

1 AN ACT concerning regulation.

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

4 ARTICLE I. Title & Purpose

5 Section 1-1. Short title. This Act may be cited as the
6 Uniform Money Transmission Modernization Act.

7 Section 1-2. Purpose.

8 (a) This Act is designed to replace existing State money
9 transmission laws currently codified under the Transmitters of
10 Money Act. It is the intent of the General Assembly that the
11 provisions of this Act accomplish the following:

12 (1) ensure states can coordinate in all areas of
13 regulation, licensing, and supervision to eliminate
14 unnecessary regulatory burden and more effectively use
15 regulator resources;

16 (2) protect the public from financial crime;

17 (3) standardize the types of activities that are
18 subject to licensing or otherwise exempt from licensing;
19 and

20 (4) modernize safety and soundness requirements to
21 ensure customer funds are protected in an environment that
22 supports innovative and competitive business practices.

1 (b) The provisions of this Act shall be liberally
2 construed to effectuate its purposes.

3 ARTICLE II. Definitions

4 Section 2-1. Definitions. As used in this Act:

5 "Acting in concert" means persons knowingly acting
6 together with a common goal of jointly acquiring control of a
7 licensee whether or not pursuant to an express agreement.

8 "Authorized delegate" means a person a licensee designates
9 to engage in money transmission on behalf of the licensee.

10 "Average daily money transmission liability" means the
11 amount of the licensee's outstanding money transmission
12 obligations in this State at the end of each day in a given
13 period of time, added together, and divided by the total
14 number of days in the given period of time. For purposes of
15 calculating average daily money transmission liability under
16 this Act for any licensee required to do so, the given period
17 of time shall be the quarters ending March 31, June 30,
18 September 30, and December 31.

19 "Bank Secrecy Act" means the Bank Secrecy Act, 31 U.S.C.
20 5311, et seq. and its implementing rules and regulations, as
21 amended and recodified from time to time.

22 "Bill payment service" means the business of transmitting
23 money on behalf of an Illinois person for the purposes of
24 paying the person's bills.

1 "Closed loop stored value" means stored value that is
2 redeemable by the issuer only for goods or services provided
3 by the issuer or its affiliate or franchisees of the issuer or
4 its affiliate, except to the extent required by applicable law
5 to be redeemable in cash for its cash value.

6 "Control" means:

7 (1) the power to vote, directly or indirectly, at
8 least 25% of the outstanding voting shares or voting
9 interests of a licensee or person in control of a
10 licensee;

11 (2) the power to elect or appoint a majority of key
12 individuals or executive officers, managers, directors,
13 trustees, or other persons exercising managerial authority
14 of a person in control of a licensee; or

15 (3) the power to exercise, directly or indirectly, a
16 controlling influence over the management or policies of a
17 licensee or person in control of a licensee.

18 For purposes of determining the percentage of a person
19 controlled by any other person, the person's interest shall be
20 aggregated with the interest of any other immediate family
21 member, including the person's spouse, parents, children,
22 siblings, mothers-in-law and fathers-in-law, sons-in-law and
23 daughters-in-law, brothers-in-law and sisters-in-law, and any
24 other person who shares such person's home.

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 "Division" means the Division of Financial Institutions of
2 the Department of Financial and Professional Regulation.

3 "Eligible rating" means a credit rating of any of the 3
4 highest rating categories provided by an eligible rating
5 service, whereby each category may include rating category
6 modifiers such as "plus" or "minus" for S&P, or the equivalent
7 for any other eligible rating service. For purposes of this
8 definition, long-term credit ratings are deemed eligible if
9 the rating is equal to "A-" or higher by S&P, or the equivalent
10 from any other eligible rating service; short-term credit
11 ratings are deemed eligible if the rating is equal to or higher
12 than "A-2" or "SP-2" by S&P, or the equivalent from any other
13 eligible rating service; if ratings differ among eligible
14 rating services, the highest rating shall apply when
15 determining whether a security bears an eligible rating.

16 "Eligible rating service" means any nationally recognized
17 statistical rating organization as defined by the U.S.
18 Securities and Exchange Commission, and any other organization
19 designated by the Secretary by rule or order.

20 "Federally insured depository financial institution" means
21 a bank, credit union, savings and loan association, trust
22 company, savings association, savings bank, industrial bank,
23 or industrial loan company organized under the laws of the
24 United States or any state of the United States, if the bank,
25 credit union, savings and loan association, trust company,
26 savings association, savings bank, industrial bank, or

1 industrial loan company has federally insured deposits.

2 "In this State" means at a physical location within this
3 State for a transaction requested in person. For a transaction
4 requested electronically or by phone, the provider of money
5 transmission may determine if the person requesting the
6 transaction is in this State by relying on other information
7 provided by the person regarding the location of the
8 individual's residential address or a business entity's
9 principal place of business or other physical address
10 location, and any records associated with the person that the
11 provider of money transmission may have that indicate such
12 location, including, but not limited to, an address associated
13 with an account. Solely for purposes of payroll processing
14 services, "in this State" for a transaction requested
15 electronically or by phone, means the mailing address the
16 person requesting the payroll processing services uses with
17 the Internal Revenue Service is in Illinois.

18 "Individual" means a natural person.

19 "Key individual" means any individual ultimately
20 responsible for establishing or directing policies and
21 procedures of the licensee, such as an executive officer,
22 manager, director, or trustee.

23 "Licensee" means a person licensed under this Act.

24 "Material litigation" means litigation, that according to
25 United States generally accepted accounting principles, is
26 significant to a person's financial health and would be

1 required to be disclosed in the person's annual audited
2 financial statements, report to shareholders, or similar
3 records.

4 "Money" means a medium of exchange that is authorized or
5 adopted by the United States or a foreign government as part of
6 its currency and that is customarily used and accepted as a
7 medium of exchange in the country of issuance. "Money"
8 includes a monetary unit of account established by an
9 intergovernmental organization or by agreement between 2 or
10 more governments.

11 "Monetary value" means a medium of exchange, whether or
12 not redeemable in money unless excluded by rule by the
13 Secretary.

14 "Money transmission" means any of the following:

15 (1) Selling or issuing payment instruments to a person
16 located in this State.

17 (2) Selling or issuing stored value to a person
18 located in this State.

19 (3) Receiving money for transmission from a person
20 located in this State or transmitting money in this State.

21 "Money transmission" includes bill payment services and
22 payroll processing services. "Money transmission" does not
23 include the provision solely of online or telecommunications
24 services or network access.

25 "MSB accredited state agency" means a state agency that is
26 accredited by the Conference of State Bank Supervisors and

1 Money Transmitter Regulators Association for money
2 transmission licensing and supervision.

3 "Multistate licensing process" means any agreement entered
4 into by and among state regulators relating to coordinated
5 processing of applications for money transmission licenses,
6 applications for the acquisition of control of a licensee,
7 control determinations, or notice and information requirements
8 for a change of key individuals.

9 "NMLS" means the Nationwide Multistate Licensing System
10 and Registry developed by the Conference of State Bank
11 Supervisors and the American Association of Residential
12 Mortgage Regulators and owned and operated by the State
13 Regulatory Registry, LLC, or any successor or affiliated
14 entity, for the licensing and registration of persons in
15 financial services industries.

16 "Outstanding money transmission obligations" means any of
17 the following:

18 (1) Any payment instrument or stored value issued or
19 sold by the licensee to a person located in the United
20 States or reported as sold by an authorized delegate of
21 the licensee to a person that is located in the United
22 States that has not yet been paid or refunded by or for the
23 licensee or escheated in accordance with applicable
24 abandoned property laws; or

25 (2) Any money received for transmission by the
26 licensee or an authorized delegate in the United States

1 from a person located in the United States that has not
2 been received by the payee, refunded to the sender, or
3 escheated in accordance with applicable abandoned property
4 laws.

5 For purposes of this definition, "in the United States"
6 includes, to the extent applicable, a person in any state,
7 territory, or possession of the United States; the District of
8 Columbia; the Commonwealth of Puerto Rico; or a U.S. military
9 installation that is located in a foreign country.

10 "Passive investor" means a person that:

11 (1) does not have the power to elect a majority of key
12 individuals or executive officers, managers, directors,
13 trustees, or other persons exercising managerial authority
14 of a person in control of a licensee;

15 (2) is not employed by and does not have any
16 managerial duties of the licensee or person in control of
17 a licensee;

18 (3) does not have the power to exercise, directly or
19 indirectly, a controlling influence over the management or
20 policies of a licensee or person in control of a licensee;
21 and

22 (4) either:

23 (A) attests to items (1), (2), and (3), in a form
24 and in a medium prescribed by the Secretary; or

25 (B) commits to the passivity characteristics of
26 items (1), (2), and (3), in a written document.

1 "Payment instrument" means a written or electronic check,
2 draft, money order, traveler's check, or other written or
3 electronic instrument for the transmission or payment of money
4 or monetary value, whether or not negotiable. "Payment
5 instrument" does not include stored value or any instrument
6 that (1) is redeemable by the issuer only for goods or services
7 provided by the issuer or its affiliate or franchisees of the
8 issuer or its affiliate, except to the extent required by
9 applicable law to be redeemable in cash for its cash value; or
10 (2) not sold to the public but issued and distributed as part
11 of a loyalty, rewards, or promotional program.

12 "Payroll processing services" means receiving money for
13 transmission pursuant to a contract with a person to deliver
14 wages or salaries, make payment of payroll taxes to State and
15 federal agencies, make payments relating to employee benefit
16 plans, or make distributions of other authorized deductions
17 from wages or salaries. "Payroll processing services" does not
18 include an employer performing payroll processing services on
19 its own behalf or on behalf of its affiliate.

20 "Person" means any individual, general partnership,
21 limited partnership, limited liability company, corporation,
22 trust, association, joint stock corporation, or other
23 corporate entity identified by the Secretary.

24 "Receiving money for transmission" or "money received for
25 transmission" means receiving money or monetary value in the
26 United States for transmission within or outside the United

1 States by electronic or other means.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation, the acting Secretary, or a person
4 authorized by the Secretary.

5 "Stored value" means monetary value representing a claim
6 against the issuer evidenced by an electronic or digital
7 record, and that is intended and accepted for use as a means of
8 redemption for money or monetary value, or payment for goods
9 or services. "Stored value" includes, but is not limited to,
10 "prepaid access" as defined by 31 CFR Section 1010.100, as
11 amended or recodified from time to time. Notwithstanding the
12 foregoing, "stored value" does not include a payment
13 instrument or closed loop stored value, or stored value not
14 sold to the public but issued and distributed as part of a
15 loyalty, rewards, or promotional program.

16 "Tangible net worth" means the aggregate assets of a
17 licensee excluding all intangible assets, less liabilities, as
18 determined in accordance with United States generally accepted
19 accounting principles.

20 ARTICLE III. Exemptions

21 Section 3-1. Exemptions. This Act does not apply to:

22 (1) An operator of a payment system to the extent that it
23 provides processing, clearing, or settlement services, between
24 or among persons exempted by this Section or licensees, in

1 connection with wire transfers, credit card transactions,
2 debit card transactions, stored value transactions, automated
3 clearinghouse transfers, or similar funds transfers.

4 (2) A person appointed as an agent of a payee to collect
5 and process a payment from a payor to the payee for goods or
6 services, other than money transmission itself, provided to
7 the payor by the payee, if:

8 (A) there exists a written agreement between the payee
9 and the agent directing the agent to collect and process
10 payments from payors on the payee's behalf; and

11 (B) payment for the goods and services is treated as
12 received by the payee upon receipt by the agent so that the
13 payor's obligation is extinguished and there is no risk of
14 loss to the payor if the agent fails to remit the funds to
15 the payee.

16 (3) A person that acts as an intermediary by processing
17 payments between an entity that has directly incurred an
18 outstanding money transmission obligation to a sender, and the
19 sender's designated recipient, if the entity:

20 (A) is properly licensed or exempt from licensing
21 requirements under this Act;

22 (B) provides a receipt, electronic record, or other
23 written confirmation to the sender identifying the entity
24 as the provider of money transmission in the transaction;
25 and

26 (C) bears sole responsibility to satisfy the

1 outstanding money transmission obligation to the sender,
2 including the obligation to make the sender whole in
3 connection with any failure to transmit the funds to the
4 sender's designated recipient.

5 (4) The United States or a department, agency, or
6 instrumentality thereof, or its agent.

7 (5) Money transmission by the United States Postal Service
8 or by an agent of the United States Postal Service.

9 (6) A State, county, city, or any other governmental
10 agency or governmental subdivision or instrumentality of a
11 State, or its agent.

