

1 AN ACT concerning regulation.

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

4 Section 5. The Seizure and Forfeiture Reporting Act is  
5 amended by changing Section 5 as follows:

6 (5 ILCS 810/5)

7 Sec. 5. Applicability. This Act is applicable to property  
8 seized or forfeited under the following provisions of law:

9 (1) Section 3.23 of the Illinois Food, Drug and  
10 Cosmetic Act;

11 (2) Section 44.1 of the Environmental Protection Act;

12 (3) Section 105-55 of the Herptiles-Herps Act;

13 (4) Section 1-215 of the Fish and Aquatic Life Code;

14 (5) Section 1.25 of the Wildlife Code;

15 (6) Section 17-10.6 of the Criminal Code of 2012  
16 (financial institution fraud);

17 (7) Section 28-5 of the Criminal Code of 2012  
18 (gambling);

19 (8) Article 29B of the Criminal Code of 2012 (money  
20 laundering);

21 (9) Article 33G of the Criminal Code of 2012 (Illinois  
22 Street Gang and Racketeer Influenced And Corrupt  
23 Organizations Law);

1 (10) Article 36 of the Criminal Code of 2012 (seizure  
2 and forfeiture of vessels, vehicles, and aircraft);

3 (11) Section 47-15 of the Criminal Code of 2012  
4 (dumping garbage upon real property);

5 (12) Article 124B of the Code of Criminal Procedure of  
6 1963 (forfeiture);

7 (13) the Drug Asset Forfeiture Procedure Act;

8 (14) the Narcotics Profit Forfeiture Act;

9 (15) the Illinois Streetgang Terrorism Omnibus  
10 Prevention Act; ~~and~~

11 (16) the Illinois Securities Law of 1953; ~~and~~ -

12 (17) Section 16 of the Timber Buyers Licensing Act.

13 (Source: P.A. 102-558, eff. 8-20-21.)

14 Section 10. The Timber Buyers Licensing Act is amended by  
15 changing Sections 2, 3, 4, 5, 7, 8, 9, 9a, 10, 11, 12, 13, 14,  
16 and 16 as follows:

17 (225 ILCS 735/2) (from Ch. 111, par. 702)

18 Sec. 2. Definitions. When used in this Act, unless the  
19 context otherwise requires, the term:

20 "Agent" means any person acting on behalf of a timber  
21 buyer, employed by a timber buyer, or under an agreement,  
22 whether oral or written, with a timber buyer who buys timber,  
23 attempts to buy timber, procures contracts for the purchase or  
24 cutting of timber, or attempts to procure contracts for the

1 purchase or cutting of timber.

2 "Buying timber" means to buy, barter, cut on shares, or  
3 offer to buy, barter, cut on shares, or take possession of  
4 timber with the consent of the timber grower.

5 "Department" means the Department of Natural Resources.

6 "Director" means the Director of Natural Resources.

7 "Good standing" means any person who is not:

8 (1) currently serving a sentence of probation, or  
9 conditional discharge, for a violation of this Act or  
10 administrative rules adopted under this Act;

11 (2) owes any amount of money pursuant to a civil  
12 judgment regarding the sale, cutting, or transportation of  
13 timber;

14 (3) owes the Department any required fee, payment, or  
15 money required under this Act; or

16 (4) is currently serving a suspension or revocation of  
17 any privilege that is granted under this Act.

18 "Liability insurance" means not less than \$500,000 in  
19 insurance covering a timber buyer's business and agents that  
20 shall insure against the liability of the insured for the  
21 death, injury, or disability of an employee or other person  
22 and insurance against the liability of the insured for damage  
23 to or destruction of another person's property.

24 "Payment receipt" means copy or duplicate of an original  
25 receipt of payment for timber to a timber grower or duplicate  
26 of electronic or direct payment verification of funds received

1 by timber grower.

2 "Person" means any person, partnership, firm, association,  
3 business trust, limited liability company, or corporation.

4 "Proof of ownership" means a printed document provided by  
5 the Department that serves as a written bill of lading.

6 "Resident" means a person who in good faith makes  
7 application for any license or permit and verifies by  
8 statement that the person has maintained the person's  
9 permanent abode or headquarters in this State for a period of  
10 at least 30 consecutive days immediately preceding the  
11 person's application and who does not maintain a permanent  
12 abode or headquarters or claim residency in another state for  
13 the purposes of obtaining any of the same or similar licenses  
14 or permits covered by this Act. A person's permanent abode or  
15 headquarters is the person's fixed and permanent dwelling  
16 place or main location where the person conducts business, as  
17 distinguished from a temporary or transient place of residence  
18 or location.

19 "Timber" means trees, standing or felled, and parts  
20 thereof which can be used for sawing or processing into lumber  
21 for building or structural purposes or for the manufacture of  
22 any article. "Timber" does not include firewood, Christmas  
23 trees, fruit or ornamental trees, or wood products not used or  
24 to be used for building, structural, manufacturing, or  
25 processing purposes.

26 "Timber buyer" means any person licensed or unlicensed,

1 who is engaged in the business of buying timber from the timber  
2 growers thereof for sawing into lumber, for processing or for  
3 resale, but does not include any person who occasionally  
4 purchases timber for sawing or processing for the person's ~~his~~  
5 own use and not for resale.

6 ~~"Buying timber" means to buy, barter, cut on shares, or~~  
7 ~~offer to buy, barter, cut on shares, or take possession of~~  
8 ~~timber, with or without the consent of the timber grower.~~

9 "Timber grower" means the owner, tenant, or operator of  
10 land in this State who has an interest in, or is entitled to  
11 receive any part of the proceeds from the sale of timber grown  
12 in this State and includes persons exercising authority to  
13 sell timber.

