The name of each manufacturer or franchised
15 distributor, if any, of new vehicles with whom the
16 applicant has contracted for the sale of new vehicles and
17 a signed statement from each manufacturer or franchised
18 distributor acknowledging the contract.

19 (6) A statement that the applicant has been approved
20 for registration under the Retailers' Occupation Tax Act
21 by the Department of Revenue. This requirement does not
22 apply to a motor vehicle financing affiliate that is
23 already licensed with the Secretary of State and is
24 applying for a renewal of its license.

25 (7) A statement that the applicant has complied with
26 the appropriate liability insurance requirement and a

1 Certificate of Insurance that shall not expire before
2 December 31 of the year for which the license was issued or
3 renewed with a minimum liability coverage of \$100,000 for
4 the bodily injury or death of any person, \$300,000 for the
5 bodily injury or death of 2 or more persons in any one
6 crash, and \$50,000 for damage to property. The expiration
7 of the insurance policy shall not terminate the liability
8 under the policy arising during the period for which the
9 policy was filed. Trailer and mobile home dealers are
10 exempt from the requirements of this paragraph. A motor
11 vehicle financing affiliate is exempt from the
12 requirements of this paragraph if it is covered by the
13 insurance policy of the new or used dealer listed on the
14 application pursuant to paragraph (2).

15 (8) A license fee of \$1,000 for the applicant's
16 established place of business and \$250 for each additional
17 place of business, if any, to which the application
18 pertains. However, if the application is made after June
19 15 of any year, the license fee shall be \$500 for the
20 applicant's established place of business and \$125 for
21 each additional place of business, if any, to which the
22 application pertains. These license fees shall be
23 returnable only in the event that the application is
24 denied by the Secretary of State.

25 (9) A statement incorporating the requirements of
26 paragraphs 8 and 9 of subsection (b) of Section 5-101.

1 (10) Any other information concerning the business of
2 the applicant as the Secretary of State may prescribe.

3 (11) A statement that the applicant understands
4 Chapter 1 through Chapter 5 of this Code.

5 (12) The full name, address, and contact information
6 of each of the dealer's agents or legal representatives
7 who is an Illinois resident and liable for the performance
8 of the dealership.

9 (c) Any change which renders no longer accurate any
10 information contained in any application for a motor vehicle
11 financing affiliate's license shall be amended within 30 days
12 after the occurrence of the change on a form prescribed by the
13 Secretary of State, accompanied by an amendatory fee of \$2.

14 (d) If a new vehicle dealer is not listed on the
15 application, pursuant to paragraph (2) of subsection (b), the
16 motor vehicle financing affiliate shall not receive, possess,
17 or transfer any new vehicle. If a new motor vehicle dealer is
18 listed on the application, pursuant to paragraph (2) of
19 subsection (b), the new motor vehicle dealer can only receive
20 those new cars it is permitted to receive under its franchise
21 agreement. If both a new and used motor vehicle dealer are
22 listed on the application, pursuant to paragraph (2) of
23 subsection (b), only the new motor vehicle dealer may receive
24 new motor vehicles. If a used motor vehicle is listed on the
25 application, pursuant to paragraph (2) of subsection (b), the
26 used motor vehicle dealer shall not receive any new motor

1 vehicles.

2 (e) The applicant and dealer provided pursuant to
3 paragraph (2) of subsection (b) must be business organizations
4 registered to conduct business in Illinois. Three-fourths of
5 the dealer's board of directors must be members of the motor
6 vehicle financing affiliate's board of directors, if
7 applicable.

8 (f) Unless otherwise provided in this Chapter 5, no
9 business organization registered to do business in Illinois
10 shall be licensed as a motor vehicle financing affiliate
11 unless:

12 (1) The motor vehicle financing affiliate shall only
13 sell, transfer, or assign motor vehicles to the licensed
14 new or used dealer listed on the application pursuant to
15 paragraph (2) of subsection (b).

16 (2) The motor vehicle financing affiliate sells,
17 transfers, or assigns to the new motor vehicle dealer
18 listed on the application, if any, only those new motor
19 vehicles the motor vehicle financing affiliate has
20 received under the contract set forth in paragraph (5) of
21 subsection (b).

22 (3) Any new vehicle dealer listed pursuant to
23 paragraph (2) of subsection (b) has a franchise agreement
24 that permits the dealer to receive motor vehicles from the
25 motor vehicle franchise affiliate.

26 (4) The new or used motor vehicle dealer listed on the

1 application pursuant to paragraph (2) of subsection (b)
2 has one established place of business or supplemental
3 places of business as referenced in subsection (g).

4 (g) The Secretary of State shall, within a reasonable time
5 after receipt, examine an application submitted pursuant to
6 this Section and, unless it is determined that the application
7 does not conform with the requirements of this Section or that
8 grounds exist for a denial of the application under Section
9 5-501, grant the applicant a motor vehicle financing affiliate
10 license in writing for the applicant's established place of
11 business and a supplemental license in writing for each
12 additional place of business in a form prescribed by the
13 Secretary, which shall include all of the following:

14 (1) The name of the business licensed;

15 (2) The name and address of its officers, directors,
16 or members, as applicable;

17 (3) In the case of an original license, the
18 established place of business of the licensee;

19 (4) If applicable, the make or makes of new vehicles
20 which the licensee is licensed to sell to the new motor
21 vehicle dealer listed on the application pursuant to
22 paragraph (2) of subsection (b); and

23 (5) The full name, address, and contact information of
24 each of the dealer's agents or legal representatives who
25 is an Illinois resident and liable for the performance of
26 the dealership.

1 (h) The appropriate instrument evidencing the license or a
2 certified copy, provided by the Secretary of State, shall be
3 kept posted conspicuously in the established place of business
4 of the licensee.

5 (i) Except as provided in subsection (h), all motor
6 vehicle financing affiliate's licenses granted under this
7 Section shall expire ~~expired~~ by operation of law on December
8 31 of the calendar year for which they are granted, unless
9 revoked or canceled at an earlier date pursuant to Section
10 5-501.

11 (j) A motor vehicle financing affiliate's license may be
12 renewed upon application and payment of the required fee.
13 However, when an application for renewal of a motor vehicle
14 financing affiliate's license is made during the month of
15 December, the effective license shall remain in force until
16 the application is granted or denied by the Secretary of
17 State.

18 (k) The contract a motor vehicle financing affiliate has
19 with a manufacturer or franchised distributor, as provided in
20 paragraph (5) of subsection (b), shall only permit the
21 applicant to sell, transfer, or assign new motor vehicles to
22 the new motor vehicle dealer listed on the application
23 pursuant to paragraph (2) of subsection (b). The contract
24 shall specifically prohibit the motor vehicle financing
25 affiliate from selling motor vehicles at retail. This contract
26 shall not be considered the granting of a franchise as defined

1 in Section 2 of the Motor Vehicle Franchise Act.

2 (1) When purchasing ~~of~~ a motor vehicle by a new or used
3 motor vehicle dealer, all persons licensed as a motor vehicle
4 financing affiliate are required to furnish all of the
5 following:

6 (1) For a new vehicle, a manufacturer's statement of
7 origin properly assigned to the purchasing dealer. For a
8 used vehicle, a certificate of title properly assigned to
9 the purchasing dealer.

10 (2) A statement verified under oath that all
11 identifying numbers on the vehicle agree with those on the
12 certificate of title or manufacturer's statement of
13 origin.

14 (3) A bill of sale properly executed on behalf of the
15 purchasing dealer.

16 (4) A copy of the Uniform Invoice-transaction report
17 pursuant to Section 5-402.

18 (5) In the case of a rebuilt vehicle, a copy of the
19 Disclosure of Rebuilt Vehicle Status pursuant to Section
20 5-104.3.

21 (6) In the case of a vehicle for which a warranty has
22 been reinstated, a copy of the warranty.

23 (m) The motor vehicle financing affiliate shall use the
24 established and supplemental place or places of business the
25 new or used vehicle dealer listed on the application pursuant
26 to paragraph (2) of subsection (b) as its established and

1 supplemental place or places of business.

2 (n) The motor vehicle financing affiliate shall keep all
3 books and records required by this Code with the books and
4 records of the new or used vehicle dealer listed on the
5 application pursuant to paragraph (2) of subsection (b). The
6 motor vehicle financing affiliate may use the books and
7 records of the new or used motor vehicle dealer listed on the
8 application pursuant to paragraph (2) of subsection (b).

9 (o) Under no circumstances shall a motor vehicle financing
10 affiliate sell, transfer, or assign a new vehicle to any place
11 of business of a new motor vehicle dealer, unless that place of
12 business is licensed under this Chapter to sell, assign, or
13 otherwise transfer the make of the new motor vehicle
14 transferred.

15 (p) All moneys received by the Secretary of State as
16 license fees under this Section shall be deposited into the
17 Motor Vehicle Review Board Fund and shall be used to
18 administer the Motor Vehicle Review Board under the Motor
19 Vehicle Franchise Act.

20 (q) Except as otherwise provided in this Section, a motor
21 vehicle financing affiliate shall comply with all provisions
22 of this Code.

23 (r) If a licensee under this Section voluntarily
24 surrenders a license to ~~the Illinois Secretary of State Police~~
25 ~~or~~ a representative of the Secretary of State Vehicle Services
26 Department due to the licensee's inability to adhere to

1 recordkeeping provisions, or the inability to properly issue
2 certificates of title or registrations under this Code, or the
3 Secretary revokes a license under this Section, then the
4 licensee and the licensee's agent, designee, or legal
5 representative, if applicable, may not be named on a new
6 application for a licensee under this Section or under this
7 Chapter, nor is the licensee or the licensee's agent,
8 designee, or legal representative permitted to work for
9 another licensee under this Chapter in a recordkeeping,
10 management, or financial position or as an employee who
11 handles certificate of title and registration documents and
12 applications.

13 (Source: P.A. 102-154, eff. 1-1-22; 102-982, eff. 7-1-23;
14 revised 8-22-22.)

15 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

16 (Text of Section before amendment by P.A. 102-982)

17 Sec. 5-102. Used vehicle dealers must be licensed.

18 (a) No person, other than a licensed new vehicle dealer,
19 shall engage in the business of selling or dealing in, on
20 consignment or otherwise, 5 or more used vehicles of any make
21 during the year (except house trailers as authorized by
22 paragraph (j) of this Section and rebuilt salvage vehicles
23 sold by their rebuilders to persons licensed under this
24 Chapter), or act as an intermediary, agent or broker for any
25 licensed dealer or vehicle purchaser (other than as a

1 salesperson) or represent or advertise that he is so engaged
2 or intends to so engage in such business unless licensed to do
3 so by the Secretary of State under the provisions of this
4 Section.

5 (b) An application for a used vehicle dealer's license
6 shall be filed with the Secretary of State, duly verified by
7 oath, in such form as the Secretary of State may by rule or
8 regulation prescribe and shall contain:

9 1. The name and type of business organization
10 established and additional places of business, if any, in
11 this State.

12 2. If the applicant is a corporation, a list of its
13 officers, directors, and shareholders having a ten percent
14 or greater ownership interest in the corporation, setting
15 forth the residence address of each; if the applicant is a
16 sole proprietorship, a partnership, an unincorporated
17 association, a trust, or any similar form of business
18 organization, the names and residence address of the
19 proprietor or of each partner, member, officer, director,
20 trustee, or manager.

21 3. A statement that the applicant has been approved
22 for registration under the Retailers' Occupation Tax Act
23 by the Department of Revenue. However, this requirement
24 does not apply to a dealer who is already licensed
25 hereunder with the Secretary of State, and who is merely
26 applying for a renewal of his license. As evidence of this

1 fact, the application shall be accompanied by a
2 certification from the Department of Revenue showing that
3 the Department has approved the applicant for registration
4 under the Retailers' Occupation Tax Act.

5 4. A statement that the applicant has complied with
6 the appropriate liability insurance requirement. A
7 Certificate of Insurance in a solvent company authorized
8 to do business in the State of Illinois shall be included
9 with each application covering each location at which he
10 proposes to act as a used vehicle dealer. The policy must
11 provide liability coverage in the minimum amounts of
12 \$100,000 for bodily injury to, or death of, any person,
13 \$300,000 for bodily injury to, or death of, two or more
14 persons in any one accident, and \$50,000 for damage to
15 property. Such policy shall expire not sooner than
16 December 31 of the year for which the license was issued or
17 renewed. The expiration of the insurance policy shall not
18 terminate the liability under the policy arising during
19 the period for which the policy was filed. Trailer and
20 mobile home dealers are exempt from this requirement.

21 If the permitted user has a liability insurance policy
22 that provides automobile liability insurance coverage of
23 at least \$100,000 for bodily injury to or the death of any
24 person, \$300,000 for bodily injury to or the death of any 2
25 or more persons in any one accident, and \$50,000 for
26 damage to property, then the permitted user's insurer

1 shall be the primary insurer and the dealer's insurer
2 shall be the secondary insurer. If the permitted user does
3 not have a liability insurance policy that provides
4 automobile liability insurance coverage of at least
5 \$100,000 for bodily injury to or the death of any person,
6 \$300,000 for bodily injury to or the death of any 2 or more
7 persons in any one accident, and \$50,000 for damage to
8 property, or does not have any insurance at all, then the
9 dealer's insurer shall be the primary insurer and the
10 permitted user's insurer shall be the secondary insurer.

11 When a permitted user is "test driving" a used vehicle
12 dealer's automobile, the used vehicle dealer's insurance
13 shall be primary and the permitted user's insurance shall
14 be secondary.

15 As used in this paragraph 4, a "permitted user" is a
16 person who, with the permission of the used vehicle dealer
17 or an employee of the used vehicle dealer, drives a
18 vehicle owned and held for sale or lease by the used
19 vehicle dealer which the person is considering to purchase
20 or lease, in order to evaluate the performance,
21 reliability, or condition of the vehicle. The term
22 "permitted user" also includes a person who, with the
23 permission of the used vehicle dealer, drives a vehicle
24 owned or held for sale or lease by the used vehicle dealer
25 for loaner purposes while the user's vehicle is being
26 repaired or evaluated.

1 As used in this paragraph 4, "test driving" occurs
2 when a permitted user who, with the permission of the used
3 vehicle dealer or an employee of the used vehicle dealer,
4 drives a vehicle owned and held for sale or lease by a used
5 vehicle dealer that the person is considering to purchase
6 or lease, in order to evaluate the performance,
7 reliability, or condition of the vehicle.

8 As used in this paragraph 4, "loaner purposes" means
9 when a person who, with the permission of the used vehicle
10 dealer, drives a vehicle owned or held for sale or lease by
11 the used vehicle dealer while the user's vehicle is being
12 repaired or evaluated.

13 5. An application for a used vehicle dealer's license
14 shall be accompanied by the following license fees:

15 (A) \$1,000 for applicant's established place of
16 business, and \$50 for each additional place of
17 business, if any, to which the application pertains;
18 however, if the application is made after June 15 of
19 any year, the license fee shall be \$500 for
20 applicant's established place of business plus \$25 for
21 each additional place of business, if any, to which
22 the application pertains. License fees shall be
23 returnable only in the event that the application is
24 denied by the Secretary of State. Of the money
25 received by the Secretary of State as license fees
26 under this subparagraph (A) for the 2004 licensing

1 year and thereafter, 95% shall be deposited into the
2 General Revenue Fund.

3 (B) Except for dealers selling 25 or fewer
4 automobiles or as provided in subsection (h) of
5 Section 5-102.7 of this Code, an Annual Dealer
6 Recovery Fund Fee in the amount of \$500 for the
7 applicant's established place of business, and \$50 for
8 each additional place of business, if any, to which
9 the application pertains; but if the application is
10 made after June 15 of any year, the fee shall be \$250
11 for the applicant's established place of business plus
12 \$25 for each additional place of business, if any, to
13 which the application pertains. For a license renewal
14 application, the fee shall be based on the amount of
15 automobiles sold in the past year according to the
16 following formula:

17 (1) \$0 for dealers selling 25 or less
18 automobiles;

19 (2) \$150 for dealers selling more than 25 but
20 less than 200 automobiles;

21 (3) \$300 for dealers selling 200 or more
22 automobiles but less than 300 automobiles; and

23 (4) \$500 for dealers selling 300 or more
24 automobiles.

25 License fees shall be returnable only in the event
26 that the application is denied by the Secretary of

1 State. Moneys received under this subparagraph (B)
2 shall be deposited into the Dealer Recovery Trust
3 Fund.

4 6. A statement that the applicant's officers,
5 directors, shareholders having a 10% or greater ownership
6 interest therein, proprietor, partner, member, officer,
7 director, trustee, manager, or other principals in the
8 business have not committed in the past 3 years any one
9 violation as determined in any civil, criminal, or
10 administrative proceedings of any one of the following
11 Acts:

12 (A) The Anti-Theft Laws of the Illinois Vehicle
13 Code;

14 (B) The Certificate of Title Laws of the Illinois
15 Vehicle Code;

16 (C) The Offenses against Registration and
17 Certificates of Title Laws of the Illinois Vehicle
18 Code;

19 (D) The Dealers, Transporters, Wreckers and
20 Rebuilders Laws of the Illinois Vehicle Code;

21 (E) Section 21-2 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, Criminal Trespass to
23 Vehicles; or

24 (F) The Retailers' Occupation Tax Act.

25 7. A statement that the applicant's officers,
26 directors, shareholders having a 10% or greater ownership

1 interest therein, proprietor, partner, member, officer,
2 director, trustee, manager, or other principals in the
3 business have not committed in any calendar year 3 or more
4 violations, as determined in any civil, criminal, or
5 administrative proceedings, of any one or more of the
6 following Acts:

7 (A) The Consumer Finance Act;

8 (B) The Consumer Installment Loan Act;

9 (C) The Retail Installment Sales Act;

10 (D) The Motor Vehicle Retail Installment Sales
11 Act;

12 (E) The Interest Act;

13 (F) The Illinois Wage Assignment Act;

14 (G) Part 8 of Article XII of the Code of Civil
15 Procedure; or

16 (H) The Consumer Fraud and Deceptive Business
17 Practices Act.

18 7.5. A statement that, within 10 years of application,
19 each officer, director, shareholder having a 10% or
20 greater ownership interest therein, proprietor, partner,
21 member, officer, director, trustee, manager, or other
22 principal in the business of the applicant has not
23 committed, as determined in any civil, criminal, or
24 administrative proceeding, in any calendar year one or
25 more forcible felonies under the Criminal Code of 1961 or
26 the Criminal Code of 2012, or a violation of either or both

1 Article 16 or 17 of the Criminal Code of 1961 or a
2 violation of either or both Article 16 or 17 of the
3 Criminal Code of 2012, Article 29B of the Criminal Code of
4 1961 or the Criminal Code of 2012, or a similar
5 out-of-state offense. For the purposes of this paragraph,
6 "forcible felony" has the meaning provided in Section 2-8
7 of the Criminal Code of 2012.

8 8. A bond or Certificate of Deposit in the amount of
9 \$50,000 for each location at which the applicant intends
10 to act as a used vehicle dealer. The bond shall be for the
11 term of the license, or its renewal, for which application
12 is made, and shall expire not sooner than December 31 of
13 the year for which the license was issued or renewed. The
14 bond shall run to the People of the State of Illinois, with
15 surety by a bonding or insurance company authorized to do
16 business in this State. It shall be conditioned upon the
17 proper transmittal of all title and registration fees and
18 taxes (excluding taxes under the Retailers' Occupation Tax
19 Act) accepted by the applicant as a used vehicle dealer.

20 9. Such other information concerning the business of
21 the applicant as the Secretary of State may by rule or
22 regulation prescribe.

23 10. A statement that the applicant understands Chapter
24 1 through Chapter 5 of this Code.

25 11. A copy of the certification from the prelicensing
26 education program.

1 12. The full name, address, and contact information of
2 each of the dealer's agents or legal representatives who
3 is an Illinois resident and liable for the performance of
4 the dealership.

5 (c) Any change which renders no longer accurate any
6 information contained in any application for a used vehicle
7 dealer's license shall be amended within 30 days after the
8 occurrence of each change on such form as the Secretary of
9 State may prescribe by rule or regulation, accompanied by an
10 amendatory fee of \$2.

11 (d) Anything in this Chapter to the contrary
12 notwithstanding, no person shall be licensed as a used vehicle
13 dealer unless such person maintains an established place of
14 business as defined in this Chapter.

15 (e) The Secretary of State shall, within a reasonable time
16 after receipt, examine an application submitted to him under
17 this Section. Unless the Secretary makes a determination that
18 the application submitted to him does not conform to this
19 Section or that grounds exist for a denial of the application
20 under Section 5-501 of this Chapter, he must grant the
21 applicant an original used vehicle dealer's license in writing
22 for his established place of business and a supplemental
23 license in writing for each additional place of business in
24 such form as he may prescribe by rule or regulation which shall
25 include the following:

26 1. The name of the person licensed;

1 2. If a corporation, the name and address of its
2 officers or if a sole proprietorship, a partnership, an
3 unincorporated association or any similar form of business
4 organization, the name and address of the proprietor or of
5 each partner, member, officer, director, trustee, or
6 manager;

7 3. In case of an original license, the established
8 place of business of the licensee;

9 4. In the case of a supplemental license, the
10 established place of business of the licensee and the
11 additional place of business to which such supplemental
12 license pertains;

13 5. The full name, address, and contact information of
14 each of the dealer's agents or legal representatives who
15 is an Illinois resident and liable for the performance of
16 the dealership.

17 (f) The appropriate instrument evidencing the license or a
18 certified copy thereof, provided by the Secretary of State
19 shall be kept posted, conspicuously, in the established place
20 of business of the licensee and in each additional place of
21 business, if any, maintained by such licensee.

