



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5587

Introduced 2/9/2024, by Rep. Hoan Huynh

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 140/7.5

Creates the Commercial Financing Licensing Act. Sets forth provisions concerning licensure requirements for persons providing commercial financing; applicability of the Act; applying for licensing under the Act; license application and issuance; refusal to issue a license; license issuance and renewal; fees; functions, power, and duties; examination and prohibited activities; subpoena power of the Secretary of Financial and Professional Regulation; reports required; suspension of licenses, revocation of licenses, civil penalties, and other discipline; investigation of complaints; confidentiality; appeal and review; licensure fees; injunctions; exemptions; complaint disclosure; rules; violations; severability; severability; and a commercial financing database. Amends the Freedom of Information Act to make a conforming change. Effective immediately.

LRB103 38823 RTM 68960 b

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Article may be cited as the
5 Consumer Protections for Small Business Act.

6 Section 2. Purpose and construction. The purpose of this
7 Act is to protect business owners. This Act shall be liberally
8 construed to effectuate its purpose.

9 Section 5. Definitions. As used in this Act:

10 "Applicant" means a person who has submitted an
11 application for a license pursuant to this Act.

12 "Commercial financing database" means a reporting database
13 certified by the Department as effective in receiving a report
14 of commercial financing made pursuant to this Act.

15 "Commercial financing database provider" means an entity
16 that provides a reporting database certified by the Department
17 pursuant to this Act.

18 "Commercial financing" means open-end financing,
19 closed-end financing, sales-based financing, factoring
20 transaction, or other form of financing, the proceeds of which
21 the recipient does not intend to use primarily for personal,
22 family, or household purposes. For purposes of determining

1 whether a financing is a commercial financing, the provider
2 may rely on any statement of intended purposes by the
3 recipient. The statement may be a separate statement signed by
4 the recipient; may be contained in the financing application,
5 financing agreement, or other document signed or consented to
6 by the recipient; or may be provided orally by the recipient so
7 long as it is documented in the recipient's application file
8 by the provider. Electronic signatures and consents are valid
9 for purposes of the foregoing sentence. The provider shall not
10 be required to ascertain that the proceeds of a commercial
11 financing are used in accordance with the recipient's
12 statement of intended purposes.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Division of Financial Institutions" or "Division" means
16 the Division of Financial Institutions of the Department of
17 Financial and Professional Regulation.

18 "Person" means an individual, entity, corporation,
19 partnership, limited liability company, joint venture,
20 association, joint stock company, trust, or unincorporated
21 organization, including, but not limited to, a sole
22 proprietorship.

23 "Provider" means a person who extends a specific offer of
24 commercial financing to a recipient. Unless otherwise exempt,
25 "provider" includes a person who solicits and presents
26 specific offers of commercial financing on behalf of a third

1 party. The mere extension of a specific offer or provision of
2 disclosures for a commercial financing, is not sufficient to
3 conclude that a provider is originating, making, funding, or
4 providing commercial financing.

5 "Recipient" means a person who applies for commercial
6 financing and is made a specific offer of commercial financing
7 by a provider. "Recipient" includes an authorized
8 representative of a person who applies for commercial
9 financing and is made a specific offer of commercial financing
10 by a provider. "Recipient" does not include a person acting as
11 a broker is not a recipient in a transaction they broker.

12 "Secretary" means the Secretary of Financial and
13 Professional Regulation or a person authorized by the
14 Secretary to perform the Secretary's responsibilities under
15 this Act.

16 "Specific offer" means the specific terms of commercial
17 financing, including price or amount, that is quoted to a
18 recipient based on information obtained from or about the
19 recipient that, if accepted by a recipient, shall be binding
20 on the provider, as applicable, subject to any specific
21 requirements stated in the specific terms.

22 Section 10. Applicability.

23 (a) Except as otherwise provided in this Section, this Act
24 applies to any person that offers or provides commercial
25 financing in Illinois or is otherwise a provider.

1 (b) The provisions of this Act apply to any person that
2 seeks to evade its applicability by any device, subterfuge, or
3 pretense whatsoever.

4 (c) The provisions of this Act apply to any person that
5 aids or facilitates a violation of this Act.

6 Section 15. Division of Financial Institutions. This Act
7 shall be administered by the Division on behalf of the
8 Secretary.

9 Section 20. Licensure requirement. A person may not
10 provide commercial financing without the license required by
11 this Act and shall be guilty of a Class 4 felony for practicing
12 without a license. The Secretary may investigate a person the
13 Secretary believes may require licensure pursuant to this Act,
14 including, but not limited to compelling production of
15 testimony, books, records, or any other information necessary
16 for the Secretary to determine whether the person requires
17 licensure.

18 Section 25. Licensee name. No person providing commercial
19 financing may operate such business under a name other than
20 the real names of the entity and individuals conducting such
21 business. Such business may operate under an assumed corporate
22 name pursuant to the Business Corporation Act of 1983, an
23 assumed limited liability company name pursuant to the Limited

1 Liability Company Act, or an assumed business name pursuant to
2 the Assumed Business Name Act with written authorization from
3 the Secretary. Each licensee shall update its name with the
4 Department within 10 days of the change of name.

5 Section 30. Application process; investigation; fees.

6 (a) The Secretary may issue a license to a person after the
7 person completes all of the following:

8 (1) the filing of an application for license with the
9 Secretary or a multistate licensing system as approved by
10 the Secretary;

11 (2) the filing with the Secretary or a multistate
12 licensing system as approved by the Secretary of a listing
13 of judgments entered against, and bankruptcy petitions by,
14 the applicant for the preceding 10 years;

15 (3) the payment, in certified funds, of investigation
16 and application fees, the total of which shall be in an
17 amount equal to \$2,500; and

18 (4) the filing of an audited balance sheet, including
19 all footnotes prepared by a certified public accountant in
20 accordance with generally accepted accounting principles
21 and generally accepted auditing standards; notwithstanding
22 the requirements of this paragraph, an applicant that is a
23 subsidiary may submit audited consolidated financial
24 statements of its parent, intermediary parent, or ultimate
25 parent as long as the consolidated statements are

1 supported by consolidating statements that include the
2 applicant's financial statement; if the consolidating
3 statements are unaudited, the applicant's chief financial
4 officer shall attest to the applicant's financial
5 statements disclosed in the consolidating statements.

6 (b) The Secretary may, for good cause shown, waive or
7 modify the requirements of subsection (a).

8 (c) Upon receipt of the license, a licensee is authorized
9 to engage in commercial financing. The license shall remain in
10 full force and effect until it expires, is surrendered by the
11 licensee, or is revoked or suspended as provided in this Act.

12 (d) The Secretary may impose conditions on a license if
13 the Secretary determines that those conditions are necessary
14 or appropriate. These conditions shall be imposed in writing
15 and shall continue in effect for the period prescribed by the
16 Secretary.

17 Section 35. Application form.

18 (a) Application for a license must be made in accordance
19 with this Act, if required by the Secretary, and in accordance
20 with requirements of the multistate licensing system. The
21 application shall be in writing, under oath, and on a form
22 obtained from and prescribed by the Secretary. The Secretary
23 may require part or all of the application to be submitted
24 electronically, with attestation, to the multistate licensing
25 system.

1 (b) The application shall contain the name and complete
2 business and residential address or addresses of the
3 applicant. The application shall also include a description of
4 the activities of the applicant in such detail and for such
5 periods as the Secretary may require, including all of the
6 following:

7 (1) an affirmation that the applicant and its members,
8 directors, or principals, as may be appropriate, are at
9 least 18 years of age;

10 (2) information as to the name, complete business
11 address, complete residential address, character, fitness,
12 financial and business responsibility, background,
13 experience, and criminal record of any:

14 (i) person, including an ultimate equitable owner,
15 that directly or indirectly owns or controls 10% or
16 more of any class of stock of the applicant;

17 (ii) person, including an ultimate equitable owner
18 that is not a depository institution, as defined in
19 the Savings Bank Act, that lends, provides, or
20 infuses, directly or indirectly, in any way, funds to
21 or into an applicant in an amount equal to or more than
22 10% of the applicant's net worth;

23 (iii) person, including an ultimate equitable
24 owner that controls, directly or indirectly, the
25 election of 25% or more of the members of the board of
26 directors of an applicant;

1 (iv) person, including an ultimate equitable owner
2 that the Secretary finds influences the management of
3 the applicant;

4 (v) director or directors of an applicant; and

5 (vi) principal officers of an applicant; and

6 (3) such other information as required by the
7 Secretary to assess whether the applicant and its owners,
8 officers, and directors have the financial responsibility,
9 financial condition, business experience, character, and
10 general fitness to justify the confidence of the public
11 and that the applicant and its owners, officers, and
12 directors are fit, willing, and able to carry on the
13 proposed business in a lawful and fair manner.