14 "Transporter" means any person acting on behalf of a  
15 timber buyer, employed by a timber buyer, or under an  
16 agreement, whether oral or written, with a timber buyer who  
17 takes or carries timber from one place to another by means of a  
18 motor vehicle.

19 ~~"Department" means the Department of Natural Resources.~~

20 ~~"Director" means the Director of Natural Resources.~~

21 ~~"Employee" means any person in service or under contract~~  
22 ~~for hire, expressed or implied, oral or written, who is~~  
23 ~~engaged in any phase of the enterprise or business at any time~~  
24 ~~during the license year.~~

25 (Source: P.A. 89-445, eff. 2-7-96.)

1 (225 ILCS 735/3) (from Ch. 111, par. 703)

2 Sec. 3. License required. Every person before engaging in  
3 the business of a timber buyer shall obtain a license for such  
4 purpose from the Department. Application for such license  
5 shall be filed with the Department and shall set forth the name  
6 of the applicant, its principal officers if the applicant is a  
7 corporation or the partners if the applicant is a partnership,  
8 the location of any principal office or place of business of  
9 the applicant, the counties in this State in which the  
10 applicant proposes to engage in the business of timber buyer,  
11 a list of all agents of the timber buyer, and such additional  
12 information as the Department by rule ~~regulation~~ may require.  
13 All timber buyers and their agents must be 18 years of age or  
14 older.

15 ~~The application shall set forth the aggregate dollar~~  
16 ~~amount paid to timber growers for timber purchased in this~~  
17 ~~State during the applicant's last completed fiscal or calendar~~  
18 ~~year. In the event the applicant has been engaged as a timber~~  
19 ~~buyer for less than one year, his application shall set forth~~  
20 ~~the dollar amount paid to timber growers for the number of~~  
21 ~~completed months during which the applicant has been so~~  
22 ~~engaged. If the applicant has not been previously engaged in~~  
23 ~~buying timber in this State, the application shall set forth~~  
24 ~~the estimated aggregate dollar amount to be paid by the~~  
25 ~~applicant to timber growers for timber to be purchased from~~  
26 ~~them during the next succeeding 12 month period.~~

1 (Source: P.A. 77-2796.)

2 (225 ILCS 735/4) (from Ch. 111, par. 704)

3 Sec. 4. Liability insurance Bond. Every person licensed as  
4 a timber buyer shall file with the Department a certificate of  
5 liability insurance, ~~on a form prescribed and furnished by the~~  
6 ~~Department, a performance bond payable to the State of~~  
7 ~~Illinois by and through the Department and conditioned on the~~  
8 ~~faithful performance of and compliance with all requirements~~  
9 ~~of the license and this Act. No such liability insurance~~  
10 policy shall be effective under this Section unless issued by  
11 an insurance company or surety company authorized to do  
12 business in this State. ~~The bond shall be a surety bond signed~~  
13 ~~by the person to be licensed as principal and by a good and~~  
14 ~~sufficient corporate surety authorized to engage in the~~  
15 ~~business of executing surety bonds within the State of~~  
16 ~~Illinois as surety thereon. In lieu of a surety bond an~~  
17 ~~applicant for a timber buyers license may, with the approval~~  
18 ~~of the Department, deposit with the Department as security a~~  
19 ~~certificate of deposit or irrevocable letter of credit of any~~  
20 ~~bank organized or transacting business in the United States in~~  
21 ~~an amount equal to or greater than the amount of the required~~  
22 ~~bond. Such deposits shall be made, held, and disposed of as~~  
23 ~~provided in this Act and by the Department by rule. A bond or~~  
24 ~~certificate of deposit shall be made payable upon demand to~~  
25 ~~the Director, subject to the provisions of this Act, and any~~

1 ~~rules adopted under this Act, and shall be for the use and~~  
2 ~~benefit of the people of the State of Illinois, for the use and~~  
3 ~~benefit of any timber grower from whom the applicant purchased~~  
4 ~~timber and who is not paid by the applicant or for the use and~~  
5 ~~benefit of any timber grower whose timber has been cut by the~~  
6 ~~applicant or licensee or his or her agents and who has not been~~  
7 ~~paid therefor; and for the use and benefit of any person~~  
8 ~~aggrieved by the actions of the timber buyer.~~

9 Except as otherwise provided~~7~~ in this Section, such  
10 liability insurance bond shall be in the principal amount of  
11 not less than \$500,000 ~~\$ 500~~ for an applicant who paid timber  
12 growers ~~\$5,000~~ or less for timber during the immediate  
13 preceding year, and an additional ~~\$100~~ for each additional  
14 ~~\$1,000~~ or fraction thereof paid to timber growers for timber  
15 purchased during the preceding year, but shall not be more  
16 than ~~\$10,000~~. In the case of an applicant not previously  
17 engaged in business as a timber buyer, the amount of such bond  
18 shall be based on the estimated dollar amount to be paid by  
19 such timber buyer to timber growers for timber purchased  
20 during the next succeeding year, as set forth in the  
21 application; such bond shall, in no event, be in the principal  
22 amount of less than ~~\$500~~. In the case of a timber buyer whose  
23 bond has previously been forfeited in Illinois or in any other  
24 state, the Department shall double the applicable minimum bond  
25 amounts under this Section.