12 (7) A federally insured depository financial institution,
13 bank holding company, office of an international banking
14 corporation, foreign bank that establishes a federal branch
15 pursuant to the International Bank Act, 12 U.S.C. 3102, as
16 amended or recodified from time to time, corporation organized
17 pursuant to the Bank Service Corporation Act, 12 U.S.C.
18 Sections 1861 through 1867, as amended or recodified from time
19 to time, or corporation organized under the Edge Act, 12
20 U.S.C. Sections 611 through 633, as amended or recodified from
21 time to time, under the laws of a state or the United States.

22 (8) Electronic funds transfer of governmental benefits for
23 a federal, State, county, or governmental agency by a
24 contractor on behalf of the United States or a department,
25 agency, or instrumentality thereof, or on behalf of a State or
26 governmental subdivision, agency, or instrumentality thereof.

1 (9) A board of trade designated as a contract market under
2 the federal Commodity Exchange Act, 7 U.S.C. Sections 1
3 through 25, as amended or recodified from time to time, or a
4 person that, in the ordinary course of business, provides
5 clearance and settlement services for a board of trade to the
6 extent of its operation as or for such a board.

7 (10) A registered futures commission merchant under the
8 federal commodities laws to the extent of its operation as
9 such a merchant.

10 (11) A person registered as a securities broker-dealer
11 under federal or State securities laws to the extent of its
12 operation as such a broker-dealer.

13 (12) An individual employed by a licensee, authorized
14 delegate, or any person exempted from the licensing
15 requirements of the Act when acting within the scope of
16 employment and under the supervision of the licensee,
17 authorized delegate, or exempted person as an employee and not
18 as an independent contractor.

19 (13) A person expressly appointed as a third-party service
20 provider to or agent of an entity exempt under paragraph (7) or
21 (16), solely to the extent that:

22 (A) such service provider or agent is engaging in
23 money transmission on behalf of and pursuant to a written
24 agreement with the exempt entity that sets forth the
25 specific functions that the service provider or agent is
26 to perform; and

1 (B) the exempt entity assumes all risk of loss and all
2 legal responsibility for satisfying the outstanding money
3 transmission obligations owed to purchasers and holders of
4 the outstanding money transmission obligations upon
5 receipt of the purchaser's or holder's money or monetary
6 value by the service provider or agent.

7 (14) Any other person, transaction, or class of persons or
8 transactions exempted by rule or any other person or
9 transaction exempted by the Secretary's order on a finding
10 that the licensing of the person is not necessary to achieve
11 the purposes of this Act.

12 (15) Currency exchanges licensed under the Currency
13 Exchange Act to the extent of its operation as such a currency
14 exchange.

15 (16) An insured depository credit union organized under
16 the laws of the United States or any state of the United States
17 with deposits insured by an insurer approved by the credit
18 union's primary regulator.

19 Section 3-2. Authority to require demonstration of
20 exemption. The Secretary may require that any person or entity
21 claiming to be exempt from licensing pursuant to Section 3-1
22 provide information and documentation to the Secretary
23 demonstrating that it qualifies for any claimed exemption. The
24 burden of proving the applicability of an exemption is upon
25 the person claiming the exclusion or exception.

1 (b) The Department shall have the broad administrative
2 authority to administer, interpret and enforce this Act, and
3 adopt rules or regulations implementing this Act and to
4 recover the cost of administering and enforcing this Act by
5 imposing and collecting proportionate and equitable fees and
6 costs associated with applications, examinations,
7 investigations, and other actions required to achieve the
8 purpose of this Act. The Department's rulemaking authority
9 shall include, but not be limited to:

10 (1) such rules and regulations in connection with the
11 activities of licensees as may be necessary and
12 appropriate for the protection of consumers in this State;

13 (2) such rules and regulations as may be necessary and
14 appropriate to define improper or fraudulent business
15 practices in connection with the activities of licensees;

16 (3) such rules and regulations as may define the terms
17 used in this Act and as may be necessary and appropriate to
18 interpret and implement the provisions of this Act;

19 (4) such rules and regulations as may be necessary for
20 the implementation or enforcement of this Act; and

21 (5) such rules and regulations establishing fees the
22 Secretary deems necessary to cover the cost of
23 administration of this Act.

24 Section 4-2. Confidentiality.

25 (a) Except as otherwise provided in this Section, all

1 information or reports obtained by the Secretary from an
2 applicant, licensee, or authorized delegate, and all
3 information contained in or related to an examination,
4 investigation, operating report, or condition report prepared
5 by, on behalf of, or for the use of the Secretary, or financial
6 statements, balance sheets, or authorized delegate
7 information, are confidential and are not subject to
8 disclosure under the Freedom of Information Act.

9 (b) The Secretary may disclose information not otherwise
10 subject to disclosure under subsection (a) to representatives
11 of State or federal agencies who promise in a record that they
12 will maintain the confidentiality of the information or where
13 the Secretary finds that the release is reasonably necessary
14 for the protection and interest of the public.

15 (c) This Section does not prohibit the Secretary from
16 disclosing to the public a list of all licensees or the
17 aggregated financial or transactional data concerning those
18 licensees.

19 (d) Information contained in the records of the Department
20 that is not confidential and may be made available to the
21 public either on the Department's website, upon receipt by the
22 Department of a written request, or in NMLS shall include:

23 (1) the name, business address, telephone number, and
24 unique identifier of a licensee;

25 (2) the business address of a licensee's registered
26 agent for service;

1 (3) the name, business address, and telephone number
2 of all authorized delegates;

3 (4) the terms of or a copy of any bond filed by a
4 licensee, if confidential information, including, but not
5 limited to, prices and fees, for such bond is redacted;

6 (5) copies of any final orders of the Department
7 relating to any violation of this Act or regulations
8 implementing this Act; and

9 (e) Imposition of an administrative action under this Act
10 is not confidential.

11 (f) The Secretary, in his or her sole discretion, may
12 disclose otherwise confidential information when he or she
13 determines disclosure is in the public interest.

14 Section 4-3. Supervision.

15 (a) The Secretary may conduct an examination or
16 investigation of a licensee or authorized delegate or
17 otherwise take independent action authorized by this Act or by
18 a rule adopted or order issued under this Act as reasonably
19 necessary or appropriate to administer and enforce this Act,
20 rules and regulations implementing this Act, and other
21 applicable law, including the Bank Secrecy Act and the USA
22 PATRIOT ACT. The Secretary may:

23 (1) conduct an examination either on-site or off-site
24 as the Secretary may reasonably require;

25 (2) conduct an examination in conjunction with an

1 examination conducted by representatives of other state
2 agencies or agencies of another state or of the federal
3 government;

4 (3) accept the examination report of another state
5 agency or an agency of another state or of the federal
6 government, or a report prepared by an independent
7 accounting firm, which on being accepted is considered for
8 all purposes as an official report of the Secretary; and

9 (4) summon and examine under oath a key individual or
10 employee of a licensee or authorized delegate and require
11 the person to produce records regarding any matter related
12 to the condition and business of the licensee or
13 authorized delegate.

14 (b) A licensee or authorized delegate shall provide, and
15 the Secretary shall have full and complete access to, all
16 records the Secretary may reasonably require to conduct a
17 complete examination. The records must be provided at the
18 location and in the format specified by the Secretary,
19 however, the Secretary may use multistate record production
20 standards and examination procedures when such standards will
21 reasonably achieve the requirements of this subsection.

22 (c) Unless otherwise directed by the Secretary, a licensee
23 shall pay all costs reasonably incurred in connection with an
24 examination of the licensee or the licensee's authorized
25 delegates.

1 Section 4-4. Networked supervision.

2 (a) To efficiently and effectively administer and enforce
3 this Act and to minimize regulatory burden, the Secretary is
4 authorized and encouraged to participate in multistate
5 supervisory processes established between states and
6 coordinated through the Conference of State Bank Supervisors,
7 Money Transmitter Regulators Association, and affiliates and
8 successors thereof for all licensees that hold licenses in
9 this State and other states. As a participant in multistate
10 supervision, the Secretary may:

11 (1) cooperate, coordinate, and share information with
12 other state and federal regulators in accordance with
13 Section 4-2;

14 (2) enter into written cooperation, coordination, or
15 information-sharing contracts or agreements with
16 organizations the membership of which is made up of state
17 or federal governmental agencies; and

18 (3) cooperate, coordinate, and share information with
19 organizations the membership of which is made up of state
20 or federal governmental agencies, if the organizations
21 agree in writing to maintain the confidentiality and
22 security of the shared information in accordance with
23 Section 4-2.

24 (b) The Secretary may not waive, and nothing in this
25 Section constitutes a waiver of, the Secretary's authority to
26 conduct an examination or investigation or otherwise take

1 independent action authorized by this Act or a rule adopted or
2 order issued under this Act to enforce compliance with
3 applicable state or federal law.

4 (c) A joint examination or investigation, or acceptance of
5 an examination or investigation report, does not waive an
6 examination assessment provided for in this Act.

7 Section 4-5. Relationship to federal law.

8 (a) If state money transmission jurisdiction is
9 conditioned on a federal law, any inconsistencies between a
10 provision of this Act and the federal law governing money
11 transmission shall be governed by the applicable federal law
12 to the extent of the inconsistency.

13 (b) In the event of any inconsistencies between this Act
14 and a federal law that governs pursuant to subsection (a), the
15 Secretary may provide interpretive rule or guidance that:

- 16 (1) identifies the inconsistency; and
17 (2) identifies the appropriate means of compliance
18 with federal law.

19 ARTICLE V. Money Transmission Licenses

20 Section 5-1. License required.

21 (a) A person may not engage in the business of money
22 transmission or advertise, solicit, or hold oneself out as
23 providing money transmission unless the person is licensed

1 under this Act.

2 (b) Subsection (a) does not apply to:

3 (1) A person who is an authorized delegate of a person
4 licensed under this Act acting within the scope of
5 authority conferred by a written contract with the
6 licensee; or

7 (2) A person who is exempt pursuant to Section 3-1 and
8 does not engage in money transmission outside the scope of
9 such exemption.

10 (c) A license issued under Section 5-5 is not transferable
11 or assignable.

12 Section 5-2. Consistent State licensing.

13 (a) To establish consistent licensing between this State
14 and other states, the Secretary is authorized and encouraged
15 to:

16 (1) implement all licensing provisions of this Act in
17 a manner that is consistent with other states that have
18 adopted this Act or multistate licensing processes; and

19 (2) participate in nationwide protocols for licensing
20 cooperation and coordination among state regulators
21 provided that such protocols are consistent with this Act.

22 (b) In order to fulfill the purposes of this Act, the
23 Secretary is authorized and encouraged to establish
24 relationships or contracts with NMLS or other entities
25 designated by NMLS to enable the Secretary to:

- 1 (1) collect and maintain records;
- 2 (2) coordinate multistate licensing processes and
3 supervision processes;
- 4 (3) process fees; and
- 5 (4) facilitate communication between this State and
6 licensees or other persons subject to this Act.

7 (c) The Secretary is authorized and encouraged to use NMLS
8 for all aspects of licensing in accordance with this Act,
9 including, but not limited to, license applications,
10 applications for acquisitions of control, surety bonds,
11 reporting, criminal history background checks, credit checks,
12 fee processing, and examinations.

13 (d) The Secretary is authorized and encouraged to use NMLS
14 forms, processes, and functionalities in accordance with this
15 Act. If NMLS does not provide functionality, forms, or
16 processes for a provision of this Act, the Secretary is
17 authorized and encouraged to strive to implement the
18 requirements in a manner that facilitates uniformity with
19 respect to licensing, supervision, reporting, and regulation
20 of licensees which are licensed in multiple jurisdictions.

21 (e) For the purpose of participating in NMLS, the
22 Secretary is authorized to waive or modify, in whole or in
23 part, by rule, regulation or order, any or all of the
24 requirements and to establish new requirements as reasonably
25 necessary to participate in NMLS.

1 Section 5-3. Application for license.

2 (a) Applicants for a license shall apply in a form and in a
3 medium as prescribed by the Secretary. Each such form shall
4 contain content as set forth by rule, regulation, instruction
5 or procedure of the Secretary and may be changed or updated by
6 the Secretary in accordance with applicable law in order to
7 carry out the purposes of this Act and maintain consistency
8 with NMLS licensing standards and practices. The application
9 must state or contain, as applicable:

10 (1) the legal name and residential and business
11 addresses of the applicant and any fictitious or trade
12 name used by the applicant in conducting its business;

13 (2) a list of any criminal convictions of the
14 applicant and any material litigation in which the
15 applicant has been involved in the 10-year period
16 preceding the submission of the application;

17 (3) a description of any money transmission previously
18 provided by the applicant and the money transmission that
19 the applicant seeks to provide in this State;

20 (4) a list of the applicant's proposed authorized
21 delegates and the locations in this State where the
22 applicant and its authorized delegates propose to engage
23 in money transmission;

24 (5) a list of other states in which the applicant is
25 licensed to engage in money transmission and any license
26 revocations, suspensions, or other disciplinary action

1 taken against the applicant in another state;

2 (6) information concerning any bankruptcy or
3 receivership proceedings affecting the licensee or a
4 person in control of a licensee;

5 (7) a sample form of contract for authorized
6 delegates, if applicable;

7 (8) a sample form of payment instrument or stored
8 value, as applicable;

9 (9) the name and address of any federally insured
10 depository financial institution through which the
11 applicant plans to conduct money transmission; and

12 (10) any other information the Secretary or NMLS
13 reasonably requires with respect to the applicant.