22 (g) Except as provided in subsection (h) of this Section,
23 all used vehicle dealer's licenses granted under this Section
24 expire by operation of law on December 31 of the calendar year
25 for which they are granted unless sooner revoked or cancelled
26 under Section 5-501 of this Chapter.

1 (h) A used vehicle dealer's license may be renewed upon
2 application and payment of the fee required herein, and
3 submission of proof of coverage by an approved bond under the
4 Retailers' Occupation Tax Act or proof that applicant is not
5 subject to such bonding requirements, as in the case of an
6 original license, but in case an application for the renewal
7 of an effective license is made during the month of December,
8 the effective license shall remain in force until the
9 application for renewal is granted or denied by the Secretary
10 of State.

11 (i) All persons licensed as a used vehicle dealer are
12 required to furnish each purchaser of a motor vehicle:

13 1. A certificate of title properly assigned to the
14 purchaser;

15 2. A statement verified under oath that all
16 identifying numbers on the vehicle agree with those on the
17 certificate of title;

18 3. A bill of sale properly executed on behalf of such
19 person;

20 4. A copy of the Uniform Invoice-transaction reporting
21 return referred to in Section 5-402 of this Chapter;

22 5. In the case of a rebuilt vehicle, a copy of the
23 Disclosure of Rebuilt Vehicle Status; and

24 6. In the case of a vehicle for which the warranty has
25 been reinstated, a copy of the warranty.

26 (j) A real estate broker holding a valid certificate of

1 registration issued pursuant to "The Real Estate Brokers and
2 Salesmen License Act" may engage in the business of selling or
3 dealing in house trailers not his own without being licensed
4 as a used vehicle dealer under this Section; however such
5 broker shall maintain a record of the transaction including
6 the following:

7 (1) the name and address of the buyer and seller,

8 (2) the date of sale,

9 (3) a description of the mobile home, including the
10 vehicle identification number, make, model, and year, and

11 (4) the Illinois certificate of title number.

12 The foregoing records shall be available for inspection by
13 any officer of the Secretary of State's Office at any
14 reasonable hour.

15 (k) Except at the time of sale or repossession of the
16 vehicle, no person licensed as a used vehicle dealer may issue
17 any other person a newly created key to a vehicle unless the
18 used vehicle dealer makes a color photocopy or electronic scan
19 of the driver's license or State identification card of the
20 person requesting or obtaining the newly created key. The used
21 vehicle dealer must retain the photocopy or scan for 30 days.

22 A used vehicle dealer who violates this subsection (k) is
23 guilty of a petty offense. Violation of this subsection (k) is
24 not cause to suspend, revoke, cancel, or deny renewal of the
25 used vehicle dealer's license.

26 (1) Used vehicle dealers licensed under this Section shall

1 provide the Secretary of State a register for the sale at
2 auction of each salvage or junk certificate vehicle. Each
3 register shall include the following information:

4 1. The year, make, model, style, and color of the
5 vehicle;

6 2. The vehicle's manufacturer's identification number
7 or, if applicable, the Secretary of State or Illinois
8 State Police identification number;

9 3. The date of acquisition of the vehicle;

10 4. The name and address of the person from whom the
11 vehicle was acquired;

12 5. The name and address of the person to whom any
13 vehicle was disposed, the person's Illinois license number
14 or if the person is an out-of-state salvage vehicle buyer,
15 the license number from the state or jurisdiction where
16 the buyer is licensed; and

17 6. The purchase price of the vehicle.

18 The register shall be submitted to the Secretary of State
19 via written or electronic means within 10 calendar days from
20 the date of the auction.

21 (m) If a licensee under this Section voluntarily
22 surrenders a license to the Illinois Secretary of State Police
23 or a representative of the Secretary of State Vehicle Services
24 Department due to the licensee's inability to adhere to
25 recordkeeping provisions, or the inability to properly issue
26 certificates of title or registrations under this Code, or the

1 Secretary revokes a license under this Section, then the
2 licensee and the licensee's agent, designee, or legal
3 representative, if applicable, may not be named on a new
4 application for a license under this Section or under this
5 Chapter, nor is the licensee or the licensee's agent,
6 designee, or legal representative permitted to work for
7 another licensee under this Chapter in a recordkeeping,
8 management, or financial position or as an employee who
9 handles certificate of title and registration documents and
10 applications.

11 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;
12 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

13 (Text of Section after amendment by P.A. 102-982)

14 Sec. 5-102. Used vehicle dealers must be licensed.

15 (a) No person, other than a licensed new vehicle dealer,
16 shall engage in the business of selling or dealing in, on
17 consignment or otherwise, 5 or more used vehicles of any make
18 during the year (except house trailers as authorized by
19 paragraph (j) of this Section and rebuilt salvage vehicles
20 sold by their rebuilders to persons licensed under this
21 Chapter), or act as an intermediary, agent or broker for any
22 licensed dealer or vehicle purchaser (other than as a
23 salesperson) or represent or advertise that he is so engaged
24 or intends to so engage in such business unless licensed to do
25 so by the Secretary of State under the provisions of this

1 Section.

2 (b) An application for a used vehicle dealer's license
3 shall be filed with the Secretary of State, duly verified by
4 oath, in such form as the Secretary of State may by rule or
5 regulation prescribe and shall contain:

6 1. The name and type of business organization
7 established and additional places of business, if any, in
8 this State.

9 2. If the applicant is a corporation, a list of its
10 officers, directors, and shareholders having a ten percent
11 or greater ownership interest in the corporation, setting
12 forth the residence address of each; if the applicant is a
13 sole proprietorship, a partnership, an unincorporated
14 association, a trust, or any similar form of business
15 organization, the names and residence address of the
16 proprietor or of each partner, member, officer, director,
17 trustee, or manager.

18 3. A statement that the applicant has been approved
19 for registration under the Retailers' Occupation Tax Act
20 by the Department of Revenue. However, this requirement
21 does not apply to a dealer who is already licensed
22 hereunder with the Secretary of State, and who is merely
23 applying for a renewal of his license. As evidence of this
24 fact, the application shall be accompanied by a
25 certification from the Department of Revenue showing that
26 the Department has approved the applicant for registration

1 under the Retailers' Occupation Tax Act.

2 4. A statement that the applicant has complied with
3 the appropriate liability insurance requirement. A
4 Certificate of Insurance in a solvent company authorized
5 to do business in the State of Illinois shall be included
6 with each application covering each location at which he
7 proposes to act as a used vehicle dealer. The policy must
8 provide liability coverage in the minimum amounts of
9 \$100,000 for bodily injury to, or death of, any person,
10 \$300,000 for bodily injury to, or death of, two or more
11 persons in any one crash, and \$50,000 for damage to
12 property. Such policy shall expire not sooner than
13 December 31 of the year for which the license was issued or
14 renewed. The expiration of the insurance policy shall not
15 terminate the liability under the policy arising during
16 the period for which the policy was filed. Trailer and
17 mobile home dealers are exempt from this requirement.

18 If the permitted user has a liability insurance policy
19 that provides automobile liability insurance coverage of
20 at least \$100,000 for bodily injury to or the death of any
21 person, \$300,000 for bodily injury to or the death of any 2
22 or more persons in any one crash, and \$50,000 for damage to
23 property, then the permitted user's insurer shall be the
24 primary insurer and the dealer's insurer shall be the
25 secondary insurer. If the permitted user does not have a
26 liability insurance policy that provides automobile

1 liability insurance coverage of at least \$100,000 for
2 bodily injury to or the death of any person, \$300,000 for
3 bodily injury to or the death of any 2 or more persons in
4 any one crash, and \$50,000 for damage to property, or does
5 not have any insurance at all, then the dealer's insurer
6 shall be the primary insurer and the permitted user's
7 insurer shall be the secondary insurer.

8 When a permitted user is "test driving" a used vehicle
9 dealer's automobile, the used vehicle dealer's insurance
10 shall be primary and the permitted user's insurance shall
11 be secondary.

12 As used in this paragraph 4, a "permitted user" is a
13 person who, with the permission of the used vehicle dealer
14 or an employee of the used vehicle dealer, drives a
15 vehicle owned and held for sale or lease by the used
16 vehicle dealer which the person is considering to purchase
17 or lease, in order to evaluate the performance,
18 reliability, or condition of the vehicle. The term
19 "permitted user" also includes a person who, with the
20 permission of the used vehicle dealer, drives a vehicle
21 owned or held for sale or lease by the used vehicle dealer
22 for loaner purposes while the user's vehicle is being
23 repaired or evaluated.

24 As used in this paragraph 4, "test driving" occurs
25 when a permitted user who, with the permission of the used
26 vehicle dealer or an employee of the used vehicle dealer,

1 drives a vehicle owned and held for sale or lease by a used
2 vehicle dealer that the person is considering to purchase
3 or lease, in order to evaluate the performance,
4 reliability, or condition of the vehicle.

5 As used in this paragraph 4, "loaner purposes" means
6 when a person who, with the permission of the used vehicle
7 dealer, drives a vehicle owned or held for sale or lease by
8 the used vehicle dealer while the user's vehicle is being
9 repaired or evaluated.

10 5. An application for a used vehicle dealer's license
11 shall be accompanied by the following license fees:

12 (A) \$1,000 for applicant's established place of
13 business, and \$50 for each additional place of
14 business, if any, to which the application pertains;
15 however, if the application is made after June 15 of
16 any year, the license fee shall be \$500 for
17 applicant's established place of business plus \$25 for
18 each additional place of business, if any, to which
19 the application pertains. License fees shall be
20 returnable only in the event that the application is
21 denied by the Secretary of State. Of the money
22 received by the Secretary of State as license fees
23 under this subparagraph (A) for the 2004 licensing
24 year and thereafter, 95% shall be deposited into the
25 General Revenue Fund.

26 (B) Except for dealers selling 25 or fewer

1 automobiles or as provided in subsection (h) of
2 Section 5-102.7 of this Code, an Annual Dealer
3 Recovery Fund Fee in the amount of \$500 for the
4 applicant's established place of business, and \$50 for
5 each additional place of business, if any, to which
6 the application pertains; but if the application is
7 made after June 15 of any year, the fee shall be \$250
8 for the applicant's established place of business plus
9 \$25 for each additional place of business, if any, to
10 which the application pertains. For a license renewal
11 application, the fee shall be based on the amount of
12 automobiles sold in the past year according to the
13 following formula:

14 (1) \$0 for dealers selling 25 or less
15 automobiles;

16 (2) \$150 for dealers selling more than 25 but
17 less than 200 automobiles;

18 (3) \$300 for dealers selling 200 or more
19 automobiles but less than 300 automobiles; and

20 (4) \$500 for dealers selling 300 or more
21 automobiles.

22 License fees shall be returnable only in the event
23 that the application is denied by the Secretary of
24 State. Moneys received under this subparagraph (B)
25 shall be deposited into the Dealer Recovery Trust
26 Fund.

1 6. A statement that the applicant's officers,
2 directors, shareholders having a 10% or greater ownership
3 interest therein, proprietor, partner, member, officer,
4 director, trustee, manager, or other principals in the
5 business have not committed in the past 3 years any one
6 violation as determined in any civil, criminal, or
7 administrative proceedings of any one of the following
8 Acts:

9 (A) The Anti-Theft Laws of the Illinois Vehicle
10 Code;

11 (B) The Certificate of Title Laws of the Illinois
12 Vehicle Code;

13 (C) The Offenses against Registration and
14 Certificates of Title Laws of the Illinois Vehicle
15 Code;

16 (D) The Dealers, Transporters, Wreckers and
17 Rebuilders Laws of the Illinois Vehicle Code;

18 (E) Section 21-2 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, Criminal Trespass to
20 Vehicles; or

21 (F) The Retailers' Occupation Tax Act.

22 7. A statement that the applicant's officers,
23 directors, shareholders having a 10% or greater ownership
24 interest therein, proprietor, partner, member, officer,
25 director, trustee, manager, or other principals in the
26 business have not committed in any calendar year 3 or more

1 violations, as determined in any civil, criminal, or
2 administrative proceedings, of any one or more of the
3 following Acts:

4 (A) The Consumer Finance Act;

5 (B) The Consumer Installment Loan Act;

6 (C) The Retail Installment Sales Act;

7 (D) The Motor Vehicle Retail Installment Sales
8 Act;

9 (E) The Interest Act;

10 (F) The Illinois Wage Assignment Act;

11 (G) Part 8 of Article XII of the Code of Civil
12 Procedure; or

13 (H) The Consumer Fraud and Deceptive Business
14 Practices Act.

15 7.5. A statement that, within 10 years of application,
16 each officer, director, shareholder having a 10% or
17 greater ownership interest therein, proprietor, partner,
18 member, officer, director, trustee, manager, or other
19 principal in the business of the applicant has not
20 committed, as determined in any civil, criminal, or
21 administrative proceeding, in any calendar year one or
22 more forcible felonies under the Criminal Code of 1961 or
23 the Criminal Code of 2012, or a violation of either or both
24 Article 16 or 17 of the Criminal Code of 1961 or a
25 violation of either or both Article 16 or 17 of the
26 Criminal Code of 2012, Article 29B of the Criminal Code of

1 1961 or the Criminal Code of 2012, or a similar
2 out-of-state offense. For the purposes of this paragraph,
3 "forcible felony" has the meaning provided in Section 2-8
4 of the Criminal Code of 2012.

5 8. A bond or Certificate of Deposit in the amount of
6 \$50,000 for each location at which the applicant intends
7 to act as a used vehicle dealer. The bond shall be for the
8 term of the license, or its renewal, for which application
9 is made, and shall expire not sooner than December 31 of
10 the year for which the license was issued or renewed. The
11 bond shall run to the People of the State of Illinois, with
12 surety by a bonding or insurance company authorized to do
13 business in this State. It shall be conditioned upon the
14 proper transmittal of all title and registration fees and
15 taxes (excluding taxes under the Retailers' Occupation Tax
16 Act) accepted by the applicant as a used vehicle dealer.

17 9. Such other information concerning the business of
18 the applicant as the Secretary of State may by rule or
19 regulation prescribe.

20 10. A statement that the applicant understands Chapter
21 1 through Chapter 5 of this Code.

22 11. A copy of the certification from the prelicensing
23 education program.

24 12. The full name, address, and contact information of
25 each of the dealer's agents or legal representatives who
26 is an Illinois resident and liable for the performance of

1 the dealership.

2 (c) Any change which renders no longer accurate any
3 information contained in any application for a used vehicle
4 dealer's license shall be amended within 30 days after the
5 occurrence of each change on such form as the Secretary of
6 State may prescribe by rule or regulation, accompanied by an
7 amendatory fee of \$2.

8 (d) Anything in this Chapter to the contrary
9 notwithstanding, no person shall be licensed as a used vehicle
10 dealer unless such person maintains an established place of
11 business as defined in this Chapter.

12 (e) The Secretary of State shall, within a reasonable time
13 after receipt, examine an application submitted to him under
14 this Section. Unless the Secretary makes a determination that
15 the application submitted to him does not conform to this
16 Section or that grounds exist for a denial of the application
17 under Section 5-501 of this Chapter, he must grant the
18 applicant an original used vehicle dealer's license in writing
19 for his established place of business and a supplemental
20 license in writing for each additional place of business in
21 such form as he may prescribe by rule or regulation which shall
22 include the following:

23 1. The name of the person licensed;

24 2. If a corporation, the name and address of its
25 officers or if a sole proprietorship, a partnership, an
26 unincorporated association or any similar form of business

1 organization, the name and address of the proprietor or of
2 each partner, member, officer, director, trustee, or
3 manager;

4 3. In case of an original license, the established
5 place of business of the licensee;

6 4. In the case of a supplemental license, the
7 established place of business of the licensee and the
8 additional place of business to which such supplemental
9 license pertains;

10 5. The full name, address, and contact information of
11 each of the dealer's agents or legal representatives who
12 is an Illinois resident and liable for the performance of
13 the dealership.

14 (f) The appropriate instrument evidencing the license or a
15 certified copy thereof, provided by the Secretary of State
16 shall be kept posted, conspicuously, in the established place
17 of business of the licensee and in each additional place of
18 business, if any, maintained by such licensee.

19 (g) Except as provided in subsection (h) of this Section,
20 all used vehicle dealer's licenses granted under this Section
21 expire by operation of law on December 31 of the calendar year
22 for which they are granted unless sooner revoked or cancelled
23 under Section 5-501 of this Chapter.

24 (h) A used vehicle dealer's license may be renewed upon
25 application and payment of the fee required herein, and
26 submission of proof of coverage by an approved bond under the

1 Retailers' Occupation Tax Act or proof that applicant is not
2 subject to such bonding requirements, as in the case of an
3 original license, but in case an application for the renewal
4 of an effective license is made during the month of December,
5 the effective license shall remain in force until the
6 application for renewal is granted or denied by the Secretary
7 of State.

8 (i) All persons licensed as a used vehicle dealer are
9 required to furnish each purchaser of a motor vehicle:

10 1. A certificate of title properly assigned to the
11 purchaser;

12 2. A statement verified under oath that all
13 identifying numbers on the vehicle agree with those on the
14 certificate of title;

15 3. A bill of sale properly executed on behalf of such
16 person;

17 4. A copy of the Uniform Invoice-transaction reporting
18 return referred to in Section 5-402 of this Chapter;

19 5. In the case of a rebuilt vehicle, a copy of the
20 Disclosure of Rebuilt Vehicle Status; and

21 6. In the case of a vehicle for which the warranty has
22 been reinstated, a copy of the warranty.

23 (j) A real estate broker holding a valid certificate of
24 registration issued pursuant to "The Real Estate Brokers and
25 Salesmen License Act" may engage in the business of selling or
26 dealing in house trailers not his own without being licensed

1 as a used vehicle dealer under this Section; however such
2 broker shall maintain a record of the transaction including
3 the following:

- 4 (1) the name and address of the buyer and seller,
- 5 (2) the date of sale,
- 6 (3) a description of the mobile home, including the
7 vehicle identification number, make, model, and year, and
- 8 (4) the Illinois certificate of title number.

9 The foregoing records shall be available for inspection by
10 any officer of the Secretary of State's Office at any
11 reasonable hour.

12 (k) Except at the time of sale or repossession of the
13 vehicle, no person licensed as a used vehicle dealer may issue
14 any other person a newly created key to a vehicle unless the
15 used vehicle dealer makes a color photocopy or electronic scan
16 of the driver's license or State identification card of the
17 person requesting or obtaining the newly created key. The used
18 vehicle dealer must retain the photocopy or scan for 30 days.

19 A used vehicle dealer who violates this subsection (k) is
20 guilty of a petty offense. Violation of this subsection (k) is
21 not cause to suspend, revoke, cancel, or deny renewal of the
22 used vehicle dealer's license.

23 (l) Used vehicle dealers licensed under this Section shall
24 provide the Secretary of State a register for the sale at
25 auction of each salvage or junk certificate vehicle. Each
26 register shall include the following information:

- 1 1. The year, make, model, style, and color of the
2 vehicle;
- 3 2. The vehicle's manufacturer's identification number
4 or, if applicable, the Secretary of State or Illinois
5 State Police identification number;
- 6 3. The date of acquisition of the vehicle;
- 7 4. The name and address of the person from whom the
8 vehicle was acquired;
- 9 5. The name and address of the person to whom any
10 vehicle was disposed, the person's Illinois license number
11 or if the person is an out-of-state salvage vehicle buyer,
12 the license number from the state or jurisdiction where
13 the buyer is licensed; and
- 14 6. The purchase price of the vehicle.

15 The register shall be submitted to the Secretary of State
16 via written or electronic means within 10 calendar days from
17 the date of the auction.

18 (m) If a licensee under this Section voluntarily
19 surrenders a license to ~~the Illinois Secretary of State Police~~
20 or a representative of the Secretary of State Vehicle Services
21 Department due to the licensee's inability to adhere to
22 recordkeeping provisions, or the inability to properly issue
23 certificates of title or registrations under this Code, or the
24 Secretary revokes a license under this Section, then the
25 licensee and the licensee's agent, designee, or legal
26 representative, if applicable, may not be named on a new

1 application for a licensee under this Section or under this
2 Chapter, nor is the licensee or the licensee's agent,
3 designee, or legal representative permitted to work for
4 another licensee under this Chapter in a recordkeeping,
5 management, or financial position or as an employee who
6 handles certificate of title and registration documents and
7 applications.

8 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;
9 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-982, eff.
10 7-1-23.)

11 (625 ILCS 5/5-102.8)

12 (Text of Section before amendment by P.A. 102-982)

13 Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle
14 dealers.

15 (a) As used in this Section, "Buy Here, Pay Here used
16 vehicle dealer" means any entity that engages in the business
17 of selling or leasing of vehicles and finances the sale or
18 purchase price of the vehicle to a customer without the
19 customer using a third-party lender.

20 (b) No person shall engage in the business of selling or
21 dealing in, on consignment or otherwise, 5 or more used
22 vehicles of any make during the year (except rebuilt salvage
23 vehicles sold by their rebuilders to persons licensed under
24 this Chapter), or act as an intermediary, agent, or broker for
25 any licensed dealer or vehicle purchaser (other than as a

1 salesperson) or represent or advertise that he or she is so
2 engaged or intends to so engage in such business of a Buy Here,
3 Pay Here used vehicle dealer unless licensed to do so by the
4 Secretary of State under the provisions of this Section.

5 (c) An application for a Buy Here, Pay Here used vehicle
6 dealer's license shall be filed with the Secretary of State,
7 duly verified by oath, in such form as the Secretary of State
8 may by rule or regulation prescribe and shall contain:

9 (1) The name and type of business organization
10 established and additional places of business, if any, in
11 this State.