26 A liability insurance policy bond filed in accordance with

1 this Act shall not be ~~canceled~~ ~~cancelled~~ or altered during the  
2 period for which the timber buyer remains licensed by the  
3 Department without written notification to the Department. At  
4 all times, a licensee must have a liability insurance policy  
5 that is in conformity with this Act while licensed by the  
6 Department ~~except upon at least 60 days notice in writing to~~  
7 ~~the Department; in the event that the applicant has deposited~~  
8 ~~certificates of deposit in lieu of a corporate surety the~~  
9 ~~Department may retain possession of such certificates of~~  
10 ~~deposit for a period of 60 days following the expiration or~~  
11 ~~revocation of his or her license.~~

12 At any such time as a licensee fails to have the necessary  
13 liability insurance, ~~surety bonds, certificates of deposit, or~~  
14 ~~irrevocable letters of credit on deposit with the Department~~  
15 as required herein, the Department may immediately, and  
16 without notice, suspend the privileges of such licensee. In  
17 the event of such suspension, the Department shall give  
18 immediate notice of the same to the licensee and shall further  
19 reinstate such license upon filing with the Department a  
20 certificate of liability insurance that conforms to the  
21 requirements of this Act ~~the posting of the required surety~~  
22 ~~bond, certificates of deposit, or irrevocable letters of~~  
23 ~~credit.~~

24 ~~Bonds shall be in such form and contain such terms and~~  
25 ~~conditions as may be approved from time to time by the~~  
26 ~~Director, be conditioned to secure an honest cutting and~~

1 ~~accounting for timber purchased by the licensee, secure~~  
2 ~~payment to the timber growers and to insure the timber growers~~  
3 ~~against all fraudulent acts of the licensee in the purchase~~  
4 ~~and cutting of the timber of this State.~~

5 ~~In the event the timber buyer fails to pay when owing any~~  
6 ~~amount due a timber grower for timber purchased, or fails to~~  
7 ~~pay judicially determined damages for timber wrongfully cut by~~  
8 ~~a timber buyer or his agent, whether such wrongful cutting has~~  
9 ~~occurred on or adjacent to the land which was the subject of~~  
10 ~~timber purchase from a timber grower, or commits any violation~~  
11 ~~of this Act, then an action on the bond or deposit for~~  
12 ~~forfeiture may be commenced. Such action is not exclusive and~~  
13 ~~is in addition to any other judicial remedies available.~~

14 ~~In the event that the timber grower or owner of timber cut~~  
15 ~~considers himself or herself aggrieved by a timber buyer, he~~  
16 ~~or she shall notify the Department in writing of such~~  
17 ~~grievance and thereafter the Department shall within 10 days~~  
18 ~~give written notice to the timber buyer of the alleged~~  
19 ~~violation of this Act or of any violation or noncompliance~~  
20 ~~with the regulations hereunder of which the timber grower or~~  
21 ~~owner of timber complains. The written notice to the timber~~  
22 ~~buyer shall be from the Department by registered or certified~~  
23 ~~mail to the licensee and his or her sureties stating in general~~  
24 ~~terms the nature of the violation and that an action seeking~~  
25 ~~forfeiture of the bond may be commenced at any time after the~~  
26 ~~10 days from the date of said notice if at the end of that~~

1 ~~period the violation still remains. In the event the~~  
2 ~~Department shall fail to give notice to the timber buyer as~~  
3 ~~provided herein, the timber grower or owner of timber cut may~~  
4 ~~commence his or her own action for forfeiture of the~~  
5 ~~licensee's bond.~~

6 ~~The timber buyer, after receiving notice from the~~  
7 ~~Department as provided herein, may within 10 days from the~~  
8 ~~date of such notice, request in writing to appear and be heard~~  
9 ~~regarding the alleged violation.~~

10 ~~Upon such request from the timber buyer, the Department~~  
11 ~~shall schedule a hearing, designating the time and place~~  
12 ~~thereof. At such hearing the timber buyer may present for~~  
13 ~~consideration of the Department any evidence, statements,~~  
14 ~~documents or other information relevant to the alleged~~  
15 ~~violation. The hearing shall be presided over by the Director~~  
16 ~~or by any hearing officer he or she may designate. The hearing~~  
17 ~~officer shall take evidence offered by the timber buyer or the~~  
18 ~~Department and shall, if requested by the Department, submit~~  
19 ~~his or her conclusions and findings which shall be advisory to~~  
20 ~~the Director. Any hearings provided for in this Section shall~~  
21 ~~be commenced within 30 days from the request therefor.~~

22 ~~Should the timber buyer fail to make timely request for a~~  
23 ~~hearing after receipt of the notice from the Department as~~  
24 ~~provided herein, or after a hearing is concluded, the~~  
25 ~~Department may either withdraw the notice of violation or~~  
26 ~~request the Attorney General to institute proceedings to have~~

1 ~~the bond of the timber buyer forfeited. The Attorney General,~~  
2 ~~upon such request from the Department, shall institute~~  
3 ~~proceedings to have the bond of the timber buyer forfeited for~~  
4 ~~violation of any of the provisions of this Act or for~~  
5 ~~noncompliance with any Department regulation.~~

6 ~~In the event that the licensee's bond is forfeited, the~~  
7 ~~proceeds thereof shall first be applied to any sums determined~~  
8 ~~to be owed to the timber grower or owner of timber cut and then~~  
9 ~~to the Department to defray expenses incurred by the~~  
10 ~~Department in converting the security into money. Thereafter,~~  
11 ~~the Department shall pay such excess to the timber buyer who~~  
12 ~~furnished such security.~~

13 ~~In the event the Department realizes less than the amount~~  
14 ~~of liability from the security, after deducting expenses~~  
15 ~~incurred by the Department in converting the security into~~  
16 ~~money, it shall be grounds for the revocation of the timber~~  
17 ~~buyer's license.~~

18 (Source: P.A. 92-805, eff. 8-21-02.)