14 (b) If an applicant is a corporation, limited liability
15 company, partnership, or other legal entity, the applicant
16 shall also provide:

17 (1) the date of the applicant's incorporation or
18 formation and State or country of incorporation or
19 formation;

20 (2) if applicable, a certificate of good standing from
21 the State or country in which the applicant is
22 incorporated or formed;

23 (3) a brief description of the structure or
24 organization of the applicant, including any parents or
25 subsidiaries of the applicant, and whether any parents or
26 subsidiaries are publicly traded;

1 (4) the legal name, any fictitious or trade name, all
2 business and residential addresses, and the employment, as
3 applicable, in the 10-year period preceding the submission
4 of the application of each key individual and person in
5 control of the applicant;

6 (5) a list of any criminal convictions and material
7 litigation in which a person in control of the applicant
8 that is not an individual has been involved in the 10-year
9 period preceding the submission of the application;

10 (6) a copy of audited financial statements of the
11 applicant for the most recent fiscal year and for the
12 2-year period preceding the submission of the application
13 or, if determined to be acceptable to the Secretary;

14 (7) a certified copy of unaudited financial statements
15 of the applicant for the most recent fiscal quarter;

16 (8) if the applicant is a publicly traded corporation,
17 a copy of the most recent report filed with the United
18 States Securities and Exchange Commission under Section 13
19 of the federal Securities Exchange Act of 1934, 15 U.S.C.
20 78m, as amended or recodified from time to time;

21 (9) if the applicant is a wholly owned subsidiary of:

22 (A) a corporation publicly traded in the United
23 States, a copy of audited financial statements for the
24 parent corporation for the most recent fiscal year or
25 a copy of the parent corporation's most recent report
26 filed under Section 13 of the federal Securities

1 Exchange Act of 1934, 15 U.S.C. 78m, as amended or
2 recodified from time to time; or

3 (B) a corporation publicly traded outside the
4 United States, a copy of similar documentation filed
5 with the regulator of the parent corporation's
6 domicile outside the United States;

7 (10) the name and address of the applicant's
8 registered agent in this State; and

9 (11) any other information the Secretary reasonably
10 requires with respect to the applicant.

11 A nonrefundable application fee must accompany an
12 application for a license under this Section in accordance
13 with 38 Ill. Adm. Code 205.35, as amended or recodified from
14 time to time.

15 (c) The Secretary may waive one or more requirements of
16 subsections (a) and (b) or permit an applicant to submit other
17 information instead of the required information.

18 Section 5-4. Information requirements for certain
19 individuals.

20 (a) Any individual in control of a licensee or applicant,
21 any individual that seeks to acquire control of a licensee,
22 and each key individual shall furnish to the Secretary through
23 NMLS the following items:

24 (1) The individual's fingerprints for submission to
25 the Federal Bureau of Investigation and the Secretary for

1 purposes of a national criminal history background check
2 unless the person currently resides outside of the United
3 States and has resided outside of the United States for
4 the last 10 years.

5 (2) Personal history and experience in a form and in a
6 medium prescribed by the Secretary, to obtain the
7 following:

8 (A) an independent credit report from a consumer
9 reporting agency unless the individual does not have a
10 social security number, in which case, this
11 requirement shall be waived;

12 (B) information related to any criminal
13 convictions or pending charges; and

14 (C) information related to any regulatory or
15 administrative action and any civil litigation
16 involving claims of fraud, misrepresentation,
17 conversion, mismanagement of funds, breach of
18 fiduciary duty, or breach of contract.

19 (b) If the individual has resided outside of the United
20 States at any time in the last 10 years, the individual shall
21 also provide an investigative background report prepared by an
22 independent search firm that meets the following requirements:

23 (1) At a minimum, the search firm shall:

24 (A) demonstrate that it has sufficient knowledge,
25 resources, and employs accepted and reasonable
26 methodologies to conduct the research of the

1 background report; and

2 (B) not be affiliated with or have an interest
3 with the individual it is researching.

4 (2) At a minimum, the investigative background report
5 shall be written in the English language and shall contain
6 the following:

7 (A) if available in the individual's current
8 jurisdiction of residency, a comprehensive credit
9 report, or any equivalent information obtained or
10 generated by the independent search firm to accomplish
11 such report, including a search of the court data in
12 the countries, provinces, states, cities, towns, and
13 contiguous areas where the individual resided and
14 worked;

15 (B) criminal records information for the past 10
16 years, including, but not limited to, felonies,
17 misdemeanors, or similar convictions for violations of
18 law in the countries, provinces, states, cities,
19 towns, and contiguous areas where the individual
20 resided and worked;

21 (C) employment history;

22 (D) media history, including an electronic search
23 of national and local publications, wire services, and
24 business applications; and

25 (E) financial services-related regulatory history,
26 including, but not limited to, money transmission,

1 securities, banking, insurance, and mortgage related
2 industries.

3 Section 5-5. Issuance of license.

4 (a) When an application for an original license under this
5 Act appears to include all the items and addresses of all of
6 the matters that are required, the application is complete and
7 the Secretary shall promptly notify the applicant in a record
8 of the date on which the application is determined to be
9 complete, and:

10 (1) unless extended by the Secretary pursuant to the
11 Secretary's discretion, the Secretary shall approve or
12 deny the application within 120 days after the completion
13 date; or

14 (2) if the application is not approved or denied
15 within 120 days after the completion date or any extension
16 thereof:

17 (A) the application is approved; and

18 (B) the license takes effect as of the first
19 business day after expiration of the 120-day period.

20 (b) A determination by the Secretary that an application
21 is complete and is accepted for processing means only that the
22 application, on its face, appears to include all of the items,
23 including the Criminal Background Check response from the FBI,
24 and address all of the matters that are required, and is not an
25 assessment of the substance of the application or of the

1 sufficiency of the information provided.

2 (c) When an application is filed and considered complete
3 under this Section, the Secretary shall investigate the
4 applicant's financial condition and responsibility, financial
5 and business experience, character, and general fitness. The
6 Secretary may conduct an on-site investigation of the
7 applicant, the reasonable cost of which the applicant must
8 pay. The Secretary shall issue a license to an applicant under
9 this Section if the Secretary finds that all of the following
10 conditions have been fulfilled:

11 (1) the applicant has complied with Sections 5-3 and
12 5-4; and

13 (2) the financial condition and responsibility,
14 financial and business experience, competence, character,
15 and general fitness of the applicant and the competence,
16 experience, character, and general fitness of the key
17 individuals and persons in control of the applicant
18 indicate that it is in the interest of the public to permit
19 the applicant to engage in money transmission.

20 (d) If an applicant avails itself or is otherwise subject
21 to a multistate licensing process:

22 (1) the Secretary is authorized and encouraged to
23 accept the investigation results of a lead investigative
24 state for the purpose of subsection (c) if the lead
25 investigative state has sufficient staffing, expertise,
26 and minimum standards; or

1 (2) if Illinois is a lead investigative state, the
2 Secretary is authorized and encouraged to investigate the
3 applicant pursuant to subsection (c) and the timeframes
4 established by agreement through the multistate licensing
5 process, however, in no case shall such timeframe be
6 noncompliant with the application period in paragraph (1)
7 of subsection (a).

8 (e) The Secretary shall issue a formal written notice of
9 the denial of a license application within 30 days after the
10 decision to deny the application. The Secretary shall set
11 forth the specific reasons for the denial of the application
12 in the notice of denial and serve the applicant, either
13 personally or by certified mail. Service by certified mail
14 shall be deemed completed when the notice is deposited into
15 the U.S. Mail. An applicant whose application is denied by the
16 Secretary under this Section may submit a written request for
17 a hearing that shall include the particular reasons why the
18 applicant believes that the decision to deny the application
19 was incorrect, within 10 days after service of the notice of
20 the denial. If an applicant submits a timely request for a
21 hearing, the Secretary shall schedule a hearing after the
22 request for a hearing unless otherwise agreed to by the
23 parties. The Secretary shall conduct hearings pursuant to this
24 Section and in accordance with 38 Ill. Adm. Code 100, as
25 amended or recodified from time to time.

26 (f) The initial license term shall begin on the day that

1 the application is approved. The license shall expire on
2 December 31 of the year in which the license term began, unless
3 the initial license date is between November 1 and December
4 31, in which instance the initial license term shall run
5 through December 31 of the following year.

6 Section 5-6. Renewal of license.

7 (a) A license under this Act shall be renewed annually.

8 (b) An annual renewal fee in accordance with 38 Ill. Adm.
9 Code 205.35 as amended or recodified from time to time shall be
10 paid to the Department. The renewal term shall be for a period
11 of one year and shall begin on January 1 of each year after the
12 initial license term and shall expire on December 31 of the
13 year the renewal term begins.

14 (c) A licensee shall submit a renewal report, in a form and
15 in a medium prescribed by the Secretary by December 1 of each
16 year. The form requires any information deemed necessary by
17 the Secretary to review a renewal application. At a minimum,
18 the renewal report must state or contain a description of each
19 material change in information submitted by the licensee in
20 its original license application which has not been reported
21 to the Secretary and a statement of the dollar amount and
22 number of money transmissions and payment instruments sold,
23 issued, exchanged, or transmitted in this State by the
24 licensee and its authorized delegates for the past 4 completed
25 calendar quarters.

1 (d) The Secretary, in his or her discretion, may grant an
2 extension of the renewal date.

3 (e) The Secretary is authorized and encouraged to use NMLS
4 to process license renewals if such functionality is
5 consistent with this Section.

6 (f) The Secretary shall issue a formal written notice of
7 the denial of renewal within 30 days after the decision to deny
8 the renewal. The Secretary shall set forth the specific
9 reasons for denying the renewal in the notice of denial and
10 serve the licensee, either personally or by certified mail.
11 Service by certified mail shall be deemed completed when the
12 notice is deposited into the U.S. Mail. A licensee whose
13 renewal is denied by the Secretary under this Section may
14 submit a written request for a hearing that shall include the
15 particular reasons why the licensee believes that the decision
16 to deny the renewal was incorrect within 10 days after service
17 of the notice of the denial. If a licensee submits a timely
18 request for a hearing, the Secretary shall schedule a hearing
19 unless otherwise agreed to by the parties. The Secretary shall
20 conduct hearings pursuant to this Section and in accordance
21 with 38 Ill. Adm. Code 100, as amended or recodified from time
22 to time. The expiring license shall be deemed to continue in
23 force until 10 days after the service of the notice of denial
24 or, if a timely hearing is requested during that period, until
25 a final order is entered pursuant to a hearing.

1 Section 5-7. Maintenance of license.

2 (a) If a licensee does not continue to meet the
3 qualifications or satisfy the requirements that apply to an
4 applicant for a new money transmission license, the Secretary
5 may suspend or revoke the licensee's license in accordance
6 with the procedures established by this Act or other
7 applicable State law for such suspension or revocation.

8 (b) An applicant for a money transmission license must
9 demonstrate that it meets or will meet, and a money
10 transmission licensee must at all times meet, the requirements
11 in Article X of this Act.

12 Section 5-8. Fees.

13 (a) The expenses of administering this Act, including
14 investigations and examinations provided for in this Act,
15 shall be borne by and assessed against entities regulated by
16 this Act. The Department may establish fees by rule, including
17 in the following categories:

18 (1) investigation of licensees and license applicant
19 fees;

20 (2) examination fees;

21 (3) contingent fees; and

22 (4) such other categories as may be required to
23 administer this Act.

24 (b) The Secretary shall charge and collect fees, which
25 shall be nonrefundable unless otherwise indicated.

1 key individual in the ordinary course of business.

2 (b) A person, or group of persons acting in concert,
3 seeking to acquire control of a licensee shall, in cooperation
4 with the licensee:

5 (1) submit an application in a form and in a medium
6 prescribed by the Secretary; and

7 (2) submit a nonrefundable fee of \$1,000 with the
8 request for approval.

9 (c) Upon request, the Secretary may permit a licensee or
10 the person, or group of persons acting in concert, to submit
11 some or all information required by the Secretary pursuant to
12 subsection (b) without using NMLS.

13 (d) The application required by subsection (b) shall
14 include information required by Section 5-4 for any new key
15 individuals that have not previously completed the
16 requirements of Section 5-4 for a licensee.