12 (2) If the applicant is a corporation, a list of its
13 officers, directors, and shareholders having a 10% or
14 greater ownership interest in the corporation, setting
15 forth the residence address of each; if the applicant is a
16 sole proprietorship, a partnership, an unincorporated
17 association, a trust, or any similar form of business
18 organization, the names and residence address of the
19 proprietor or of each partner, member, officer, director,
20 trustee, or manager.

21 (3) A statement that the applicant has been approved
22 for registration under the Retailers' Occupation Tax Act
23 by the Department of Revenue. However, this requirement
24 does not apply to a dealer who is already licensed
25 hereunder with the Secretary of State, and who is merely
26 applying for a renewal of his or her license. As evidence

1 of this fact, the application shall be accompanied by a
2 certification from the Department of Revenue showing that
3 the Department has approved the applicant for registration
4 under the Retailers' Occupation Tax Act.

5 (4) A statement that the applicant has complied with
6 the appropriate liability insurance requirement. A
7 Certificate of Insurance in a solvent company authorized
8 to do business in the State of Illinois shall be included
9 with each application covering each location at which he
10 or she proposes to act as a Buy Here, Pay Here used vehicle
11 dealer. The policy must provide liability coverage in the
12 minimum amounts of \$100,000 for bodily injury to, or death
13 of, any person, \$300,000 for bodily injury to, or death
14 of, 2 or more persons in any one accident, and \$50,000 for
15 damage to property. Such policy shall expire not sooner
16 than December 31 of the year for which the license was
17 issued or renewed. The expiration of the insurance policy
18 shall not terminate the liability under the policy arising
19 during the period for which the policy was filed.

20 If the permitted user has a liability insurance policy
21 that provides automobile liability insurance coverage of
22 at least \$100,000 for bodily injury to or the death of any
23 person, \$300,000 for bodily injury to or the death of any 2
24 or more persons in any one accident, and \$50,000 for
25 damage to property, then the permitted user's insurer
26 shall be the primary insurer and the dealer's insurer

1 shall be the secondary insurer. If the permitted user does
2 not have a liability insurance policy that provides
3 automobile liability insurance coverage of at least
4 \$100,000 for bodily injury to or the death of any person,
5 \$300,000 for bodily injury to or the death of any 2 or more
6 persons in any one accident, and \$50,000 for damage to
7 property, or does not have any insurance at all, then the
8 dealer's insurer shall be the primary insurer and the
9 permitted user's insurer shall be the secondary insurer.

10 When a permitted user is "test driving" a Buy Here,
11 Pay Here used vehicle dealer's automobile, the Buy Here,
12 Pay Here used vehicle dealer's insurance shall be primary
13 and the permitted user's insurance shall be secondary.

14 As used in this paragraph, "permitted user" means a
15 person who, with the permission of the Buy Here, Pay Here
16 used vehicle dealer or an employee of the Buy Here, Pay
17 Here used vehicle dealer, drives a vehicle owned and held
18 for sale or lease by the Buy Here, Pay Here used vehicle
19 dealer that the person is considering to purchase or
20 lease, in order to evaluate the performance, reliability,
21 or condition of the vehicle. "Permitted user" includes a
22 person who, with the permission of the Buy Here, Pay Here
23 used vehicle dealer, drives a vehicle owned or held for
24 sale or lease by the Buy Here, Pay Here used vehicle dealer
25 for loaner purposes while the user's vehicle is being
26 repaired or evaluated.

1 As used in this paragraph, "test driving" occurs when
2 a permitted user who, with the permission of the Buy Here,
3 Pay Here used vehicle dealer or an employee of the Buy
4 Here, Pay Here used vehicle dealer, drives a vehicle owned
5 and held for sale or lease by a Buy Here, Pay Here used
6 vehicle dealer that the person is considering to purchase
7 or lease, in order to evaluate the performance,
8 reliability, or condition of the vehicle.

9 As used in this paragraph, "loaner purposes" means
10 when a person who, with the permission of the Buy Here, Pay
11 Here used vehicle dealer, drives a vehicle owned or held
12 for sale or lease by the used vehicle dealer while the
13 user's vehicle is being repaired or evaluated.

14 (5) An application for a Buy Here, Pay Here used
15 vehicle dealer's license shall be accompanied by the
16 following license fees:

17 (A) \$1,000 for the applicant's established place
18 of business, and \$50 for each additional place of
19 business, if any, to which the application pertains;
20 however, if the application is made after June 15 of
21 any year, the license fee shall be \$500 for the
22 applicant's established place of business plus \$25 for
23 each additional place of business, if any, to which
24 the application pertains. License fees shall be
25 returnable only if the application is denied by the
26 Secretary of State. Of the money received by the

1 Secretary of State as license fees under this
2 subparagraph, 95% shall be deposited into the General
3 Revenue Fund.

4 (B) Except for dealers selling 25 or fewer
5 automobiles or as provided in subsection (h) of
6 Section 5-102.7 of this Code, an Annual Dealer
7 Recovery Fund Fee in the amount of \$500 for the
8 applicant's established place of business, and \$50 for
9 each additional place of business, if any, to which
10 the application pertains; but if the application is
11 made after June 15 of any year, the fee shall be \$250
12 for the applicant's established place of business plus
13 \$25 for each additional place of business, if any, to
14 which the application pertains. For a license renewal
15 application, the fee shall be based on the amount of
16 automobiles sold in the past year according to the
17 following formula:

18 (1) \$0 for dealers selling 25 or less
19 automobiles;

20 (2) \$150 for dealers selling more than 25 but
21 less than 200 automobiles;

22 (3) \$300 for dealers selling 200 or more
23 automobiles but less than 300 automobiles; and

24 (4) \$500 for dealers selling 300 or more
25 automobiles.

26 Fees shall be returnable only if the application

1 is denied by the Secretary of State. Money received
2 under this subparagraph shall be deposited into the
3 Dealer Recovery Trust Fund. A Buy Here, Pay Here used
4 vehicle dealer shall pay into the Dealer Recovery
5 Trust Fund for every vehicle that is financed, sold,
6 or otherwise transferred to an individual or entity
7 other than the Buy Here, Pay Here used vehicle dealer
8 even if the individual or entity to which the Buy Here,
9 Pay Here used vehicle dealer transfers the vehicle is
10 unable to continue to adhere to the terms of the
11 transaction by the Buy Here, Pay Here used vehicle
12 dealer.

13 (6) A statement that each officer, director,
14 shareholder having a 10% or greater ownership interest
15 therein, proprietor, partner, member, officer, director,
16 trustee, manager, or other principal in the business of
17 the applicant has not committed in the past 3 years any one
18 violation as determined in any civil, criminal, or
19 administrative proceedings of any one of the following:

20 (A) the Anti-Theft Laws of this Code;

21 (B) the Certificate of Title Laws of this Code;

22 (C) the Offenses against Registration and
23 Certificates of Title Laws of this Code;

24 (D) the Dealers, Transporters, Wreckers and
25 Rebuilders Laws of this Code;

26 (E) Section 21-2 of the Illinois Criminal Code of

1 1961 or the Criminal Code of 2012, Criminal Trespass
2 to Vehicles; or

3 (F) the Retailers' Occupation Tax Act.

4 (7) A statement that each officer, director,
5 shareholder having a 10% or greater ownership interest
6 therein, proprietor, partner, member, officer, director,
7 trustee, manager, or other principal in the business of
8 the applicant has not committed in any calendar year 3 or
9 more violations, as determined in any civil, criminal, or
10 administrative proceedings, of any one or more of the
11 following:

12 (A) the Consumer Finance Act;

13 (B) the Consumer Installment Loan Act;

14 (C) the Retail Installment Sales Act;

15 (D) the Motor Vehicle Retail Installment Sales
16 Act;

17 (E) the Interest Act;

18 (F) the Illinois Wage Assignment Act;

19 (G) Part 8 of Article XII of the Code of Civil
20 Procedure; or

21 (H) the Consumer Fraud and Deceptive Business
22 Practices Act.

23 (8) A statement that, within 10 years of application,
24 each officer, director, shareholder having a 10% or
25 greater ownership interest therein, proprietor, partner,
26 member, officer, director, trustee, manager, or other

1 principal in the business of the applicant has not
2 committed, as determined in any civil, criminal, or
3 administrative proceeding, in any calendar year one or
4 more forcible felonies under the Criminal Code of 1961 or
5 the Criminal Code of 2012, or a violation of either or both
6 Article 16 or 17 of the Criminal Code of 1961, or a
7 violation of either or both Article 16 or 17 of the
8 Criminal Code of 2012, Article 29B of the Criminal Code of
9 1961 or the Criminal Code of 2012, or a similar
10 out-of-state offense. For the purposes of this paragraph,
11 "forcible felony" has the meaning provided in Section 2-8
12 of the Criminal Code of 2012.

13 (9) A bond or Certificate of Deposit in the amount of
14 \$50,000 for each location at which the applicant intends
15 to act as a Buy Here, Pay Here used vehicle dealer. The
16 bond shall be for the term of the license. The bond shall
17 run to the People of the State of Illinois, with surety by
18 a bonding or insurance company authorized to do business
19 in this State. It shall be conditioned upon the proper
20 transmittal of all title and registration fees and taxes
21 (excluding taxes under the Retailers' Occupation Tax Act)
22 accepted by the applicant as a Buy Here, Pay Here used
23 vehicle dealer.

24 (10) Such other information concerning the business of
25 the applicant as the Secretary of State may by rule
26 prescribe.

1 (11) A statement that the applicant understands
2 Chapter 1 through Chapter 5 of this Code.

3 (12) A copy of the certification from the prelicensing
4 education program.

5 (13) The full name, address, and contact information
6 of each of the dealer's agents or legal representatives
7 who is an Illinois resident and liable for the performance
8 of the dealership.

9 (d) Any change that renders no longer accurate any
10 information contained in any application for a Buy Here, Pay
11 Here used vehicle dealer's license shall be amended within 30
12 days after the occurrence of each change on such form as the
13 Secretary of State may prescribe by rule, accompanied by an
14 amendatory fee of \$2.

15 (e) Anything in this Chapter to the contrary
16 notwithstanding, no person shall be licensed as a Buy Here,
17 Pay Here used vehicle dealer unless the person maintains an
18 established place of business as defined in this Chapter.

19 (f) The Secretary of State shall, within a reasonable time
20 after receipt, examine an application submitted under this
21 Section. Unless the Secretary makes a determination that the
22 application does not conform to this Section or that grounds
23 exist for a denial of the application under Section 5-501 of
24 this Chapter, the Secretary must grant the applicant an
25 original Buy Here, Pay Here used vehicle dealer's license in
26 writing for his or her established place of business and a

1 supplemental license in writing for each additional place of
2 business in such form as the Secretary may prescribe by rule
3 that shall include the following:

4 (1) The name of the person licensed.

5 (2) If a corporation, the name and address of its
6 officers or if a sole proprietorship, a partnership, an
7 unincorporated association, or any similar form of
8 business organization, the name and address of the
9 proprietor or of each partner, member, officer, director,
10 trustee, or manager.

11 (3) In the case of an original license, the
12 established place of business of the licensee.

13 (4) In the case of a supplemental license, the
14 established place of business of the licensee and the
15 additional place of business to which the supplemental
16 license pertains.

17 (5) The full name, address, and contact information of
18 each of the dealer's agents or legal representatives who
19 is an Illinois resident and liable for the performance of
20 the dealership.

21 (g) The appropriate instrument evidencing the license or a
22 certified copy thereof, provided by the Secretary of State
23 shall be kept posted, conspicuously, in the established place
24 of business of the licensee and in each additional place of
25 business, if any, maintained by the licensee.

26 (h) Except as provided in subsection (i), all Buy Here,

1 Pay Here used vehicle dealer's licenses granted under this
2 Section expire by operation of law on December 31 of the
3 calendar year for which they are granted unless sooner revoked
4 or cancelled under Section 5-501 of this Chapter.

5 (i) A Buy Here, Pay Here used vehicle dealer's license may
6 be renewed upon application and payment of the fee required
7 herein, and submission of proof of coverage by an approved
8 bond under the Retailers' Occupation Tax Act or proof that the
9 applicant is not subject to such bonding requirements, as in
10 the case of an original license, but in the case of an
11 application for the renewal of an effective license made
12 during the month of December, the effective license shall
13 remain in force until the application for renewal is granted
14 or denied by the Secretary of State.

15 (j) Each person licensed as a Buy Here, Pay Here used
16 vehicle dealer is required to furnish each purchaser of a
17 motor vehicle:

18 (1) a certificate of title properly assigned to the
19 purchaser;

20 (2) a statement verified under oath that all
21 identifying numbers on the vehicle agree with those on the
22 certificate of title;

23 (3) a bill of sale properly executed on behalf of the
24 person;

25 (4) a copy of the Uniform Invoice-transaction
26 reporting return referred to in Section 5-402;

1 (5) in the case of a rebuilt vehicle, a copy of the
2 Disclosure of Rebuilt Vehicle Status; and

3 (6) in the case of a vehicle for which the warranty has
4 been reinstated, a copy of the warranty.

5 (k) Except at the time of sale or repossession of the
6 vehicle, no person licensed as a Buy Here, Pay Here used
7 vehicle dealer may issue any other person a newly created key
8 to a vehicle unless the Buy Here, Pay Here used vehicle dealer
9 makes a color photocopy or electronic scan of the driver's
10 license or State identification card of the person requesting
11 or obtaining the newly created key. The Buy Here, Pay Here used
12 vehicle dealer must retain the photocopy or scan for 30 days.

13 A Buy Here, Pay Here used vehicle dealer who violates this
14 subsection (k) is guilty of a petty offense. Violation of this
15 subsection (k) is not cause to suspend, revoke, cancel, or
16 deny renewal of the used vehicle dealer's license.

17 (1) A Buy Here, Pay Here used vehicle dealer licensed
18 under this Section shall provide the Secretary of State a
19 register for the sale at auction of each salvage or junk
20 certificate vehicle. Each register shall include the following
21 information:

22 (1) the year, make, model, style, and color of the
23 vehicle;

24 (2) the vehicle's manufacturer's identification number
25 or, if applicable, the Secretary of State or Illinois
26 ~~Department of State~~ Police identification number;

- 1 (3) the date of acquisition of the vehicle;
- 2 (4) the name and address of the person from whom the
3 vehicle was acquired;
- 4 (5) the name and address of the person to whom any
5 vehicle was disposed, the person's Illinois license number
6 or, if the person is an out-of-state salvage vehicle
7 buyer, the license number from the state or jurisdiction
8 where the buyer is licensed; and
- 9 (6) the purchase price of the vehicle.

10 The register shall be submitted to the Secretary of State
11 via written or electronic means within 10 calendar days from
12 the date of the auction.

13 (m) If a licensee under this Section voluntarily
14 surrenders a license to the Illinois Secretary of State Police
15 or a representative of the Secretary of State Vehicle Services
16 Department due to the licensee's inability to adhere to
17 recordkeeping provisions, or the inability to properly issue
18 certificates of title or registrations under this Code, or the
19 Secretary revokes a license under this Section, then the
20 licensee and the licensee's agent, designee, or legal
21 representative, if applicable, may not be named on a new
22 application for a license under this Section or under this
23 Chapter, nor is the licensee or the licensee's agent,
24 designee, or legal representative permitted to work for
25 another licensee under this Chapter in a recordkeeping,
26 management, or financial position or as an employee who

1 handles certificate of title and registration documents and
2 applications.

3 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22.)

4 (Text of Section after amendment by P.A. 102-982)

5 Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle
6 dealers.

7 (a) As used in this Section, "Buy Here, Pay Here used
8 vehicle dealer" means any entity that engages in the business
9 of selling or leasing of vehicles and finances the sale or
10 purchase price of the vehicle to a customer without the
11 customer using a third-party lender.

12 (b) No person shall engage in the business of selling or
13 dealing in, on consignment or otherwise, 5 or more used
14 vehicles of any make during the year (except rebuilt salvage
15 vehicles sold by their rebuilders to persons licensed under
16 this Chapter), or act as an intermediary, agent, or broker for
17 any licensed dealer or vehicle purchaser (other than as a
18 salesperson) or represent or advertise that he or she is so
19 engaged or intends to so engage in such business of a Buy Here,
20 Pay Here used vehicle dealer unless licensed to do so by the
21 Secretary of State under the provisions of this Section.

22 (c) An application for a Buy Here, Pay Here used vehicle
23 dealer's license shall be filed with the Secretary of State,
24 duly verified by oath, in such form as the Secretary of State
25 may by rule or regulation prescribe and shall contain:

1 (1) The name and type of business organization
2 established and additional places of business, if any, in
3 this State.

4 (2) If the applicant is a corporation, a list of its
5 officers, directors, and shareholders having a 10% or
6 greater ownership interest in the corporation, setting
7 forth the residence address of each; if the applicant is a
8 sole proprietorship, a partnership, an unincorporated
9 association, a trust, or any similar form of business
10 organization, the names and residence address of the
11 proprietor or of each partner, member, officer, director,
12 trustee, or manager.

13 (3) A statement that the applicant has been approved
14 for registration under the Retailers' Occupation Tax Act
15 by the Department of Revenue. However, this requirement
16 does not apply to a dealer who is already licensed
17 hereunder with the Secretary of State, and who is merely
18 applying for a renewal of his or her license. As evidence
19 of this fact, the application shall be accompanied by a
20 certification from the Department of Revenue showing that
21 the Department has approved the applicant for registration
22 under the Retailers' Occupation Tax Act.

23 (4) A statement that the applicant has complied with
24 the appropriate liability insurance requirement. A
25 Certificate of Insurance in a solvent company authorized
26 to do business in the State of Illinois shall be included

1 with each application covering each location at which he
2 or she proposes to act as a Buy Here, Pay Here used vehicle
3 dealer. The policy must provide liability coverage in the
4 minimum amounts of \$100,000 for bodily injury to, or death
5 of, any person, \$300,000 for bodily injury to, or death
6 of, 2 or more persons in any one crash, and \$50,000 for
7 damage to property. Such policy shall expire not sooner
8 than December 31 of the year for which the license was
9 issued or renewed. The expiration of the insurance policy
10 shall not terminate the liability under the policy arising
11 during the period for which the policy was filed.

12 If the permitted user has a liability insurance policy
13 that provides automobile liability insurance coverage of
14 at least \$100,000 for bodily injury to or the death of any
15 person, \$300,000 for bodily injury to or the death of any 2
16 or more persons in any one crash, and \$50,000 for damage to
17 property, then the permitted user's insurer shall be the
18 primary insurer and the dealer's insurer shall be the
19 secondary insurer. If the permitted user does not have a
20 liability insurance policy that provides automobile
21 liability insurance coverage of at least \$100,000 for
22 bodily injury to or the death of any person, \$300,000 for
23 bodily injury to or the death of any 2 or more persons in
24 any one crash, and \$50,000 for damage to property, or does
25 not have any insurance at all, then the dealer's insurer
26 shall be the primary insurer and the permitted user's

1 insurer shall be the secondary insurer.

2 When a permitted user is "test driving" a Buy Here,
3 Pay Here used vehicle dealer's automobile, the Buy Here,
4 Pay Here used vehicle dealer's insurance shall be primary
5 and the permitted user's insurance shall be secondary.

6 As used in this paragraph, "permitted user" means a
7 person who, with the permission of the Buy Here, Pay Here
8 used vehicle dealer or an employee of the Buy Here, Pay
9 Here used vehicle dealer, drives a vehicle owned and held
10 for sale or lease by the Buy Here, Pay Here used vehicle
11 dealer that the person is considering to purchase or
12 lease, in order to evaluate the performance, reliability,
13 or condition of the vehicle. "Permitted user" includes a
14 person who, with the permission of the Buy Here, Pay Here
15 used vehicle dealer, drives a vehicle owned or held for
16 sale or lease by the Buy Here, Pay Here used vehicle dealer
17 for loaner purposes while the user's vehicle is being
18 repaired or evaluated.

19 As used in this paragraph, "test driving" occurs when
20 a permitted user who, with the permission of the Buy Here,
21 Pay Here used vehicle dealer or an employee of the Buy
22 Here, Pay Here used vehicle dealer, drives a vehicle owned
23 and held for sale or lease by a Buy Here, Pay Here used
24 vehicle dealer that the person is considering to purchase
25 or lease, in order to evaluate the performance,
26 reliability, or condition of the vehicle.

1 As used in this paragraph, "loaner purposes" means
2 when a person who, with the permission of the Buy Here, Pay
3 Here used vehicle dealer, drives a vehicle owned or held
4 for sale or lease by the used vehicle dealer while the
5 user's vehicle is being repaired or evaluated.

6 (5) An application for a Buy Here, Pay Here used
7 vehicle dealer's license shall be accompanied by the
8 following license fees:

9 (A) \$1,000 for the applicant's established place
10 of business, and \$50 for each additional place of
11 business, if any, to which the application pertains;
12 however, if the application is made after June 15 of
13 any year, the license fee shall be \$500 for the
14 applicant's established place of business plus \$25 for
15 each additional place of business, if any, to which
16 the application pertains. License fees shall be
17 returnable only if the application is denied by the
18 Secretary of State. Of the money received by the
19 Secretary of State as license fees under this
20 subparagraph, 95% shall be deposited into the General
21 Revenue Fund.

22 (B) Except for dealers selling 25 or fewer
23 automobiles or as provided in subsection (h) of
24 Section 5-102.7 of this Code, an Annual Dealer
25 Recovery Fund Fee in the amount of \$500 for the
26 applicant's established place of business, and \$50 for

1 each additional place of business, if any, to which
2 the application pertains; but if the application is
3 made after June 15 of any year, the fee shall be \$250
4 for the applicant's established place of business plus
5 \$25 for each additional place of business, if any, to
6 which the application pertains. For a license renewal
7 application, the fee shall be based on the amount of
8 automobiles sold in the past year according to the
9 following formula:

10 (1) \$0 for dealers selling 25 or less
11 automobiles;

12 (2) \$150 for dealers selling more than 25 but
13 less than 200 automobiles;

14 (3) \$300 for dealers selling 200 or more
15 automobiles but less than 300 automobiles; and

16 (4) \$500 for dealers selling 300 or more
17 automobiles.