19 (225 ILCS 735/5) (from Ch. 111, par. 705)

20 Sec. 5. Prohibitions. It shall be unlawful and a violation  
21 of this Act:

22 (a) For any person ~~timber buyer~~ to knowingly: ~~and~~  
23 ~~willfully fail to pay, as agreed, for any timber purchased,~~

24 (1) cut, cause to be cut, take, or caused to be taken,  
25 any timber without the consent of the timber grower; or

1           (2) enter into an agreement or contract with a timber  
2           grower for the cutting of timber and:

3           (A) misrepresenting a material fact relating to  
4           the terms of the contract or agreement, creating or  
5           confirming another's impression which is false and the  
6           buyer does not believe to be true, or promising  
7           performance which the person buying the timber does  
8           not intend to perform or knows will not be performed;  
9           or

10           (B) using or employing any deception, false  
11           pretense, or false promise in order to induce,  
12           encourage, or solicit such person to enter into any  
13           contract or agreement;

14           (b) For a timber buyer to conduct business under this Act  
15           without maintaining a liability insurance policy as required  
16           under this Act; ~~For any timber buyer to knowingly and~~  
17           ~~willfully cut or cause to be cut or appropriate any timber~~  
18           ~~without the consent of the timber grower,~~

19           (c) For any person ~~a timber buyer~~ to knowingly willfully  
20           make any false statement or knowingly provide false  
21           information in connection with the application, liability  
22           insurance certification, or other information or reports  
23           required to be provided to the Department pursuant to this Act  
24           or administrative rule; ~~and or other information required to~~  
25           ~~be given to the Department or a timber grower,~~

26           (d) For any person to act or engage in the business of a

1 timber buyer or act or engage in the business of timber buying  
2 as an agent of a timber buyer while not in good standing with  
3 the Department or, if required by this Act, while licensed by  
4 the Department; ~~To fail to honestly account to the timber~~  
5 ~~grower or the Department for timber purchased or cut if the~~  
6 ~~buyer is under a duty to do so,~~

7 (e) (blank); ~~For a timber buyer to commit any fraudulent~~  
8 ~~act in connection with the purchase or cutting of timber,~~

9 (f) For a person ~~timber buyer or land owner or operator~~ to  
10 fail to file any ~~the~~ report or provide any documentation as ~~or~~  
11 ~~pay the fees~~ required in ~~Section 9a~~ of this Act or  
12 administrative rule; and

13 (g) For any person to resist or obstruct any officer,  
14 employee, ~~or~~ agent of the Department, or any member of a law  
15 enforcement agency in the discharge of the person's,  
16 employee's, agent's, or member's ~~his~~ duties under the  
17 provisions of this Act ~~hereof~~.

18 (Source: P.A. 86-208.)

19 (225 ILCS 735/7) (from Ch. 111, par. 707)

20 Sec. 7. License; issuance, validity, and renewal;  
21 certificate. All persons buying timber under this Act must  
22 possess a valid timber buyer's license. Licenses authorized  
23 under this Act shall be prepared by the Department and be in  
24 such form as prescribed by the Department. The information  
25 required on each license shall be completed thereon by the

1 Department at the time of issuance, and each license shall be  
2 signed by the licensee. All such licenses shall be supplied by  
3 the Department, subject to such rules as the Department may  
4 prescribe. Any license that is not properly prepared,  
5 obtained, and signed as required by this Act shall be void. If  
6 the Department is satisfied that the applicant has fulfilled  
7 the requirements of this Act, the applicant and all listed  
8 agents in the application are in good standing, and if the  
9 liability insurance ~~bond and sureties or bank certificate of~~  
10 deposit filed by the applicant is approved, the Department  
11 shall ~~may~~ issue a license to the applicant. The licenses  
12 issued shall be valid for a calendar year and may be renewed  
13 annually. A copy of the license certificate issued by the  
14 Department shall be posted in the principal office of the  
15 licensee in this State. A license from the Department shall  
16 include a list of all agents that are required to be reported  
17 to the Department in a timber buyer application for license. A  
18 timber buyer shall update the Department, in writing, within  
19 14 days, of a change in employment for any agent of the timber  
20 buyer that is required to be disclosed to the Department. The  
21 Department shall then reissue a certificate of license with  
22 the updated list of agents as well as any new timber buyer  
23 identification cards. The timber buyer identification card  
24 issued by the Department shall be carried upon the person of  
25 the timber buyer and any agent of the timber buyer when  
26 conducting activities covered under this Act for immediate

1 presentation for inspection to the officers and authorized  
2 employees of the Department, any sheriff, deputy sheriff, or  
3 any other peace officer making demand for it. No person  
4 charged with violating this Section, however, shall be  
5 convicted if the person ~~he or she~~ produces in court  
6 satisfactory evidence that a timber buyer identification card  
7 that was valid at the time of the offense had been issued to  
8 the timber buyer or agent. All timber buyer identification  
9 cards shall be issued by the Department. Any timber  
10 identification card that is issued to a timber buyer or timber  
11 buyer employee shall be returned to the Department or, if a  
12 digital license or digital identification card, shall be  
13 canceled by the Department within 5 days of the Department  
14 obtaining information of the termination of employment,  
15 suspension, or revocation of license, the agent or timber  
16 buyer is no longer in good standing, or expiration of a license  
17 if the license is not renewed.

