

1 AN ACT concerning government.

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

4 Section 5. The Secretary of State Act is amended by
5 changing Section 5.5 as follows:

6 (15 ILCS 305/5.5)

7 Sec. 5.5. Secretary of State fees. There shall be paid
8 to the Secretary of State the following fees:

9 For certificate or apostille, with seal: \$2.

10 For each certificate, without seal: \$1.

11 For each commission to any officer or other person
12 (except military commissions), with seal: \$2.

13 For copies of exemplifications of records, or for a
14 certified copy of any document, instrument, or paper when not
15 otherwise provided by law, and it does not exceed legal size:
16 \$0.50 per page or any portion of a page; and \$2 for the
17 certificate, with seal affixed.

18 For copies of exemplifications of records or a certified
19 copy of any document, instrument, or paper, when not
20 otherwise provided for by law, that exceeds legal size: \$1
21 per page or any portion of a page; and \$2 for the
22 certificate, with seal affixed.

23 For copies of bills or other papers: \$0.50 per page or
24 any portion of a page; and \$2 for the certificate, with seal
25 affixed, except that there shall be no charge for making or
26 certifying copies that are furnished to any governmental
27 agency for official use.

28 For recording a duplicate of an affidavit showing the
29 appointment of trustees of a religious corporation: \$0.50;
30 and \$2 for the certificate of recording, with seal affixed.

31 For filing and recording an application under the Soil

1 Conservation Districts Law and making and issuing a
2 certificate for the application, under seal: \$10.

3 For recording any other document, instrument, or paper
4 required or permitted to be recorded with the Secretary of
5 State, which recording shall be done by any approved
6 photographic or photostatic process, if the page to be
7 recorded does not exceed legal size and the fees and charges
8 therefor are not otherwise fixed by law: \$0.50 per page or
9 any portion of a page; and \$2 for the certificate of
10 recording, with seal affixed.

11 For recording any other document, instrument, or paper
12 required or permitted to be recorded with the Secretary of
13 State, which recording shall be done by any approved
14 photographic or photostatic process, if the page to be
15 recorded exceeds legal size and the fees and charges therefor
16 are not otherwise fixed by law: \$1 per page or any portion of
17 a page; and \$2 for the certificate of recording attached to
18 the original, with seal affixed.

19 For each duplicate certified copy of a school land
20 patent: \$3.

21 For each photostatic copy of a township plat: \$2.

22 For each page of a photostatic copy of surveyors field
23 notes: \$2.

24 For each page of a photostatic copy of a state land
25 patent, including certification: \$4.

26 For each page of a photostatic copy of a swamp land
27 grant: \$2.

28 For each page of photostatic copies of all other
29 instruments or documents relating to land records: \$2.

30 For each check, money order, or bank draft returned by
31 the Secretary of State when it has not been honored: \$25.

32 For any research request received after January 1, 2004
33 (the effective date of the changes made to this Section by
34 Public this--amendatory Act 93-32) and before the effective

1 date of this amendatory Act of the 93rd General Assembly by
 2 an out-of-State or non-Illinois resident: \$10, prepaid and
 3 nonrefundable, for which the requester will receive up to 2
 4 unofficial noncertified copies of the records requested. The
 5 fees under this paragraph shall be deposited into the General
 6 Revenue Fund.

7 Until the effective date of this amendatory Act of the
 8 93rd General Assembly the Illinois State Archives is
 9 authorized to charge reasonable fees to reimburse the cost of
 10 production and distribution of copies of finding aids to the
 11 records that it holds or copies of published versions or
 12 editions of those records in printed, microfilm, or
 13 electronic formats. The fees under this paragraph shall be
 14 deposited into the General Revenue Fund.

15 As used in this Section, "legal size" means a sheet of
 16 paper that is 8.5 inches wide and 14 inches long, or written
 17 or printed matter on a sheet of paper that does not exceed
 18 that width and length, or either of them.

19 (Source: P.A. 93-32, eff. 1-1-04.)