14 Section 40. Additional license application information.

15 (a) In order to fulfill the purposes of this Act, the
16 Secretary may establish relationships or contracts with a
17 multistate licensing system or other persons to collect and
18 maintain records and process fees related to licensees or
19 other persons subject to this Act.

20 (b) In connection with an application for licensing, the
21 applicant, owners, officers, and directors of an applicant may
22 be required, at a minimum, to furnish to the Secretary or
23 multistate licensing system information concerning the
24 applicant's, owners', officers' and directors' identity,
25 including personal history and experience in a form prescribed

1 by the Secretary or multistate licensing system, including,
2 but not limited to:

3 (1) a complete and accurate copy of an independent
4 credit report obtained from a consumer reporting agency
5 described in Section 603(p) of the Fair Credit Reporting
6 Act (15 U.S.C. 1681a(p)); and

7 (2) information related to any administrative, civil,
8 or criminal findings by any governmental jurisdiction.

9 (c) For the purposes of this Section, and to reduce the
10 points of contact that the Secretary may have to maintain, the
11 Secretary may use a multistate licensing system as a
12 channeling agent for requesting and distributing information
13 to and from any source.

14 (d) Each application shall be accompanied by averments as
15 determined by the Secretary to fulfill the purposes of this
16 Act.

17 (e) Each applicant shall furnish to the Secretary or
18 multistate licensing system an updated business address within
19 10 days of any change of business address.

20 Section 45. Refusal to issue or renew license. The
21 Secretary may refuse to issue or renew a license if:

22 (1) the Secretary determines that the applicant has
23 not complied with a provision of this Act, its
24 implementing rules, or other laws that apply to the
25 applicant;

1 (2) the Secretary determines that there is substantial
2 continuity between the applicant and any violator of this
3 Act, its implementing rules, or other laws that apply to
4 the applicant or related violator; or

5 (3) the Secretary determines that the applicant or its
6 owners, officers, or directors do not have the financial
7 responsibility, financial condition, business experience,
8 character, and general fitness of to justify the
9 confidence of the public and that the license applicant
10 and its owners, officers, and directors are fit, willing,
11 and able to carry on the proposed business in a lawful and
12 fair manner.

13 Section 50. License issuance and renewal.

14 (a) Licensees shall apply to renew their license every
15 calendar year. Licensees may submit properly completed renewal
16 application forms and filing fees 60 days before the license
17 expiration date and the same must be received by the Secretary
18 at least 30 days before the license expiration date.

19 (b) Each licensee must timely renew its license. Absent a
20 written extension from the Department, a license shall expire
21 on December 31 if a licensee fails to timely submit a properly
22 completed renewal application form and fees.

23 (c) No activity regulated by this Act shall be conducted
24 by a licensee whose license has expired. The Secretary may,
25 within the Secretary's discretion, reinstate an expired

1 license upon payment of the renewal fee, payment of a
2 reactivation fee equal to 5 times the renewal fee, submission
3 of a completed renewal application, and an affidavit of good
4 cause for late renewal.

5 Section 55. Fees.

6 (a) The persons regulated by this Act shall bear the
7 expenses of administering this Act, including investigations
8 and examinations provided for in this Act. The Secretary may
9 establish fees by rule or modify fees in at least the following
10 categories:

- 11 (1) application and renewal fees;
- 12 (2) examination and investigation fees;
- 13 (3) change fees;
- 14 (4) contingent fees; and
- 15 (5) such other fees as may be required to administer
16 this Act.

17 (b) The Secretary may modify any fees established by this
18 Act by rule one year after the effective date of this Act.

19 Section 60. Functions; powers; duties. The functions,
20 powers, and duties of the Secretary include, but are not
21 limited to, the following:

- 22 (1) to issue or refuse to issue any license or
23 renewal;
- 24 (2) to revoke or suspend for cause any license issued

1 under this Act;

2 (3) to keep records of all licenses issued under this
3 Act;

4 (4) to receive, consider, investigate, and act upon
5 complaints made by any person in connection with any
6 licensee in this State or unlicensed commercial financing
7 activity of any person;

8 (5) to prescribe the forms of and receive:

9 (A) applications for licenses and renewals; and

10 (B) all reports and all books and records required
11 to be made by any licensee under this Act, including
12 annual audited financial statements if required by the
13 Secretary and annual reports of commercial financing
14 activity;

15 (6) to adopt rules necessary and proper for the
16 administration of this Act, to protect consumers, and
17 promote fair competition or otherwise authorized by this
18 Act;

19 (7) to subpoena documents and witnesses and compel
20 their attendance and production, to administer oaths, and
21 to require the production of any books, papers, or other
22 materials relevant to any inquiry authorized by this Act
23 or its implementing rules;

24 (8) to issue orders against any person if the
25 Secretary has reasonable cause to believe that an unsafe,
26 unsound, or unlawful practice has occurred, is occurring,

1 or is about to occur; if any person is violating, or is
2 about to violate any law, rule, or written agreement with
3 the Secretary; or for the purpose of administering the
4 provisions of this Act and any rule adopted in accordance
5 with this Act;

6 (9) to address any inquiries to any licensee, or the
7 owners, officers, or directors thereof, in relation to its
8 activities and conditions, or any other matter connected
9 with its affairs, and any licensee or person so addressed
10 shall promptly reply in writing to those inquiries. The
11 Secretary may also require reports from any licensee at
12 any time the Secretary deems desirable;

13 (10) to examine the books and records of every
14 licensee under this Act or any person requiring a license
15 or who the Secretary reasonably believes may require a
16 license;

17 (11) to enforce provisions of this Act and its
18 implementing rules;

19 (12) to levy fees including, but not limited to,
20 assessments, examination fees, and licensing fees, civil
21 penalties, and charges for services performed in
22 administering this Act. The aggregate of all fees
23 collected by the Secretary under this Act shall be paid
24 promptly after receipt into the Financial Institution
25 Fund. The amounts deposited into the Financial Institution
26 Fund shall be used for the ordinary and contingent

1 expenses of the Department. Nothing in this Act prevents
2 paying expenses including salaries, retirement, social
3 security, and State-paid insurance of State employees, or
4 any other expenses incurred under this Act by
5 appropriation from the General Revenue Fund or any other
6 fund;

7 (13) to issue refunds to licensees of any overpayment
8 for good cause shown;

9 (14) to appoint examiners, supervisors, experts, and
10 special assistants as needed to effectively and
11 efficiently administer this Act;

12 (15) to conduct hearings for the purpose of
13 suspensions, denials, or revocations of licenses, fining,
14 or other discipline of licensees or unlicensed persons or
15 entities;

16 (16) to exercise visitorial power over a licensee;

17 (17) to enter into cooperative agreements with state
18 regulatory authorities of other states to provide for
19 examination of corporate offices or branches of those
20 states, participate in joint examinations with other
21 regulators, and to accept reports of such examinations;

22 (18) to assign an examiner or examiners to monitor the
23 affairs of a licensee with whatever frequency the
24 Secretary determines appropriate and to charge the
25 licensee for reasonable and necessary expenses of the
26 Secretary if in the opinion of the Secretary an emergency

1 exists or appears likely to occur;

2 (19) to impose civil penalties of up to \$200 per day
3 against a licensee for failing to respond to a regulatory
4 request or reporting requirement; and

5 (20) to enter into agreements in connection with a
6 multistate licensing system.

7 Section 65. Examination; prohibited activities.

8 (a) The Secretary shall examine the business affairs of a
9 licensee under this Act as often as the Secretary deems
10 necessary and proper. The Secretary may adopt rules with
11 respect to the frequency and manner of examination. The
12 Secretary shall appoint a suitable person to perform such
13 examination. The Secretary and the Secretary's appointees may
14 examine the entire books, records, documents, and operations
15 of each licensee and its subsidiary, affiliate, or agent, and
16 may examine any of the licensee's or its subsidiaries',
17 owners, affiliates', or agents' officers, directors,
18 employees, and agents under oath.

19 (b) Affiliates of a licensee shall be subject to
20 examination by the Secretary on the same terms as the
21 licensee, but only when reports from or examination of a
22 licensee provides for documented evidence of unlawful activity
23 between a licensee and affiliate benefiting, affecting, or
24 deriving from the activities regulated by this Act.