18       Upon request for a license and payment of the fee, the  
19 Department shall issue to the licensee a certificate that a  
20 license has been granted and ~~a bond filed~~ as required by this  
21 Act as well as timber buyer identification cards for all  
22 listed agents on the timber buyer application that are in good  
23 standing.

24 (Source: P.A. 92-805, eff. 8-21-02.)

25 (225 ILCS 735/8) (from Ch. 111, par. 708)

1           Sec. 8. Application fee. The application for a resident  
2 license to operate as a timber buyer, or a renewal thereof,  
3 shall be accompanied by a non-refundable filing fee of \$125 ~~\$~~  
4 ~~25.~~ The application for a non-resident license to operate as a  
5 timber buyer, or a renewal thereof, shall be accompanied by a  
6 non-refundable filing fee of \$300. ~~The fee to be paid for a~~  
7 ~~certificate that a license has been issued and security filed~~  
8 ~~is \$5.~~

9           The fees required by this Section shall be deposited in  
10 the Illinois Forestry Development Fund for the purposes of the  
11 "Illinois Forestry Development Act".

12           (Source: P.A. 85-287.)

13           (225 ILCS 735/9) (from Ch. 111, par. 709)

14           Sec. 9. Records and inspection. The Department or any law  
15 enforcement agency may inspect any ~~the~~ premises used by any  
16 timber buyer in the conduct of the buyer's ~~his or her~~ business  
17 during normal business hours, ~~at any reasonable time~~ and such  
18 inspection may include, but is not limited to, the inventory,  
19 timber, the books, accounts, records, proof of ownership, and  
20 or other documentation required under this Act or  
21 administrative rule ~~papers~~ of every such timber buyer that  
22 operates or does business in the State ~~shall at all times~~  
23 ~~during business hours be subject to inspection by the~~  
24 ~~Department.~~ Any person licensed as a timber buyer as defined  
25 in this Act, or any person who has purchased, bartered, or

1 attempted to purchase or barter timber, or any person having  
2 possession or who has had possession of timber as defined in  
3 this Act shall be prima facie evidence that the person is ~~be~~  
4 ~~considered~~ a timber buyer, excluding transporters. A timber  
5 buyer shall retain the books, accounts, records, proof of  
6 ownership, or other documentation required under this Act or  
7 administrative rule ~~and papers~~ used in the conduct of the  
8 buyer's ~~his or her~~ business for a period of 3 years after any  
9 purchase, cutting, or transportation of timber made by the  
10 timber buyer or the buyer's employee. All timber buyers shall  
11 provide to a transporter and a transporter shall have  
12 immediately available proof of ownership, on forms provided by  
13 the Department, for all timber that is currently being  
14 transported by the transporter.

15 (Source: P.A. 85-287.)

16 (225 ILCS 735/9a) (from Ch. 111, par. 709a)

17 Sec. 9a. Reporting a harvest fee.

18 (a) When a timber buyer buys ~~purchases~~ timber in this  
19 State, the timber buyer and timber grower shall determine the  
20 amount to be paid for such timber, or the value of items to be  
21 bartered for such timber, and the timber buyer shall deduct  
22 from the payment to the timber grower an amount which equals 4%  
23 of the purchase price or 4% of the minimum fair market value,  
24 as determined pursuant to administrative rule, when purchase  
25 price cannot otherwise be determined and shall forward such

1 amount to the Department of Natural Resources, ~~along with a~~  
2 ~~report of the purchase on forms provided by the Department.~~

3 (b) When a timber buyer buys timber in this State, the  
4 timber buyer shall file a report to the Department on a report  
5 form provided by the Department. The information provided on  
6 the report form shall include the amount paid for the timber to  
7 each timber grower and the 4% that is due to the Department for  
8 each sale, and any other information that is required by the  
9 Department pursuant to administrative rule. A timber buyer  
10 shall provide the timber grower a written or electronic  
11 payment receipt for each transaction of timber bought from the  
12 timber grower and keep a duplicate or copy of the payment  
13 receipt in the timber buyer's records. All timber buyers shall  
14 provide a written receipt upon request of the Department.

15 (c) Every timber grower who utilizes timber produced on  
16 land the timber grower ~~he~~ owns or operates for sawing into  
17 lumber, for processing, or for resale, ~~except a person who~~  
18 ~~occasionally uses his own timber for sawing or processing for~~  
19 ~~his own use and not for resale, shall report periodically, as~~  
20 ~~required by regulation of the Department, the quantity of~~  
21 ~~timber produced and utilized by the owner or operator during~~  
22 ~~the reporting period. Such timber grower~~ shall pay to the  
23 Department, when the periodic report is submitted, an amount  
24 equal to 4% of the minimum fair market ~~gross~~ value of the  
25 timber utilized during the period. The value of such timber  
26 shall be determined pursuant to rule of the Department. ~~Such~~

1 ~~rules shall include a voluntary arbitration program for use in~~  
2 ~~situations in which a dispute arises as to the gross value of~~  
3 ~~the timber.~~

4 (d) Every timber grower who utilizes timber produced on  
5 land the timber grower owns or operates for sawing into lumber  
6 for processing or for resale, shall report periodically, as  
7 required by this Act or administrative rule of the Department,  
8 the quantity, value, and species of timber produced and  
9 utilized by the owner or operator during the reporting period.

10 (e) Subsections (c) and (d) shall not apply to a person who  
11 uses the person's own timber for sawing or processing for  
12 personal use and not for resale.

13 (f) The fees required by this Section shall be deposited  
14 in the Illinois Forestry Development Fund, a special fund in  
15 the State ~~treasury~~ ~~Treasury~~, for the purposes of the "Illinois  
16 Forestry Development Act".