20 Section 10. The Capital Development Board Act is amended
 21 by changing Section 9.02a as follows:

22 (20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a)

23 (This Section is scheduled to be repealed on June 30,
 24 2004)

25 Sec. 9.02a. To charge contract administration fees used
 26 to administer and process the terms of contracts awarded by
 27 this State. Contract administration fees shall not exceed
 28 1.5% 3% of the contract amount. This Section is repealed
 29 June 30, 2004.

30 (Source: P.A. 93-32, eff. 7-1-03.)

31 Section 15. The Lobbyist Registration Act is amended by

1 changing Section 5 as follows:

2 (25 ILCS 170/5) (from Ch. 63, par. 175)

3 Sec. 5. Lobbyist registration and disclosure. Every
4 person required to register under Section 3 shall each and
5 every year, or before any such service is performed which
6 requires the person to register, file in the Office of the
7 Secretary of State a written statement containing the
8 following information:

9 (a) The name and address of the registrant.

10 (b) The name and address of the person or persons
11 employing or retaining registrant to perform such
12 services or on whose behalf the registrant appears.

13 (c) A brief description of the executive,
14 legislative, or administrative action in reference to
15 which such service is to be rendered.

16 (d) A picture of the registrant.

17 Persons required to register under this Act on or after
18 the effective date of this amendatory Act of the 93rd General
19 Assembly prior-to-July-17-2003, shall remit a single, annual
20 and nonrefundable \$50 registration fee. All fees collected
21 for registrations on or after the effective date of this
22 amendatory Act of the 93rd General Assembly prior-to-July-17
23 2003, shall be deposited into the Lobbyist Registration
24 Administration Fund for administration and enforcement of
25 this Act.

26 Beginning July 1, 2003 and ending on the effective date
27 of this amendatory Act of the 93rd General Assembly, all
28 persons other than entities qualified under Section 501(c)(3)
29 of the Internal Revenue Code required to register under this
30 Act shall remit a single, annual, and nonrefundable \$300
31 registration fee. Entities required to register under this
32 Act which are qualified under Section 501(c)(3) of the
33 Internal Revenue Code shall remit a single, annual, and

1 nonrefundable \$100 registration fee. The increases in the
 2 fees from \$50 to \$100 and from \$50 to \$300 by this amendatory
 3 Act of the 93rd General Assembly are in addition to any other
 4 fee increase enacted by the 93rd or any subsequent General
 5 Assembly.

6 Of each registration fee collected for registrations on
 7 or after July 1, 2003 and before the effective date of this
 8 amendatory Act of the 93rd General Assembly, any additional
 9 amount collected as a result of any other fee increase
 10 enacted by the 93rd or any subsequent General Assembly shall
 11 be deposited into the Lobbyist Registration Administration
 12 Fund for the purposes provided by law for that fee increase,
 13 the next \$100 shall be deposited into the Lobbyist
 14 Registration Administration Fund for administration and
 15 enforcement of this Act, and any balance shall be deposited
 16 into the General Revenue Fund.

17 (Source: P.A. 93-32, eff. 7-1-03.)

18 Section 20. The Coin-Operated Amusement Device and
 19 Redemption Machine Tax Act is amended by changing Sections 1,
 20 2, 3, 4b, and 6 and by adding Section 9.1 as follows:

21 (35 ILCS 510/1) (from Ch. 120, par. 481b.1)

22 Sec. 1. There is imposed, on the privilege of operating
 23 every coin-in-the-slot-operated amusement device, including a
 24 device operated or operable by insertion of coins, tokens,
 25 chips or similar objects, in this State which returns to the
 26 player thereof no money or property or right to receive money
 27 or property, and on the privilege of operating in this State
 28 a redemption machine as defined in Section 28-2 of the
 29 Criminal Code of 1961, a an-annual privilege tax of \$15 \$30
 30 for each device for which a license was issued for a period
 31 beginning on or after August 1 of any year and prior to
 32 February August 1 of the succeeding year. A privilege tax of

1 \$8 is imposed on the privilege of operating such a device for
2 which a license was issued for a period beginning on or after
3 February 1 of any year and ending July 31 of that year.

4 (Source: P.A. 93-32, eff. 7-1-03.)