25 (c) The expenses of any examination of the licensee or its

1 affiliates shall be borne by the licensee and assessed by the
2 Secretary as may be established by rule.

3 (d) All confidential supervisory information, including
4 the examination report and the work papers of the report,
5 shall belong to the Secretary's office and may not be
6 disclosed to anyone other than the licensee, law enforcement
7 officials, or other regulatory agencies that have an
8 appropriate regulatory interest as determined by the Secretary
9 or to a party presenting a lawful subpoena to the Department.
10 The Secretary may, through the Attorney General, immediately
11 appeal to the court of jurisdiction the disclosure of such
12 confidential supervisory information and seek a stay of the
13 subpoena pending the outcome of the appeal. Reports required
14 of licensees by the Secretary under this Act and results of
15 examinations performed by the Secretary under this Act shall
16 be the property of only the Secretary, but may be shared with
17 the licensee. Any person demanded to produce the Department's
18 confidential supervisory information, whether by subpoena,
19 order, or other judicial or administrative process, must
20 withhold production of the confidential supervisory
21 information and must notify the Secretary of the demand. The
22 Secretary is authorized to intervene for the purpose of
23 enforcing the limitations of this Section or seeking the
24 withdrawal or termination of the attempt to compel production
25 of the confidential supervisory information. The Secretary may
26 impose any conditions and limitations on the disclosure of

1 confidential supervisory information that are necessary to
2 protect the confidentiality of that information. The Secretary
3 may condition a decision to disclose confidential supervisory
4 information on entry of a protective order by the court or
5 administrative tribunal presiding in the particular case or on
6 a written agreement of confidentiality. If a protective order
7 or agreement has already been entered between parties other
8 than the Secretary, then the Secretary may nevertheless
9 condition approval for release of confidential supervisory
10 information upon the inclusion of additional or amended
11 provisions in the protective order. The Secretary may
12 authorize a party who obtained the records for use in one case
13 to provide them to another party in another case, subject to
14 any conditions that the Secretary may impose on either or both
15 parties. The requester shall promptly notify other parties to
16 a case of the release of confidential supervisory information
17 obtained and, upon entry of a protective order, shall provide
18 copies of confidential supervisory information to the other
19 parties.

20 Section 70. Subpoena power of the Secretary.

21 (a) The Secretary may issue and serve subpoenas and
22 subpoenas duces tecum to compel the attendance of witnesses
23 and the production of all books, accounts, records, and other
24 documents and materials relevant to an examination or
25 investigation. The Secretary, or the Secretary's duly

1 authorized representative, may administer oaths and
2 affirmations to any person.

3 (b) If a person does not comply with the Secretary's
4 subpoena or subpoena duces tecum, the Secretary may, through
5 the Attorney General, petition the circuit court of the county
6 in which the subpoenaed person resides or has its principal
7 place of business for an order requiring the subpoenaed person
8 to testify and to comply with the subpoena duces tecum. The
9 court may grant injunctive relief restraining the person from
10 engaging in activity regulated by this Act. The court may
11 grant other relief, including, but not limited to, the
12 restraint, by injunction or appointment of a receiver, of any
13 transfer, pledge, assignment, or other disposition of the
14 person's assets, concealment, destruction, or other
15 disposition of books, accounts, records, or other documents
16 and materials, as the court deems appropriate, until the
17 person has fully complied with the subpoena or subpoena duces
18 tecum and the Secretary has completed an investigation or
19 examination.

20 (c) If it appears to the Secretary that the compliance
21 with a subpoena or subpoena duces tecum issued or caused to be
22 issued by the Secretary pursuant to this Section is essential
23 to an investigation or examination, the Secretary, in addition
24 to the other remedies provided for in this Act, may, through
25 the Attorney General, apply for relief to the circuit court of
26 the county in which the subpoenaed person resides or has its

1 principal place of business. The court shall thereupon direct
2 the issuance of an order against the subpoenaed person
3 requiring sufficient bond conditioned on compliance with the
4 subpoena or subpoena duces tecum. The court shall cause to be
5 endorsed on the order a suitable amount of bond or payment
6 pursuant to which the person named be freed, having a due
7 regard to the nature of the case.

8 (d) In addition, the Secretary may, through the Attorney
9 General, seek a writ of attachment or an equivalent order from
10 the circuit court having jurisdiction over the person who has
11 refused to obey a subpoena, who has refused to give testimony,
12 or who has refused to produce the matters described in the
13 subpoena duces tecum.

14 Section 75. Reports required.

15 (a) Every licensee shall produce to the Department reports
16 the Secretary requests.

17 (b) Every provider shall produce to the Department a
18 report of its commercial financing activity upon the request
19 of the Secretary. Every provider shall produce its report to
20 the Department within 90 days of the Secretary's request. The
21 Secretary shall publish the request and identify all data
22 providers must report within 60 days after the effective date
23 of this Act.

24 (c) Every provider shall produce to the Department a
25 report of its commercial financing activity upon the

1 Secretary's written request.

2 Section 80. Suspension; revocation of licenses; civil
3 penalties and other discipline.

4 (a) The Secretary may enter an order imposing one or more
5 of the following penalties:

6 (1) revocation of license;

7 (2) suspension of a license subject to reinstatement
8 upon satisfying all reasonable conditions the Secretary
9 may specify;

10 (3) placement of the licensee or applicant on
11 probation for a period of time and subject to all
12 reasonable conditions as the Secretary may specify;

13 (4) issuance of a reprimand;

14 (5) imposition of civil monetary penalties as follows:

15 (A) a civil penalty not to exceed \$10,000 for each
16 separate offense, but civil penalties may not to
17 exceed \$50,000 for all violations arising from the use
18 of the same transaction documents or materials,
19 including for financing offers that are not
20 consummated;

21 (B) if a person who violates this Act after
22 receiving written notice of a prior violation, then a
23 civil penalty may be imposed not to exceed \$10,000 for
24 each count of separate offense, but the civil
25 penalties are not to exceed \$100,000 for all

1 violations arising from the use of the same
2 transaction documents or materials, including for
3 financing offers that are not consummated;

4 (6) restitution, refunds, or any other relief
5 necessary to protect consumers; and

6 (7) denial of a license.

7 (b) Grounds for penalties include:

8 (1) if a person has violated or aided another to
9 violate, any provisions of this Act, any rule adopted by
10 the Secretary, or any other law, rule, or regulation of
11 this State, any other state, or the United States;

12 (2) if a fact or condition exists that, if it had
13 existed at the time of the original application for the
14 license, would have warranted the Secretary in refusing
15 issue the original license;

16 (3) that a licensee that is not an individual has
17 acted or failed to act in a way that would be cause for
18 suspending or revoking a license to an individual;

19 (4) that a person engaged in unsafe, unsound, unfair,
20 deceptive, or abusive business practices related to the
21 activity covered by this Act;

22 (5) that a person has been adjudicated guilty of a
23 crime against the law of this State, any other state, or of
24 the United States involving moral turpitude, abusive,
25 deceptive, fraudulent, or dishonest dealing;

26 (6) that a final judgment has been entered against a

1 person in a civil action upon grounds of abusive conduct,
2 conversion, fraud, misrepresentation, or deceit;

3 (7) that a person made a material misstatement in its
4 application for licensure or any other communication to
5 the Secretary;

6 (8) that a person has demonstrated, by course of
7 conduct, negligence or incompetence in performing any act
8 for which it is required to hold a license under this Act;

9 (9) that a person has failed to advise the Secretary
10 in writing of any changes to the information submitted on
11 their most recent application for license within 30 days
12 of the change;

13 (10) that a licensee failed to submit to periodic
14 examination by the Secretary as required by this Act or
15 failed to maintain, preserve, and keep available for
16 examination all books, accounts, or other documents
17 required by the provisions of this Act and rules of the
18 Secretary;

19 (11) that a person failed to account or deliver to any
20 person any property, such as any money, fund, deposit,
21 check, draft, or other document or thing of value, that
22 has come into its hands and that is not its property or
23 that it is not in law or equity entitled to retain, under
24 the circumstances and at the time which has been agreed
25 upon or is required by law or, in the absence of a fixed
26 time, upon demand of the person for such accounting and

1 delivery;

2 (12) that a person failed to disburse funds in
3 accordance with agreements or law;

4 (13) that a person had a license, or the equivalent,
5 to practice any profession, occupation, other industry or
6 activity requiring licensure revoked, suspended,
7 disciplined, or otherwise acted against, including the
8 denial of licensure by a licensing authority of this State
9 or another state, territory, or country for fraud,
10 dishonest dealing, misrepresentations, incompetence,
11 conversion, any act of moral turpitude or any other
12 grounds that would constitute grounds for discipline under
13 this Act;

14 (14) that a person licensed under this Act failed to
15 timely notify the Department that such person has been
16 disciplined, including denial of licensure, by a licensing
17 authority of this State or another state. Timely
18 notification shall be notification to the Department
19 within 10 days of entry of discipline;

20 (15) that a person engaged in activities regulated by
21 the Act without a current, active license unless
22 specifically exempted by this Act;

23 (16) that a person failed to timely pay any fee,
24 charge, or civil penalty assessed under this Act; and

25 (17) that a person refused, obstructed, evaded, or
26 unreasonably delayed an investigation, information

1 request, or examination authorized under this Act, or
2 refused, obstructed, evaded, or unreasonably delayed
3 compliance with the Secretary's subpoena or subpoena duces
4 tecum.