17 (Source: P.A. 89-445, eff. 2-7-96.)

18 (225 ILCS 735/10) (from Ch. 111, par. 710)

19 Sec. 10. Rulemaking. The Department may make such  
20 administrative rules and regulations as may be necessary to  
21 carry out the provisions of this Act in accordance with the  
22 Illinois Administrative Procedure Act.

23 (Source: P.A. 76-1307.)

24 (225 ILCS 735/11) (from Ch. 111, par. 711)

1           Sec. 11. Penalties and fines. All fines and penalties  
2 associated with violations of this Act or administrative rules  
3 thereunder, except as otherwise provided in this Act, are  
4 payable 50% to the Department's Conservation Police Operations  
5 Assistance Fund and 50% to the Department's Illinois Forestry  
6 Development Fund.

7           (a) Except as otherwise provided in this Act ~~Section~~ any  
8 person in violation of any of the provisions of this Act, or  
9 administrative rules thereunder, shall be guilty of a Class A  
10 misdemeanor.

11           (a-5) Any person convicted of violating Section 3 of this  
12 Act shall be guilty of a Class A misdemeanor and fined at least  
13 \$500 for a first offense and guilty of a Class 4 felony and  
14 fined at least \$1,000 for a second or subsequent offense.

15           (a-10) Any person convicted of violating subsection (a) of  
16 Section 5 is guilty of a Class A misdemeanor if the aggregate  
17 value of the timber cut, caused to be cut, or appropriated is  
18 equal to or less than \$500.

19           (a-15) Any person convicted of violating subsection (a) or  
20 (c) of Section 9a is guilty of a Class A misdemeanor if the  
21 aggregate value of the amount due to the Department is equal to  
22 or less than \$500.

23           (b) Any person convicted of violating subsection  
24 ~~subsections~~ (a) ~~or (b)~~ of Section 5 of this Act is guilty of a  
25 Class 4 felony if the aggregate value of the timber ~~purchased,~~  
26 cut, caused to be cut or appropriated is over \$500 ~~\$300~~ but not

1 more than \$2,500.

2 (b-2) Any person convicted of violating subsection (a) or  
3 (c) of Section 9a is guilty of a Class 4 felony if the  
4 aggregate value of the amount due to the Department is over  
5 \$500 but not more than \$2,500.

6 (b-5) Any person convicted of violating subsection (a) ~~or~~  
7 ~~(b)~~ of Section 5 of this Act is guilty of a Class 3 felony if  
8 the aggregate value of the timber ~~purchased,~~ cut, caused to be  
9 cut, or appropriated is over \$2,500 but not more than \$10,000.

10 (b-7) Any person convicted of violating subsection (a) or  
11 (c) of Section 9a is guilty of a Class 3 felony if the  
12 aggregate value of the amount due to the Department is over  
13 \$2,500 but not more than \$10,000.

14 (b-10) Any person convicted of violating subsection (a) ~~or~~  
15 ~~(b)~~ of Section 5 of this Act is guilty of a Class 2 felony if  
16 the aggregate value of the timber ~~purchased,~~ cut, caused to be  
17 cut, or appropriated is over \$10,000.

18 (b-12) Any person convicted of violating subsection (a) or  
19 (c) of Section 9a is guilty of a Class 2 felony if the  
20 aggregate value of the amount due to the Department is over  
21 \$10,000.

22 (b-15) The aggregate value of the timber ~~purchased,~~ cut,  
23 caused to be cut, or appropriated shall be determined as  
24 provided by administrative rule.

25 (c) A person convicted of violating subsection (b) ~~(f)~~ of  
26 Section 5 of this Act is guilty of a Class A misdemeanor. A

1 person convicted of a second or subsequent violation is guilty  
2 of a Class 4 felony.

3 (c-5) A person convicted of violating subsection (c) of  
4 Section 5 is guilty of a Class A misdemeanor.

5 (c-10) A person convicted of violating subsection (d) of  
6 Section 5 is guilty of a Class A misdemeanor and shall be  
7 assessed a fine of not less than \$1,000. A person convicted of  
8 a second or subsequent violation is guilty of a Class 4 felony  
9 and shall be assessed a fine of not less than \$2,000.

10 (c-15) A person convicted of violating subsection (f) of  
11 Section 5 is guilty of a Class B misdemeanor.

12 (c-20) A person convicted of violating subsection (g) of  
13 Section 5 is guilty of a Class C misdemeanor.

14 (d) All penalties issued pursuant to subsections (e) and  
15 (f) amounts collected as fines imposed as penalties for  
16 violation of this Act shall be deposited in the Illinois  
17 Forestry Development Fund for the purposes of the "Illinois  
18 Forestry Development Act".

19 (e) Failure ~~In case of a failure~~ to pay any purchase  
20 harvest fee required under Section 9a of this Act on the date  
21 as required by regulation of the Department, there shall be  
22 added as a penalty an amount equal to 7.5% of the harvest fee  
23 due the Department for each month or fraction thereof during  
24 which such failure continues, not to exceed 37.5% in the  
25 aggregate. This penalty shall be in addition to any other  
26 penalty determined under this Act or by the circuit court.

1           (f) A person convicted of violating subsection (b) or (d)  
2 of Section 9a shall be guilty of a Class C misdemeanor and  
3 shall be assessed ~~In case of failure to file the appropriate~~  
4 ~~report of the purchase harvest fee form stipulated under~~  
5 ~~Section 9a of this Act on the date prescribed therefore,~~ a  
6 penalty in the amount of \$25, which shall be added to the  
7 amount due the Department for each individual report ~~shall be~~  
8 ~~added to the amount due the Department.~~ A second or subsequent  
9 offense within a 3-year period after the date of the first  
10 offense is a Class A misdemeanor.

