



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1712

Introduced 2/9/2023, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

225 ILCS 425/4.5

225 ILCS 425/8a

from Ch. 111, par. 2011a

Amends the Collection Agency Act by changing references to the General Professions Dedicated Fund to refer to the Financial Institution Fund. Provides that after the effective date of the amendatory Act, the Department of Financial and Professional Regulation may transfer any fees collected under the Collection Agency Act from the General Professions Dedicated Fund to the Financial Institution Fund. Effective immediately.

LRB103 28284 BMS 54663 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 5. The Collection Agency Act is amended by
5 changing Sections 4.5 and 8a as follows:

6 (225 ILCS 425/4.5)

7 (Section scheduled to be repealed on January 1, 2026)

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

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

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

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

8 (c) The civil penalty shall be paid within 60 days after
9 the effective date of the order imposing the civil penalty.
10 The order shall constitute a judgment and may be filed and
11 execution had thereon in the same manner as any judgment from
12 any court of record.

13 (d) All moneys collected under this Section shall be
14 deposited into the Financial Institution ~~General Professions~~
15 ~~Dedicated~~ Fund.

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

17 (225 ILCS 425/8a) (from Ch. 111, par. 2011a)

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

19 Sec. 8a. Fees.

20 (a) The fees for the administration and enforcement of
21 this Act, including but not limited to original licensure,
22 renewal, and restoration, shall be set by the Department by
23 rule. All fees are nonrefundable.

24 (b) All fees collected under this Act by the Department
25 shall be deposited into the Financial Institution ~~General~~

1 ~~Professions Dedicated~~ Fund and shall be appropriated to the
2 Department for the ordinary and contingent expenses of the
3 Department in the administration of this Act. After the
4 effective date of this amendatory Act of the 103rd General
5 Assembly, the Department may transfer any fees collected under
6 this Act from the General Professions Dedicated Fund to the
7 Financial Institution Fund.

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

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

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