18 Fees shall be returnable only if the application
19 is denied by the Secretary of State. Money received
20 under this subparagraph shall be deposited into the
21 Dealer Recovery Trust Fund. A Buy Here, Pay Here used
22 vehicle dealer shall pay into the Dealer Recovery
23 Trust Fund for every vehicle that is financed, sold,
24 or otherwise transferred to an individual or entity
25 other than the Buy Here, Pay Here used vehicle dealer
26 even if the individual or entity to which the Buy Here,

1 Pay Here used vehicle dealer transfers the vehicle is
2 unable to continue to adhere to the terms of the
3 transaction by the Buy Here, Pay Here used vehicle
4 dealer.

5 (6) A statement that each officer, director,
6 shareholder having a 10% or greater ownership interest
7 therein, proprietor, partner, member, officer, director,
8 trustee, manager, or other principal in the business of
9 the applicant has not committed in the past 3 years any one
10 violation as determined in any civil, criminal, or
11 administrative proceedings of any one of the following:

12 (A) the Anti-Theft Laws of this Code;

13 (B) the Certificate of Title Laws of this Code;

14 (C) the Offenses against Registration and
15 Certificates of Title Laws of this Code;

16 (D) the Dealers, Transporters, Wreckers and
17 Rebuilders Laws of this Code;

18 (E) Section 21-2 of the Illinois Criminal Code of
19 1961 or the Criminal Code of 2012, Criminal Trespass
20 to Vehicles; or

21 (F) the Retailers' Occupation Tax Act.

22 (7) A statement that each officer, director,
23 shareholder having a 10% or greater ownership interest
24 therein, proprietor, partner, member, officer, director,
25 trustee, manager, or other principal in the business of
26 the applicant has not committed in any calendar year 3 or

1 more violations, as determined in any civil, criminal, or
2 administrative proceedings, of any one or more of the
3 following:

4 (A) the Consumer Finance Act;

5 (B) the Consumer Installment Loan Act;

6 (C) the Retail Installment Sales Act;

7 (D) the Motor Vehicle Retail Installment Sales
8 Act;

9 (E) the Interest Act;

10 (F) the Illinois Wage Assignment Act;

11 (G) Part 8 of Article XII of the Code of Civil
12 Procedure; or

13 (H) the Consumer Fraud and Deceptive Business
14 Practices Act.

15 (8) A statement that, within 10 years of application,
16 each officer, director, shareholder having a 10% or
17 greater ownership interest therein, proprietor, partner,
18 member, officer, director, trustee, manager, or other
19 principal in the business of the applicant has not
20 committed, as determined in any civil, criminal, or
21 administrative proceeding, in any calendar year one or
22 more forcible felonies under the Criminal Code of 1961 or
23 the Criminal Code of 2012, or a violation of either or both
24 Article 16 or 17 of the Criminal Code of 1961, or a
25 violation of either or both Article 16 or 17 of the
26 Criminal Code of 2012, Article 29B of the Criminal Code of

1 1961 or the Criminal Code of 2012, or a similar
2 out-of-state offense. For the purposes of this paragraph,
3 "forcible felony" has the meaning provided in Section 2-8
4 of the Criminal Code of 2012.

5 (9) A bond or Certificate of Deposit in the amount of
6 \$50,000 for each location at which the applicant intends
7 to act as a Buy Here, Pay Here used vehicle dealer. The
8 bond shall be for the term of the license. The bond shall
9 run to the People of the State of Illinois, with surety by
10 a bonding or insurance company authorized to do business
11 in this State. It shall be conditioned upon the proper
12 transmittal of all title and registration fees and taxes
13 (excluding taxes under the Retailers' Occupation Tax Act)
14 accepted by the applicant as a Buy Here, Pay Here used
15 vehicle dealer.

16 (10) Such other information concerning the business of
17 the applicant as the Secretary of State may by rule
18 prescribe.

19 (11) A statement that the applicant understands
20 Chapter 1 through Chapter 5 of this Code.

21 (12) A copy of the certification from the prelicensing
22 education program.

23 (13) The full name, address, and contact information
24 of each of the dealer's agents or legal representatives
25 who is an Illinois resident and liable for the performance
26 of the dealership.

1 (d) Any change that renders no longer accurate any
2 information contained in any application for a Buy Here, Pay
3 Here used vehicle dealer's license shall be amended within 30
4 days after the occurrence of each change on such form as the
5 Secretary of State may prescribe by rule, accompanied by an
6 amendatory fee of \$2.

7 (e) Anything in this Chapter to the contrary
8 notwithstanding, no person shall be licensed as a Buy Here,
9 Pay Here used vehicle dealer unless the person maintains an
10 established place of business as defined in this Chapter.

11 (f) The Secretary of State shall, within a reasonable time
12 after receipt, examine an application submitted under this
13 Section. Unless the Secretary makes a determination that the
14 application does not conform to this Section or that grounds
15 exist for a denial of the application under Section 5-501 of
16 this Chapter, the Secretary must grant the applicant an
17 original Buy Here, Pay Here used vehicle dealer's license in
18 writing for his or her established place of business and a
19 supplemental license in writing for each additional place of
20 business in such form as the Secretary may prescribe by rule
21 that shall include the following:

22 (1) The name of the person licensed.

23 (2) If a corporation, the name and address of its
24 officers or if a sole proprietorship, a partnership, an
25 unincorporated association, or any similar form of
26 business organization, the name and address of the

1 proprietor or of each partner, member, officer, director,
2 trustee, or manager.

3 (3) In the case of an original license, the
4 established place of business of the licensee.

5 (4) In the case of a supplemental license, the
6 established place of business of the licensee and the
7 additional place of business to which the supplemental
8 license pertains.

9 (5) The full name, address, and contact information of
10 each of the dealer's agents or legal representatives who
11 is an Illinois resident and liable for the performance of
12 the dealership.

13 (g) The appropriate instrument evidencing the license or a
14 certified copy thereof, provided by the Secretary of State
15 shall be kept posted, conspicuously, in the established place
16 of business of the licensee and in each additional place of
17 business, if any, maintained by the licensee.

18 (h) Except as provided in subsection (i), all Buy Here,
19 Pay Here used vehicle dealer's licenses granted under this
20 Section expire by operation of law on December 31 of the
21 calendar year for which they are granted unless sooner revoked
22 or cancelled under Section 5-501 of this Chapter.

23 (i) A Buy Here, Pay Here used vehicle dealer's license may
24 be renewed upon application and payment of the fee required
25 herein, and submission of proof of coverage by an approved
26 bond under the Retailers' Occupation Tax Act or proof that the

1 applicant is not subject to such bonding requirements, as in
2 the case of an original license, but in the case of an
3 application for the renewal of an effective license made
4 during the month of December, the effective license shall
5 remain in force until the application for renewal is granted
6 or denied by the Secretary of State.

7 (j) Each person licensed as a Buy Here, Pay Here used
8 vehicle dealer is required to furnish each purchaser of a
9 motor vehicle:

10 (1) a certificate of title properly assigned to the
11 purchaser;

12 (2) a statement verified under oath that all
13 identifying numbers on the vehicle agree with those on the
14 certificate of title;

15 (3) a bill of sale properly executed on behalf of the
16 person;

17 (4) a copy of the Uniform Invoice-transaction
18 reporting return referred to in Section 5-402;

19 (5) in the case of a rebuilt vehicle, a copy of the
20 Disclosure of Rebuilt Vehicle Status; and

21 (6) in the case of a vehicle for which the warranty has
22 been reinstated, a copy of the warranty.

23 (k) Except at the time of sale or repossession of the
24 vehicle, no person licensed as a Buy Here, Pay Here used
25 vehicle dealer may issue any other person a newly created key
26 to a vehicle unless the Buy Here, Pay Here used vehicle dealer

1 makes a color photocopy or electronic scan of the driver's
2 license or State identification card of the person requesting
3 or obtaining the newly created key. The Buy Here, Pay Here used
4 vehicle dealer must retain the photocopy or scan for 30 days.

5 A Buy Here, Pay Here used vehicle dealer who violates this
6 subsection (k) is guilty of a petty offense. Violation of this
7 subsection (k) is not cause to suspend, revoke, cancel, or
8 deny renewal of the used vehicle dealer's license.

9 (1) A Buy Here, Pay Here used vehicle dealer licensed
10 under this Section shall provide the Secretary of State a
11 register for the sale at auction of each salvage or junk
12 certificate vehicle. Each register shall include the following
13 information:

14 (1) the year, make, model, style, and color of the
15 vehicle;

16 (2) the vehicle's manufacturer's identification number
17 or, if applicable, the Secretary of State or Illinois
18 ~~Department of State Police~~ identification number;

19 (3) the date of acquisition of the vehicle;

20 (4) the name and address of the person from whom the
21 vehicle was acquired;

22 (5) the name and address of the person to whom any
23 vehicle was disposed, the person's Illinois license number
24 or, if the person is an out-of-state salvage vehicle
25 buyer, the license number from the state or jurisdiction
26 where the buyer is licensed; and

1 (6) the purchase price of the vehicle.

2 The register shall be submitted to the Secretary of State
3 via written or electronic means within 10 calendar days from
4 the date of the auction.

5 (m) If a licensee under this Section voluntarily
6 surrenders a license to ~~the Illinois Secretary of State Police~~
7 ~~or~~ a representative of the Secretary of State Vehicle Services
8 Department due to the licensee's inability to adhere to
9 recordkeeping provisions, or the inability to properly issue
10 certificates of title or registrations under this Code, or the
11 Secretary revokes a license under this Section, then the
12 licensee and the licensee's agent, designee, or legal
13 representative, if applicable, may not be named on a new
14 application for a licensee under this Section or under this
15 Chapter, nor is the licensee or the licensee's agent,
16 designee, or legal representative permitted to work for
17 another licensee under this Chapter in a recordkeeping,
18 management, or financial position or as an employee who
19 handles certificate of title and registration documents and
20 applications.

21 (Source: P.A. 101-505, eff. 1-1-20; 102-154, eff. 1-1-22;
22 102-982, eff. 7-1-23.)

23 (625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

24 Sec. 5-403. (1) Authorized representatives of the
25 Secretary of State ~~including officers of the Secretary of~~

1 ~~State's Department of Police~~, other peace officers, and such
2 other individuals as the Secretary may designate from time to
3 time shall make inspections of individuals and facilities
4 licensed or required to be licensed under Chapter 5 of the
5 Illinois Vehicle Code for the purpose of reviewing records
6 required to be maintained under Chapter 5 for accuracy and
7 completeness and reviewing and examining the premises of the
8 licensee's established or additional place of business for the
9 purpose of determining the accuracy of the required records.
10 Premises that may be inspected in order to determine the
11 accuracy of the books and records required to be kept includes
12 all premises used by the licensee to store vehicles and parts
13 that are reflected by the required books and records.

14 (2) Persons having knowledge of or conducting inspections
15 pursuant to this Chapter shall not in advance of such
16 inspections knowingly notify a licensee or representative of a
17 licensee of the contemplated inspection unless the Secretary
18 or an individual designated by him for this purpose authorizes
19 such notification. Any individual who, without authorization,
20 knowingly violates this subparagraph shall be guilty of a
21 Class A misdemeanor.

22 (3) The licensee or a representative of the licensee shall
23 be entitled to be present during an inspection conducted
24 pursuant to Chapter 5, however, the presence of the licensee
25 or an authorized representative of the licensee is not a
26 condition precedent to such an inspection.

1 (4) Inspection conducted pursuant to Chapter 5 may be
2 initiated at any time that business is being conducted or work
3 is being performed, whether or not open to the public or when
4 the licensee or a representative of the licensee, other than a
5 mere custodian or watchman, is present. The fact that a
6 licensee or representative of the licensee leaves the licensed
7 premises after an inspection has been initiated shall not
8 require the termination of the inspection.

9 (5) Any inspection conducted pursuant to Chapter 5 shall
10 not continue for more than 24 hours after initiation.

11 (6) In the event information comes to the attention of the
12 individuals conducting an inspection that may give rise to the
13 necessity of obtaining a search warrant, and in the event
14 steps are initiated for the procurement of a search warrant,
15 the individuals conducting such inspection may take all
16 necessary steps to secure the premises under inspection until
17 the warrant application is acted upon by a judicial officer.

18 (7) No more than 6 inspections of a premises may be
19 conducted pursuant to Chapter 5 within any 6 month period
20 except pursuant to a search warrant. Notwithstanding this
21 limitation, nothing in this subparagraph (7) shall be
22 construed to limit the authority of law enforcement agents to
23 respond to public complaints of violations of the Code. For
24 the purpose of this subparagraph (7), a public complaint is
25 one in which the complainant identifies himself or herself and
26 sets forth, in writing, the specific basis for their complaint

1 against the licensee. For the purpose of this subparagraph
2 (7), the inspection of records pertaining only to recyclable
3 metals, as provided in subdivision (a)(5) of Section 5-401.3
4 of this Code, shall not be counted as an inspection of a
5 premises.

6 (8) Nothing in this Section shall be construed to limit
7 the authority of individuals by the Secretary pursuant to this
8 Section to conduct searches of licensees pursuant to a duly
9 issued and authorized search warrant.

10 (9) Any licensee who, having been informed by a person
11 authorized to make inspections and examine records under this
12 Section that he desires to inspect records and the licensee's
13 premises as authorized by this Section, refuses either to
14 produce for that person records required to be kept by this
15 Chapter or to permit such authorized person to make an
16 inspection of the premises in accordance with this Section
17 shall subject the license to immediate suspension by the
18 Secretary of State.

19 (10) Beginning July 1, 1988, any person referenced under
20 Section 5-302 shall produce for inspection upon demand those
21 records pertaining to the acquisition of salvage vehicles in
22 this State.

23 (Source: P.A. 95-253, eff. 1-1-08; 95-783, eff. 1-1-09;
24 95-979, eff. 1-2-09; 96-328, eff. 8-11-09.)

1 Sec. 5-803. Administrative penalties. Instead of filing a
2 criminal complaint against a new or used vehicle dealer, or
3 against any other entity licensed by the Secretary under this
4 Code, or any other unlicensed entity acting in violation of
5 this Code, a Secretary of State ~~Police~~ investigator may issue
6 administrative citations for violations of any of the
7 provisions of this Code or any administrative rule adopted by
8 the Secretary under this Code. A party receiving a citation
9 shall have the right to contest the citation in proceedings
10 before the Secretary of State Department of Administrative
11 Hearings. Penalties imposed by issuance of an administrative
12 citation shall not exceed \$50 per violation. A penalty may not
13 be imposed unless, during the course of a single investigation
14 or upon review of the party's records, the party is found to
15 have committed at least 3 separate violations of one or more of
16 the provisions of this Code or any administrative rule adopted
17 by the Secretary under this Code. Penalties paid as a result of
18 the issuance of administrative citations shall be deposited in
19 the Secretary of State ~~Police~~ Services Fund.

20 (Source: P.A. 101-572, eff. 8-23-19.)

21 (625 ILCS 5/5-901)

22 Sec. 5-901. Regulation of manufactured home dealers.

23 (a) As used in this Article:

24 "Established place of business" means the place owned or
25 leased and occupied by any person duly licensed or required to

1 be licensed as a manufactured home dealer for the purpose of
2 engaging in selling, buying, bartering, displaying,
3 exchanging, or dealing in, on consignment or otherwise,
4 manufactured homes and for such other ancillary purposes as
5 may be permitted by the Secretary by rule.

6 "Manufactured home" means a factory-assembled structure
7 built on a permanent chassis, transportable in one or more
8 sections in the travel mode, incapable of self-propulsion,
9 bears a label indicating the manufacturer's compliance with
10 the United States Department of Housing and Urban Development
11 standards, as applicable, and is designed for year-round
12 occupancy as a single-family residence when connected to
13 approved water, sewer, and electrical utilities.

14 "Manufactured home dealer" means: (1) an individual or
15 entity that engages in the business of acquiring or disposing
16 of new or used manufactured homes; (2) an individual or entity
17 who advertises or otherwise holds the individual or the entity
18 out as being engaged in the business of acquiring or selling
19 new or used manufactured homes; or (3) an individual or entity
20 who buys or sells more than 2 new or used manufactured homes
21 within a 12-month period.

22 (b) No person shall engage in this State in the business of
23 selling or dealing in, on consignment or otherwise,
24 manufactured homes of any make, or act as an intermediary,
25 agent, or broker for any manufactured home purchaser, other
26 than as a salesperson, or to represent or advertise that he or

1 she is so engaged, or intends to so engage, in the business,
2 unless licensed to do so by the Secretary of State under this
3 Section.

4 (c) An application for a manufactured home dealer's
5 license shall be filed with the Secretary of State Vehicle
6 Services Department and duly verified by oath, on such form as
7 the Secretary of State may prescribe, and shall contain all of
8 the following:

9 (1) The name and type of business organization of the
10 applicant, and his or her established place of business in
11 this State.

12 (2) If the applicant is a corporation, a list of its
13 officers, directors, and shareholders having a 10% or
14 greater ownership interest in the corporation. If the
15 applicant is a sole proprietorship, a partnership, a
16 limited liability company, an unincorporated association,
17 a trust, or any similar form of business organization, the
18 name and residence address of the proprietor, or the name
19 and residence address of each partner, member, officer,
20 director, trustee, or manager.

21 (3) A statement that the applicant has been approved
22 for registration under the Retailers' Occupation Tax Act
23 by the Department of Revenue, except that this requirement
24 does not apply to a manufactured home dealer who is
25 already licensed with the Secretary of State, and who is
26 only applying for a renewal of his or her license. As

1 evidence of this fact, the application shall be
2 accompanied by a certification from the Department of
3 Revenue showing that the Department has approved the
4 applicant for registration under the Retailers' Occupation
5 Tax Act.

6 (4) An application for a manufactured home dealer's
7 license shall be accompanied by a \$1,000 license fee for
8 the applicant's established place of business. If the
9 application is made after June 15 of any year, the license
10 fee shall be \$500 for the applicant's established place of
11 business. License fees shall be returnable only if the
12 application is denied by the Secretary of State.

13 Of the money received by the Secretary of State as
14 license fees under this paragraph (4), 95% shall be
15 deposited into the General Revenue Fund and 5% into the
16 Motor Vehicle License Plate Fund.

17 (5) A statement that no officer, director, shareholder
18 having a 10% or greater ownership interest, proprietor,
19 partner, member, officer, director, trustee, manager, or
20 other principal in the business of the applicant has
21 committed in the past 3 years any violation, as determined
22 in any civil, criminal, or administrative hearing
23 proceeding, of any one of the following Acts:

24 (A) the Anti-Theft Laws of this Code;

25 (B) the Certificate of Title Laws of this Code;

26 (C) the Offenses against Registration and

1 Certificates of Title Laws of this Code;

2 (D) the Dealers, Transporters, Wreckers, and

3 Rebuilders Laws of this Code;

4 (E) Section 21-2 of the Criminal Code of 2012,

5 criminal trespass to vehicles;

6 (F) the Retailers' Occupation Tax Act;

7 (G) the Consumer Installment Loan Act;

8 (H) the Retail Installment Sales Act;

9 (I) the Interest Act;

10 (J) the Illinois Wage Assignment Act;

11 (K) Part 8 of Article XII of the Code of Civil

12 Procedure; or

13 (L) the Consumer Fraud and Deceptive Business

14 Practices Act.

15 (6) A bond or certificate of deposit in the amount of

16 \$150,000 for each license holder applicant intending to

17 act as a manufactured home dealer under this Section. The

18 bond shall be for the term of the license for which

19 application is made and shall expire not sooner than

20 December 31st of the year for which the license was

21 issued. The bond shall run to the People of the State of

22 Illinois and to customers asserting financial claims

23 against the dealer, with surety by a bonding or insurance

24 company authorized to do business in this State. It shall

25 be conditioned upon the proper transmittal of all title

26 and registration fees and taxes (excluding taxes under the

1 Retailers' Occupation Tax Act) accepted by the applicant
2 as a manufactured home dealer, and the execution of all of
3 the dealer's obligations to the customer, including
4 financial duties related to the acceptance and
5 disbursement of any funds paid to the dealer by the
6 customer, and conveyance of possession or ownership
7 documents of a manufactured home.

8 (7) Dealers in business for over 10 years may
9 substitute a certificate of insurance in lieu of the bond
10 or certificate of deposit upon renewing their license.

11 (8) Any other information concerning the business of
12 the applicant as the Secretary of State may by rule
13 prescribe.

14 (d) Any change that renders no longer accurate any
15 information contained in any application for a license under
16 this Section shall be amended within 30 days after the
17 occurrence of the change on a form the Secretary of State may
18 prescribe, by rule, accompanied by an amendatory fee of \$25.

19 (e) The Secretary of State shall, within a reasonable time
20 after receipt, examine an application submitted under this
21 Section, and unless the Secretary makes a determination that
22 the application submitted does not conform with the
23 requirements of this Section or that grounds exist for a
24 denial of the application under subsection (f), grant the
25 applicant an initial manufactured home dealer's license in
26 writing for the established place of business of the applicant

1 in a form the Secretary may prescribe by rule, which shall
2 include the following:

3 (1) the name of the person or entity licensed;

4 (2) if a corporation, the name and address of its
5 officers; if a sole proprietorship, a partnership, an
6 unincorporated association, or any similar form of
7 business organization, the name and address of the
8 proprietor, or the name and address of each partner,
9 member, officer, director, trustee or manager; or if a
10 limited liability company, the name and address of the
11 general partner or partners, or managing member or
12 members; and

13 (3) the established place of business of the licensee.