5 (c) No license shall be suspended or revoked, except as
6 provided in this Section, nor shall any licensee be assessed a
7 civil penalty without notice of his or her right to a hearing.

8 (d) The Secretary may suspend any license for a period not
9 exceeding 180 days pending investigation for good cause shown
10 that an emergency exists.

11 (e) No revocation, suspension, or surrender of any license
12 shall impair or affect the obligation of any pre-existing
13 lawful contract between the licensee and any person. The
14 Secretary's approval of a licensee's application to surrender
15 its license shall not affect the licensee's civil or criminal
16 liability for acts committed prior to surrender. Surrender of
17 a license does not entitle the licensee to a return of any part
18 of the license fee.

19 (f) Every license issued under this Act shall remain in
20 force and effect until the license expires, is surrendered, is
21 revoked, or is suspended in accordance with the provisions of
22 this Act. The Secretary shall have authority to reinstate a
23 suspended license or to issue a new license to a licensee whose
24 license has been revoked or surrendered if no fact or
25 condition then exists which would have warranted the Secretary
26 in refusing originally to issue that license under this Act.

1 (g) Whenever the Secretary imposes discipline authorized
2 by this Section, the Secretary shall execute a written order
3 to that effect. The Secretary shall serve a copy of the order
4 upon the person. The Secretary shall serve the person with
5 notice of the order, including a statement of the reasons for
6 the order personally or by certified mail. Service by
7 certified mail shall be deemed completed when the notice is
8 deposited in the U.S. Mail.

9 (h) An order assessing a civil penalty, an order revoking
10 or suspending a license, or an order denying renewal of a
11 license shall take effect upon service of the order unless the
12 licensee serves the Department with a written request for a
13 hearing in the manner required by the order within 10 days
14 after the date of service of the order. If a person requests a
15 hearing, the order shall be stayed from its date of service
16 until the Department enters a final administrative order.
17 Hearings shall be conducted as follows:

18 (1) If the licensee requests a hearing, then the
19 Secretary shall schedule a hearing within 90 days after
20 the request for a hearing unless otherwise agreed to by
21 the parties.

22 (2) The hearing shall be held at the time and place
23 designated by the Secretary. The Secretary and any
24 administrative law judge designated by the Secretary shall
25 have the power to administer oaths and affirmations,
26 subpoena witnesses and compel their attendance, take

1 evidence, and require the production of books, papers,
2 correspondence, and other records or information that they
3 consider relevant or material to the inquiry.

4 (i) The costs of administrative hearings conducted under
5 this Section shall be paid by the licensee or other person
6 subject to the hearing.

7 (j) A licensee and other persons subject to this Act shall
8 be subject to the disciplinary actions specified in this Act
9 for any violations conducted by any officer, director,
10 shareholder, joint venture, partner, owner, including, but not
11 limited to ultimate equitable owner.

12 Section 85. Investigation of complaints. The Secretary may
13 investigate any complaints and inquiries made concerning this
14 Act and any licensees or persons the Secretary believes may
15 require a license under this Act. Each licensee or person the
16 Secretary believes may require a license under this Act shall
17 open the licensee's or persons's books, records, documents,
18 and offices wherever situated to the Secretary as needed to
19 facilitate such investigations.

20 Section 90. Additional investigation and examination
21 authority. In addition to any authority allowed under this
22 Act, the Secretary may conduct investigations and examinations
23 as follows:

24 (1) For purposes of initial licensing, license

1 renewal, license suspension, license conditioning, license
2 probation, license revocation or termination, or general
3 or specific inquiry or investigation to determine
4 compliance with this Act, the Secretary may access,
5 receive, and use any books, accounts, records, files,
6 documents, information, or evidence, including, but not
7 limited to, the following:

8 (A) criminal, civil, licensure, and administrative
9 history information, including nonconviction data as
10 specified in the Criminal Code of 2012; (B) personal
11 history and experience information, including
12 independent credit reports obtained from a consumer
13 reporting agency described in Section 603(p) of the
14 federal Fair Credit Reporting Act; and (C) any other
15 documents, information, or evidence the Secretary
16 deems relevant to the inquiry or investigation,
17 regardless of the location, possession, control, or
18 custody of the documents, information, or evidence.

19 (2) For the purposes of investigating violations or
20 complaints arising under this Act or for the purposes of
21 examination, the Secretary may review, investigate, or
22 examine any licensee, individual, or person subject to
23 this Act as often as necessary in order to carry out the
24 purposes of this Act. The Secretary may direct, subpoena,
25 or order the attendance of, and examine under oath all
26 persons and order any person to produce records, files,

1 and any other documents the Secretary deems relevant to an
2 inquiry.

3 (3) Each person subject to this Act shall make
4 available to the Secretary upon request the books and
5 records relating to the operations of the person subject
6 to this Act. The Secretary shall have access to those
7 books and records and may interview the owners, officers,
8 principals, employees, independent contractors, agents,
9 vendors, and customers of any licensee or person subject
10 to this Act.

11 (4) Each person subject to this Act shall make or
12 compile reports or prepare other information as directed
13 by the Secretary to carry out the purposes of this
14 Section, including, but not limited to:

15 (A) accounting compilations;

16 (B) information lists and data concerning
17 transactions in a format prescribed by the Secretary;
18 or

19 (C) other information deemed necessary to carry
20 out the purposes of this Section.

21 (5) In making any examination or investigation
22 authorized by this Act, the Secretary may control access
23 to any documents and records of the licensee or person
24 under examination or investigation. The Secretary may take
25 possession of the documents and records or otherwise take
26 constructive control of the documents. During the period

1 of control, no person shall remove or alter any of the
2 documents or records, except pursuant to a court order or
3 with the consent of the Secretary. Unless the Secretary
4 has reasonable grounds to believe the documents or records
5 of the licensee have been or are at risk of being altered
6 or destroyed for purposes of concealing a violation of
7 this Act, the licensee or owner of the documents and
8 records shall have access to the documents or records as
9 necessary to conduct its ordinary business affairs.

10 (6) In order to carry out the purposes of this
11 Section, the Secretary may:

12 (A) retain attorneys, accountants, or other
13 professionals and specialists as examiners, auditors,
14 or investigators to conduct or assist in the conduct
15 of examinations or investigations;

16 (B) enter into agreements or relationships with
17 other government officials or regulatory associations
18 to protect consumers, improve efficiencies, and reduce
19 regulatory burden by sharing resources, standardized
20 or uniform methods or procedures, and documents,
21 records, information, or evidence obtained under this
22 Section;

23 (C) use, hire, contract, or employ publicly or
24 privately available analytical systems, methods, or
25 software to examine or investigate the licensee,
26 individual, or person subject to this Act;

1 (D) accept and rely on examination or
2 investigation reports made by other government
3 officials, within or outside this State; or

4 (E) accept audit reports made by an independent
5 certified public accountant for the person subject to
6 this Act and may incorporate the audit report in the
7 report of the examination, report of investigation, or
8 other writing of the Secretary.

9 (7) The authority of this Section shall remain in
10 effect, whether such a person subject to this Act acts or
11 claims to act under any licensing or registration law of
12 this State or claims to act without such authority.

13 (8) No licensee or person subject to investigation or
14 examination under this Section may knowingly withhold,
15 alter, abstract, remove, mutilate, destroy, hide, or
16 conceal any books, records, computer records, or other
17 information or take actions designed to delay or
18 complicate review of records.