17 (e) When an application for acquisition of control under
18 this Section appears to include all the items and address all
19 of the matters that are required, the application shall be
20 considered complete and:

21 (1) unless extended by the Secretary pursuant to the
22 Secretary's discretion, the Secretary shall approve or
23 deny the application within 60 days after the completion
24 date; or

25 (2) if the application is not approved or denied
26 within 60 days after the completion date or any extension

1 thereof:

2 (A) the application is approved; and

3 (B) the person, or group of persons acting in
4 concert, are not prohibited from acquiring control.

5 (f) A determination by the Secretary that an application
6 is complete and is accepted for processing means only that the
7 application, on its face, appears to include all of the items
8 and address all of the matters that are required, and is not an
9 assessment of the substance of the application or of the
10 sufficiency of the information provided.

11 (g) When an application is filed and considered complete
12 under subsection (e), the Secretary shall investigate the
13 financial condition and responsibility, financial and business
14 experience, character, and general fitness of the person, or
15 group of persons acting in concert, seeking to acquire
16 control. The Secretary shall approve an acquisition of control
17 pursuant to this Section if the Secretary finds that all of the
18 following conditions have been fulfilled:

19 (1) The requirements of subsections (b) and (d) have
20 been met, as applicable; and

21 (2) the financial condition and responsibility,
22 financial and business experience, competence, character,
23 and general fitness of the person, or group of persons
24 acting in concert, seeking to acquire control; and the
25 competence, experience, character, and general fitness of
26 the key individuals and persons that would be in control

1 of the licensee after the acquisition of control indicate
2 that it is in the interest of the public to permit the
3 person, or group of persons acting in concert, to control
4 the licensee.

5 (h) If an applicant avails itself or is otherwise subject
6 to a multistate licensing process:

7 (1) the Secretary is authorized and encouraged to
8 accept the investigation results of a lead investigative
9 state for the purpose of subsection (g) if the lead
10 investigative state has sufficient staffing, expertise,
11 and minimum standards; or

12 (2) if the Department is a lead investigative state,
13 the Secretary is authorized and encouraged to investigate
14 the applicant pursuant to subsection (g) and the
15 timeframes established by agreement through the multistate
16 licensing process.

17 (i) The Secretary shall issue a formal written notice of
18 the denial of an application to acquire control within 30 days
19 after the decision to deny the application. The Secretary
20 shall set forth the specific reasons for the denial of the
21 application in the notice of denial and serve the applicant,
22 either personally or by certified mail. Service by certified
23 mail shall be deemed completed when the notice is deposited
24 into the U.S. mail. An applicant whose application is denied
25 by the Secretary under this subsection (i) may submit a
26 written request for hearing which shall include the particular

1 reasons why the applicant believes that the decision to deny
2 the application was incorrect, within 10 days after service of
3 the notice of denial. If an applicant submits a timely request
4 for a hearing, the Secretary shall schedule a hearing unless
5 otherwise agreed to by the parties. The Secretary shall
6 conduct hearings pursuant to this Section and in accordance
7 with 38 Ill. Adm. Code 100, as amended or recodified from time
8 to time.

9 (j) The requirements of subsections (a) and (b) do not
10 apply to any of the following:

11 (1) a person that acts as a proxy for the sole purpose
12 of voting at a designated meeting of the shareholders or
13 holders of voting shares or voting interests of a licensee
14 or a person in control of a licensee;

15 (2) a person that acquires control of a licensee by
16 devise or descent;

17 (3) a person that acquires control of a licensee as a
18 personal representative, custodian, guardian,
19 conservator, or trustee, or as an officer appointed by a
20 court of competent jurisdiction or by operation of law;

21 (4) a person that is exempt under subsection (g) of
22 Section 3-1;

23 (5) A person that the Secretary determines is not
24 subject to subsection (a) based on the public interest;

25 (6) A public offering of securities of a licensee or a
26 person in control of a licensee; or

1 (7) An internal reorganization of a person in control
2 of the licensee where the ultimate person in control of
3 the licensee remains the same.

4 (k) Persons in paragraphs (2), (3), (4), (6), and (7) of
5 subsection (j) in cooperation with the licensee shall notify
6 the Secretary within 15 days after the acquisition of control.

7 (l) Streamlined acquisition of control.

8 (1) The requirements of subsections (a) and (b) do not
9 apply to a person that has complied with and received
10 approval to engage in money transmission under this Act or
11 was identified as a person in control in a prior
12 application filed with and approved by the Secretary or by
13 an MSB accredited state agency pursuant to a multistate
14 licensing process, if:

15 (A) the person has not had a license revoked or
16 suspended or controlled a licensee that has had a
17 license revoked or suspended while the person was in
18 control of the licensee in the previous 5 years;

19 (B) if the person is a licensee, the person is well
20 managed and has received at least a satisfactory
21 rating for compliance at its most recent examination
22 by an MSB accredited state agency if such rating was
23 given;

24 (C) the licensee to be acquired is projected to
25 meet the requirements of Article X of this Act after
26 the acquisition of control is completed, and if the

1 person acquiring control is a licensee, that licensee
2 is also projected to meet the requirements of Article
3 X of this Act after the acquisition of control is
4 completed;

5 (D) the licensee to be acquired will not implement
6 any material changes to its business plan as a result
7 of the acquisition of control, and if the person
8 acquiring control is a licensee, that licensee also
9 will not implement any material changes to its
10 business plan as a result of the acquisition of
11 control; and

12 (E) the person provides notice of the acquisition
13 in cooperation with the licensee and attests to this
14 subsection in a form and in a medium prescribed by the
15 Secretary.

16 (2) If the notice is not denied within 30 days after
17 the date on which the notice was determined to be
18 complete, the notice is deemed approved.

19 (m) Before filing an application for approval to acquire
20 control of a licensee a person may request in writing a
21 determination from the Secretary as to whether the person
22 would be considered a person in control of a licensee upon
23 consummation of a proposed transaction. If the Secretary
24 determines that the person would not be a person in control of
25 a licensee, the proposed person and transaction is not subject
26 to the requirements of subsections (a) and (b).

1 (n) If a multistate licensing process includes a
2 determination pursuant to subsection (m) and an applicant
3 avails itself or is otherwise subject to the multistate
4 licensing process:

5 (1) The Secretary is authorized and encouraged to
6 accept the control determination of a lead investigative
7 state with sufficient staffing, expertise, and minimum
8 standards for the purpose of subsection (m); or

9 (2) If the Department is a lead investigative state,
10 the Secretary is authorized and encouraged to investigate
11 the applicant pursuant to subsection (m) and the
12 timeframes established by agreement through the multistate
13 licensing process.

14 Section 6-2. Notice and information requirements for a
15 change of key individuals.

16 (a) A licensee adding or replacing any key individual
17 shall:

18 (1) provide notice in a manner prescribed by the
19 Secretary within 15 days after the effective date of the
20 key individual's appointment; and

21 (2) provide information as required by Section 5-4
22 within 45 days after the effective date.

23 (b) The Secretary may issue a formal written notice of
24 denial of key individual within 90 days after the date on which
25 the notice provided pursuant to subsection (a) was determined

1 to be complete if the competence, experience, character, or
2 integrity of the individual would not be in the best interests
3 of the public or the customers of the licensee to permit the
4 individual to be a key individual of such licensee.

5 (c) The Secretary shall set forth the specific reasons for
6 the denial in the notice of denial and serve the licensee and
7 the denied individual, either personally, or by certified
8 mail. Service by certified mail shall be deemed completed when
9 the notice is deposited into the U.S. Mail. A licensee who has
10 been denied by the Secretary under this subsection (c) may
11 submit a written request for hearing which shall include the
12 particular reasons why the licensee believes that the decision
13 to deny was incorrect, within 10 days after service of the
14 notice of the denial. If a licensee submits a timely request
15 for a hearing, the Secretary shall schedule a hearing after
16 the request for a hearing unless otherwise agreed to by the
17 parties. The Secretary shall conduct hearings pursuant to this
18 Section and in accordance with 38 Ill. Adm. Code 100.

19 (d) If the notice provided pursuant to subsection (a) is
20 not denied within 90 days after the date on which the notice
21 was determined to be complete, or any extension thereof, the
22 key individual is deemed approved.

23 (e) If a multistate licensing process includes a key
24 individual notice review and denial process pursuant to this
25 Section and the licensee avails itself or is otherwise subject
26 to the multistate licensing process:

1 (1) the Secretary is authorized and encouraged to
2 accept the determination of another state;

3 (2) if the investigating state has sufficient
4 staffing, expertise, and minimum standards for the purpose
5 of this Section; or

6 (3) if the Department is a lead investigative state,
7 the Secretary is authorized and encouraged to investigate
8 the applicant pursuant to subsection (b) and the
9 timeframes established by agreement through the multistate
10 licensing process.

11 ARTICLE VII. Reporting and Records

12 Section 7-1. Report of condition.

13 (a) Each licensee, under penalty of perjury, shall submit
14 a report of condition within 45 days of the end of the calendar
15 quarter, or within any extended time as the Secretary may
16 prescribe.

17 (b) The report of condition shall include:

18 (1) financial information at the licensee level;

19 (2) nationwide and state-specific money transmission
20 transaction information in every jurisdiction in the
21 United States where the licensee is licensed to engage in
22 money transmission;

23 (3) permissible investments report;

24 (4) transaction destination country reporting for

1 money received for transmission, if applicable; and

2 (5) any other information the Secretary reasonably
3 requires with respect to the licensee. The Secretary is
4 authorized and encouraged to use NMLS for the submission
5 of the report required by subsection (a) and is authorized
6 to change or update as necessary the requirements of this
7 Section to carry out the purposes of this Act and maintain
8 consistency with NMLS reporting.

9 (c) The information required by paragraph (4) of
10 subsection (b) shall only be included in a report of condition
11 submitted within 45 days of the end of the fourth calendar
12 quarter.

13 Section 7-2. Audited financials.

14 (a) Each licensee shall, within 90 days after the end of
15 each fiscal year, or within any extended time as the Secretary
16 may prescribe, file with the Secretary:

17 (1) an audited financial statement of the licensee for
18 the fiscal year prepared in accordance with United States
19 generally accepted accounting principles; and

20 (2) any other information as the Secretary may
21 reasonably require.

22 (b) The audited financial statements shall be prepared by
23 an independent certified public accountant or independent
24 public accountant who is satisfactory to the Secretary;

25 (c) The audited financial statements shall include or be

1 accompanied by a certificate of opinion of the independent
2 certified public accountant or independent public accountant
3 that is satisfactory in form and content to the Secretary. If
4 the opinion or certificate is qualified, the licensee must
5 make a separate report to the Secretary notifying them of the
6 qualified opinion or certification. If the certificate or
7 opinion is qualified, the Secretary may order the licensee to
8 take any action as the Secretary may find necessary to enable
9 the certified public accountant or independent public
10 accountant to remove the qualification.

11 Section 7-3. Authorized delegate reporting.

12 (a) Each licensee shall submit a report of authorized
13 delegates within 45 days of the end of the calendar quarter.
14 The Secretary is authorized and encouraged to use NMLS for the
15 submission of the report required by this Section provided
16 that such functionality is consistent with the requirements of
17 this Section.

18 (b) The authorized delegate report shall include, at a
19 minimum, each authorized delegate's:

- 20 (1) company legal name;
- 21 (2) taxpayer employer identification number;
- 22 (3) principal provider identifier;
- 23 (4) physical address;
- 24 (5) mailing address;
- 25 (6) any business conducted in other states;

- 1 (7) any fictitious or trade name;
- 2 (8) contact person name, phone number, and email;
- 3 (9) start date as licensee's authorized delegate;
- 4 (10) end date acting as licensee's authorized
- 5 delegate, if applicable;
- 6 (11) court orders pursuant to Section 8-3; and
- 7 (12) Any other information the Secretary reasonably
- 8 requires with respect to the authorized delegate.

9 Section 7-4. Reports of certain events.

10 (a) A licensee shall file a report with the Secretary
11 within one business day after the licensee has reason to know
12 of the occurrence of any of the following events:

13 (1) the filing of a petition by or against the
14 licensee under the United States Bankruptcy Code, 11
15 U.S.C. Sections 101 through 110, as amended or recodified
16 from time to time, for bankruptcy or reorganization;

17 (2) the filing of a petition by or against the
18 licensee for receivership, the commencement of any other
19 judicial or administrative proceeding for its dissolution
20 or reorganization, or the making of a general assignment
21 for the benefit of its creditors; or

22 (3) the commencement of a proceeding to revoke or
23 suspend its license in a state or country in which the
24 licensee engages in business or is licensed.

25 (b) A licensee shall file a report with the Secretary

1 within 3 business days after the licensee has reason to know of
2 the occurrence of any of the following events:

3 (1) a charge or conviction of the licensee or of a key
4 individual or person in control of the licensee for a
5 felony; or

6 (2) a charge or conviction of an authorized delegate
7 for a felony.