14 (f) A license issued under this Section may be denied,
15 revoked, or suspended if the Secretary of State finds that the
16 applicant, or the officer, director, shareholder having a 10%
17 or greater ownership interest in the corporation, owner,
18 partner, trustee, manager, employee or the licensee has:

19 (1) violated this Section;

20 (2) made any material misrepresentation to the
21 Secretary of State in connection with an application for a
22 license, title, or registration;

23 (3) committed a fraudulent act in connection with
24 selling, bartering, exchanging, offering for sale, or
25 otherwise dealing in manufactured homes;

26 (4) not maintained an established place of business as

1 defined in this Section;

2 (5) failed to file or produce to the Secretary of
3 State any application, report, document, or other
4 pertinent books, records, documents, letters, contracts
5 required to be filed or produced under this Section or any
6 rule adopted by the Secretary of State pursuant to this
7 Section;

8 (6) failed to pay any fees or taxes due under this
9 Code, or has failed to transmit any fees or taxes received
10 by him or her for transmittal by him or her to the
11 Secretary of State or the State of Illinois;

12 (7) failed to transfer title to a manufactured home
13 when legally required to do so; or

14 (8) violated any of the following:

15 (A) the Anti-Theft Laws of this Code;

16 (B) the Certificate of Title Laws of this Code;

17 (C) the Offenses against Registration and
18 Certificates of Title Laws of this Code;

19 (D) the Dealers, Transporters, Wreckers, and
20 Rebuilders Laws of this Code;

21 (E) Section 21-2 of the Criminal Code of 2012,
22 criminal trespass to vehicles;

23 (F) the Retailers' Occupation Tax Act;

24 (G) the Consumer Installment Loan Act;

25 (H) the Retail Installment Sales Act;

26 (I) the Interest Act;

1 (J) the Illinois Wage Assignment Act;

2 (K) Part 8 of Article XII of the Code of Civil
3 Procedure; or

4 (L) the Consumer Fraud and Deceptive Business
5 Practices Act.

6 (g) In addition to other grounds specified in this
7 Section, the Secretary of State, on complaint of the
8 Department of Revenue, shall refuse the issuance or renewal of
9 a license, or suspend or revoke such a license, for any of the
10 following violations of the Retailers' Occupation Tax Act, the
11 tax imposed on corporations under subsection (b) of Section
12 201 of the Illinois Income Tax Act, the Personal Property Tax
13 Replacement Income Tax imposed under subsections (c) and (d)
14 of Section 201 of the Illinois Income Tax Act, or the tax
15 imposed under Section 704A of the Illinois Income Tax Act:

16 (1) failure to make a tax return;

17 (2) the filing of a fraudulent return;

18 (3) failure to pay all or part of any tax or penalty
19 finally determined to be due;

20 (4) failure to comply with the bonding requirements of
21 the Retailers' Occupation Tax Act.

22 (h) A license issued under this Section may be canceled by
23 the Secretary of State prior to its expiration in any of the
24 following situations:

25 (1) if a license is voluntarily surrendered by the
26 licensed person;

1 (2) if the business enterprise is a sole
2 proprietorship and the sole proprietor dies or is
3 imprisoned for any period exceeding 30 days; or

4 (3) if the license was issued to the wrong person or
5 corporation or contains an error on its face.

6 If any person whose license has been canceled wishes to
7 apply for another license, whether during the same license
8 year or any other year, that person shall be treated as a new
9 applicant and the cancellation of the person's prior license
10 shall not, in and of itself, be a bar to the issuance of a new
11 license.

12 (i) A license issued under this Section may be canceled
13 without a hearing if the Secretary of State is notified that
14 the applicant, or any officer, director, shareholder having a
15 10% or greater ownership interest, owner, partner, trustee,
16 manager, employee, or member of the applicant or the licensee
17 has been convicted of any forcible felony or any felony
18 involving the selling, bartering, exchanging, offering for
19 sale, or otherwise dealing in ownership documents relating to
20 any of the above actions.

21 (j) The appropriate instrument evidencing the license or a
22 certified copy of the instrument, provided by the Secretary of
23 State, shall be kept posted conspicuously in the established
24 place of business of the licensee.

25 (k) All records related to the purchase, sale, or
26 acceptance for sale on consignment of any manufactured home

1 shall be maintained at the licensee's established place of
2 business. These records shall be retained for a period of not
3 less than 7 years, and shall be made available for inspection
4 upon the request of a Secretary of State auditor or an
5 investigator with the Secretary of State ~~Department of Police~~.

6 (l) Except as provided in subsection (i), all licenses
7 granted under this Section shall expire by operation of law on
8 December 31st of the calendar year for which the licenses were
9 granted, unless sooner revoked or canceled under subsection
10 (f).

11 (m) Each person licensed as a manufactured home dealer is
12 required to furnish each purchaser of a manufactured home:

13 (1) in the case of a new manufactured home, a
14 manufacturer's statement of origin, and in the case of a
15 previously owned manufactured home, a certificate of
16 title, in either case properly assigned to the purchaser;

17 (2) a statement verified under oath that all
18 identifying numbers on the vehicle match the identifying
19 numbers on the certificate of title or manufacturer's
20 statement of origin;

21 (3) a bill of sale properly executed on behalf of the
22 purchaser; and

23 (4) for a new manufactured home, a warranty, and in
24 the case of a manufactured home for which the warranty has
25 been reinstated, a copy of the warranty; if no warranty is
26 provided, a disclosure or statement that the manufactured

1 home is being sold "AS IS".

2 (n) This Section does not apply to a seller who privately
3 owns his or her manufactured home as his or her main residence
4 and is selling the manufactured home to another individual or
5 to a licensee so long as that individual does not sell more
6 than 2 manufactured homes in one 12-month period.

7 (o) This Section does not apply to any person licensed
8 under the Real Estate License Act of 2000.

9 (p) The Secretary of State may adopt any rules necessary
10 to implement this Section.

11 (q) Any individual or entity licensed as a manufactured
12 home dealer or a community-based manufactured home dealer on
13 the effective date of this Section shall be entitled to act as
14 a manufactured home dealer under this Section for the duration
15 of any license in effect on the effective date of this
16 amendatory Act of the 102nd General Assembly, and shall be
17 eligible to be issued a manufactured home dealer's license
18 under this Section upon the expiration of any such license.

19 (Source: P.A. 102-941, eff. 7-1-22.)

20 (625 ILCS 5/6-121)

21 Sec. 6-121. Issuance of confidential drivers' licenses.

22 (a) Requirements for use of confidential drivers'
23 licenses. Confidential drivers' licenses may be issued to
24 local, state, and federal government agencies for bona fide
25 law enforcement purposes. The drivers' licenses may be issued

1 with fictitious names and addresses, and may be used only for
2 confidential, investigative, or undercover law enforcement
3 operations. Confidential drivers' licenses may be issued as
4 REAL ID compliant or non-compliant driver's licenses.

5 (b) Application procedures for confidential drivers'
6 licenses:

7 (1) Applications by local, state, and federal
8 government agencies for confidential drivers' licenses
9 must be made to the Secretary of State ~~Police Department~~
10 on a form and in a manner prescribed by the Secretary of
11 State ~~Police Department~~.

12 (2) The application form must include information, as
13 specific as possible without compromising investigations
14 or techniques, setting forth the need for the drivers'
15 licenses and the uses to which the licenses will be
16 limited.

17 (3) The application form must be signed and verified
18 by the local, state, or federal government agency head or
19 designee.

20 (4) Registration information maintained by the
21 Secretary of State ~~Police Department~~ for confidential
22 drivers' licenses must show the fictitious names and
23 addresses on all records subject to public disclosure. All
24 other information concerning these confidential drivers'
25 licenses are exempt from disclosure unless the disclosure
26 is ordered by a court of competent jurisdiction.

1 (c) Revocation and cancellation procedures for
2 confidential drivers' licenses:

3 (1) The Secretary of State ~~Police Department~~ may
4 revoke or refuse to renew confidential drivers' licenses
5 when they have reasonable cause to believe the licenses
6 are being used for purposes other than those set forth in
7 the application form or authorized by this Section.
8 Confidential drivers' licenses may also be revoked where
9 traffic violation citations have been issued to the driver
10 and subsequent investigation reveals that the issuance of
11 the citations was unrelated to the purposes for which the
12 confidential driver's license was issued. In such cases,
13 the citations and any resulting court orders, convictions,
14 supervisions or other sanctions must be treated by the
15 Secretary of State as though they were issued in relation
16 to the true driver's license of the individual to whom the
17 confidential driver's license was issued.

18 (2) A government agency must request cancellation of
19 confidential drivers' licenses that are no longer required
20 for the purposes for which they were issued.

21 (3) All revoked confidential drivers' licenses must be
22 promptly returned to the Secretary of State ~~Police~~
23 ~~Department~~ by the government agency to which they were
24 issued.

25 (Source: P.A. 100-248, eff. 8-22-17.)

1 (625 ILCS 5/11-501.01)

2 Sec. 11-501.01. Additional administrative sanctions.

3 (a) After a finding of guilt and prior to any final
4 sentencing or an order for supervision, for an offense based
5 upon an arrest for a violation of Section 11-501 or a similar
6 provision of a local ordinance, individuals shall be required
7 to undergo a professional evaluation to determine if an
8 alcohol, drug, or intoxicating compound abuse problem exists
9 and the extent of the problem, and undergo the imposition of
10 treatment as appropriate. Programs conducting these
11 evaluations shall be licensed by the Department of Human
12 Services. The cost of any professional evaluation shall be
13 paid for by the individual required to undergo the
14 professional evaluation.

15 (b) Any person who is found guilty of or pleads guilty to
16 violating Section 11-501, including any person receiving a
17 disposition of court supervision for violating that Section,
18 may be required by the Court to attend a victim impact panel
19 offered by, or under contract with, a county State's
20 Attorney's office, a probation and court services department,
21 Mothers Against Drunk Driving, or the Alliance Against
22 Intoxicated Motorists. All costs generated by the victim
23 impact panel shall be paid from fees collected from the
24 offender or as may be determined by the court.

25 (c) (Blank).

26 (d) The Secretary of State shall revoke the driving

1 privileges of any person convicted under Section 11-501 or a
2 similar provision of a local ordinance.

3 (e) The Secretary of State shall require the use of
4 ignition interlock devices for a period not less than 5 years
5 on all vehicles owned by a person who has been convicted of a
6 second or subsequent offense of Section 11-501 or a similar
7 provision of a local ordinance. The person must pay to the
8 Secretary of State DUI Administration Fund an amount not to
9 exceed \$30 for each month that he or she uses the device. The
10 Secretary shall establish by rule and regulation the
11 procedures for certification and use of the interlock system,
12 the amount of the fee, and the procedures, terms, and
13 conditions relating to these fees. During the time period in
14 which a person is required to install an ignition interlock
15 device under this subsection (e), that person shall only
16 operate vehicles in which ignition interlock devices have been
17 installed, except as allowed by subdivision (c)(5) or (d)(5)
18 of Section 6-205 of this Code.

19 (f) (Blank).

20 (g) The Secretary of State ~~Police~~ DUI Fund is created as a
21 special fund in the State treasury and, subject to
22 appropriation, shall be used for enforcement and prevention of
23 driving while under the influence of alcohol, other drug or
24 drugs, intoxicating compound or compounds or any combination
25 thereof, as defined by Section 11-501 of this Code, including,
26 but not limited to, the purchase of law enforcement equipment

1 and commodities to assist in the prevention of alcohol-related
2 criminal violence throughout the State; police officer
3 training and education in areas related to alcohol-related
4 crime, including, but not limited to, DUI training; and police
5 officer salaries, including, but not limited to, salaries for
6 hire back funding for safety checkpoints, saturation patrols,
7 and liquor store sting operations.

8 (h) Whenever an individual is sentenced for an offense
9 based upon an arrest for a violation of Section 11-501 or a
10 similar provision of a local ordinance, and the professional
11 evaluation recommends remedial or rehabilitative treatment or
12 education, neither the treatment nor the education shall be
13 the sole disposition and either or both may be imposed only in
14 conjunction with another disposition. The court shall monitor
15 compliance with any remedial education or treatment
16 recommendations contained in the professional evaluation.
17 Programs conducting alcohol or other drug evaluation or
18 remedial education must be licensed by the Department of Human
19 Services. If the individual is not a resident of Illinois,
20 however, the court may accept an alcohol or other drug
21 evaluation or remedial education program in the individual's
22 state of residence. Programs providing treatment must be
23 licensed under existing applicable alcoholism and drug
24 treatment licensure standards.

25 (i) (Blank).

26 (j) A person that is subject to a chemical test or tests of

1 blood under subsection (a) of Section 11-501.1 or subdivision
2 (c)(2) of Section 11-501.2 of this Code, whether or not that
3 person consents to testing, shall be liable for the expense up
4 to \$500 for blood withdrawal by a physician authorized to
5 practice medicine, a licensed physician assistant, a licensed
6 advanced practice registered nurse, a registered nurse, a
7 trained phlebotomist, a licensed paramedic, or a qualified
8 person other than a police officer approved by the Illinois
9 State Police to withdraw blood, who responds, whether at a law
10 enforcement facility or a health care facility, to a police
11 department request for the drawing of blood based upon refusal
12 of the person to submit to a lawfully requested breath test or
13 probable cause exists to believe the test would disclose the
14 ingestion, consumption, or use of drugs or intoxicating
15 compounds if:

16 (1) the person is found guilty of violating Section
17 11-501 of this Code or a similar provision of a local
18 ordinance; or

19 (2) the person pleads guilty to or stipulates to facts
20 supporting a violation of Section 11-503 of this Code or a
21 similar provision of a local ordinance when the plea or
22 stipulation was the result of a plea agreement in which
23 the person was originally charged with violating Section
24 11-501 of this Code or a similar local ordinance.

25 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

1 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

2 Sec. 11-1301.3. Unauthorized use of parking places
3 reserved for persons with disabilities.

4 (a) It shall be prohibited to park any motor vehicle which
5 is not properly displaying registration plates or decals
6 issued to a person with disabilities, as defined by Section
7 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2,
8 or to a veteran with a disability pursuant to Section 3-609 of
9 this Act, as evidence that the vehicle is operated by or for a
10 person with disabilities or a veteran with a disability, in
11 any parking place, including any private or public offstreet
12 parking facility, specifically reserved, by the posting of an
13 official sign as designated under Section 11-301, for motor
14 vehicles displaying such registration plates. It shall be
15 prohibited to park any motor vehicle in a designated access
16 aisle adjacent to any parking place specifically reserved for
17 persons with disabilities, by the posting of an official sign
18 as designated under Section 11-301, for motor vehicles
19 displaying such registration plates. When using the parking
20 privileges for persons with disabilities, the parking decal or
21 device must be displayed properly in the vehicle where it is
22 clearly visible to law enforcement personnel, either hanging
23 from the rearview mirror or placed on the dashboard of the
24 vehicle in clear view. Disability license plates and parking
25 decals and devices are not transferable from person to person.
26 Proper usage of the disability license plate or parking decal

1 or device requires the authorized holder to be present and
2 enter or exit the vehicle at the time the parking privileges
3 are being used. It is a violation of this Section to park in a
4 space reserved for a person with disabilities if the
5 authorized holder of the disability license plate or parking
6 decal or device does not enter or exit the vehicle at the time
7 the parking privileges are being used. Any motor vehicle
8 properly displaying a disability license plate or a parking
9 decal or device containing the International symbol of access
10 issued to persons with disabilities by any local authority,
11 state, district, territory or foreign country shall be
12 recognized by State and local authorities as a valid license
13 plate or device and receive the same parking privileges as
14 residents of this State.

15 (a-1) An individual with a vehicle displaying disability
16 license plates or a parking decal or device issued to a
17 qualified person with a disability under Sections 3-616,
18 11-1301.1, or 11-1301.2 or to a veteran with a disability
19 under Section 3-609 is in violation of this Section if (i) the
20 person using the disability license plate or parking decal or
21 device is not the authorized holder of the disability license
22 plate or parking decal or device or is not transporting the
23 authorized holder of the disability license plate or parking
24 decal or device to or from the parking location and (ii) the
25 person uses the disability license plate or parking decal or
26 device to exercise any privileges granted through the

1 disability license plate or parking decals or devices under
2 this Code.

3 (a-2) A driver of a vehicle displaying disability license
4 plates or a parking decal or device issued to a qualified
5 person with a disability under Section 3-616, 11-1301.1, or
6 11-1301.2 or to a veteran with a disability under Section
7 3-609 is in violation of this Section if (i) the person to whom
8 the disability license plate or parking decal or device was
9 issued is deceased and (ii) the driver uses the disability
10 license plate or parking decal or device to exercise any
11 privileges granted through a disability license plate or
12 parking decal or device under this Code.

13 (b) Any person or local authority owning or operating any
14 public or private offstreet parking facility may, after
15 notifying the police or sheriff's department, remove or cause
16 to be removed to the nearest garage or other place of safety
17 any vehicle parked within a stall or space reserved for use by
18 a person with disabilities which does not display person with
19 disabilities registration plates or a special decal or device
20 as required under this Section.

21 (c) Any person found guilty of violating the provisions of
22 subsection (a) shall be fined \$250 in addition to any costs or
23 charges connected with the removal or storage of any motor
24 vehicle authorized under this Section; but municipalities by
25 ordinance may impose a fine up to \$350 and shall display signs
26 indicating the fine imposed. If the amount of the fine is

1 subsequently changed, the municipality shall change the sign
2 to indicate the current amount of the fine. It shall not be a
3 defense to a charge under this Section that either the sign
4 posted pursuant to this Section or the intended accessible
5 parking place does not comply with the technical requirements
6 of Section 11-301, Department regulations, or local ordinance
7 if a reasonable person would be made aware by the sign or
8 notice on or near the parking place that the place is reserved
9 for a person with disabilities.

10 (c-1) Any person found guilty of violating the provisions
11 of subsection (a-1) a first time shall be fined \$600. Any
12 person found guilty of violating subsection (a-1) a second or
13 subsequent time shall be fined \$1,000. Any person who violates
14 subsection (a-2) is guilty of a Class A misdemeanor and shall
15 be fined \$2,500. The circuit clerk shall distribute 50% of the
16 fine imposed on any person who is found guilty of or pleads
17 guilty to violating this Section, including any person placed
18 on court supervision for violating this Section, to the law
19 enforcement agency that issued the citation or made the
20 arrest. If more than one law enforcement agency is responsible
21 for issuing the citation or making the arrest, the 50% of the
22 fine imposed shall be shared equally. If an officer of the
23 Secretary of State ~~Department of Police~~ arrested a person for
24 a violation of this Section, 50% of the fine imposed shall be
25 deposited into the Secretary of State ~~Police~~ Services Fund.

26 (d) Local authorities shall impose fines as established in

1 subsections (c) and (c-1) for violations of this Section.

2 (e) As used in this Section, "authorized holder" means an
3 individual issued a disability license plate under Section
4 3-616 of this Code, an individual issued a parking decal or
5 device under Section 11-1301.2 of this Code, or an individual
6 issued a license plate for veterans with disabilities under
7 Section 3-609 of this Code.

8 (f) Any person who commits a violation of subsection (a-1)
9 or a similar provision of a local ordinance may have his or her
10 driving privileges suspended or revoked by the Secretary of
11 State for a period of time determined by the Secretary of
12 State. Any person who commits a violation of subsection (a-2)
13 or a similar provision of a local ordinance shall have his or
14 her driving privileges revoked by the Secretary of State. The
15 Secretary of State may also suspend or revoke the disability
16 license plates or parking decal or device for a period of time
17 determined by the Secretary of State.

18 (g) Any police officer may seize the parking decal or
19 device from any person who commits a violation of this
20 Section. Any police officer may seize the disability license
21 plate upon authorization from the Secretary of State. Any
22 police officer may request that the Secretary of State revoke
23 the parking decal or device or the disability license plate of
24 any person who commits a violation of this Section.

25 (Source: P.A. 98-463, eff. 8-16-13; 99-143, eff. 7-27-15.)

1 (625 ILCS 5/18a-101) (from Ch. 95 1/2, par. 18a-101)

2 Sec. 18a-101. Declaration of policy and delegation of
3 jurisdiction. It is hereby declared to be the policy of the
4 State of Illinois to supervise and regulate the commercial
5 removal of trespassing vehicles from private property, and the
6 subsequent relocation and storage of such vehicles in such
7 manner as to fairly distribute rights and responsibilities
8 among vehicle owners, private property owners and commercial
9 vehicle relocators, and for this purpose the power and
10 authority to administer and to enforce the provisions of this
11 Chapter shall be vested in the Illinois Commerce Commission,
12 in cooperation with the Illinois State Police.

13 (Source: P.A. 80-1459.)

14 (625 ILCS 5/18a-101.5 new)

15 Sec. 18a-101.5. Police enforcement granted to the Illinois
16 State Police. The enforcement and investigatory functions
17 under this Chapter granted to the Illinois Commerce Commission
18 Police Force, which is abolished on and after the effective
19 date of this amendatory Act of the 103rd General Assembly,
20 shall be transferred to the Illinois State Police. The
21 Illinois Commerce Commission shall cooperate with the Illinois
22 State Police for this purpose.