19 Section 95. Confidentiality. To promote more effective
20 regulation, protect consumers, and reduce regulatory burden
21 through inter-regulatory sharing of confidential supervisory
22 information:

23 (1) The privacy or confidentiality of any information
24 or material provided to a multistate licensing system,
25 including all privileges arising under federal or state

1 court rules and law, shall continue to apply to such
2 information or material after the information or material
3 has been disclosed to the multistate licensing system.
4 Information and material may be shared with a multistate
5 licensing system, federal and state regulatory officials
6 with relevant oversight authority, and law enforcement
7 without the loss of privilege or the loss of
8 confidentiality protections.

9 (2) The Secretary is authorized to enter into
10 agreements or sharing arrangements with other governmental
11 agencies, the Conference of State Bank Supervisors, and
12 other associations representing governmental agencies.

13 (3) Information or material that is privileged or
14 confidential under this Act as determined by the Secretary
15 is not subject to the following:

16 (A) disclosure under any State law governing the
17 disclosure to the public of information held by an
18 officer or an agency of the State; or

19 (B) subpoena, discovery, or admission into
20 evidence, in any private civil action or
21 administrative process except as authorized by the
22 Secretary.

23 (4) Any other law relating to the disclosure of
24 confidential supervisory information that is inconsistent
25 with this Act shall be superseded by the requirements of
26 this Section to the extent the other law provides less

1 confidentiality or a weaker privilege for information that
2 is privileged or confidential pursuant to this Act.

3 (5) Confidential or privileged information received
4 from a multistate licensing system, another licensing
5 body, federal and state regulatory officials, or law
6 enforcement shall be protected to the same extent as the
7 Secretary's confidential and privileged information is
8 protected pursuant to this Act. The Secretary may also
9 protect from disclosure confidential or privileged
10 information that would be exempt from disclosure to the
11 extent it is held directly by the multistate licensing
12 system, another licensing body, federal and state
13 regulatory officials, or law enforcement.

14 Section 100. Appeal and review.

15 (a) The Secretary may, in accordance with the Illinois
16 Administrative Procedure Act, adopt rules to provide for
17 review within the Department of their decisions affecting the
18 rights of persons under this Act. The review shall provide
19 for, at a minimum:

20 (1) appointment of a hearing officer;

21 (2) appropriate procedural rules, specific deadlines
22 for filings, and standards of evidence and of proof; and

23 (3) provisions for apportioning costs among parties to
24 the appeal.

25 (b) All final agency determinations of appeals to

1 decisions of the Secretary may be reviewed in accordance with
2 and under the provisions of the Administrative Review Law.
3 Appeals from all final orders and judgments entered by a court
4 in review of any final administrative decision of the
5 Secretary or of any final agency review of a decision of the
6 Secretary may be taken as in other civil cases.

7 Section 105. Licensure fees.

8 (a) The fee for initial licensure is \$2,500. The fee is
9 nonrefundable.

10 (b) The fee for annual application renewal is \$2,500. The
11 fee is nonrefundable.

12 (c) The Department shall impose a contingent fee
13 sufficient to cover its operating expenses in administering
14 this Act not otherwise covered by all other revenue collected
15 pursuant to this Act. Each licensee shall pay to the Division
16 its pro rata share, based on number or volume of transactions
17 or revenue, of the cost for administration of the Act that
18 exceeds other fees listed in this Section, as estimated by the
19 Division, for the current year and any deficit actually
20 incurred in the administration of the Act in prior years.

21 Section 110. Cease and desist order.

22 (a) The Secretary may issue a cease and desist order to any
23 licensee or person doing business without the required
24 license, when in the opinion of the Secretary the licensee or

1 other person has violated, is violating, or is about to
2 violate any provision of this Act or any rule adopted by the
3 Department pursuant to this Act or any requirement imposed in
4 writing by the Department as a condition of granting any
5 authorization permitted by this Act. The cease and desist
6 order authorized by this Section may be issued prior to a
7 hearing.

8 (b) The Secretary shall serve notice of the cease and
9 desist order, either personally or by certified mail. Service
10 by certified mail shall be deemed completed when the notice is
11 deposited in the U.S. Mail. The Secretary's notice shall
12 include a statement of the reasons for the action.

13 (c) Within 10 days of service of the cease and desist
14 order, the person subject to the cease and desist order may
15 request a hearing in writing. The Secretary shall schedule a
16 preliminary hearing within 60 days of the request for a
17 hearing unless the parties agree to a later date.

18 (d) If it is determined that the Secretary had the
19 authority to issue the cease and desist order, the Secretary
20 may issue such orders as may be reasonably necessary to
21 correct, eliminate, deter, or remedy the conduct described in
22 the order and resulting harms.

23 (e) The powers vested in the Secretary by this Section are
24 additional to all other powers and remedies vested in the
25 Secretary by any law. Nothing in this Section shall be
26 construed as requiring that the Secretary must employ the

1 power conferred in this Section instead of or as a condition
2 precedent to the exercise of any other power or remedy vested
3 in the Secretary.

4 Section 115. Injunctions. The Secretary may maintain an
5 action in the name of the people of the State of Illinois and
6 may apply for an injunction in the circuit court to enjoin a
7 person from violating this Act or its implementing rules
8 through the Attorney General.

9 Section 120. Exemptions. This Act does not apply to, and
10 does not place any additional requirements or obligations
11 upon, any of the following:

12 (a) a bank, trust company, or industrial loan company
13 doing business under the authority of, or in accordance
14 with, a license, certificate or charter issued by the
15 United States, this State, or any other state, district,
16 territory, or commonwealth of the United States that is
17 authorized to transact business in this State;

18 (b) a federally chartered savings and loan
19 association, federal savings bank, or federal credit union
20 that is authorized to transact business in this State;

21 (c) a savings and loan association, savings bank, or
22 credit union organized under the laws of this State or any
23 other state that is authorized to transact business in
24 this State;

1 (d) a person acting in the person's capacity as a
2 technology services provider to an entity exempt under
3 this Section for use as part of the exempt entity's
4 commercial financing program, provided such person has no
5 interest, or arrangement, or agreement to purchase any
6 interest in the commercial financing extended by the
7 exempt entity in connection with such program;

8 (e) a lender regulated under the federal Farm Credit
9 Act;

10 (f) a commercial financing transaction secured by real
11 property;

12 (g) a lease as defined in the Uniform Commercial Code;
13 or

14 (h) any person or Provider who makes no more than 5
15 commercial financing transactions in this State in a
16 12-month period.

17 Section 125. Complaint disclosure. All commercial
18 financing shall include a clear and conspicuous notice on how
19 to file a complaint with the Department.

20 Section 130. Rules. The Secretary may adopt rules to enact
21 and enforce this Act, including, but not limited to:

22 (1) rules defining the terms used in this Act and as
23 may be necessary and appropriate to interpret and
24 implement the provisions of this Act;

1 (2) rules for the enforcement and administration of
2 this Act;

3 (3) rules for the protection of consumers and
4 recipients in this State;

5 (4) rules defining improper or fraudulent business
6 practices in connection with commercial financing; or

7 (5) rules charging and collecting fees necessary to
8 cover the costs of administering this Act, including, but
9 not limited to registration, investigation, and
10 examination fees.

11 (6) rules to implement Section 150 of this Act.

12 Section 135. Violations.

13 (a) Nothing in this Act shall be construed to restrict the
14 exercise of powers or the performance of the duties that the
15 Attorney General is authorized to exercise or perform by law.

16 (b) Any violation of this Act constitutes an unlawful
17 practice in violation of the Consumer Fraud and Deceptive
18 Business Practices Act. The Attorney General may enforce a
19 violation of this Act as an unlawful practice under the
20 Consumer Fraud and Deceptive Business Practices Act.

21 Section 140. Severability. The provisions of this Act are
22 severable under Section 1.31 of the Statute on Statutes.

23 Section 145. Beginning of licensure. No person shall be

1 required to apply for or obtain a license pursuant to this Act
2 before January 1, 2025 or 60 days after the Department makes a
3 license application process available, whichever is later.

4 Section 150. Commercial financing database.

5 (a) A commercial financing database program is established
6 within the Department. The program shall be administered in
7 accordance with this Section. None of the duties, obligations,
8 contingencies, or consequences of or from the program shall be
9 imposed until 6 months after the Department certifies a
10 commercial financing database pursuant to subsection (b). The
11 program shall apply to all commercial financings that are
12 governed by this Act and that are made or taken on or after the
13 inception of the program.