11           (g) All fines required in this Section ~~This penalty~~ shall  
12 be in addition to any other penalty authorized ~~determined~~  
13 under this Act, the Unified Code of Corrections, or imposed by  
14 the circuit court.

15           (h) Any person who knowingly or intentionally violates any  
16 of the provisions of this Act, or administrative rules  
17 thereunder, when the person's license has been revoked or  
18 denied or the person's ability to engage in the activity  
19 requiring the license has been suspended under Section 13 is  
20 guilty of:

21           (1) a Class 4 felony if the underlying offense that  
22 was committed during a period of revocation or suspension  
23 is a misdemeanor; or

24           (2) one classification higher if the underlying  
25 offense that was committed during a period of revocation  
26 or suspension is a felony.

1 (Source: P.A. 92-805, eff. 8-21-02.)

2 (225 ILCS 735/12) (from Ch. 111, par. 712)

3 Sec. 12. Default. No certificate of license or timber  
4 buyer identification card shall be issued to any person who is  
5 in default to the people of the State ~~of Illinois~~ for moneys  
6 due under this Act.

7 (Source: P.A. 76-1307.)

8 (225 ILCS 735/13) (from Ch. 111, par. 713)

9 Sec. 13. License revocation.

10 (a) The Department may revoke the license of any person  
11 who violates the provisions of this Act, and may refuse to  
12 issue any permit or license to any such person who is in  
13 violation of this Act for a period of time as established by  
14 administrative rule ~~not to exceed 5 years following such~~  
15 ~~revocation.~~

16 (a-5) License revocation, suspension, or refusal by the  
17 Department to issue or reissue any permit or license, and the  
18 procedures for such action by the Department or appeals to  
19 such action that was taken by the Department shall be  
20 established by administrative rule and in accordance with the  
21 Illinois Administrative Procedure Act.

22 (b) (Blank). ~~Whenever the holder of a license issued under~~  
23 ~~this Act is found guilty of any misrepresentation in obtaining~~  
24 ~~his or her license or of a violation of any of the provisions~~

1 ~~of this Act or rules adopted pursuant to this Act, the~~  
2 ~~Department may:~~

3 ~~(1) revoke his or her license;~~

4 ~~(2) refuse to issue a license to that person; and~~

5 ~~(3) suspend the person from engaging in the activity~~  
6 ~~requiring the license for up to 5 years following the~~  
7 ~~revocation.~~

8 (c) (Blank). ~~Whenever the holder of a license issued under~~  
9 ~~this Act is found guilty of any misrepresentation in obtaining~~  
10 ~~his or her license or of a violation of any of the provisions~~  
11 ~~of this Act or rules adopted pursuant to this Act, and his or~~  
12 ~~her license has been previously revoked or his or her ability~~  
13 ~~to engage in the activity requiring the license has been~~  
14 ~~previously suspended, the Department may:~~

15 ~~(1) revoke his or her license;~~

16 ~~(2) refuse to issue any license to that person; and~~

17 ~~(3) suspend the person from engaging in the activity~~  
18 ~~requiring the license for at least 5 years but not more~~  
19 ~~than 10 years following the revocation or suspension.~~

20 (d) (Blank). ~~Whenever the holder of a license issued under~~  
21 ~~this Act is found guilty of any misrepresentation in obtaining~~  
22 ~~that license or of a violation of any of the provisions of this~~  
23 ~~Act or rules adopted under this Act, and his or her license has~~  
24 ~~been previously revoked or his or her ability to engage in the~~  
25 ~~activity requiring the license has been suspended on 2 or more~~  
26 ~~occasions, the Department may:~~

1           ~~(1) revoke his or her license;~~  
2           ~~(2) refuse to issue any license to that person; and~~  
3           ~~(3) suspend the person from engaging in the activity~~  
4           ~~requiring the license for at least 10 years but not more~~  
5           ~~than 75 years following the revocation or suspension.~~  
6           ~~Department revocation procedures shall be established by~~  
7           ~~administrative rule.~~

8           ~~If the holder of a license is found negligent with respect~~  
9           ~~to any duty required under this Act, the Department may~~  
10           ~~suspend or revoke his or her privilege to engage in the~~  
11           ~~activity for which the license is required, his or her~~  
12           ~~license, or both.~~

13           ~~(e) (Blank). Whenever a person who has not been issued a~~  
14           ~~license under this Act is found guilty of a violation of the~~  
15           ~~provisions of this Act or rules adopted under this Act, the~~  
16           ~~Department may:~~

17           ~~(1) refuse to issue any license to that person; and~~  
18           ~~(2) suspend that person from engaging in the activity~~  
19           ~~requiring the license for up to 5 years following the~~  
20           ~~revocation.~~

21           ~~(f) (Blank). Whenever a person who has not been issued a~~  
22           ~~license under this Act is found guilty of a violation of this~~  
23           ~~Act or rules adopted under this Act and his or her license has~~  
24           ~~been previously revoked or his or her ability to engage in the~~  
25           ~~activity requiring the license has been previously suspended,~~  
26           ~~the Department may:~~

1 ~~(1) refuse to issue any license to that person; and~~

2 ~~(2) suspend that person from engaging in the activity~~  
3 ~~requiring the license for at least 5 years but not more~~  
4 ~~than 10 years following the revocation or suspension.~~