23 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

24 Sec. 18a-200. General powers and duties of Commission. The

1 CommissionCommission, in cooperation with the Illinois State
2 Police, shall:

3 (1) Regulate commercial vehicle relocators and their
4 employees or agents in accordance with this Chapter and to
5 that end may establish reasonable requirements with respect to
6 proper service and practices relating thereto;

7 (2) Require the maintenance of uniform systems of
8 accounts, records and the preservation thereof;

9 (3) Require that all drivers and other personnel used in
10 relocation be employees of a licensed relocater;

11 (4) Regulate equipment leasing to and by relocators;

12 (5) Adopt reasonable and proper rules covering the
13 exercise of powers conferred upon it by this Chapter, and
14 reasonable rules governing investigations, hearings and
15 proceedings under this Chapter;

16 (6) Set reasonable rates for the commercial towing or
17 removal of trespassing vehicles from private property. The
18 rates shall not exceed the mean average of the 5 highest rates
19 for police tows within the territory to which this Chapter
20 applies that are performed under Sections 4-201 and 4-214 of
21 this Code and that are of record at hearing; provided that the
22 Commission shall not re-calculate the maximum specified herein
23 if the order containing the previous calculation was entered
24 within one calendar year of the date on which the new order is
25 entered. Set reasonable rates for the storage, for periods in
26 excess of 24 hours, of the vehicles in connection with the

1 towing or removal; however, no relocater shall impose charges
2 for storage for the first 24 hours after towing or removal. Set
3 reasonable rates for other services provided by relocators,
4 provided that the rates shall not be charged to the owner or
5 operator of a relocated vehicle. Any fee charged by a
6 relocater for the use of a credit card that is used to pay for
7 any service rendered by the relocater shall be included in the
8 total amount that shall not exceed the maximum reasonable rate
9 established by the Commission. The Commission shall require a
10 relocater to refund any amount charged in excess of the
11 reasonable rate established by the Commission, including any
12 fee for the use of a credit card;

13 (7) Investigate and maintain current files of the criminal
14 records, if any, of all relocators and their employees and of
15 all applicants for relocator's license, operator's licenses
16 and dispatcher's licenses. If the Commission determines that
17 an applicant for a license issued under this Chapter will be
18 subjected to a criminal history records check, the applicant
19 shall submit his or her fingerprints to the Illinois State
20 Police in the form and manner prescribed by the Illinois State
21 Police. These fingerprints shall be checked against the
22 Illinois State Police and Federal Bureau of Investigation
23 criminal history record information databases now and
24 hereafter filed. The Illinois State Police shall charge the
25 applicant a fee for conducting the criminal history records
26 check, which shall be deposited in the State Police Services

1 Fund and shall not exceed the actual cost of the records check.
2 The Illinois State Police shall furnish pursuant to positive
3 identification, records of conviction to the Commission;

4 (8) Issue relocator's licenses, dispatcher's employment
5 permits, and operator's employment permits in accordance with
6 Article IV of this Chapter;

7 (9) Establish fitness standards for applicants seeking
8 relocator licensees and holders of relocator licenses;

9 (10) Upon verified complaint in writing by any person,
10 organization or body politic, or upon its own initiative may,
11 investigate whether any commercial vehicle relocator,
12 operator, dispatcher, or person otherwise required to comply
13 with any provision of this Chapter or any rule promulgated
14 hereunder, has failed to comply with any provision or rule;

15 (11) Whenever the Commission receives notice from the
16 Secretary of State that any domestic or foreign corporation
17 regulated under this Chapter has not paid a franchise tax,
18 license fee or penalty required under the Business Corporation
19 Act of 1983, institute proceedings for the revocation of the
20 license or right to engage in any business required under this
21 Chapter or the suspension thereof until such time as the
22 delinquent franchise tax, license fee or penalty is paid.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (625 ILCS 5/18c-1104) (from Ch. 95 1/2, par. 18c-1104)

25 Sec. 18c-1104. Definitions. The following terms, when used

1 in this Chapter, have the hereinafter designated meanings
2 unless their context clearly indicates otherwise:

3 (1) "Broker" means any person other than a motor carrier
4 of property, that arranges, offers to arrange, or holds itself
5 out, by solicitation, advertisement, or otherwise, as
6 arranging or offering to arrange for-hire transportation of
7 property or other service in connection therewith by a motor
8 carrier of property which holds or is required to hold a
9 license issued by the Commission.

10 (2) "Carrier" means any motor carrier or rail carrier
11 other than a private carrier.

12 (3) "Certificate" means a certificate of public
13 convenience and necessity issued under this Chapter to common
14 carriers of household goods.

15 (4) "Commission" means the Illinois Commerce Commission.

16 (5) "Commission regulations and orders" means rules and
17 regulations adopted and orders or decisions issued by the
18 Commission pursuant to this Chapter; any certificate, permit,
19 broker's license or other license or registration issued
20 pursuant to such rules, regulations, orders and decisions; and
21 all terms, conditions, or limitations thereof.

22 (6) (Blank).

23 (7) (Blank).

24 (8) (Blank).

25 (8.5) "Department" means the Illinois State Police.

26 (9) "Discrimination" means undue discrimination in the

1 context of the particular mode of transportation involved.

2 (10) "Farm crossing" means a crossing used for
3 agricultural and livestock purposes only.

4 (11) "For-hire" means for compensation or hire, regardless
5 of the form of compensation and whether compensation is direct
6 or indirect.

7 (12) "Freight forwarder" means any person other than a
8 motor carrier, rail carrier, or common carrier by pipeline
9 which holds itself out as a common carrier to provide
10 transportation of property, for compensation or hire, which,
11 in the rendition of its services:

12 (a) Undertakes responsibility for the consolidation
13 (where applicable), transportation, break-bulk (where
14 applicable), and distribution of such property from the
15 point of receipt to the point of delivery; and

16 (b) Utilizes, for the transportation of such property,
17 the services of one or more motor carriers or rail
18 carriers.

19 (13) "Hazardous material" means any substance or material
20 in a quantity and form determined by the federal Office of
21 Hazardous Materials and the Federal Railroad Administration to
22 be capable of posing an unreasonable risk to health, safety,
23 or property when transported in commerce.

24 (13.1) "Household goods" means:

25 (A) Personal effects and property used or to be used
26 in a dwelling when a part of the equipment or supply of

1 such dwelling; except that this subdivision (13.1) shall
2 not be construed to include property moving from a factory
3 or store, except such property as the householder has
4 purchased with intent to use in his or her dwelling and
5 that is transported at the request of, and the
6 transportation charges paid to the carrier by, the
7 householder;

8 (B) Furniture, fixtures, equipment, and the property
9 of stores, offices, museums, institutions, hospitals, or
10 other establishments, when a part of the stock, equipment,
11 or supply of such stores, offices, museums, institutions,
12 hospitals, or other establishments; except that this
13 subdivision (13.1) shall not be construed to include the
14 stock-in-trade of any establishment, whether consignor or
15 consignee, other than used furniture and used fixtures,
16 except when transported as an incident to the moving of
17 the establishment, or a portion thereof, from one location
18 to another; and

19 (C) Articles, including, but not limited to, objects
20 of art, displays, and exhibits, which, because of their
21 unusual nature or value, require the specialized handling
22 and equipment usually employed in moving household goods;
23 except that this subdivision (13.1) shall not be construed
24 to include any article, whether crated or uncrated, that
25 does not, because of its unusual nature or value, require
26 the specialized handling and equipment usually employed in

1 moving household goods.

2 (13.2) "Household goods carrier" means a motor carrier of
3 property authorized to transport household goods.

4 (13.3) "Household goods common carrier" means any
5 household goods carrier engaged in transportation for the
6 general public over regular or irregular routes. Household
7 goods common carriers may also be referred to as "common
8 carriers of household goods".

9 (13.4) "Household goods contract carrier" means any
10 household goods carrier engaged in transportation under
11 contract with a limited number of shippers (that shall not be
12 freight forwarders, shippers' agents or brokers) that either
13 (a) assigns motor vehicles for a continuing period of time to
14 the exclusive use of the shipper or shippers served, or (b)
15 furnishes transportation service designed to meet the distinct
16 need of the shipper or shippers served. Household goods
17 contract carriers may also be referred to as "contract
18 carriers of household goods".

19 (14) "Interstate carrier" means any person engaged in the
20 for-hire transportation of persons or property in interstate
21 or foreign commerce in this State, whether or not such
22 transportation is pursuant to authority issued to it by the
23 Interstate Commerce Commission.

24 (15) "Intrastate carrier" means any person engaged in the
25 for-hire transportation of persons or property in intrastate
26 commerce in this State.

1 (16) "Interstate commerce" means commerce between a point
2 in the State of Illinois and a point outside the State of
3 Illinois, or between points outside the State of Illinois when
4 such commerce moves through Illinois, or between points in
5 Illinois moving through another state in a bona fide operation
6 that is either exempt from federal regulation or moves under a
7 certificate or permit issued by the Interstate Commerce
8 Commission authorizing interstate transportation, whether such
9 commerce moves wholly by motor vehicle or partly by motor
10 vehicle and partly by any other regulated means of
11 transportation where the commodity does not come to rest or
12 change its identity during the movement, and includes commerce
13 originating or terminating in a foreign country moving through
14 the State of Illinois.

15 (17) "Intrastate commerce" means commerce moving wholly
16 between points within the State of Illinois, whether such
17 commerce moves wholly by one transportation mode or partly by
18 one mode and partly by any other mode of transportation.

19 (18) "License" means any certificate, permit, broker's
20 license, or other license issued under this Chapter. For
21 purposes of Article III of Sub-chapter 4 of this Chapter,
22 "license" does not include a "public carrier certificate".

23 (19) "Motor carrier" means any person engaged in the
24 transportation of property or passengers, or both, for hire,
25 over the public roads of this State, by motor vehicle. Motor
26 carriers engaged in the transportation of property are

1 referred to as "motor carriers of property"; motor carriers
2 engaged in the transportation of passengers are referred to as
3 "motor carriers of passengers" or "bus companies".

4 (20) "Motor vehicle" means any vehicle, truck,
5 trucktractor, trailer or semitrailer propelled or drawn by
6 mechanical power and used upon the highways of the State in the
7 transportation of property or passengers.

8 (21) "Non-relocation towing" means the:

9 (a) For-hire transportation of vehicles by use of
10 wrecker or towing equipment, other than the removal of
11 trespassing vehicles from private property subject to the
12 provisions of Chapter 18a of this Code, and other than
13 transportation exempted by Section 18c-4102; and

14 (b) For-hire towing of wheeled property other than
15 vehicles.

16 (22) "Notice" means with regard to all proceedings except
17 enforcement proceedings instituted on the motion of the
18 Commission, and except for interstate motor carrier
19 registrations, public notice by publication in the official
20 state newspaper, unless otherwise provided in this Chapter.

21 (23) "Official state newspaper" means the newspaper
22 designated and certified to the Commission annually by the
23 Director of Central Management Services of the State of
24 Illinois, or, if said Director fails to certify to the
25 Commission the name and address of the official newspaper
26 selected by the Director prior to expiration of the previous

1 certification, the newspaper designated in the most recent
2 certification.

3 (24) "Party" means any person admitted as a party to a
4 Commission proceeding or seeking and entitled as a matter of
5 right to admission as a party to a Commission proceeding.

6 (25) "Permit" means a permit issued under this Chapter to
7 contract carriers of property by motor vehicle.

8 (26) "Person" means any natural person or legal entity,
9 whether such entity is a proprietorship, partnership,
10 corporation, association, or other entity, and, where a
11 provision concerns the acts or omissions of a person, includes
12 the partners, officers, employees, and agents of the person,
13 as well as any trustees, assignees, receivers, or personal
14 representatives of the person.

15 (27) "Private carrier by motor vehicle" means any person
16 engaged in the transportation of property or passengers by
17 motor vehicle other than for hire, whether the person is the
18 owner, lessee or bailee of the lading or otherwise, when the
19 transportation is for the purpose of sale, lease, or bailment
20 and in furtherance of the person's primary business, other
21 than transportation. "Private carriers by motor vehicle" may
22 be referred to as "private carriers". Ownership, lease or
23 bailment of the lading is not sufficient proof of a private
24 carrier operation if the carrier is, in fact, engaged in the
25 transportation of property for-hire.

26 (27.1) "Public carrier" means a motor carrier of property,

1 other than a household goods carrier.

2 (27.2) "Public carrier certificate" means a certificate
3 issued to a motor carrier to transport property, other than
4 household goods, in intrastate commerce. The issuance of a
5 public carrier certificate shall not be subject to the
6 provisions of Article I of Sub-chapter 2 of this Chapter.

7 (28) "Public convenience and necessity" shall be construed
8 to have the same meaning under this Chapter as it was construed
9 by the courts to have under the Illinois Motor Carrier of
10 Property Law, with respect to motor carriers of property, and
11 the Public Utilities Act with respect to motor carriers of
12 passengers and rail carriers.

13 (29) "Public interest" shall be construed to have the same
14 meaning under this Chapter as it was construed by the courts to
15 have under the Illinois Motor Carrier of Property Law.

16 (30) "Rail carrier" means any person engaged in the
17 transportation of property or passengers for hire by railroad,
18 together with all employees or agents of such person or
19 entity, and all property used, controlled, or owned by such
20 person or entity.

21 (31) "Railroad" means track and associated structures,
22 including bridges, tunnels, switches, spurs, terminals and
23 other facilities, and equipment, including engines, freight
24 cars, passenger cars, cabooses, and other equipment, used in
25 the transportation of property or passengers by rail.

26 (32) "Rail yard" means a system of parallel tracks,

1 cross-overs and switches where cars are switched and made up
2 into trains, and where cars, locomotives, and other rolling
3 stock are kept when not in use or awaiting repairs. A "rail
4 yard" may also be referred to as a "yard".

5 (33) "Rate" means every individual or joint rate, fare,
6 toll, or charge of any carrier or carriers, any provisions
7 relating to application thereof, and any tariff or schedule
8 containing rates and provisions. The term "tariff" refers to a
9 publication or document containing motor common carrier rates
10 and provisions or rates and provisions applicable via rail
11 carrier under contracts established pursuant to 49 U.S. Code
12 10713. The term "schedule" refers to a publication or document
13 containing motor contract carrier rates and provisions.

14 (34) "Registration" means a registration issued to an
15 interstate carrier.

16 (35) "Shipper" means the consignor or consignee.

17 (36) "Terminal area" means, in addition to the area within
18 the corporate boundary of an incorporated city, village,
19 municipality, or community center, the area (whether
20 incorporated or unincorporated) within 10 air miles of the
21 corporate limits of the base city, village, municipality, or
22 community center, including all of any city, village or
23 municipality which lies within such area.

24 (37) "Transfer" means the sale, lease, consolidation,
25 merger, acquisition or change of control, or other transfer of
26 a license, in whole or in part.

1 (38) "Transportation" means the actual movement of
2 property or passengers by motor vehicle (without regard to
3 ownership of vehicles or equipment used in providing
4 transportation service) or rail together with loading,
5 unloading, and any other accessorial or ancillary service
6 provided by the carrier in connection with movement by motor
7 vehicle or rail, which is performed by or on behalf of the
8 carriers, its employees or agents, or under the authority or
9 direction of the carrier or under the apparent authority or
10 direction and with the knowledge of the carrier.
11 Transportation of property by motor vehicle includes driveaway
12 or towaway delivery service.

13 (39) "Towing" means the pushing, towing, or drawing of
14 wheeled property by means of a crane, hoist, towbar, towline,
15 or auxiliary axle.

16 (40) "Wrecker or towing equipment" means tow trucks or
17 auxiliary axles, when used in relation to towing accidentally
18 wrecked or disabled vehicles; and roll-back carriers or
19 trailers, when used in relation to transporting accidentally
20 wrecked or disabled vehicles. Wrecker or towing equipment does
21 not include car carriers or trailers other than roll-back car
22 carriers or trailers.

23 (Source: P.A. 89-42, eff. 1-1-96; 89-444, eff. 1-25-96; 90-14,
24 eff. 7-1-97.)

1 Sec. 18c-1201.5. Police enforcement granted to the
2 Illinois State Police. The police enforcement and
3 investigatory functions under this Chapter granted to the
4 Illinois Commerce Commission Police Force, which is abolished
5 on and after the effective date of this amendatory Act of the
6 103rd General Assembly, shall be transferred to the Illinois
7 State Police. The Illinois Commerce Commission shall cooperate
8 with the Illinois State Police for this purpose.

9 (625 ILCS 5/18c-1202) (from Ch. 95 1/2, par. 18c-1202)

10 Sec. 18c-1202. Enumeration of Powers. The Commission, in
11 cooperation with the Department, shall have the power to:

12 (1) Administer and enforce provisions of this Chapter;

13 (2) Regulate the entry, exit, and services of carriers; as
14 to public carriers, this power is limited to matters relating
15 to insurance and safety standards;

16 (3) Regulate rates and practices of household goods
17 carriers, rail carriers, passenger carriers, and common
18 carriers by pipeline;

19 (4) Establish and maintain systems of accounting as well
20 as reporting and record-keeping requirements for household
21 goods carriers, rail carriers, passenger carriers, and common
22 carriers by pipeline;

23 (5) Establish and maintain systems for the classification
24 of carriers, commodities and services;

25 (6) Regulate practices, terms and conditions relating to

1 the leasing of equipment and to the interchange of equipment
2 among carriers; as to public carriers, this power is limited
3 to matters relating to insurance and safety standards;

4 (7) Protect the public safety through insurance and safety
5 standards;

6 (8) Regulate brokers in accordance with provisions of this
7 Chapter;

8 (9) Adopt appropriate regulations setting forth the
9 standards and procedures by which it will administer and
10 enforce this Chapter, with such regulations being uniform for
11 all modes of transportation or different for the different
12 modes as will, in the opinion of the Commission, best
13 effectuate the purposes of this Chapter;

14 (10) Conduct hearings and investigations, on its own
15 motion or the motion of a person;

16 (11) Adjudicate disputes, hear complaints or other
17 petitions for relief, and settle such matters by stipulation
18 or agreement;

19 (12) Create special procedures for the receipt and
20 handling of consumer complaints;

21 (13) Issue certificates describing the extent to which a
22 person is exempt under the provisions of this Chapter;

23 (14) Construe this Chapter, Commission regulations and
24 orders, except that the rule of ejusdem generis shall not be
25 applicable in the construction or interpretation of any
26 license, certificate or permit originally issued under the

1 Illinois Motor Carrier of Property Law and now governed by
2 subchapter 4 of this Chapter or issued under subchapter 4 of
3 this Chapter prior to July 1, 1989;

4 (15) Employ such persons as are needed to administer and
5 enforce this Chapter, in such capacities as they are needed,
6 whether as hearings examiners, special examiners, enforcement
7 officers, investigators, or otherwise;

8 (16) Create advisory committees made up of representatives
9 of the various transportation modes, shippers, receivers, or
10 other members of the public;

11 (17) Initiate and participate in proceedings in the
12 federal or State courts, and in proceedings before federal or
13 other State agencies, to the extent necessary to effectuate
14 the purposes of this Chapter, provided that participation in
15 specific proceedings is directed, in writing, by the
16 Commission;

17 (18) Direct any telecommunications carrier to disconnect
18 the telephone number published in any commercial listing of
19 any household goods carrier that does not have a valid license
20 issued by the Commission.

21 (Source: P.A. 89-444, eff. 1-25-96.)

22 (625 ILCS 5/18c-1204) (from Ch. 95 1/2, par. 18c-1204)
23 Sec. 18c-1204. Transportation Division.

24 (1) Establishment. There shall be established within the
25 staff of the Commission a Transportation Division in which

1 primary staff responsibility for the administration and
2 enforcement of this Chapter and Chapter 18a shall be vested.
3 The Transportation Division shall be headed by a division
4 manager responsible to the executive director.

5 (2) Structure. The Transportation Division shall consist
6 of 4 programs and 2 offices. The 4 programs shall be
7 Compliance, Review and Examination, Docketing and Processing,
8 and Rail Safety. Each program shall be headed by a program
9 director and responsible to the division manager, except that
10 in the Compliance Program the 3 staff supervisors shall each
11 be responsible to the division manager. The 2 offices shall be
12 the Office of Transportation Counsel and the Office of the
13 Division Manager. The Office of Transportation Counsel shall
14 be headed by a Chief Counsel responsible to the Division
15 Manager. The Division Manager shall coordinate the activities
16 and responsibilities of the Office of Transportation Counsel
17 with the executive director and the personal assistant serving
18 as staff counsel to the executive director in the office of the
19 executive director, and with the Commission.

20 (a) The Compliance Program.

21 (i) The Compliance Program shall consist of a
22 ~~police staff, a~~ rate auditing staff, and a civil
23 penalties staff. These staffs shall be headed by a
24 ~~Chief of Police, a~~ Supervisor of Tariffs and Audits,
25 and a Supervisor of Civil Penalties, respectively.

26 (ii) (Blank). ~~The police staff shall be divided~~

1 ~~into districts with a field office in each district.~~
2 ~~Each district shall be headed by a working supervisor~~
3 ~~responsible to the Chief of Police. All staff~~
4 ~~responsibility for enforcement of this Chapter, except~~
5 ~~with regard to rail safety, shall be vested in the~~
6 ~~Compliance Program.~~

7 (b) The Review and Examination Program.

8 (i) Staff responsibility for review of all
9 nonhearing matters under this Chapter and Chapter 18a
10 and examination of all matters assigned for hearing
11 under this Chapter and Chapter 18a shall be vested in
12 the Review and Examination Program, except as
13 otherwise provided in Section 18c-1204b.

14 (ii) Hearing examiners in the program shall have
15 responsibility for developing a full, complete and
16 impartial record on all issues to be decided in a
17 proceeding; recommending disposition of the issues or
18 making an initial decision on them, as provided in
19 this Chapter; and setting forth in writing the basis
20 for their recommendations or initial decisions. The
21 program director shall be the chief hearing examiner
22 for matters under this Chapter and Chapter 18a with
23 responsibility to insure consistency of
24 recommendations and initial decisions.