14 (b) The Department shall certify that one or more
15 commercial financing databases are commercially reasonable
16 methods of reporting. Upon certifying that a commercial
17 financing database is a commercially reasonable method of
18 reporting, the Department shall:

19 (1) provide reasonable notice to all licensees
20 identifying the commercially reasonable methods of
21 reporting that are available; and

22 (2) immediately upon certification, require each
23 licensee to use a commercially reasonable method of
24 reporting as a means of complying with subsection (d) of
25 this Section.

1 (c) The database created under this program shall be
2 maintained and administered by the Department. The database
3 shall be designed to allow providers to submit information to
4 the database online. The database shall not be designed to
5 allow providers to retrieve information from the database,
6 except as otherwise provided in this Act.

7 (d) Within 30 days after providing funds to a recipient,
8 the provider must submit to the commercial financing database
9 the information delineated in this subsection. If at the time
10 funds are provided to a recipient, certain information data
11 delineated in this subsection is not known, the provider must
12 submit the following data to the commercial financing database
13 within 30 days of the data becoming ascertainable:

14 (1) FEIN for the recipient;

15 (2) zip code of the recipient;

16 (3) origination date of the commercial financing;

17 (4) description of collateral, if any, securing
18 commercial financing;

19 (5) term, if any, of the commercial financing at the
20 time of origination;

21 (6) in the case of commercial financing without a
22 specific term at the time of origination, the actual term
23 of the commercial financing when known;

24 (7) financing amount, if applicable;

25 (8) maximum amount of credit made available to
26 recipient, if applicable;

1 (9) the amount of the receivables purchase price paid
2 to the recipient and, if different from the purchase
3 price, the amount disbursed to the recipient after any
4 amount deducted or withheld at disbursement, if
5 applicable;

6 (10) the amount scheduled to be drawn by the recipient
7 at the time the offer is extended, if applicable;

8 (11) all fees charged to the recipient at or before
9 the origination date of the commercial financing;

10 (12) all fees, charges, and interest scheduled to be
11 charged over the term of the commercial financing, if
12 applicable;

13 (13) all fees, charges, and interest scheduled to be
14 charged during any month where recipient has a balance on
15 an open-end commercial financing, if applicable; and

16 (14) all other information requested by the
17 Department.

18 (e) All information provided to the commercial financing
19 database under the program is confidential property of the
20 Department and is not subject to disclosure under the Freedom
21 of Information Act, except as otherwise provided in this Act.
22 Information or documents obtained by employees of the
23 Department in the course of maintaining and administering the
24 commercial financing database are deemed confidential.
25 Employees are prohibited from making disclosure of such
26 confidential information or documents. Any request for

1 production of information from the commercial financing
2 database, whether by subpoena, notice, or any other source,
3 shall be referred to the Department. Any recipient may
4 authorize in writing the release of database information. The
5 Department may use the information in the database without the
6 consent of the recipient or the licensee:

7 (1) for the purposes of administering and enforcing
8 the program;

9 (2) to prepare industry-level reports; or

10 (3) to provide information to the appropriate law
11 enforcement agency or the applicable administrative agency
12 if the database information demonstrates criminal,
13 fraudulent, or otherwise illegal activity.

14 (f) A licensee who submits information to a certified
15 database provider in accordance with this Section shall not be
16 liable to any person for any subsequent release or disclosure
17 of that information by the certified database provider, the
18 Department, or any other person acquiring possession of the
19 information, regardless of whether such subsequent release or
20 disclosure was lawful, authorized, or intentional.

21 (g) In certifying a commercially reasonable method of
22 reporting, the Department shall ensure that the commercial
23 financing database:

24 (1) provides real-time access through an Internet
25 connection;

26 (2) is accessible to the Department and to licensees

1 in order to ensure compliance with this Act and in order to
2 provide any other information that the Department deems
3 necessary;

4 (3) requires licensees to input whatever information
5 is required by the Department;

6 (4) maintains a real-time copy of the required
7 reporting information that is available to the Department
8 at all times and is the property of the Department; and

9 (5) contains safeguards to ensure that all information
10 contained in the database regarding consumers is kept
11 strictly confidential.

12 (h) The certified commercial financing database may charge
13 a fee not to exceed \$1 for each financing entered into the
14 database. The certified commercial financing database shall
15 not charge any additional fees or charges.

16 (i) The certified commercial financing database provider
17 shall produce an annual report for the Department using the
18 data submitted by licensees to the database. The Department
19 may publish this report to the public.

20 Section 900. The Freedom of Information Act is amended by
21 changing Section 7.5 as follows:

22 (5 ILCS 140/7.5)

23 (Text of Section before amendment by P.A. 103-472)

24 Sec. 7.5. Statutory exemptions. To the extent provided for

1 by the statutes referenced below, the following shall be
2 exempt from inspection and copying:

3 (a) All information determined to be confidential
4 under Section 4002 of the Technology Advancement and
5 Development Act.

6 (b) Library circulation and order records identifying
7 library users with specific materials under the Library
8 Records Confidentiality Act.

9 (c) Applications, related documents, and medical
10 records received by the Experimental Organ Transplantation
11 Procedures Board and any and all documents or other
12 records prepared by the Experimental Organ Transplantation
13 Procedures Board or its staff relating to applications it
14 has received.

15 (d) Information and records held by the Department of
16 Public Health and its authorized representatives relating
17 to known or suspected cases of sexually transmissible
18 disease or any information the disclosure of which is
19 restricted under the Illinois Sexually Transmissible
20 Disease Control Act.

21 (e) Information the disclosure of which is exempted
22 under Section 30 of the Radon Industry Licensing Act.

23 (f) Firm performance evaluations under Section 55 of
24 the Architectural, Engineering, and Land Surveying
25 Qualifications Based Selection Act.

26 (g) Information the disclosure of which is restricted

1 and exempted under Section 50 of the Illinois Prepaid
2 Tuition Act.

3 (h) Information the disclosure of which is exempted
4 under the State Officials and Employees Ethics Act, and
5 records of any lawfully created State or local inspector
6 general's office that would be exempt if created or
7 obtained by an Executive Inspector General's office under
8 that Act.

9 (i) Information contained in a local emergency energy
10 plan submitted to a municipality in accordance with a
11 local emergency energy plan ordinance that is adopted
12 under Section 11-21.5-5 of the Illinois Municipal Code.

13 (j) Information and data concerning the distribution
14 of surcharge moneys collected and remitted by carriers
15 under the Emergency Telephone System Act.

16 (k) Law enforcement officer identification information
17 or driver identification information compiled by a law
18 enforcement agency or the Department of Transportation
19 under Section 11-212 of the Illinois Vehicle Code.

20 (l) Records and information provided to a residential
21 health care facility resident sexual assault and death
22 review team or the Executive Council under the Abuse
23 Prevention Review Team Act.

24 (m) Information provided to the predatory lending
25 database created pursuant to Article 3 of the Residential
26 Real Property Disclosure Act, except to the extent

1 authorized under that Article.

2 (n) Defense budgets and petitions for certification of
3 compensation and expenses for court appointed trial
4 counsel as provided under Sections 10 and 15 of the
5 Capital Crimes Litigation Act (repealed). This subsection
6 (n) shall apply until the conclusion of the trial of the
7 case, even if the prosecution chooses not to pursue the
8 death penalty prior to trial or sentencing.

9 (o) Information that is prohibited from being
10 disclosed under Section 4 of the Illinois Health and
11 Hazardous Substances Registry Act.

12 (p) Security portions of system safety program plans,
13 investigation reports, surveys, schedules, lists, data, or
14 information compiled, collected, or prepared by or for the
15 Department of Transportation under Sections 2705-300 and
16 2705-616 of the Department of Transportation Law of the
17 Civil Administrative Code of Illinois, the Regional
18 Transportation Authority under Section 2.11 of the
19 Regional Transportation Authority Act, or the St. Clair
20 County Transit District under the Bi-State Transit Safety
21 Act (repealed).

22 (q) Information prohibited from being disclosed by the
23 Personnel Record Review Act.

24 (r) Information prohibited from being disclosed by the
25 Illinois School Student Records Act.

26 (s) Information the disclosure of which is restricted

1 under Section 5-108 of the Public Utilities Act.

2 (t) (Blank).

3 (u) Records and information provided to an independent
4 team of experts under the Developmental Disability and
5 Mental Health Safety Act (also known as Brian's Law).