5 (g) (Blank). ~~Whenever a person who has not been issued a~~  
6 ~~license under this Act is found guilty of a violation of this~~  
7 ~~Act or rules adopted under this Act and his or her license has~~  
8 ~~been previously revoked or his or her ability to engage in the~~  
9 ~~activity requiring the license has been suspended on 2 or more~~  
10 ~~occasions, the Department may:~~

11 ~~(1) refuse to issue any license to that person; and~~

12 ~~(2) suspend that person from engaging in the activity~~  
13 ~~requiring the license for at least 10 years but not more~~  
14 ~~than 75 years following the revocation or suspension.~~

15 (h) (Blank). ~~Licenses authorized under this Act shall be~~  
16 ~~prepared by the Department and be in such form as prescribed by~~  
17 ~~the Department. The information required on each license shall~~  
18 ~~be completed thereon by the issuing agent at the time of~~  
19 ~~issuance and each license shall be signed by the licensee. All~~  
20 ~~such licenses shall be supplied by the Department, subject to~~  
21 ~~such rules as the Department may prescribe. Any license that~~  
22 ~~is not properly prepared, obtained, and signed as required by~~  
23 ~~this Act shall be void.~~

24 (i) Any person whose license to engage in an activity  
25 regulated by this Act has been revoked or whose ability to  
26 engage in the activity requiring the license has been

1 suspended may not, during the period of suspension or  
2 revocation:

3 (1) hold any license authorized by this Act;

4 (2) perform directly or indirectly any privileges  
5 authorized by any license issued in accordance with this  
6 Act; or

7 (3) buy, sell, barter, trade, or take possession of  
8 any timber as defined in this Act, regardless of any  
9 contractual agreements entered into prior to the  
10 revocation or suspension.

11 (j) No person may be issued a license or engage in any  
12 activity regulated by this Act for which a license is required  
13 during the time that the person's privilege to engage in the  
14 same or similar activities is suspended or revoked by another  
15 state, by a federal agency, or by a province of Canada.

16 ~~Any person who knowingly or intentionally violates any of~~  
17 ~~the provisions of this Act, or administrative rules~~  
18 ~~thereunder, when his or her license has been revoked or denied~~  
19 ~~or his or her ability to engage in the activity requiring the~~  
20 ~~license has been suspended under this Section, is guilty of a~~  
21 ~~Class 4 felony.~~

22 (Source: P.A. 92-805, eff. 8-21-02.)

23 (225 ILCS 735/16) (from Ch. 111, par. 716)

24 Sec. 16. Forfeiture and seizure. Any timber, forestry, or  
25 wood cutting device or equipment, including vehicles and

1 conveyances used or operated in violation of this Act,  
2 including administrative rules, or attempted to be used in  
3 violation of this Act or administrative rules shall be deemed  
4 a public nuisance and subject to the seizure and confiscation  
5 by any authorized employee of the Department; upon the seizure  
6 of such item the Department shall take and hold the same until  
7 disposed of as hereinafter provided.

8       Upon the seizure of any property as herein provided, the  
9 authorized employee of the Department making such seizure  
10 shall forthwith cause a complaint to be filed before the  
11 Circuit Court and a summons to be issued requiring the person  
12 who illegally used or operated or attempted to use or operate  
13 such property and the owner and person in possession of such  
14 property to appear in court and show cause why the property  
15 seized should not be forfeited to the State. Upon the return of  
16 the summons duly served or other notice as herein provided,  
17 the court shall proceed to determine the question of the  
18 illegality of the use of the seized property and upon judgment  
19 being entered to the effect that such property was illegally  
20 used, an order may be entered providing for the forfeiture of  
21 such seized property to the Department and shall thereupon  
22 become the property of the Department; but the owner of such  
23 property may have a jury determine the illegality of its use,  
24 and shall have the right of an appeal, as in other cases. Such  
25 confiscation or forfeiture shall not preclude or mitigate  
26 against prosecution and assessment of penalties otherwise

1 provided in this Act.

2       Upon seizure of any property under circumstances  
3 supporting a reasonable belief that such property was  
4 abandoned, lost, or stolen or otherwise illegally possessed or  
5 used contrary to the provisions of this Act, except property  
6 seized during a search or arrest, and ultimately returned,  
7 destroyed, or otherwise disposed of pursuant to order of a  
8 court in accordance with this Act, the authorized employee of  
9 the Department shall make reasonable inquiry and efforts to  
10 identify and notify the owner or other person entitled to  
11 possession thereof, and shall return the property after such  
12 person provides reasonable and satisfactory proof of his  
13 ownership or right to possession and reimburses the Department  
14 for all reasonable expenses of such custody. If the identity  
15 or location of the owner or other person entitled to  
16 possession of the property has not been ascertained within 6  
17 months after the Department obtains such possession, the  
18 Department shall effectuate the sale of the property for cash  
19 to the highest bidder at a public auction. The owner or other  
20 person entitled to possession of such property may claim and  
21 recover possession of the property at any time before its sale  
22 at public auction, upon providing reasonable and satisfactory  
23 proof of ownership or right of possession and reimbursing the  
24 Department for all reasonable expenses of custody thereof.

25       Any property forfeited to the State by court order  
26 pursuant to this Section may be disposed of by public auction,

1     except that any property which is the subject of such a court  
2     order shall not be disposed of pending appeal of the order. The  
3     proceeds of the sales at auction shall be deposited in the  
4     Illinois Forestry Development Fund.

5             The Department shall pay all costs of notices required by  
6     this Section. Property seized or forfeited under this Section  
7     is subject to reporting under Section 5 of the Seizure and  
8     Forfeiture Reporting Act.

9     (Source: P.A. 86-208.)