25 (c) The Processing and Docketing Program. All staff
26 responsibility for docketing and processing filings,

1 accounting of receipts and expenditures, issuing, file
2 maintenance and other processing functions under this
3 Chapter and Chapter 18a shall be vested in the Processing
4 Program.

5 (d) The Rail Safety Program. Staff responsibility for
6 administration and enforcement of the rail safety
7 provisions of this Chapter shall be vested in the Rail
8 Safety Program.

9 (e) The Office of Transportation Counsel.

10 (i) All Commission staff responsibility for
11 provision of legal services in connection with any
12 matter under this Chapter, excepting any matter under
13 subchapters 7 and 8 of this Chapter, or in connection
14 with any matter under Chapter 18a shall, except with
15 regard to functions vested in the review and
16 examination program under paragraph (b) of this
17 subsection, be vested exclusively in the Office of
18 Transportation Counsel.

19 (ii) The Office of Transportation Counsel shall,
20 when directed through the division manager to do so,
21 represent the Commission or Commission staff in
22 administrative or judicial proceedings and render
23 staff advisory opinions to the executive director and
24 the Commission.

25 (f) Levels of Administration. No additional levels of
26 administration, supervision or authority shall be

1 superimposed, or remain superimposed, between levels
2 prescribed under this Section, and no organizational units
3 may be created within the Transportation Division except
4 as prescribed under this Section.

5 (3) Additional Functions. Staff functions relating to
6 rulemaking, policy recommendations and advisory committees
7 under this Chapter and Chapter 18a shall be vested in the
8 Transportation Division.

9 The staff shall prepare and distribute to the General
10 Assembly, in April of each year, a report on railway accidents
11 in Illinois which involve hazardous materials. The report
12 shall include the location, substance involved, amounts
13 involved, and the suspected reason for each accident. The
14 report shall also reveal the rail line and point of origin of
15 the hazardous material involved in each accident.

16 (Source: P.A. 88-415.)

17 (625 ILCS 5/18c-1205) (from Ch. 95 1/2, par. 18c-1205)

18 Sec. 18c-1205. Qualifications of Transportation Compliance
19 Program Staff.

20 (1) General provisions. The manager of the Transportation
21 Division shall establish and adhere to written professional
22 standards and procedures for the employment, education and
23 training, performance and dismissal of all nonclerical
24 compliance program personnel. Such standards and procedures
25 shall include:

1 (a) (Blank); ~~Merit standards and procedures, and~~
2 ~~education requirements, applicable to State troopers, and~~
3 ~~training requirements at least equivalent to that received~~
4 ~~from a police training school approved by the Illinois Law~~
5 ~~Enforcement Training Standards Board, together with such~~
6 ~~additional qualifications as are needed under this~~
7 ~~Chapter, for all nonclerical field operations personnel;~~

8 (b) Successful completion of an accredited accounting
9 or transportation-related education program, or at least 4
10 years experience in motor carrier rate analysis or
11 auditing, plus such additional qualifications as are
12 needed under this Chapter, for all nonclerical rate
13 auditing personnel; and

14 (c) Successful completion of an accredited legal or
15 paralegal education program, or equivalent administrative
16 law experience, plus such additional qualifications as are
17 needed under this Chapter, for all nonclerical civil
18 penalties program personnel.

19 (2) (Blank). ~~Merit Selection Committee. Standards and~~
20 ~~procedures under this Section for police shall include the~~
21 ~~establishment of one or more merit selection committees, each~~
22 ~~composed of one Commission employee and no fewer than 3, nor~~
23 ~~more than 5, persons who are not employed by the Commission,~~
24 ~~each of whom shall from time to time be designated by the~~
25 ~~division manager, subject to the approval of the Commission.~~
26 ~~The division manager shall submit a list of candidates to the~~

1 ~~committee or subcommittee thereof for its consideration. The~~
2 ~~committee or subcommittee thereof shall interview each~~
3 ~~candidate on the list and rate those interviewed as "most~~
4 ~~qualified", "qualified", or "not qualified". The committee~~
5 ~~shall recommend candidates rated "most qualified" and~~
6 ~~"qualified" to the division manager. In filling positions to~~
7 ~~which this Section applies, the division manager shall first~~
8 ~~offer the position to persons rated "most qualified". If all~~
9 ~~persons rated "most qualified" have been offered the position~~
10 ~~and each failed to accept the offer within the time specified~~
11 ~~by the division manager in the offer, the position may be~~
12 ~~offered to a person rated "qualified". Only persons rated~~
13 ~~"most qualified" or "qualified" shall be offered positions~~
14 ~~within the Compliance Program.~~

15 (3) (Blank). ~~The Commission shall authorize to each~~
16 ~~employee of the Commission exercising the powers of a peace~~
17 ~~officer a distinct badge that, on its face, (i) clearly states~~
18 ~~the badge is authorized by the Commission and (ii) contains a~~
19 ~~unique identifying number. No other badge shall be authorized~~
20 ~~by the Commission.~~

21 (Source: P.A. 91-357, eff. 7-29-99; 91-883, eff. 1-1-01.)

22 (625 ILCS 5/18c-4101) (from Ch. 95 1/2, par. 18c-4101)

23 Sec. 18c-4101. Scope of Commission Jurisdiction. Except as
24 provided in Section 18c-4102 of this Chapter, the jurisdiction
25 of the Commission, in cooperation with the Department, shall

1 extend to all motor carriers of property operating within the
2 State of Illinois.

3 (Source: P.A. 84-796.)

4 (625 ILCS 5/18c-4308) (from Ch. 95 1/2, par. 18c-4308)

5 Sec. 18c-4308. Enforcement of Transfer Requirements. The
6 Commission may, in cooperation with the Department, on its own
7 motion or on complaint, investigate and determine whether
8 violations of this Article have occurred. When the Commission
9 determines that a carrier or other person is violating the
10 provisions of this Article it shall by order require the
11 carrier or other person to take whatever action is necessary
12 to prevent continuance of the violation, and may, in addition,
13 impose sanctions as provided in this Chapter.

14 (Source: P.A. 84-796.)

15 (625 ILCS 5/18c-6101) (from Ch. 95 1/2, par. 18c-6101)

16 Sec. 18c-6101. Scope of Commission Jurisdiction. Except as
17 provided in Section 18c-6102 of this Chapter, the jurisdiction
18 of the Commission, in cooperation with the Department, shall
19 extend to all motor carriers of passengers operating within
20 the State of Illinois.

21 (Source: P.A. 84-796.)

22 (625 ILCS 5/18c-7101) (from Ch. 95 1/2, par. 18c-7101)

23 Sec. 18c-7101. Jurisdiction Over Rail Carriers. The

1 jurisdiction of the Commission, in cooperation with the
2 Department, ~~under this Sub-chapter shall be exclusive and~~
3 shall extend to all intrastate and interstate rail carrier
4 operations within this State, except to the extent that its
5 jurisdiction is preempted by valid provisions of the Staggers
6 Rail Act of 1980 or other valid federal statute, regulation,
7 or order.

8 (Source: P.A. 85-406.)

9 (625 ILCS 5/18c-7403) (from Ch. 95 1/2, par. 18c-7403)

10 Sec. 18c-7403. Enforcement and Waiver of Safety
11 Requirements.

12 (1) Enforcement. The Commission, in cooperation with the
13 Department, shall have jurisdiction to initiate actions to
14 enforce the provisions of this Chapter. ~~Except with regard to~~
15 ~~grade crossing obstructions under Section 18c 7402 of this~~
16 ~~Chapter and trespass on railroad rights of way and yards under~~
17 ~~Section 18c 7503 of this Chapter, jurisdiction to initiate~~
18 ~~actions to enforce provisions of this Chapter is vested~~
19 ~~exclusively in the Commission.~~ Where a valid federal statute,
20 regulation, or order sets forth procedures or sanctions for
21 violation of safety standards, and such procedures or
22 sanctions are preemptive of state law, the Commission shall
23 exercise its enforcement jurisdiction under this Article in
24 accordance therewith. Otherwise, the provisions of this
25 Chapter regarding enforcement procedures and sanctions shall

1 apply.

2 (2) Waiver. The Commission may waive any of the safety
3 requirements under this Article if continued adherence to the
4 requirement or requirements is not required for the safety of
5 railroad employees or the public.

6 (Source: P.A. 90-257, eff. 7-30-97.)

7 (625 ILCS 5/18c-7404) (from Ch. 95 1/2, par. 18c-7404)

8 Sec. 18c-7404. Transportation of Hazardous Materials by
9 Rail Carriers. (1) Commission to Regulate Hazardous Materials
10 Transportation by Rail Carrier.

11 (a) Powers of the Commission. The Commission, in
12 cooperation with the Department, is authorized to regulate the
13 transportation of hazardous materials by rail carrier by:

14 (i) Adopting by reference the hazardous materials
15 regulations of the Office of Hazardous Materials
16 Transportation and the Federal Railroad Administration of the
17 United States Department of Transportation, as amended;

18 (ii) Conducting investigations, issuing subpoenas, taking
19 depositions, requiring the production of relevant documents,
20 records and property, and conducting hearings in aid of such
21 investigations;

22 (iii) Conducting a continuing review of all aspects of
23 hazardous materials transportation by rail carrier to
24 determine and recommend actions necessary to insure safe
25 transportation of such materials;

1 (iv) Undertaking, directly or indirectly, research,
2 development, demonstration and training activities;

3 (v) Cooperating with other State agencies and enter into
4 interagency agreements; and

5 (vi) Entering upon, inspecting and examining the records
6 and properties relating to the transportation of hazardous
7 materials by rail, including all portions of any facility used
8 in the loading, unloading, and actual movement of such
9 materials, or in the storage of such materials incidental to
10 actual movement by rail;

11 (vii) Stopping and inspecting trains, at reasonable times
12 and locations and in a reasonable manner, or taking any other
13 action necessary to administer or enforce the provisions of
14 this Section.

15 (b) Scope of Section. The provisions of this Section apply
16 generally to the transportation of hazardous materials by rail
17 carrier within the State of Illinois, but do not apply to:

18 (i) Natural gas pipelines;

19 (ii) Transportation of firearms or ammunition for personal
20 use or in commerce; or

21 (iii) Transportation exempted by the Commission where the
22 exemption granted by the Commission is:

23 (A) Coextensive with an exemption granted by the Office of
24 Hazardous Materials and the Federal Railroad Administration;
25 or

26 (B) Otherwise exempt under statutes or regulations

1 governing similar transportation in interstate commerce.

2 (c) Rail Carriers to Comply with Commission Regulations.
3 No person shall transport hazardous materials by rail carrier
4 except in compliance with this Section, Commission regulations
5 and orders.

6 (2) Enforcement.

7 (a) Criminal Penalties. Any person who willfully violates
8 the provisions of this Section, Commission regulations or
9 orders shall have committed a class 3 felony and be subject to
10 criminal penalties in an amount not to exceed \$25,000.

11 (b) Civil Penalties. Any person who knowingly violates the
12 provisions of this Section, Commission regulations or orders
13 shall also be subject to civil penalties in an amount not to
14 exceed \$10,000.

15 (c) Injunctive Relief. The Commission may petition any
16 circuit court with venue and jurisdiction to enforce this
17 Chapter to enjoin actions which it has reason to believe may
18 pose an imminent hazard, and to issue such other orders as will
19 eliminate or ameliorate the imminent hazard. As used in this
20 Section, "imminent hazard" means a substantial likelihood that
21 death, serious illness, or severe personal injury will occur
22 prior to the time during which an administrative proceeding to
23 abate the danger could normally be completed.

24 (3) Commission to Adopt Regulations. The Commission may
25 adopt regulations governing the transportation of hazardous
26 materials by rail carrier where:

1 (a) The risk created by such transportation is susceptible
2 to control by regulation;

3 (b) State regulation would be more effective in
4 controlling the risk than federal regulation; and

5 (c) The regulations adopted by the Commission are not
6 inconsistent with federal regulations.

7 (Source: P.A. 85-815.)

8 (625 ILCS 5/18d-111 new)

9 Sec. 18d-111. Police enforcement granted to the Illinois
10 State Police. The police enforcement and investigatory
11 functions under this Chapter granted to the Illinois Commerce
12 Commission Police Force, which is abolished on and after the
13 effective date of this amendatory Act of the 103rd General
14 Assembly, shall be transferred to the Illinois State Police.
15 The Illinois Commerce Commission shall cooperate with the
16 Illinois State Police for this purpose.

17 Section 80. The Snowmobile Registration and Safety Act is
18 amended by changing Section 2-1 as follows:

19 (625 ILCS 40/2-1) (from Ch. 95 1/2, par. 602-1)

20 Sec. 2-1. Enforcement. It is the duty of the Illinois
21 State Police, ~~all Conservation Police Officers and~~ all
22 sheriffs, deputy sheriffs, and other police officers to arrest
23 any person detected in violation of any of the provisions of

1 this Act. It is further the duty of all such officers to make
2 prompt investigation of any violation of the provisions of
3 this Act reported by any other person, and to cause a complaint
4 to be filed before the circuit court if there seems just ground
5 for such complaint and evidence procurable to support the
6 same.

7 (Source: P.A. 100-201, eff. 8-18-17.)

8 Section 85. The Boat Registration and Safety Act is
9 amended by changing Sections 2-1, 2-4, and 3C-2 as follows:

10 (625 ILCS 45/2-1) (from Ch. 95 1/2, par. 312-1)

11 Sec. 2-1. Enforcement. ~~It is the duty of the Illinois~~
12 ~~State Police, all Conservation Police Officers and other~~
13 ~~employees of the Department designated by the Director to~~
14 ~~enforce this Act, and~~ all sheriffs, deputy sheriffs, and other
15 police officers to arrest any person detected in violation of
16 any of the provisions of this Act. It is further the duty of
17 all such officers to make prompt investigation of any
18 violation of the provisions of this Act reported by any other
19 person, and to cause a complaint to be filed before the circuit
20 court if there seems just ground for such complaint and
21 evidence procurable to support the same.

22 (Source: P.A. 82-783.)

23 (625 ILCS 45/2-4) (from Ch. 95 1/2, par. 312-4)

1 Sec. 2-4. Resistance to officers.

2 (a) It is unlawful for any person to resist or obstruct any
3 officer or employee of the Department in the discharge of his
4 or her duties under the provisions hereof.

5 (b) It is unlawful for the operator of a watercraft,
6 having been given a signal by an Illinois State Police ~~a~~
7 ~~conservation police~~ officer, sheriff, deputy sheriff, or other
8 police officer directing the operator of the watercraft to
9 bring the watercraft to a stop, to willfully fail or refuse to
10 obey the direction, to increase speed, to extinguish lights,
11 or otherwise flee or attempt to elude the officer. The signal
12 given by the officer may be by hand, voice, sign, siren, or
13 blue or red light.

14 (Source: P.A. 88-524.)

15 (625 ILCS 45/3C-2) (from Ch. 95 1/2, par. 313C-2)

16 Sec. 3C-2. Notification to law enforcement agencies. When
17 an abandoned, lost, stolen or unclaimed watercraft comes into
18 the temporary possession or custody of a person in this State,
19 not the owner of the watercraft, such person shall immediately
20 notify the municipal police when the watercraft is within the
21 corporate limits of any city, village or town having a duly
22 authorized police department, or the Illinois State Police,
23 ~~Conservation Police~~ or the county sheriff when the watercraft
24 is outside the corporate limits of a city, village or town.
25 Upon receipt of such notification, the municipal police, State

1 Police, ~~Conservation Police,~~ or county sheriff will authorize
2 a towing service to remove and take possession of the
3 abandoned, lost, stolen or unclaimed watercraft. The towing
4 service will safely keep the towed watercraft and its
5 contents, and maintain a record of the tow as set forth in
6 Section 3C-4 for law enforcement agencies, until the
7 watercraft is claimed by the owner or any other person legally
8 entitled to possession thereof or until it is disposed of as
9 provided in this Article.

10 (Source: P.A. 102-538, eff. 8-20-21.)

11 Section 90. The Clerks of Courts Act is amended by
12 changing Section 27.3b-1 as follows:

13 (705 ILCS 105/27.3b-1)

14 Sec. 27.3b-1. Minimum fines; disbursement of fines.

15 (a) Unless otherwise specified by law, the minimum fine
16 for a conviction or supervision disposition on a minor traffic
17 offense is \$25 and the minimum fine for a conviction,
18 supervision disposition, or violation based upon a plea of
19 guilty or finding of guilt for any other offense is \$75. If the
20 court finds that the fine would impose an undue burden on the
21 victim, the court may reduce or waive the fine. In this
22 subsection (a), "victim" shall not be construed to include the
23 defendant.

24 (b) Unless otherwise specified by law, all fines imposed

1 on a misdemeanor offense, other than a traffic, conservation,
2 or driving under the influence offense, or on a felony offense
3 shall be disbursed within 60 days after receipt by the circuit
4 clerk to the county treasurer for deposit into the county's
5 General Fund. Unless otherwise specified by law, all fines
6 imposed on an ordinance offense or a misdemeanor traffic,
7 misdemeanor conservation, or misdemeanor driving under the
8 influence offense shall be disbursed within 60 days after
9 receipt by the circuit clerk to the treasurer of the unit of
10 government of the arresting agency. If the arresting agency is
11 the office of the sheriff, the county treasurer shall deposit
12 the portion into a fund to support the law enforcement
13 operations of the office of the sheriff. If the arresting
14 agency is a State agency, the State Treasurer shall deposit
15 the portion as follows:

16 (1) if the arresting agency is the Illinois State
17 Police, into the State Police Law Enforcement
18 Administration Fund;

19 (2) if the arresting agency is the Department of
20 Natural Resources, into the Conservation Police Operations
21 Assistance Fund;

22 (3) if the arresting agency is the Secretary of State,
23 into the Secretary of State ~~Police~~ Services Fund; and

24 (4) if the arresting agency is the Illinois Commerce
25 Commission, into the Transportation Regulatory Fund.

26 (Source: P.A. 101-636, eff. 6-10-20; 102-538, eff. 8-20-21.)

1 Section 95. The Criminal and Traffic Assessment Act is
2 amended by changing Sections 10-5 and 15-70 as follows:

3 (705 ILCS 135/10-5)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 10-5. Funds.

6 (a) All money collected by the Clerk of the Circuit Court
7 under Article 15 of this Act shall be remitted as directed in
8 Article 15 of this Act to the county treasurer, to the State
9 Treasurer, and to the treasurers of the units of local
10 government. If an amount payable to any of the treasurers is
11 less than \$10, the clerk may postpone remitting the money
12 until \$10 has accrued or by the end of fiscal year. The
13 treasurers shall deposit the money as indicated in the
14 schedules, except, in a county with a population of over
15 3,000,000, money remitted to the county treasurer shall be
16 subject to appropriation by the county board. Any amount
17 retained by the Clerk of the Circuit Court in a county with a
18 population of over 3,000,000 shall be subject to appropriation
19 by the county board.

20 (b) The county treasurer or the treasurer of the unit of
21 local government may create the funds indicated in paragraphs
22 (1) through (5), (9), and (16) of subsection (d) of this
23 Section, if not already in existence. If a county or unit of
24 local government has not instituted, and does not plan to

1 institute a program that uses a particular fund, the treasurer
2 need not create the fund and may instead deposit the money
3 intended for the fund into the general fund of the county or
4 unit of local government for use in financing the court
5 system.

6 (c) If the arresting agency is a State agency, the
7 arresting agency portion shall be remitted by the clerk of
8 court to the State Treasurer who shall deposit the portion as
9 follows:

10 (1) if the arresting agency is the Illinois State
11 Police, into the State Police Law Enforcement
12 Administration Fund;

13 (2) if the arresting agency is the Department of
14 Natural Resources, into the Conservation ~~Police~~ Operations
15 Assistance Fund;

16 (3) if the arresting agency is the Secretary of State,
17 into the Secretary of State ~~Police~~ Services Fund; and

18 (4) if the arresting agency is the Illinois Commerce
19 Commission, into the Transportation Regulatory Fund.

20 (d) Fund descriptions and provisions:

21 (1) The Court Automation Fund is to defray the
22 expense, borne by the county, of establishing and
23 maintaining automated record keeping systems in the Office
24 of the Clerk of the Circuit Court. The money shall be
25 remitted monthly by the clerk to the county treasurer and
26 identified as funds for the Circuit Court Clerk. The fund

1 shall be audited by the county auditor, and the board
2 shall make expenditures from the fund in payment of any
3 costs related to the automation of court records including
4 hardware, software, research and development costs, and
5 personnel costs related to the foregoing, provided that
6 the expenditure is approved by the clerk of the court and
7 by the chief judge of the circuit court or his or her
8 designee.

9 (2) The Document Storage Fund is to defray the
10 expense, borne by the county, of establishing and
11 maintaining a document storage system and converting the
12 records of the circuit court clerk to electronic or
13 micrographic storage. The money shall be remitted monthly
14 by the clerk to the county treasurer and identified as
15 funds for the circuit court clerk. The fund shall be
16 audited by the county auditor, and the board shall make
17 expenditure from the fund in payment of any cost related
18 to the storage of court records, including hardware,
19 software, research and development costs, and personnel
20 costs related to the foregoing, provided that the
21 expenditure is approved by the clerk of the court.

22 (3) The Circuit Clerk Operations and Administration
23 Fund may be used to defray the expenses incurred for
24 collection and disbursement of the various assessment
25 schedules. The money shall be remitted monthly by the
26 clerk to the county treasurer and identified as funds for

1 the circuit court clerk.