6 (v) Names and information of people who have applied
7 for or received Firearm Owner's Identification Cards under
8 the Firearm Owners Identification Card Act or applied for
9 or received a concealed carry license under the Firearm
10 Concealed Carry Act, unless otherwise authorized by the
11 Firearm Concealed Carry Act; and databases under the
12 Firearm Concealed Carry Act, records of the Concealed
13 Carry Licensing Review Board under the Firearm Concealed
14 Carry Act, and law enforcement agency objections under the
15 Firearm Concealed Carry Act.

16 (v-5) Records of the Firearm Owner's Identification
17 Card Review Board that are exempted from disclosure under
18 Section 10 of the Firearm Owners Identification Card Act.

19 (w) Personally identifiable information which is
20 exempted from disclosure under subsection (g) of Section
21 19.1 of the Toll Highway Act.

22 (x) Information which is exempted from disclosure
23 under Section 5-1014.3 of the Counties Code or Section
24 8-11-21 of the Illinois Municipal Code.

25 (y) Confidential information under the Adult
26 Protective Services Act and its predecessor enabling

1 statute, the Elder Abuse and Neglect Act, including
2 information about the identity and administrative finding
3 against any caregiver of a verified and substantiated
4 decision of abuse, neglect, or financial exploitation of
5 an eligible adult maintained in the Registry established
6 under Section 7.5 of the Adult Protective Services Act.

7 (z) Records and information provided to a fatality
8 review team or the Illinois Fatality Review Team Advisory
9 Council under Section 15 of the Adult Protective Services
10 Act.

11 (aa) Information which is exempted from disclosure
12 under Section 2.37 of the Wildlife Code.

13 (bb) Information which is or was prohibited from
14 disclosure by the Juvenile Court Act of 1987.

15 (cc) Recordings made under the Law Enforcement
16 Officer-Worn Body Camera Act, except to the extent
17 authorized under that Act.

18 (dd) Information that is prohibited from being
19 disclosed under Section 45 of the Condominium and Common
20 Interest Community Ombudsperson Act.

21 (ee) Information that is exempted from disclosure
22 under Section 30.1 of the Pharmacy Practice Act.

23 (ff) Information that is exempted from disclosure
24 under the Revised Uniform Unclaimed Property Act.

25 (gg) Information that is prohibited from being
26 disclosed under Section 7-603.5 of the Illinois Vehicle

1 Code.

2 (hh) Records that are exempt from disclosure under
3 Section 1A-16.7 of the Election Code.

4 (ii) Information which is exempted from disclosure
5 under Section 2505-800 of the Department of Revenue Law of
6 the Civil Administrative Code of Illinois.

7 (jj) Information and reports that are required to be
8 submitted to the Department of Labor by registering day
9 and temporary labor service agencies but are exempt from
10 disclosure under subsection (a-1) of Section 45 of the Day
11 and Temporary Labor Services Act.

12 (kk) Information prohibited from disclosure under the
13 Seizure and Forfeiture Reporting Act.

14 (ll) Information the disclosure of which is restricted
15 and exempted under Section 5-30.8 of the Illinois Public
16 Aid Code.

17 (mm) Records that are exempt from disclosure under
18 Section 4.2 of the Crime Victims Compensation Act.

19 (nn) Information that is exempt from disclosure under
20 Section 70 of the Higher Education Student Assistance Act.

21 (oo) Communications, notes, records, and reports
22 arising out of a peer support counseling session
23 prohibited from disclosure under the First Responders
24 Suicide Prevention Act.

25 (pp) Names and all identifying information relating to
26 an employee of an emergency services provider or law

1 enforcement agency under the First Responders Suicide
2 Prevention Act.

3 (qq) Information and records held by the Department of
4 Public Health and its authorized representatives collected
5 under the Reproductive Health Act.

6 (rr) Information that is exempt from disclosure under
7 the Cannabis Regulation and Tax Act.

8 (ss) Data reported by an employer to the Department of
9 Human Rights pursuant to Section 2-108 of the Illinois
10 Human Rights Act.

11 (tt) Recordings made under the Children's Advocacy
12 Center Act, except to the extent authorized under that
13 Act.

14 (uu) Information that is exempt from disclosure under
15 Section 50 of the Sexual Assault Evidence Submission Act.

16 (vv) Information that is exempt from disclosure under
17 subsections (f) and (j) of Section 5-36 of the Illinois
18 Public Aid Code.

19 (ww) Information that is exempt from disclosure under
20 Section 16.8 of the State Treasurer Act.

21 (xx) Information that is exempt from disclosure or
22 information that shall not be made public under the
23 Illinois Insurance Code.

24 (yy) Information prohibited from being disclosed under
25 the Illinois Educational Labor Relations Act.

26 (zz) Information prohibited from being disclosed under

1 the Illinois Public Labor Relations Act.

2 (aaa) Information prohibited from being disclosed
3 under Section 1-167 of the Illinois Pension Code.

4 (bbb) Information that is prohibited from disclosure
5 by the Illinois Police Training Act and the Illinois State
6 Police Act.

7 (ccc) Records exempt from disclosure under Section
8 2605-304 of the Illinois State Police Law of the Civil
9 Administrative Code of Illinois.

10 (ddd) Information prohibited from being disclosed
11 under Section 35 of the Address Confidentiality for
12 Victims of Domestic Violence, Sexual Assault, Human
13 Trafficking, or Stalking Act.

14 (eee) Information prohibited from being disclosed
15 under subsection (b) of Section 75 of the Domestic
16 Violence Fatality Review Act.

17 (fff) Images from cameras under the Expressway Camera
18 Act. This subsection (fff) is inoperative on and after
19 July 1, 2025.

20 (ggg) Information prohibited from disclosure under
21 paragraph (3) of subsection (a) of Section 14 of the Nurse
22 Agency Licensing Act.

23 (hhh) Information submitted to the Illinois State
24 Police in an affidavit or application for an assault
25 weapon endorsement, assault weapon attachment endorsement,
26 .50 caliber rifle endorsement, or .50 caliber cartridge

1 endorsement under the Firearm Owners Identification Card
2 Act.

3 (iii) Data exempt from disclosure under Section 50 of
4 the School Safety Drill Act.

5 (jjj) ~~(hhh)~~ Information exempt from disclosure under
6 Section 30 of the Insurance Data Security Law.

7 (kkk) ~~(iii)~~ Confidential business information
8 prohibited from disclosure under Section 45 of the Paint
9 Stewardship Act.

10 (lll) (Reserved).

11 (mmm) ~~(iii)~~ Information prohibited from being
12 disclosed under subsection (e) of Section 1-129 of the
13 Illinois Power Agency Act.

14 (nnn) Information exempt from disclosure under Section
15 150 of the Consumer Financing Licensing Act.

16 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
17 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
18 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
19 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
20 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
21 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
22 revised 1-2-24.)

23 (Text of Section after amendment by P.A. 103-472)

24 Sec. 7.5. Statutory exemptions. To the extent provided for
25 by the statutes referenced below, the following shall be

1 exempt from inspection and copying:

2 (a) All information determined to be confidential
3 under Section 4002 of the Technology Advancement and
4 Development Act.

5 (b) Library circulation and order records identifying
6 library users with specific materials under the Library
7 Records Confidentiality Act.

8 (c) Applications, related documents, and medical
9 records received by the Experimental Organ Transplantation
10 Procedures Board and any and all documents or other
11 records prepared by the Experimental Organ Transplantation
12 Procedures Board or its staff relating to applications it
13 has received.

14 (d) Information and records held by the Department of
15 Public Health and its authorized representatives relating
16 to known or suspected cases of sexually transmissible
17 disease or any information the disclosure of which is
18 restricted under the Illinois Sexually Transmissible
19 Disease Control Act.

20 (e) Information the disclosure of which is exempted
21 under Section 30 of the Radon Industry Licensing Act.

22 (f) Firm performance evaluations under Section 55 of
23 the Architectural, Engineering, and Land Surveying
24 Qualifications Based Selection Act.

25 (g) Information the disclosure of which is restricted
26 and exempted under Section 50 of the Illinois Prepaid

1 Tuition Act.

2 (h) Information the disclosure of which is exempted
3 under the State Officials and Employees Ethics Act, and
4 records of any lawfully created State or local inspector
5 general's office that would be exempt if created or
6 obtained by an Executive Inspector General's office under
7 that Act.

8 (i) Information contained in a local emergency energy
9 plan submitted to a municipality in accordance with a
10 local emergency energy plan ordinance that is adopted
11 under Section 11-21.5-5 of the Illinois Municipal Code.