8 Section 7-5. Bank Secrecy Act reports. A licensee and an
9 authorized delegate shall file all reports required by federal
10 currency reporting, record keeping, and suspicious activity
11 reporting requirements as set forth in the Bank Secrecy Act
12 and other federal and State laws pertaining to money
13 laundering. The timely filing of a complete and accurate
14 report required under this Section with the appropriate
15 federal agency is deemed compliant with the requirements of
16 this Section.

17 Section 7-6. Records.

18 (a) Licensee shall maintain the following records, for
19 determining its compliance with this Act, for at least 3
20 years:

21 (1) a record of each outstanding money transmission
22 obligation sold;

23 (2) a general ledger posted at least monthly
24 containing all asset, liability, capital, income, and

1 expense accounts;

2 (3) bank statements and bank reconciliation records;

3 (4) records of outstanding money transmission
4 obligations;

5 (5) records of each outstanding money transmission
6 obligation paid within the 3-year period;

7 (6) a list of the last known names and addresses of all
8 of the licensee's authorized delegates; and

9 (7) any other records the Secretary reasonably
10 requires by rule.

11 (b) The records specified in subsection (a) may be
12 maintained in electronic or other retrievable form of record.

13 (c) The records specified in subsection (a) shall be
14 maintained at the licensee's principal place of business or,
15 with notice to the Secretary, at another location designated
16 by the licensee. If the records are maintained outside this
17 State, the licensee shall make them accessible to the
18 Secretary on 7 business-days' notice.

19 (d) All records maintained by the licensee as required in
20 subsections (a) through (c) are open to inspection by the
21 Secretary pursuant to subsection (a) of Section 4-3.

22 (e) A licensee shall require and its authorized sellers
23 must preserve for at least 3 years all documents relating to
24 money transmission activities, unless the data embodied in
25 those documents has been transmitted for recordation by the
26 licensee.

1 ARTICLE VIII. Authorized Delegates

2 Section 8-1. Relationship Between licensee and authorized
3 delegate.

4 (a) As used in this Section, "remit" means to make direct
5 payments of money to a licensee or its representative
6 authorized to receive money or to deposit money in a bank in an
7 account specified by the licensee.

8 (b) Before a licensee is authorized to conduct business
9 through an authorized delegate or allows a person to act as the
10 licensee's authorized delegate, the licensee must:

11 (1) adopt, and update as necessary, written policies
12 and procedures reasonably designed to ensure that the
13 licensee's authorized delegates comply with applicable
14 State and federal law;

15 (2) enter into a written contract that complies with
16 subsection (d); and

17 (3) conduct a reasonable risk-based background
18 investigation sufficient for the licensee to determine
19 whether the authorized delegate has complied and will
20 likely comply with applicable state and federal law.

21 (c) An authorized delegate must operate in full compliance
22 with this Act.

23 (d) The written contract required by subsection (b) must
24 be signed by the licensee and the authorized delegate and, at a

1 minimum, must:

2 (1) expressly appoint the person signing the contract
3 as the licensee's authorized delegate with the authority
4 to conduct money transmission on behalf of the licensee;

5 (2) set forth the nature and scope of the relationship
6 between the licensee and the authorized delegate and the
7 respective rights and responsibilities of the parties;

8 (3) require the authorized delegate to agree to fully
9 comply with all applicable State and federal laws, rules,
10 and regulations pertaining to money transmission,
11 including this Act and regulations implementing this Act,
12 relevant provisions of the Bank Secrecy Act, and the USA
13 PATRIOT ACT;

14 (4) require the authorized delegate to remit and
15 handle money and monetary value in accordance with the
16 terms of the contract between the licensee and the
17 authorized delegate;

18 (5) impose a trust on money and monetary value net of
19 fees received for money transmission for the benefit of
20 the licensee;

21 (6) require the authorized delegate to prepare and
22 maintain records as required by this Act or regulations
23 implementing this Act, or as reasonably requested by the
24 Secretary;

25 (7) acknowledge that the authorized delegate consents
26 to examination or investigation by the Secretary;

1 (8) state that the licensee is subject to regulation
2 by the Secretary and that, as part of that regulation, the
3 Secretary may suspend or revoke an authorized delegate
4 designation or require the licensee to terminate an
5 authorized delegate designation; and

6 (9) acknowledge receipt of the written policies and
7 procedures required under paragraph (1) of subsection (b).

8 (e) If the licensee's license is suspended, revoked,
9 surrendered, or expired, the licensee must, within 5 business
10 days, provide documentation to the Secretary that the licensee
11 has notified all applicable authorized delegates of the
12 licensee whose names are in a record filed with the Secretary
13 of the suspension, revocation, surrender, or expiration of a
14 license. Upon suspension, revocation, surrender, or expiration
15 of a license, applicable authorized delegates shall
16 immediately cease to provide money transmission as an
17 authorized delegate of the licensee.

18 (f) An authorized delegate of a licensee holds in trust
19 for the benefit of the licensee all money net of fees received
20 from money transmission. If any authorized delegate commingles
21 any funds received from money transmission with any other
22 funds or property owned or controlled by the authorized
23 delegate, all commingled funds and other property shall be
24 considered held in trust in favor of the licensee in an amount
25 equal to the amount of money net of fees received from money
26 transmission.

1 (g) An authorized delegate may not use a subdelegate to
2 conduct money transmission on behalf of a licensee.

3 Section 8-2. Unauthorized activities. A person shall not
4 engage in the business of money transmission on behalf of a
5 person not licensed under this Act or not exempt pursuant to
6 Article III of this Act. A person that engages in such activity
7 provides money transmission to the same extent as if the
8 person were a licensee, and shall be jointly and severally
9 liable with the unlicensed or nonexempt person.

10 Section 8-3. Prohibited authorized delegates.

11 (a) The circuit court in an action brought by a licensee
12 shall have jurisdiction to grant appropriate equitable or
13 legal relief, including, without limitation, prohibiting the
14 authorized delegate from directly or indirectly acting as an
15 authorized delegate for any licensee in this State and the
16 payment of restitution, damages or other monetary relief, if
17 the circuit court finds that an authorized delegate failed to
18 remit money in accordance with the written contract required
19 by subsection (b) of Section 8-1 or as otherwise directed by
20 the licensee or required by law.

21 (b) If the circuit court issues an order prohibiting a
22 person from acting as an authorized delegate for any licensee
23 pursuant to subsection (a), the licensee that brought the
24 action shall report the order to the Secretary within 30 days

1 and shall report the order through NMLS within 90 days.

2 (c) An authorized delegate who holds money in trust for
3 the benefit of a licensee and knowingly fails to remit more
4 than \$1,000 of such money is guilty of a Class 3 felony.

5 (d) An authorized delegate who holds money in trust for
6 the benefit of a licensee and knowingly fails to remit no more
7 than \$999 of such money is guilty of a Class A misdemeanor.

8 ARTICLE IX. Timely Transmission, Refunds, and Disclosures

9 Section 9-1. Timely transmission.

10 (a) Every licensee shall forward all money received for
11 transmission in accordance with the terms of the agreement
12 between the licensee and the sender, which shall be no more
13 than 3 business days after the receipt of the money to be
14 transmitted, unless the licensee has a reasonable belief or a
15 reasonable basis to believe that the sender may be a victim of
16 fraud or that a crime or violation of law, rule, or regulation
17 has occurred, is occurring, or may occur.

18 (b) If a licensee fails to forward money received for
19 transmission in accordance with this Section, the licensee
20 must respond to inquiries by the sender with the reason for the
21 failure unless providing a response would violate a State or
22 federal law, rule, or regulation.

23 Section 9-2. Refunds.

1 (a) This Section does not apply to:

2 (1) money received for transmission subject to the
3 federal Remittance Rule, 12 CFR Part 1005, Subpart B, as
4 amended or recodified from time to time; or

5 (2) money received for transmission pursuant to a
6 written agreement between the licensee and payee to
7 process payments for goods or services provided by the
8 payee.

9 (b) Every licensee shall refund to the sender within 10
10 days after receipt of the sender's written request for a
11 refund of any and all money received for transmission unless
12 any of the following occurs:

13 (1) the money has been forwarded within 10 days after
14 the date on which the money was received for transmission;

15 (2) instructions have been given committing an
16 equivalent amount of money to the person designated by the
17 sender within 10 days of the date on which the money was
18 received for transmission;

19 (3) the agreement between the licensee and the sender
20 instructs the licensee to forward the money at a time that
21 is beyond 10 days after the date on which the money was
22 received for transmission; if funds have not yet been
23 forwarded in accordance with the terms of the agreement
24 between the licensee and the sender, the licensee shall
25 issue a refund in accordance with the other provisions of
26 this Section; or

1 (4) the refund is requested for a transaction that the
2 licensee has not completed based on a reasonable belief or
3 a reasonable basis to believe that a crime or violation of
4 law, rule, or regulation has occurred, is occurring, or
5 may occur.

6 (5) the refund request does not enable the licensee
7 to:

8 (A) identify the sender's name and address or
9 telephone number; or

10 (B) identify the particular transaction to be
11 refunded if the sender has multiple transactions
12 outstanding.

13 Section 9-3. Receipts.

14 (a) As used in this Section, "receipt" means a paper
15 receipt, electronic record, or other written confirmation. For
16 a transaction conducted in person, the receipt may be provided
17 electronically if the sender requests or agrees to receive an
18 electronic receipt. For a transaction conducted electronically
19 or by phone, a receipt may be provided electronically. All
20 electronic receipts shall be provided in a retainable form.

21 (b) This Section does not apply to:

22 (1) Money received for transmission subject to the
23 federal Remittance Rule, 12 CFR Part 1005, Subpart B, as
24 amended or recodified from time to time;

25 (2) money received for transmission pursuant to a

1 written agreement between the licensee and payee to
2 process payments for goods or services provided by the
3 payee;

4 (3) payroll processing services; or

5 (4) as authorized in the Secretary's sole discretion.

6 (c) Every licensee or its authorized delegate shall
7 provide the sender a receipt for money received for
8 transmission.

9 (1) The receipt shall contain the following
10 information, as applicable:

11 (A) the name of the sender;

12 (B) the name of the designated recipient;

13 (C) the date of the transaction;

14 (D) the unique transaction or identification
15 number;

16 (E) the name of the licensee, NMLS Unique ID, the
17 licensee's business address, and the licensee's
18 customer service telephone number;

19 (F) the amount of the transaction in United States
20 dollars;

21 (G) any fee charged by the licensee to the sender
22 for the transaction; and

23 (H) any taxes collected by the licensee from the
24 sender for the transaction.

25 (2) The receipt required by this Section shall be in
26 English and in the language principally used by the

1 licensee or authorized delegate to advertise, solicit, or
2 negotiate, either orally or in writing, for a transaction
3 conducted in person, electronically or by phone, if other
4 than English.

5 Section 9-4. Notice. Every licensee or authorized delegate
6 shall include on a receipt or disclose on the licensee's
7 website or mobile application the name and phone number of the
8 Department and a statement that the licensee's customers can
9 contact the Department with questions or complaints about the
10 licensee's money transmission services.

11 Section 9-5. Disclosures for payroll processing services.

12 (a) A licensee that provides payroll processing services
13 shall:

14 (1) issue reports to clients detailing client payroll
15 obligations in advance of the payroll funds being deducted
16 from an account; and

17 (2) make worker paystubs or an equivalent statement
18 available to workers.

19 (b) Subsection (a) does not apply to a licensee providing
20 payroll processing services where the licensee's client
21 designates the intended recipients to the licensee and is
22 responsible for providing the disclosures required by
23 paragraph (2) of subsection (a).

1 ARTICLE X. Prudential Standards

2 Section 10-1. Net worth.

3 (a) A licensee under this Act shall maintain at all times a
4 tangible net worth of the greater of \$100,000 or 3% of total
5 assets for the first \$100,000,000, 2% of additional assets for
6 \$100,000,000 to \$1,000,000,000, and 0.5% of additional assets
7 for over \$1,000,000,000.

8 (b) Tangible net worth must be demonstrated at initial
9 application by the applicant's most recent audited or
10 unaudited financial statements pursuant to paragraph (6) of
11 subsection (b) of Section 5-3.

12 (c) Notwithstanding the provisions of this Section, the
13 Secretary shall have discretionary authority to exempt, in
14 part or in whole, from the requirements of this Section any
15 applicant or licensee.

16 Section 10-2. Surety bond.

17 (a) An applicant for a money transmission license must
18 provide, and a licensee at all times must maintain, security
19 consisting of a surety bond in a form satisfactory to the
20 Secretary. The bond shall run to the State of Illinois for the
21 benefit of any claimant against the applicant or licensee with
22 respect to the receipt, handling, transmission, and payment of
23 money by the licensee or authorized delegate in connection
24 with the licensed operations. A claimant damaged by a breach

1 of the conditions of a bond shall have a right to action upon
2 the bond for damages suffered thereby and may bring suit
3 directly on the bond, or the Secretary may bring suit on behalf
4 of the claimant.