2 (4) The State's Attorney Records Automation Fund is to
3 defray the expense of establishing and maintaining
4 automated record keeping systems in the offices of the
5 State's Attorney. The money shall be remitted monthly by
6 the clerk to the county treasurer for deposit into the
7 State's Attorney Records Automation Fund. Expenditures
8 from this fund may be made by the State's Attorney for
9 hardware, software, and research and development related
10 to automated record keeping systems.

11 (5) The Public Defender Records Automation Fund is to
12 defray the expense of establishing and maintaining
13 automated record keeping systems in the offices of the
14 Public Defender. The money shall be remitted monthly by
15 the clerk to the county treasurer for deposit into the
16 Public Defender Records Automation Fund. Expenditures from
17 this fund may be made by the Public Defender for hardware,
18 software, and research and development related to
19 automated record keeping systems.

20 (6) The DUI Fund shall be used for enforcement and
21 prevention of driving while under the influence of
22 alcohol, other drug or drugs, intoxicating compound or
23 compounds or any combination thereof, as defined by
24 Section 11-501 of the Illinois Vehicle Code, including,
25 but not limited to, the purchase of law enforcement
26 equipment and commodities that will assist in the

1 prevention of alcohol-related criminal violence throughout
2 the State; police officer training and education in areas
3 related to alcohol-related crime, including, but not
4 limited to, DUI training; and police officer salaries,
5 including, but not limited to, salaries for hire-back
6 funding for safety checkpoints, saturation patrols, and
7 liquor store sting operations. Any moneys shall be used to
8 purchase law enforcement equipment that will assist in the
9 prevention of alcohol-related criminal violence throughout
10 the State. The money shall be remitted monthly by the
11 clerk to the State or local treasurer for deposit as
12 provided by law.

13 (7) The Trauma Center Fund shall be distributed as
14 provided under Section 3.225 of the Emergency Medical
15 Services (EMS) Systems Act.

16 (8) The Probation and Court Services Fund is to be
17 expended as described in Section 15.1 of the Probation and
18 Probation Officers Act.

19 (9) The Circuit Court Clerk Electronic Citation Fund
20 shall have the Circuit Court Clerk as the custodian, ex
21 officio, of the Fund and shall be used to perform the
22 duties required by the office for establishing and
23 maintaining electronic citations. The Fund shall be
24 audited by the county's auditor.

25 (10) The Drug Treatment Fund is a special fund in the
26 State treasury. Moneys in the Fund shall be expended as

1 provided in Section 411.2 of the Illinois Controlled
2 Substances Act.

3 (11) The Violent Crime Victims Assistance Fund is a
4 special fund in the State treasury to provide moneys for
5 the grants to be awarded under the Violent Crime Victims
6 Assistance Act.

7 (12) The Criminal Justice Information Projects Fund
8 shall be appropriated to and administered by the Illinois
9 Criminal Justice Information Authority for distribution to
10 fund Illinois State Police drug task forces and
11 Metropolitan Enforcement Groups, for the costs associated
12 with making grants from the Prescription Pill and Drug
13 Disposal Fund, for undertaking criminal justice
14 information projects, and for the operating and other
15 expenses of the Authority incidental to those criminal
16 justice information projects. The moneys deposited into
17 the Criminal Justice Information Projects Fund under
18 Sections 15-15 and 15-35 of this Act shall be appropriated
19 to and administered by the Illinois Criminal Justice
20 Information Authority for distribution to fund Illinois
21 State Police drug task forces and Metropolitan Enforcement
22 Groups by dividing the funds equally by the total number
23 of Illinois State Police drug task forces and Illinois
24 Metropolitan Enforcement Groups.

25 (13) The Sexual Assault Services Fund shall be
26 appropriated to the Department of Public Health. Upon

1 appropriation of moneys from the Sexual Assault Services
2 Fund, the Department of Public Health shall make grants of
3 these moneys to sexual assault organizations with whom the
4 Department has contracts for the purpose of providing
5 community-based services to victims of sexual assault.
6 Grants are in addition to, and are not substitutes for,
7 other grants authorized and made by the Department.

8 (14) The County Jail Medical Costs Fund is to help
9 defray the costs outlined in Section 17 of the County Jail
10 Act. Moneys in the Fund shall be used solely for
11 reimbursement to the county of costs for medical expenses
12 and administration of the Fund.

13 (15) The Prisoner Review Board Vehicle and Equipment
14 Fund is a special fund in the State treasury. The Prisoner
15 Review Board shall, subject to appropriation by the
16 General Assembly and approval by the Secretary, use all
17 moneys in the Prisoner Review Board Vehicle and Equipment
18 Fund for the purchase and operation of vehicles and
19 equipment.

20 (16) In each county in which a Children's Advocacy
21 Center provides services, a Child Advocacy Center Fund is
22 specifically for the operation and administration of the
23 Children's Advocacy Center, from which the county board
24 shall make grants to support the activities and services
25 of the Children's Advocacy Center within that county.

26 (Source: P.A. 101-636, eff. 6-10-20; 102-538, eff. 8-20-21.)

1 (705 ILCS 135/15-70)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 15-70. Conditional assessments. In addition to
4 payments under one of the Schedule of Assessments 1 through 13
5 of this Act, the court shall also order payment of any of the
6 following conditional assessment amounts for each sentenced
7 violation in the case to which a conditional assessment is
8 applicable, which shall be collected and remitted by the Clerk
9 of the Circuit Court as provided in this Section:

10 (1) arson, residential arson, or aggravated arson,
11 \$500 per conviction to the State Treasurer for deposit
12 into the Fire Prevention Fund;

13 (2) child pornography under Section 11-20.1 of the
14 Criminal Code of 1961 or the Criminal Code of 2012, \$500
15 per conviction, unless more than one agency is responsible
16 for the arrest in which case the amount shall be remitted
17 to each unit of government equally:

18 (A) if the arresting agency is an agency of a unit
19 of local government, \$500 to the treasurer of the unit
20 of local government for deposit into the unit of local
21 government's General Fund, except that if the Illinois
22 State Police provides digital or electronic forensic
23 examination assistance, or both, to the arresting
24 agency then \$100 to the State Treasurer for deposit
25 into the State Crime Laboratory Fund; or

1 (B) if the arresting agency is the Illinois State
2 Police, \$500 to the State Treasurer for deposit into
3 the State Crime Laboratory Fund;

4 (3) crime laboratory drug analysis for a drug-related
5 offense involving possession or delivery of cannabis or
6 possession or delivery of a controlled substance as
7 defined in the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act, \$100 reimbursement for
10 laboratory analysis, as set forth in subsection (f) of
11 Section 5-9-1.4 of the Unified Code of Corrections;

12 (4) DNA analysis, \$250 on each conviction in which it
13 was used to the State Treasurer for deposit into the State
14 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
15 the Unified Code of Corrections;

16 (5) DUI analysis, \$150 on each sentenced violation in
17 which it was used as set forth in subsection (f) of Section
18 5-9-1.9 of the Unified Code of Corrections;

19 (6) drug-related offense involving possession or
20 delivery of cannabis or possession or delivery of a
21 controlled substance, other than methamphetamine, as
22 defined in the Cannabis Control Act or the Illinois
23 Controlled Substances Act, an amount not less than the
24 full street value of the cannabis or controlled substance
25 seized for each conviction to be disbursed as follows:

26 (A) 12.5% of the street value assessment shall be

1 paid into the Youth Drug Abuse Prevention Fund, to be
2 used by the Department of Human Services for the
3 funding of programs and services for drug-abuse
4 treatment, and prevention and education services;

5 (B) 37.5% to the county in which the charge was
6 prosecuted, to be deposited into the county General
7 Fund;

8 (C) 50% to the treasurer of the arresting law
9 enforcement agency of the municipality or county, or
10 to the State Treasurer if the arresting agency was a
11 state agency, to be deposited as provided in
12 subsection (c) of Section 10-5;

13 (D) if the arrest was made in combination with
14 multiple law enforcement agencies, the clerk shall
15 equitably allocate the portion in subparagraph (C) of
16 this paragraph (6) among the law enforcement agencies
17 involved in the arrest;

18 (6.5) Kane County or Will County, in felony,
19 misdemeanor, local or county ordinance, traffic, or
20 conservation cases, up to \$30 as set by the county board
21 under Section 5-1101.3 of the Counties Code upon the entry
22 of a judgment of conviction, an order of supervision, or a
23 sentence of probation without entry of judgment under
24 Section 10 of the Cannabis Control Act, Section 410 of the
25 Illinois Controlled Substances Act, Section 70 of the
26 Methamphetamine Control and Community Protection Act,

1 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
2 the Criminal Code of 1961 or the Criminal Code of 2012,
3 Section 10-102 of the Illinois Alcoholism and Other Drug
4 Dependency Act, or Section 10 of the Steroid Control Act;
5 except in local or county ordinance, traffic, and
6 conservation cases, if fines are paid in full without a
7 court appearance, then the assessment shall not be imposed
8 or collected. Distribution of assessments collected under
9 this paragraph (6.5) shall be as provided in Section
10 5-1101.3 of the Counties Code;

11 (7) methamphetamine-related offense involving
12 possession or delivery of methamphetamine or any salt of
13 an optical isomer of methamphetamine or possession of a
14 methamphetamine manufacturing material as set forth in
15 Section 10 of the Methamphetamine Control and Community
16 Protection Act with the intent to manufacture a substance
17 containing methamphetamine or salt of an optical isomer of
18 methamphetamine, an amount not less than the full street
19 value of the methamphetamine or salt of an optical isomer
20 of methamphetamine or methamphetamine manufacturing
21 materials seized for each conviction to be disbursed as
22 follows:

23 (A) 12.5% of the street value assessment shall be
24 paid into the Youth Drug Abuse Prevention Fund, to be
25 used by the Department of Human Services for the
26 funding of programs and services for drug-abuse

1 treatment, and prevention and education services;

2 (B) 37.5% to the county in which the charge was
3 prosecuted, to be deposited into the county General
4 Fund;

5 (C) 50% to the treasurer of the arresting law
6 enforcement agency of the municipality or county, or
7 to the State Treasurer if the arresting agency was a
8 state agency, to be deposited as provided in
9 subsection (c) of Section 10-5;

10 (D) if the arrest was made in combination with
11 multiple law enforcement agencies, the clerk shall
12 equitably allocate the portion in subparagraph (C) of
13 this paragraph (6) among the law enforcement agencies
14 involved in the arrest;

15 (8) order of protection violation under Section 12-3.4
16 of the Criminal Code of 2012, \$200 for each conviction to
17 the county treasurer for deposit into the Probation and
18 Court Services Fund for implementation of a domestic
19 violence surveillance program and any other assessments or
20 fees imposed under Section 5-9-1.16 of the Unified Code of
21 Corrections;

22 (9) order of protection violation, \$25 for each
23 violation to the State Treasurer, for deposit into the
24 Domestic Violence Abuser Services Fund;

25 (10) prosecution by the State's Attorney of a:

26 (A) petty or business offense, \$4 to the county

1 treasurer of which \$2 deposited into the State's
2 Attorney Records Automation Fund and \$2 into the
3 Public Defender Records Automation Fund;

4 (B) conservation or traffic offense, \$2 to the
5 county treasurer for deposit into the State's Attorney
6 Records Automation Fund;

7 (11) speeding in a construction zone violation, \$250
8 to the State Treasurer for deposit into the Transportation
9 Safety Highway Hire-back Fund, unless (i) the violation
10 occurred on a highway other than an interstate highway and
11 (ii) a county police officer wrote the ticket for the
12 violation, in which case to the county treasurer for
13 deposit into that county's Transportation Safety Highway
14 Hire-back Fund;

15 (12) supervision disposition on an offense under the
16 Illinois Vehicle Code or similar provision of a local
17 ordinance, 50 cents, unless waived by the court, into the
18 Prisoner Review Board Vehicle and Equipment Fund;

19 (13) victim and offender are family or household
20 members as defined in Section 103 of the Illinois Domestic
21 Violence Act of 1986 and offender pleads guilty or no
22 contest to or is convicted of murder, voluntary
23 manslaughter, involuntary manslaughter, burglary,
24 residential burglary, criminal trespass to residence,
25 criminal trespass to vehicle, criminal trespass to land,
26 criminal damage to property, telephone harassment,

1 kidnapping, aggravated kidnaping, unlawful restraint,
2 forcible detention, child abduction, indecent solicitation
3 of a child, sexual relations between siblings,
4 exploitation of a child, child pornography, assault,
5 aggravated assault, battery, aggravated battery, heinous
6 battery, aggravated battery of a child, domestic battery,
7 reckless conduct, intimidation, criminal sexual assault,
8 predatory criminal sexual assault of a child, aggravated
9 criminal sexual assault, criminal sexual abuse, aggravated
10 criminal sexual abuse, violation of an order of
11 protection, disorderly conduct, endangering the life or
12 health of a child, child abandonment, contributing to
13 dependency or neglect of child, or cruelty to children and
14 others, \$200 for each sentenced violation to the State
15 Treasurer for deposit as follows: (i) for sexual assault,
16 as defined in Section 5-9-1.7 of the Unified Code of
17 Corrections, when the offender and victim are family
18 members, one-half to the Domestic Violence Shelter and
19 Service Fund, and one-half to the Sexual Assault Services
20 Fund; (ii) for the remaining offenses to the Domestic
21 Violence Shelter and Service Fund;

22 (14) violation of Section 11-501 of the Illinois
23 Vehicle Code, Section 5-7 of the Snowmobile Registration
24 and Safety Act, Section 5-16 of the Boat Registration and
25 Safety Act, or a similar provision, whose operation of a
26 motor vehicle, snowmobile, or watercraft while in

1 violation of Section 11-501, Section 5-7 of the Snowmobile
2 Registration and Safety Act, Section 5-16 of the Boat
3 Registration and Safety Act, or a similar provision
4 proximately caused an incident resulting in an appropriate
5 emergency response, \$1,000 maximum to the public agency
6 that provided an emergency response related to the
7 person's violation, or as provided in subsection (c) of
8 Section 10-5 if the arresting agency was a State agency,
9 unless more than one agency was responsible for the
10 arrest, in which case the amount shall be remitted to each
11 unit of government equally;

12 (15) violation of Section 401, 407, or 407.2 of the
13 Illinois Controlled Substances Act that proximately caused
14 any incident resulting in an appropriate drug-related
15 emergency response, \$1,000 as reimbursement for the
16 emergency response to the law enforcement agency that made
17 the arrest, or as provided in subsection (c) of Section
18 10-5 if the arresting agency was a State agency, unless
19 more than one agency was responsible for the arrest, in
20 which case the amount shall be remitted to each unit of
21 government equally;

22 (16) violation of reckless driving, aggravated
23 reckless driving, or driving 26 miles per hour or more in
24 excess of the speed limit that triggered an emergency
25 response, \$1,000 maximum reimbursement for the emergency
26 response to be distributed in its entirety to a public

1 agency that provided an emergency response related to the
2 person's violation, or as provided in subsection (c) of
3 Section 10-5 if the arresting agency was a State agency,
4 unless more than one agency was responsible for the
5 arrest, in which case the amount shall be remitted to each
6 unit of government equally;

7 (17) violation based upon each plea of guilty,
8 stipulation of facts, or finding of guilt resulting in a
9 judgment of conviction or order of supervision for an
10 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
11 the Criminal Code of 2012 that results in the imposition
12 of a fine, to be distributed as follows:

13 (A) \$50 to the county treasurer for deposit into
14 the Circuit Court Clerk Operation and Administrative
15 Fund to cover the costs in administering this
16 paragraph (17);

17 (B) \$300 to the State Treasurer who shall deposit
18 the portion as follows:

19 (i) if the arresting or investigating agency
20 is the Illinois State Police, into the State
21 Police Law Enforcement Administration Fund;

22 (ii) if the arresting or investigating agency
23 is the Department of Natural Resources, into the
24 Conservation ~~Police~~ Operations Assistance Fund;

25 (iii) if the arresting or investigating agency
26 is the Secretary of State, into the Secretary of

1 State ~~Police~~ Services Fund;

2 (iv) if the arresting or investigating agency
3 is the Illinois Commerce Commission, into the
4 Transportation Regulatory Fund; or

5 (v) if more than one of the State agencies in
6 this subparagraph (B) is the arresting or
7 investigating agency, then equal shares with the
8 shares deposited as provided in the applicable
9 items (i) through (iv) of this subparagraph (B);
10 and

11 (C) the remainder for deposit into the Specialized
12 Services for Survivors of Human Trafficking Fund;

13 (18) weapons violation under Section 24-1.1, 24-1.2,
14 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
15 of 2012, \$100 for each conviction to the State Treasurer
16 for deposit into the Trauma Center Fund; and

17 (19) violation of subsection (c) of Section 11-907 of
18 the Illinois Vehicle Code, \$250 to the State Treasurer for
19 deposit into the Scott's Law Fund, unless a county or
20 municipal police officer wrote the ticket for the
21 violation, in which case to the county treasurer for
22 deposit into that county's or municipality's
23 Transportation Safety Highway Hire-back Fund to be used as
24 provided in subsection (j) of Section 11-907 of the
25 Illinois Vehicle Code.

26 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;

1 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.
2 8-20-21; 102-813, eff. 5-13-22.)

3 Section 100. The Unified Code of Corrections is amended by
4 changing Section 5-9-1.2 as follows:

5 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

6 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
7 amounts collected as fines pursuant to Section 5-9-1.1 shall
8 be paid into the Youth Drug Abuse Prevention Fund, which is
9 hereby created in the State treasury, to be used by the
10 Department of Human Services for the funding of programs and
11 services for drug-abuse treatment, and prevention and
12 education services, for juveniles.

13 (b) Eighty-seven and one-half percent of the proceeds of
14 all fines received pursuant to Section 5-9-1.1 shall be
15 transmitted to and deposited in the treasurer's office at the
16 level of government as follows:

17 (1) If such seizure was made by a combination of law
18 enforcement personnel representing differing units of
19 local government, the court levying the fine shall
20 equitably allocate 50% of the fine among these units of
21 local government and shall allocate 37 1/2% to the county
22 general corporate fund. In the event that the seizure was
23 made by law enforcement personnel representing a unit of
24 local government from a municipality where the number of

1 inhabitants exceeds 2 million in population, the court
2 levying the fine shall allocate 87 1/2% of the fine to that
3 unit of local government. If the seizure was made by a
4 combination of law enforcement personnel representing
5 differing units of local government, and at least one of
6 those units represents a municipality where the number of
7 inhabitants exceeds 2 million in population, the court
8 shall equitably allocate 87 1/2% of the proceeds of the
9 fines received among the differing units of local
10 government.

11 (2) If such seizure was made by State law enforcement
12 personnel, then the court shall allocate 37 1/2% to the
13 State treasury and 50% to the county general corporate
14 fund.

15 (3) If a State law enforcement agency in combination
16 with a law enforcement agency or agencies of a unit or
17 units of local government conducted the seizure, the court
18 shall equitably allocate 37 1/2% of the fines to or among
19 the law enforcement agency or agencies of the unit or
20 units of local government which conducted the seizure and
21 shall allocate 50% to the county general corporate fund.

22 (c) The proceeds of all fines allocated to the law
23 enforcement agency or agencies of the unit or units of local
24 government pursuant to subsection (b) shall be made available
25 to that law enforcement agency as expendable receipts for use
26 in the enforcement of laws regulating controlled substances

1 and cannabis. The proceeds of fines awarded to the State
2 treasury shall be deposited in a special fund known as the Drug
3 Traffic Prevention Fund. Monies from this fund may be used by
4 the Illinois State Police for use in the enforcement of laws
5 regulating controlled substances and cannabis; to satisfy
6 funding provisions of the Intergovernmental Drug Laws
7 Enforcement Act; and to defray costs and expenses associated
8 with returning violators of the Cannabis Control Act, the
9 Illinois Controlled Substances Act, and the Methamphetamine
10 Control and Community Protection Act only, as provided in
11 those Acts, when punishment of the crime shall be confinement
12 of the criminal in the penitentiary. ~~Moneys in the Drug~~
13 ~~Traffic Prevention Fund deposited from fines awarded as a~~
14 ~~direct result of enforcement efforts of the Illinois~~
15 ~~Conservation Police may be used by the Department of Natural~~
16 ~~Resources Office of Law Enforcement for use in enforcing laws~~
17 ~~regulating controlled substances and cannabis on Department of~~
18 ~~Natural Resources regulated lands and waterways.~~ All other
19 monies shall be paid into the general revenue fund in the State
20 treasury.

21 (d) There is created in the State treasury the
22 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
23 be equitably allocated to local law enforcement agencies to:
24 (1) reimburse those agencies for the costs of securing and
25 cleaning up sites and facilities used for the illegal
26 manufacture of methamphetamine; (2) defray the costs of

1 employing full-time or part-time peace officers from a
2 Metropolitan Enforcement Group or other local drug task force,
3 including overtime costs for those officers; and (3) defray
4 the costs associated with medical or dental expenses incurred
5 by the county resulting from the incarceration of
6 methamphetamine addicts in the county jail or County
7 Department of Corrections.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 Section 995. No acceleration or delay. Where this Act
10 makes changes in a statute that is represented in this Act by
11 text that is not yet or no longer in effect (for example, a
12 Section represented by multiple versions), the use of that
13 text does not accelerate or delay the taking effect of (i) the
14 changes made by this Act or (ii) provisions derived from any
15 other Public Act.

16 Section 999. Effective date. This Act takes effect October
17 1, 2023.

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20 ILCS 805/805-535 rep.

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20 ILCS 805/805-537 rep.

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20 ILCS 2605/2605-25 was 20 ILCS 2605/55a-1

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20 ILCS 2605/2605-56 new

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