12 (j) Information and data concerning the distribution
13 of surcharge moneys collected and remitted by carriers
14 under the Emergency Telephone System Act.

15 (k) Law enforcement officer identification information
16 or driver identification information compiled by a law
17 enforcement agency or the Department of Transportation
18 under Section 11-212 of the Illinois Vehicle Code.

19 (l) Records and information provided to a residential
20 health care facility resident sexual assault and death
21 review team or the Executive Council under the Abuse
22 Prevention Review Team Act.

23 (m) Information provided to the predatory lending
24 database created pursuant to Article 3 of the Residential
25 Real Property Disclosure Act, except to the extent
26 authorized under that Article.

1 (n) Defense budgets and petitions for certification of
2 compensation and expenses for court appointed trial
3 counsel as provided under Sections 10 and 15 of the
4 Capital Crimes Litigation Act (repealed). This subsection
5 (n) shall apply until the conclusion of the trial of the
6 case, even if the prosecution chooses not to pursue the
7 death penalty prior to trial or sentencing.

8 (o) Information that is prohibited from being
9 disclosed under Section 4 of the Illinois Health and
10 Hazardous Substances Registry Act.

11 (p) Security portions of system safety program plans,
12 investigation reports, surveys, schedules, lists, data, or
13 information compiled, collected, or prepared by or for the
14 Department of Transportation under Sections 2705-300 and
15 2705-616 of the Department of Transportation Law of the
16 Civil Administrative Code of Illinois, the Regional
17 Transportation Authority under Section 2.11 of the
18 Regional Transportation Authority Act, or the St. Clair
19 County Transit District under the Bi-State Transit Safety
20 Act (repealed).

21 (q) Information prohibited from being disclosed by the
22 Personnel Record Review Act.

23 (r) Information prohibited from being disclosed by the
24 Illinois School Student Records Act.

25 (s) Information the disclosure of which is restricted
26 under Section 5-108 of the Public Utilities Act.

1 (t) (Blank).

2 (u) Records and information provided to an independent
3 team of experts under the Developmental Disability and
4 Mental Health Safety Act (also known as Brian's Law).

5 (v) Names and information of people who have applied
6 for or received Firearm Owner's Identification Cards under
7 the Firearm Owners Identification Card Act or applied for
8 or received a concealed carry license under the Firearm
9 Concealed Carry Act, unless otherwise authorized by the
10 Firearm Concealed Carry Act; and databases under the
11 Firearm Concealed Carry Act, records of the Concealed
12 Carry Licensing Review Board under the Firearm Concealed
13 Carry Act, and law enforcement agency objections under the
14 Firearm Concealed Carry Act.

15 (v-5) Records of the Firearm Owner's Identification
16 Card Review Board that are exempted from disclosure under
17 Section 10 of the Firearm Owners Identification Card Act.

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of
4 an eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality
7 review team or the Illinois Fatality Review Team Advisory
8 Council under Section 15 of the Adult Protective Services
9 Act.

10 (aa) Information which is exempted from disclosure
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement
15 Officer-Worn Body Camera Act, except to the extent
16 authorized under that Act.

17 (dd) Information that is prohibited from being
18 disclosed under Section 45 of the Condominium and Common
19 Interest Community Ombudsperson Act.

20 (ee) Information that is exempted from disclosure
21 under Section 30.1 of the Pharmacy Practice Act.

22 (ff) Information that is exempted from disclosure
23 under the Revised Uniform Unclaimed Property Act.

24 (gg) Information that is prohibited from being
25 disclosed under Section 7-603.5 of the Illinois Vehicle
26 Code.

1 (hh) Records that are exempt from disclosure under
2 Section 1A-16.7 of the Election Code.

3 (ii) Information which is exempted from disclosure
4 under Section 2505-800 of the Department of Revenue Law of
5 the Civil Administrative Code of Illinois.

6 (jj) Information and reports that are required to be
7 submitted to the Department of Labor by registering day
8 and temporary labor service agencies but are exempt from
9 disclosure under subsection (a-1) of Section 45 of the Day
10 and Temporary Labor Services Act.

11 (kk) Information prohibited from disclosure under the
12 Seizure and Forfeiture Reporting Act.

13 (ll) Information the disclosure of which is restricted
14 and exempted under Section 5-30.8 of the Illinois Public
15 Aid Code.

16 (mm) Records that are exempt from disclosure under
17 Section 4.2 of the Crime Victims Compensation Act.

18 (nn) Information that is exempt from disclosure under
19 Section 70 of the Higher Education Student Assistance Act.

20 (oo) Communications, notes, records, and reports
21 arising out of a peer support counseling session
22 prohibited from disclosure under the First Responders
23 Suicide Prevention Act.

24 (pp) Names and all identifying information relating to
25 an employee of an emergency services provider or law
26 enforcement agency under the First Responders Suicide

1 Prevention Act.

2 (qq) Information and records held by the Department of
3 Public Health and its authorized representatives collected
4 under the Reproductive Health Act.

5 (rr) Information that is exempt from disclosure under
6 the Cannabis Regulation and Tax Act.

7 (ss) Data reported by an employer to the Department of
8 Human Rights pursuant to Section 2-108 of the Illinois
9 Human Rights Act.

10 (tt) Recordings made under the Children's Advocacy
11 Center Act, except to the extent authorized under that
12 Act.

13 (uu) Information that is exempt from disclosure under
14 Section 50 of the Sexual Assault Evidence Submission Act.

15 (vv) Information that is exempt from disclosure under
16 subsections (f) and (j) of Section 5-36 of the Illinois
17 Public Aid Code.

18 (ww) Information that is exempt from disclosure under
19 Section 16.8 of the State Treasurer Act.

20 (xx) Information that is exempt from disclosure or
21 information that shall not be made public under the
22 Illinois Insurance Code.

23 (yy) Information prohibited from being disclosed under
24 the Illinois Educational Labor Relations Act.

25 (zz) Information prohibited from being disclosed under
26 the Illinois Public Labor Relations Act.

1 (aaa) Information prohibited from being disclosed
2 under Section 1-167 of the Illinois Pension Code.

3 (bbb) Information that is prohibited from disclosure
4 by the Illinois Police Training Act and the Illinois State
5 Police Act.

6 (ccc) Records exempt from disclosure under Section
7 2605-304 of the Illinois State Police Law of the Civil
8 Administrative Code of Illinois.

9 (ddd) Information prohibited from being disclosed
10 under Section 35 of the Address Confidentiality for
11 Victims of Domestic Violence, Sexual Assault, Human
12 Trafficking, or Stalking Act.

13 (eee) Information prohibited from being disclosed
14 under subsection (b) of Section 75 of the Domestic
15 Violence Fatality Review Act.

16 (fff) Images from cameras under the Expressway Camera
17 Act. This subsection (fff) is inoperative on and after
18 July 1, 2025.

19 (ggg) Information prohibited from disclosure under
20 paragraph (3) of subsection (a) of Section 14 of the Nurse
21 Agency Licensing Act.

22 (hhh) Information submitted to the Illinois State
23 Police in an affidavit or application for an assault
24 weapon endorsement, assault weapon attachment endorsement,
25 .50 caliber rifle endorsement, or .50 caliber cartridge
26 endorsement under the Firearm Owners Identification Card

1 Act.

2 (iii) Data exempt from disclosure under Section 50 of
3 the School Safety Drill Act.

4 (jjj) ~~(hhh)~~ Information exempt from disclosure under
5 Section 30 of the Insurance Data Security Law.

6 (kkk) ~~(iii)~~ Confidential business information
7 prohibited from disclosure under Section 45 of the Paint
8 Stewardship Act.

9 (lll) ~~(iii)~~ Data exempt from disclosure under Section
10 2-3.196 of the School Code.

11 (mmm) ~~(iii)~~ Information prohibited from being
12 disclosed under subsection (e) of Section 1-129 of the
13 Illinois Power Agency Act.

14 (nnn) Information exempt from disclosure under Section
15 150 of the Consumer Financing Licensing Act.

16 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
17 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
18 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
19 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
20 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
21 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
22 103-580, eff. 12-8-23; revised 1-2-24.)

23 Section 995. No acceleration or delay. Where this Act
24 makes changes in a statute that is represented in this Act by
25 text that is not yet or no longer in effect (for example, a

1 Section represented by multiple versions), the use of that
2 text does not accelerate or delay the taking effect of (i) the
3 changes made by this Act or (ii) provisions derived from any
4 other Public Act.

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.