5 (b) The amount of the required security shall be the
6 greater of \$100,000 or an amount equal to 100% of the
7 licensee's average daily money transmission liability in this
8 State calculated for the most recently completed quarter, up
9 to a maximum of \$2,000,000;

10 (c) A licensee that maintains a bond in the maximum amount
11 provided for in subsection (b) is not required to calculate
12 its average daily money transmission liability in this State
13 for purposes of this Section.

14 (d) A licensee may exceed the maximum required bond amount
15 pursuant to paragraph (5) of subsection (a) of Section 10-4.

16 (e) After receiving a license, the licensee must maintain
17 the required bond plus net worth until 3 years after it ceases
18 to do business in this State unless all outstanding payment
19 instruments are eliminated or the provisions under the Revised
20 Uniform Unclaimed Property Act have become operative and are
21 adhered to by the licensee. Notwithstanding this provision,
22 however, the amount required to be maintained may be reduced
23 to the extent that the amount of the licensee's payment
24 instruments outstanding in this State are reduced.

25 (f) Instead of a paper surety bond, each licensee and
26 applicant shall file and maintain an electronic surety bond in

1 NMLS or in a manner otherwise authorized by the Secretary.

2 Section 10-3. Maintenance of permissible investments.

3 (a) A licensee shall maintain at all times permissible
4 investments that have a market value computed in accordance
5 with United States generally accepted accounting principles of
6 not less than the aggregate amount of all of its outstanding
7 money transmission obligations.

8 (b) Except for permissible investments enumerated in
9 subsection (a) of Section 10-4, the Secretary, with respect to
10 any licensee, may by rule or order limit the extent to which a
11 specific investment maintained by a licensee within a class of
12 permissible investments may be considered a permissible
13 investment, if the specific investment represents undue risk
14 to customers, not reflected in the market value of
15 investments.

16 (c) Permissible investments, even if commingled with other
17 assets of the licensee, are held in trust for the benefit of
18 the purchasers and holders of the licensee's outstanding money
19 transmission obligations in the event of insolvency, the
20 filing of a petition by or against the licensee under the
21 United States Bankruptcy Code, 11 U.S.C. Sections 101 through
22 110, as amended or recodified from time to time, for
23 bankruptcy or reorganization, the filing of a petition by or
24 against the licensee for receivership, the commencement of any
25 other judicial or administrative proceeding for its

1 dissolution or reorganization, or in the event of an action by
2 a creditor against the licensee who is not a beneficiary of
3 this statutory trust. No permissible investments impressed
4 with a trust pursuant to this subsection shall be subject to
5 attachment, levy of execution, or sequestration by order of
6 any court, except for a beneficiary of this statutory trust.

7 (d) Upon the establishment of a statutory trust in
8 accordance with subsection (c) or when any funds are drawn on a
9 letter of credit pursuant to paragraph (4) of subsection (a)
10 of Section 10-4, the Secretary shall notify the applicable
11 regulator of each state in which the licensee is licensed to
12 engage in money transmission, if any, of the establishment of
13 the trust or the funds drawn on the letter of credit, as
14 applicable. Notice shall be deemed satisfied if performed
15 pursuant to a multistate agreement or through NMLS. Funds
16 drawn on a letter of credit, and any other permissible
17 investments held in trust for the benefit of the purchasers
18 and holders of the licensee's outstanding money transmission
19 obligations, are deemed held in trust for the benefit of such
20 purchasers and holders on a pro rata and equitable basis in
21 accordance with statutes pursuant to which permissible
22 investments are required to be held in this State, and other
23 states, as applicable. Any statutory trust established
24 hereunder shall be terminated upon extinguishment of all of
25 the licensee's outstanding money transmission obligations.

26 (e) The Secretary by rule or by order may allow other types

1 of investments that the Secretary determines are of sufficient
2 liquidity and quality to be a permissible investment. The
3 Secretary is authorized to participate in efforts with other
4 state regulators to determine that other types of investments
5 are of sufficient liquidity and quality to be a permissible
6 investment.

7 Section 10-4. Types of permissible investments.

8 (a) The following investments are permissible under
9 Section 10-3:

10 (1) Cash, including demand deposits, savings deposits,
11 and funds in such accounts held for the benefit of the
12 licensee's customers in an insured depository financial
13 institution, and cash equivalents including ACH items in
14 transit to the licensee and ACH items or international
15 wires in transit to a payee, cash in transit via armored
16 car, cash in smart safes, cash in licensee-owned
17 locations, debit card or credit card-funded transmission
18 receivables owed by any bank, or money market mutual funds
19 rated "AAA" by S&P, or the equivalent from any eligible
20 rating service;

21 (2) certificates of deposit or senior debt obligations
22 of an insured depository institution, as defined in
23 Section 3 of the Federal Deposit Insurance Act, 12 U.S.C.
24 1813, as amended or recodified from time to time, or as
25 defined under the federal Credit Union Act, 12 U.S.C.

1 1781, as amended or recodified from time to time;

2 (3) an obligation of the United States or a
3 commission, agency, or instrumentality thereof; an
4 obligation that is guaranteed fully as to principal and
5 interest by the United States; or an obligation of a State
6 or a governmental subdivision, agency, or instrumentality
7 thereof;

8 (4) the full drawable amount of an irrevocable standby
9 letter of credit for which the stated beneficiary is the
10 Secretary that stipulates that the beneficiary need only
11 draw a sight draft under the letter of credit and present
12 it to obtain funds up to the letter of credit amount within
13 7 days of presentation of the items required by
14 subparagraph (C) of this paragraph.

15 (A) The letter of credit must:

16 (i) be issued by an insured depository
17 financial institution, a foreign bank that is
18 authorized under federal law to maintain a federal
19 agency or federal branch office in a State or
20 states, or a foreign bank that is authorized under
21 State law to maintain a branch in a State that (I)
22 bears an eligible rating or whose parent company
23 bears an eligible rating; and (II) is regulated,
24 supervised, and examined by United States federal
25 or State authorities having regulatory authority
26 over banks, credit unions, and trust companies;

1 (ii) be irrevocable, unconditional, and
2 indicate that it is not subject to any condition
3 or qualifications outside of the letter of credit;

4 (iii) not contain reference to any other
5 agreements, documents, or entities, or otherwise
6 provide for any security interest in the licensee;
7 and

8 (iv) contain an issue date and expiration date
9 and expressly provide for automatic extension,
10 without a written amendment, for an additional
11 period of one year from the present or each future
12 expiration date, unless the issuer of the letter
13 of credit notifies the Secretary in writing by
14 certified or registered mail or courier mail or
15 other receipted means, at least 60 days before any
16 expiration date, that the irrevocable letter of
17 credit will not be extended.

18 (B) In the event of any notice of expiration or
19 nonextension of a letter of credit issued under
20 subdivision (iv) of subparagraph (A), the licensee
21 shall be required to demonstrate to the satisfaction
22 of the Secretary, 15 days before expiration, that the
23 licensee maintains and will maintain permissible
24 investments in accordance with subsection (a) of
25 Section 10-3 upon the expiration of the letter of
26 credit. If the licensee is not able to do so, the

1 Secretary may draw on the letter of credit in an amount
2 up to the amount necessary to meet the licensee's
3 requirements to maintain permissible investments in
4 accordance with subsection (a) of Section 10-3. Any
5 such draw shall be offset against the licensee's
6 outstanding money transmission obligations. The drawn
7 funds shall be held in trust by the Secretary or the
8 Secretary's designated agent, to the extent authorized
9 by law, as agent for the benefit of the purchasers and
10 holders of the licensee's outstanding money
11 transmission obligations.

12 (C) The letter of credit shall provide that the
13 issuer of the letter of credit will honor, at sight, a
14 presentation made by the beneficiary to the issuer of
15 the following documents on or before the expiration
16 date of the letter of credit:

17 (i) the original letter of credit (including
18 any amendments); and

19 (ii) a written statement from the beneficiary
20 stating that any of the following events have
21 occurred:

22 (I) the filing of a petition by or against
23 the licensee under the United States
24 Bankruptcy Code, 11 U.S.C. 101 through 110, as
25 amended or recodified from time to time, for
26 bankruptcy or reorganization;

1 (II) the filing of a petition by or
2 against the licensee for receivership, or the
3 commencement of any other judicial or
4 administrative proceeding for its dissolution
5 or reorganization;

6 (III) the seizure of assets of a licensee
7 by a Secretary pursuant to an emergency
8 order issued in accordance with applicable
9 law, on the basis of an action, violation,
10 or condition that has caused or is likely
11 to cause the insolvency of the licensee;
12 or

13 (IV) the beneficiary has received notice
14 of expiration or nonextension of a letter
15 of credit and the licensee failed to
16 demonstrate to the satisfaction of the
17 beneficiary that the licensee will
18 maintain permissible investments in
19 accordance with subsection (a) of Section
20 10-3 upon the expiration or nonextension
21 of the letter of credit.

22 (D) The Secretary may designate an agent to serve
23 on the Secretary's behalf as beneficiary to a letter
24 of credit so long as the agent and letter of credit
25 meet requirements established by the Secretary. The
26 Secretary's agent may serve as agent for multiple

1 licensing authorities for a single irrevocable letter
2 of credit if the proceeds of the drawable amount for
3 the purposes of this Section are assigned to the
4 Secretary.

5 (E) The Secretary is authorized and encouraged to
6 participate in multistate processes designed to
7 facilitate the issuance and administration of letters
8 of credit, including, but not limited to, services
9 provided by the NMLS and State Regulatory Registry,
10 LLC.

11 (5) 100% of the surety bond or deposit provided for
12 under Section 10-2 that exceeds the average daily money
13 transmission liability in this State.

14 (b) Unless permitted by the Secretary by rule or by order
15 to exceed the limit as set forth herein, the following
16 investments are permissible under Section 10-3 to the extent
17 specified:

18 (1) receivables that are payable to a licensee from
19 its authorized delegates in the ordinary course of
20 business that are less than 7 days old, up to 50% of the
21 aggregate value of the licensee's total permissible
22 investments;

23 (2) of the receivables permissible under paragraph (1)
24 of this subsection (b), receivables that are payable to a
25 licensee from a single authorized delegate in the ordinary
26 course of business may not exceed 10% of the aggregate

1 value of the licensee's total permissible investments.

2 (3) the following investments are permissible up to
3 20% per category and combined up to 50% of the aggregate
4 value of the licensee's total permissible investments:

5 (A) a short-term, of up to 6 months, investment
6 bearing an eligible rating;

7 (B) commercial paper bearing an eligible rating;

8 (C) a bill, note, bond, or debenture bearing an
9 eligible rating;

10 (D) U.S. tri-party repurchase agreements
11 collateralized at 100% or more with U.S. government or
12 agency securities, municipal bonds, or other
13 securities bearing an eligible rating;

14 (E) money market mutual funds rated less than
15 "AAA" and equal to or higher than "A-" by S&P, or the
16 equivalent from any other eligible rating service; and

17 (F) a mutual fund or other investment fund
18 composed solely and exclusively of one or more
19 permissible investments listed in paragraphs (1)
20 through (3) of subsection (a).

21 (4) cash, including demand deposits, savings deposits,
22 and funds in such accounts held for the benefit of the
23 licensee's customers, at foreign depository institutions
24 are permissible up to 10% of the aggregate value of the
25 licensee's total permissible investments if the licensee
26 has received a satisfactory rating in its most recent

1 examination and the foreign depository institution:

2 (A) has an eligible rating;

3 (B) is registered under the Foreign Account Tax
4 Compliance Act;

5 (C) is not located in any country subject to
6 sanctions from the Office of Foreign Asset Control;
7 and

8 (D) is not located in a high-risk or
9 non-cooperative jurisdiction as designated by the
10 Financial Action Task Force.

11 ARTICLE XI. Enforcement

12 Section 11-1. Prohibited acts and practices for licensees.
13 It is a violation of this Act for a licensee, or other person
14 subject to this Act to:

15 (1) directly or indirectly employ any scheme, device,
16 or artifice to defraud or mislead any person, including,
17 but not limited to, engaging in bait and switch
18 advertising or sales practices;

19 (2) directly or indirectly engage in any unfair or
20 deceptive act or practice toward any person, including,
21 but not limited to, any false or deceptive statement about
22 fees or other terms of a money transmission or currency
23 exchange;

24 (3) directly or indirectly obtain property by fraud or

1 misrepresentation;

2 (4) knowingly make, publish, or disseminate any false,
3 deceptive, or misleading information in the provision of
4 money services;

5 (5) knowingly receive or take possession for personal
6 use of any property of any money services business, other
7 than in payment for services rendered, and with intent to
8 defraud, omit to make, or cause or direct to omit to make,
9 a full and true entry thereof in the books and accounts of
10 the business;

11 (6) make or concur in making any false entry, or omit
12 or concur in omitting any material entry, in the books or
13 accounts of the business;

14 (7) knowingly make or publish to the Director or the
15 Director's designee, or concur in making or publishing to
16 the Director or the Director's designee any written
17 report, exhibit, or statement of its affairs or pecuniary
18 condition containing any material statement which is
19 false, or omit or concur in omitting any statement
20 required by law to be contained therein;

21 (8) fail to make any report or statement lawfully
22 required by the Director or other public official.

23 (9) demonstrate by course of conduct, negligence or
24 incompetence in performing any act directly or indirectly
25 relating to licensed activity;

26 (10) engage in unsafe and unsound practices directly

1 or indirectly relating to licensed activity; or

2 (11) fail to comply with the provisions of this Act or
3 with any lawful order or agreement, rule, or regulations
4 made or issued under the provisions of this Act.

5 Section 11-2. Suspension and revocation of licenses.

6 (a) The Secretary may issue an order to suspend or revoke a
7 license of a licensee or order a licensee to revoke the
8 designation of an authorized delegate if:

9 (1) the licensee has failed to comply with any
10 provision of this Act, or any order, decision, finding,
11 rule, regulation or direction of the Secretary lawfully
12 made pursuant to the authority of this Act;

13 (2) the licensee does not cooperate with an
14 examination or investigation by the Secretary;

15 (3) the licensee engages in fraud, intentional
16 misrepresentation, or gross negligence;

17 (4) an authorized delegate is convicted of a violation
18 of a State or federal anti-money laundering statute, or
19 violates a rule adopted or an order issued under this Act,
20 as a result of the licensee's willful misconduct or
21 grossly negligent inattention to its legal obligations;

22 (5) the competence, experience, character, or general
23 fitness of the licensee, authorized delegate, person in
24 control of a licensee, key individual, or responsible
25 person of the authorized delegate indicates that it is not

1 in the public interest to permit the person to provide
2 money transmission;

3 (6) the licensee engages in an unsafe or unsound
4 practice;

5 (7) the licensee is insolvent, suspends payment of its
6 obligations, or makes a general assignment for the benefit
7 of its creditors;

8 (8) the licensee does not remove an authorized
9 delegate after the Secretary issues and serves upon the
10 licensee a final order including a finding that the
11 authorized delegate has violated this Act;

12 (9) a fact or condition exists that, if it had existed
13 or had been known at the time the licensee applied for its
14 license, would have been ground for denying the
15 application;

16 (10) the licensee knowingly fails to make a report
17 required by this Act;

18 (11) the licensee fails to pay a judgment entered in
19 favor of a claimant, plaintiff, or credit in an action
20 arising out of the licensee's business regulated under
21 this Act within 30 days after the judgment becomes final
22 or within 30 days after the expiration or termination of a
23 stay of execution;

24 (12) the licensee has been convicted under the laws of
25 this State, another state, or the United States of a
26 felony or of a crime involving breach of trust or

1 dishonesty; or

2 (13) the licensee violates the Illinois Uniform
3 Revised Unclaimed Property Act.

4 (b) In determining whether a licensee is engaging in an
5 unsafe or unsound practice, the Secretary may consider the
6 size and condition of the licensee's money transmission, the
7 magnitude of the loss, the gravity of the violation of this
8 Act, and the previous conduct of the person involved.

9 (c) In every case in which a license is suspended or
10 revoked, the Secretary shall issue a formal written notice of
11 the suspension or revocation, setting forth the specific
12 reasons for the suspension or revocation of the license and
13 serve the licensee, either personally or by certified mail.
14 Service by certified mail shall be deemed completed when the
15 notice is deposited into U.S. Mail and the order of suspension
16 or revocation of a license shall take effect upon service of
17 the order.

18 (d) A licensee whose license has been suspended or revoked
19 by the Secretary under this Section may request a hearing, in
20 writing, within 10 days after the date of service. If a
21 licensee submits a timely request for a hearing, the order
22 shall be stayed until a final administrative order is entered
23 and the Secretary shall schedule a hearing unless otherwise
24 agreed to by the parties.

25 (e) The Secretary shall conduct hearings pursuant to this
26 Section and in accordance with 38 Ill. Adm. Code 100, as

1 amended or recodified from time to time.

2 Section 11-3. Suspension and revocation of authorized
3 delegates.

4 (a) The Secretary may issue an order to suspend or revoke
5 the designation of an authorized delegate, if the Secretary
6 finds that:

7 (1) the authorized delegate has failed to comply with
8 any provision of this Act or any order, decision, finding,
9 rule, regulation, or direction of the Secretary lawfully
10 made pursuant to the authority of this Act;

11 (2) the authorized delegate does not cooperate with an
12 examination or investigation by the Secretary;

13 (3) the authorized delegate engages in fraud,
14 intentional misrepresentation, or gross negligence;

15 (4) the authorized delegate is convicted of a
16 violation of a State or federal anti-money laundering
17 statute;

18 (5) the competence, experience, character, or general
19 fitness of the authorized delegate or a person in control
20 of the authorized delegate indicates that it is not in the
21 public interest to permit the authorized delegate to
22 provide money transmission; or

23 (6) the authorized delegate engages in an unsafe or
24 unsound practice.

25 (b) In determining whether an authorized delegate is

1 engaging in an unsafe or unsound practice, the Secretary may
2 consider the size and condition of the authorized delegate's
3 provision of money transmission, the magnitude of the loss,
4 the gravity of the violation of this Act or a rule adopted or
5 order issued under this Act, and the previous conduct of the
6 authorized delegate.

7 (c) In every case in which the designation of an
8 authorized delegate is suspended or revoked, the Secretary
9 shall issue a formal written notice of the suspension or
10 revocation, setting forth the specific reasons for the
11 suspension or revocation of the designation and serve the
12 authorized delegate, either personally or by certified mail.
13 Service by certified mail shall be deemed completed when the
14 notice is deposited into U.S. Mail and the order of suspension
15 or revocation of a license shall take effect upon service of
16 the order.

17 (d) An authorized delegate whose designation has been
18 suspended or revoked by the Secretary under this Section may
19 request a hearing, in writing, within 10 days after the date of
20 service. If an authorized delegate submits a timely request
21 for a hearing, the order shall be stayed until a final
22 administrative order is entered and the Secretary shall
23 schedule a hearing unless otherwise agreed to by the parties.

24 (e) The Secretary shall conduct hearings pursuant to this
25 Section and in accordance with 38 Ill. Adm. Code 100, as
26 amended or recodified from time to time.

1 Section 11-4. Orders to cease and desist and civil
2 penalties.

3 (a) If the Secretary determines that a licensee, an
4 authorized delegate, or any other person has engaged or is
5 engaged in practices contrary to this Act, the rules adopted
6 under this Act, or an order issued under this Act, the
7 Secretary may issue an order requiring the licensee or
8 authorized delegate to cease and desist from the violation.
9 The order becomes effective upon service of it upon the
10 licensee or authorized delegate.

11 (b) The Secretary may issue an order against a licensee to
12 cease and desist from providing money transmission through an
13 authorized delegate that is the subject of a separate order by
14 the Secretary.

15 (c) The Secretary may, in addition to or without the
16 issuance of a cease and desist order, assess a penalty up to
17 \$1,000 against a licensee or other person for each violation
18 of this Act, the rules adopted under this Act, or an order
19 issued under this Act as set forth in Section 11-6. The
20 issuance of an order under this Section shall not be a
21 prerequisite to the taking of any action by the Secretary
22 under this or any other Section of this Act.

23 (d) The Secretary shall issue a formal written notice of
24 the cease and desist order, setting forth the specific reasons
25 for the order and serve the licensee or the authorized

1 delegate, either personally or by certified mail. Service by
2 certified mail shall be deemed completed when the notice is
3 deposited in the U.S. Mail.

4 Section 11-5. Consent orders; settlements.

5 (a) The Secretary may enter into a consent order or
6 settlement agreement at any time with a person to resolve a
7 matter arising under this Act, the rules adopted under this
8 Act, or order issued under this Act. A consent order or
9 settlement agreement must be signed by the person to whom it is
10 issued or by the person's authorized representative, and must
11 indicate agreement with the terms contained in the order. A
12 consent order or settlement agreement may provide that it does
13 not constitute an admission by a person that this Act or a rule
14 adopted or an order issued under this Act has been violated.

15 (b) Notwithstanding the issuance of a consent order or
16 settlement agreement, the Secretary may seek civil or criminal
17 penalties or compromise civil penalties concerning matter
18 encompassed by the consent order unless the consent order by
19 its terms expressly precludes the Secretary from doing so.

20 (c) The Secretary is authorized to compromise, settle, and
21 collect civil penalties and administrative penalties, as set
22 by rule, with any person for violations of this Act or of any
23 rule or order issued or adopted under this Act.

24 Section 11-6. Criminal penalties. A person who engages in

1 conduct requiring a license under this Act and fails to obtain
2 a license from the Secretary or knowingly makes a false
3 statement, misrepresentation, or false certification in an
4 application, financial statement, account record, report, or
5 other document filed or required to be maintained or filed
6 under this Act or who knowingly makes a false entry or omits a
7 material entry in a document is guilty of a Class 3 felony.

8 Section 11-7. Civil penalties. The Secretary may assess a
9 civil penalty against a person that violates this Act, a rule
10 adopted or an order issued under this Act in an amount not to
11 exceed \$1,000 per day for each day the violation is
12 outstanding, plus this State's costs and expenses for the
13 investigation and prosecution of the matter, including
14 reasonable attorney's fees. Each transaction in violation of
15 this Act or the rules adopted under this Act or issued under
16 this Act, for each day that a violation continues shall be a
17 separate offense.

18 Section 11-8. Unlicensed persons. Any person who, without
19 the required license, engages in conduct requiring a license
20 under this Act shall be liable to the Department in an amount
21 equal to the greater of (1) \$5,000 or (2) an amount of money
22 accepted for transmission plus an amount equal to 3 times the
23 amount accepted for transmission. The Department shall cause
24 any funds so recovered to be deposited into the TOMA Consumer

1 Protection Fund.

2 Section 11-9. Judicial review. All final administrative
3 decisions of the Department under this Act are subject to
4 judicial review under the Administrative Review Law and any
5 rules adopted under the Administrative Review Law.

6 ARTICLE XII. Miscellaneous Provisions

7 Section 12-1. Uniformity of application and construction.
8 In applying and construing this Act, consideration must be
9 given to the need to promote uniformity of the law with respect
10 to its subject matter among states that enact it.

11 Section 12-2. Severability. The provisions of this Act are
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 12-3. Transition period.

14 (a) Licensees pursuant to the Transmitters of Money Act in
15 good standing on the effective date of this Act shall be
16 licensed under this Act upon the filing of and approval by the
17 Department of a renewal application in accordance with Section
18 5-6 and may continue to operate lawfully as a licensee in this
19 State unless and until their next renewal application after
20 the effective date is denied by the Department. An authorized
21 seller of licensee pursuant to the Transmitters of Money Act

1 in good standing as of the effective date shall become an
2 authorized delegate of a licensee upon the filing of and
3 approval by the Department of a renewal application by the
4 licensee in accordance with Section 5-6 and may continue to
5 operate lawfully in this State as an authorized delegate of a
6 licensee unless and until the licensee's next renewal
7 application after the effective date is denied by the
8 Department.

9 (b) A person licensed in this State to engage in the
10 business of money transmission and their authorized sellers
11 shall not be subject to the provisions of this Act, to the
12 extent that they conflict with the Transmitters of Money Act
13 or establish new requirements not imposed under the
14 Transmitters of Money Act, until the licensee renews its
15 current license or for 6 months after the effective date of
16 this Act, whichever is later, so long as they comply with the
17 Transmitters of Money Act and its implementing rules.

18 (c) Notwithstanding subsection (a), a licensee shall only
19 be required to amend its authorized delegate contracts for
20 contracts entered into or amended after the effective date of
21 this Act or the completion of any transition period
22 contemplated under subsection (b). Nothing herein shall be
23 construed as limiting an authorized delegate's obligations to
24 operate in full compliance with this Act as required by
25 subsection (c) of Section 8-1 after the time period set forth
26 in subsection (b).

1 (d) A person not required to be licensed pursuant to the
2 Transmitters of Money Act shall not be required to be licensed
3 and comply with this Act until January 1, 2026, unless the
4 Secretary extends the time by rule.

5 (e) A provider of payroll processing services that was not
6 licensed pursuant to the Transmitters of Money Act on the
7 effective date of this Act and transmitted no more than
8 \$50,000,000 in this State in calendar year 2023 shall not be
9 required to be licensed and comply with this Act until January
10 1, 2025. A provider of payroll processing services that was
11 not licensed pursuant to the Transmitters of Money Act on the
12 effective date of this Act and transmitted no more than
13 \$50,000,000 in this State in calendar year 2023 shall not be
14 penalized for providing such services before January 1, 2025
15 if the provider submits a completed application for licensure
16 prior to January 1, 2025.

17 (f) Except as otherwise stated, this Act supersedes the
18 Transmitters of Money Act.

19 Section 12-4. TOMA Consumer Protection Fund.

20 (a) The special income-earning fund in the State treasury
21 is known as the TOMA Consumer Protection Fund.

22 (b) All moneys paid into the fund together with all
23 accumulated undistributed income thereon shall be held as a
24 special fund in the State treasury. The fund shall be used
25 solely for the purpose of providing restitution to consumers

1 who have suffered monetary loss arising out of a transaction
2 regulated by this Act.

3 (c) The fund shall be applied only to restitution when
4 restitution has been ordered by the Secretary. Restitution
5 shall not exceed the amount actually lost by the consumer. The
6 fund shall not be used for the payment of any attorney or other
7 fees.

8 (d) The fund shall be subrogated to the amount of the
9 restitution, and the Secretary shall request the Attorney
10 General to engage in all reasonable collection steps to
11 collect restitution from the party responsible for the loss
12 and reimburse the fund.

13 (e) Notwithstanding any other provisions of this Section,
14 the payment of restitution from the fund shall be a matter of
15 grace and not of right, and no consumer shall have any vested
16 rights in the fund as a beneficiary or otherwise. Before
17 seeking restitution from the fund, the consumer or beneficiary
18 seeking payment of restitution shall apply for restitution on
19 a form provided by the Secretary. The form shall include any
20 information the Secretary may reasonably require in order to
21 determine that restitution is appropriate.

22 (f) Notwithstanding any other provision of this Section,
23 moneys in the TOMA Consumer Protection Fund may be transferred
24 to the Professions Indirect Cost Fund, as authorized under
25 Section 2105-300 of the Department of Professional Regulation
26 Law of the Civil Administrative Code of Illinois.

1 Article 900. Amendatory provisions

2 Section 900-5. The Freedom of Information Act is amended
3 by changing Section 7.5 as follows:

4 (5 ILCS 140/7.5)

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

6 Sec. 7.5. Statutory exemptions. To the extent provided for
7 by the statutes referenced below, the following shall be
8 exempt from inspection and copying:

9 (a) All information determined to be confidential
10 under Section 4002 of the Technology Advancement and
11 Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library
14 Records Confidentiality Act.

15 (c) Applications, related documents, and medical
16 records received by the Experimental Organ Transplantation
17 Procedures Board and any and all documents or other
18 records prepared by the Experimental Organ Transplantation
19 Procedures Board or its staff relating to applications it
20 has received.

21 (d) Information and records held by the Department of
22 Public Health and its authorized representatives relating
23 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is
2 restricted under the Illinois Sexually Transmissible
3 Disease Control Act.

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

6 (f) Firm performance evaluations under Section 55 of
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act.

9 (g) Information the disclosure of which is restricted
10 and exempted under Section 50 of the Illinois Prepaid
11 Tuition Act.

12 (h) Information the disclosure of which is exempted
13 under the State Officials and Employees Ethics Act, and
14 records of any lawfully created State or local inspector
15 general's office that would be exempt if created or
16 obtained by an Executive Inspector General's office under
17 that Act.

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

22 (j) Information and data concerning the distribution
23 of surcharge moneys collected and remitted by carriers
24 under the Emergency Telephone System Act.

25 (k) Law enforcement officer identification information
26 or driver identification information compiled by a law

1 enforcement agency or the Department of Transportation
2 under Section 11-212 of the Illinois Vehicle Code.

3 (l) Records and information provided to a residential
4 health care facility resident sexual assault and death
5 review team or the Executive Council under the Abuse
6 Prevention Review Team Act.

7 (m) Information provided to the predatory lending
8 database created pursuant to Article 3 of the Residential
9 Real Property Disclosure Act, except to the extent
10 authorized under that Article.

11 (n) Defense budgets and petitions for certification of
12 compensation and expenses for court appointed trial
13 counsel as provided under Sections 10 and 15 of the
14 Capital Crimes Litigation Act (repealed). This subsection
15 (n) shall apply until the conclusion of the trial of the
16 case, even if the prosecution chooses not to pursue the
17 death penalty prior to trial or sentencing.

18 (o) Information that is prohibited from being
19 disclosed under Section 4 of the Illinois Health and
20 Hazardous Substances Registry Act.

21 (p) Security portions of system safety program plans,
22 investigation reports, surveys, schedules, lists, data, or
23 information compiled, collected, or prepared by or for the
24 Department of Transportation under Sections 2705-300 and
25 2705-616 of the Department of Transportation Law of the
26 Civil Administrative Code of Illinois, the Regional

1 Transportation Authority under Section 2.11 of the
2 Regional Transportation Authority Act, or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act (repealed).

5 (q) Information prohibited from being disclosed by the
6 Personnel Record Review Act.

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

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

11 (t) (Blank).

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

15 (v) Names and information of people who have applied
16 for or received Firearm Owner's Identification Cards under
17 the Firearm Owners Identification Card Act or applied for
18 or received a concealed carry license under the Firearm
19 Concealed Carry Act, unless otherwise authorized by the
20 Firearm Concealed Carry Act; and databases under the
21 Firearm Concealed Carry Act, records of the Concealed
22 Carry Licensing Review Board under the Firearm Concealed
23 Carry Act, and law enforcement agency objections under the
24 Firearm Concealed Carry Act.

25 (v-5) Records of the Firearm Owner's Identification
26 Card Review Board that are exempted from disclosure under

1 Section 10 of the Firearm Owners Identification Card Act.

2 (w) Personally identifiable information which is
3 exempted from disclosure under subsection (g) of Section
4 19.1 of the Toll Highway Act.

5 (x) Information which is exempted from disclosure
6 under Section 5-1014.3 of the Counties Code or Section
7 8-11-21 of the Illinois Municipal Code.

8 (y) Confidential information under the Adult
9 Protective Services Act and its predecessor enabling
10 statute, the Elder Abuse and Neglect Act, including
11 information about the identity and administrative finding
12 against any caregiver of a verified and substantiated
13 decision of abuse, neglect, or financial exploitation of
14 an eligible adult maintained in the Registry established
15 under Section 7.5 of the Adult Protective Services Act.

16 (z) Records and information provided to a fatality
17 review team or the Illinois Fatality Review Team Advisory
18 Council under Section 15 of the Adult Protective Services
19 Act.

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

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

24 (cc) Recordings made under the Law Enforcement
25 Officer-Worn Body Camera Act, except to the extent
26 authorized under that Act.

1 (dd) Information that is prohibited from being
2 disclosed under Section 45 of the Condominium and Common
3 Interest Community Ombudsperson Act.

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

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

8 (gg) Information that is prohibited from being
9 disclosed under Section 7-603.5 of the Illinois Vehicle
10 Code.

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

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

16 (jj) Information and reports that are required to be
17 submitted to the Department of Labor by registering day
18 and temporary labor service agencies but are exempt from
19 disclosure under subsection (a-1) of Section 45 of the Day
20 and Temporary Labor Services Act.

21 (kk) Information prohibited from disclosure under the
22 Seizure and Forfeiture Reporting Act.

23 (ll) Information the disclosure of which is restricted
24 and exempted under Section 5-30.8 of the Illinois Public
25 Aid Code.

26 (mm) Records that are exempt from disclosure under

1 Section 4.2 of the Crime Victims Compensation Act.

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

4 (oo) Communications, notes, records, and reports
5 arising out of a peer support counseling session
6 prohibited from disclosure under the First Responders
7 Suicide Prevention Act.

8 (pp) Names and all identifying information relating to
9 an employee of an emergency services provider or law
10 enforcement agency under the First Responders Suicide
11 Prevention Act.

12 (qq) Information and records held by the Department of
13 Public Health and its authorized representatives collected
14 under the Reproductive Health Act.

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

17 (ss) Data reported by an employer to the Department of
18 Human Rights pursuant to Section 2-108 of the Illinois
19 Human Rights Act.

20 (tt) Recordings made under the Children's Advocacy
21 Center Act, except to the extent authorized under that
22 Act.

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

25 (vv) Information that is exempt from disclosure under
26 subsections (f) and (j) of Section 5-36 of the Illinois

1 Public Aid Code.

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

4 (xx) Information that is exempt from disclosure or
5 information that shall not be made public under the
6 Illinois Insurance Code.

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

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

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

13 (bbb) Information that is prohibited from disclosure
14 by the Illinois Police Training Act and the Illinois State
15 Police Act.

16 (ccc) Records exempt from disclosure under Section
17 2605-304 of the Illinois State Police Law of the Civil
18 Administrative Code of Illinois.

19 (ddd) Information prohibited from being disclosed
20 under Section 35 of the Address Confidentiality for
21 Victims of Domestic Violence, Sexual Assault, Human
22 Trafficking, or Stalking Act.

23 (eee) Information prohibited from being disclosed
24 under subsection (b) of Section 75 of the Domestic
25 Violence Fatality Review Act.

26 (fff) Images from cameras under the Expressway Camera

1 Act. This subsection (fff) is inoperative on and after
2 July 1, 2025.

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

6 (hhh) Information submitted to the Illinois State
7 Police in an affidavit or application for an assault
8 weapon endorsement, assault weapon attachment endorsement,
9 .50 caliber rifle endorsement, or .50 caliber cartridge
10 endorsement under the Firearm Owners Identification Card
11 Act.

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

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

16 (kkk) ~~(iii)~~ Confidential business information
17 prohibited from disclosure under Section 45 of the Paint
18 Stewardship Act.

19 (mmm) Information prohibited from being disclosed
20 under Section 4-2 of the Uniform Money Transmission
21 Modernization Act.

22 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
23 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
24 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
25 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
26 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,

1 eff. 1-1-24; 103-508, eff. 8-4-23; revised 9-5-23.)

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

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5 and exempted under Section 50 of the Illinois Prepaid
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9 records of any lawfully created State or local inspector
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11 obtained by an Executive Inspector General's office under
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14 plan submitted to a municipality in accordance with a
15 local emergency energy plan ordinance that is adopted
16 under Section 11-21.5-5 of the Illinois Municipal Code.

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18 of surcharge moneys collected and remitted by carriers
19 under the Emergency Telephone System Act.

20 (k) Law enforcement officer identification information
21 or driver identification information compiled by a law
22 enforcement agency or the Department of Transportation
23 under Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential
25 health care facility resident sexual assault and death
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

2 (m) Information provided to the predatory lending
3 database created pursuant to Article 3 of the Residential
4 Real Property Disclosure Act, except to the extent
5 authorized under that Article.

6 (n) Defense budgets and petitions for certification of
7 compensation and expenses for court appointed trial
8 counsel as provided under Sections 10 and 15 of the
9 Capital Crimes Litigation Act (repealed). This subsection
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23 (w) Personally identifiable information which is
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25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

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8 decision of abuse, neglect, or financial exploitation of
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11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
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19 Section 50 of the Sexual Assault Evidence Submission Act.

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

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

25 (xx) Information that is exempt from disclosure or
26 information that shall not be made public under the

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3 the Illinois Educational Labor Relations Act.

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

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10 Police Act.

11 (ccc) Records exempt from disclosure under Section
12 2605-304 of the Illinois State Police Law of the Civil
13 Administrative Code of Illinois.

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1 (hhh) Information submitted to the Illinois State
2 Police in an affidavit or application for an assault
3 weapon endorsement, assault weapon attachment endorsement,
4 .50 caliber rifle endorsement, or .50 caliber cartridge
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7 (iii) Data exempt from disclosure under Section 50 of
8 the School Safety Drill Act.

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

11 (kkk) ~~(iii)~~ Confidential business information
12 prohibited from disclosure under Section 45 of the Paint
13 Stewardship Act.

14 (lll) ~~(iii)~~ Data exempt from disclosure under Section
15 2-3.196 of the School Code.

16 (mmm) Information prohibited from being disclosed
17 under Section 4-2 of the Uniform Money Transmission
18 Modernization Act.

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

1 (205 ILCS 657/Act rep.)

2 Section 900-30. The Transmitters of Money Act is repealed.

3 Article 999.

4 Section 999-95. No acceleration or delay. Where this Act
5 makes changes in a statute that is represented in this Act by
6 text that is not yet or no longer in effect (for example, a
7 Section represented by multiple versions), the use of that
8 text does not accelerate or delay the taking effect of (i) the
9 changes made by this Act or (ii) provisions derived from any
10 other Public Act.

11 Section 999-99. Effective date. This Act takes effect upon
12 becoming law, except that the changes to the Transmitters of
13 Money Act take effect January 1, 2026.