5 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

6 Sec. 2. (a) Any person, firm, limited liability company,
7 or corporation which displays any device described in Section
8 1, to be played or operated by the public at any place owned
9 or leased by any such person, firm, limited liability
10 company, or corporation, shall before he displays such
11 device, file in the Office of the Department of Revenue an
12 application for a license for a~~form-containing-information~~
13 ~~regarding such device~~ property sworn to, setting forth his
14 name and address, with a brief description of the device to
15 be displayed and the premises where such device will be
16 located, together with such other relevant data as the
17 Department of Revenue may require. Such application for a
18 license ~~form~~ shall be accompanied by the required license
19 privilege tax ~~for each device~~. Such license privilege tax
20 shall be paid to the Department of Revenue of the State of
21 Illinois and all monies received by the Department of Revenue
22 under this Act shall be paid into the General Revenue Fund in
23 the State Treasury. The Department of Revenue shall supply
24 and deliver to the person, firm, limited liability company,
25 or corporation which displays any device described in Section
26 1, charges prepaid and without additional cost, one license
27 tax ~~privilege--tax--deal~~ for each such device on which an
28 application is made ~~the tax has been paid~~, stating the year
29 for which issued. Such license tag ~~privilege-tax-deal~~ shall
30 thereupon be securely affixed to such device.

31 (b) If an amount of tax, penalty, or interest has been
32 paid in error to the Department, the taxpayer may file a
33 claim for credit or refund with the Department. If it is

1 determined that the Department must issue a credit or refund
2 under this Act, the Department may first apply the amount of
3 the credit or refund due against any amount of tax, penalty,
4 or interest due under this Act from the taxpayer entitled to
5 the credit or refund. If proceedings are pending to
6 determine if any tax, penalty, or interest is due under this
7 Act from the taxpayer, the Department may withhold issuance
8 of the credit or refund pending the final disposition of
9 those proceedings and may apply that credit or refund against
10 any amount determined to be due to the Department as a result
11 of those proceedings. The balance, if any, of the credit or
12 refund shall be paid to the taxpayer.

13 If no tax, penalty, or interest is due and no proceedings
14 are pending to determine whether the taxpayer is indebted to
15 the Department for tax, penalty, or interest, the credit
16 memorandum or refund shall be issued to the taxpayer; or, the
17 credit memorandum may be assigned by the taxpayer, subject to
18 reasonable rules of the Department, to any other person who
19 is subject to this Act, and the amount of the credit
20 memorandum by the Department against any tax, penalty, or
21 interest due or to become due under this Act from the
22 assignee.

23 For any claim for credit or refund filed with the
24 Department on or after each July 1, no amount erroneously
25 paid more than 3 years before that July 1, shall be credited
26 or refunded.

27 A claim for credit or refund shall be filed on a form
28 provided by the Department. As soon as practicable after any
29 claim for credit or refund is filed, the Department shall
30 determine the amount of credit or refund to which the
31 claimant is entitled and shall notify the claimant of that
32 determination.

33 A claim for credit or refund shall be filed with the
34 Department on the date it is received by the Department.

1 Upon receipt of any claim for credit or refund filed under
2 this Section, an officer or employee of the Department,
3 authorized by the Director of Revenue to acknowledge receipt
4 of such claims on behalf of the Department, shall deliver or
5 mail to the claimant or his duly authorized agent, a written
6 receipt, acknowledging that the claim has been filed with the
7 Department, describing the claim in sufficient detail to
8 identify it, and stating the date on which the claim was
9 received by the Department. The written receipt shall be
10 prima facie evidence that the Department received the claim
11 described in the receipt and shall be prima facie evidence of
12 the date when such claim was received by the Department. In
13 the absence of a written receipt, the records of the
14 Department as to whether a claim was received, or when the
15 claim was received by the Department, shall be deemed to be
16 prima facie correct in the event of any dispute between the
17 claimant, or his legal representative, and the Department on
18 these issues.

19 Any credit or refund that is allowed under this Article
20 shall bear interest at the rate and in the manner specified
21 in the Uniform Penalty and Interest Act.

22 If the Department determines that the claimant is
23 entitled to a refund, the refund shall be made only from an
24 appropriation to the Department for that purpose. If the
25 amount appropriated is insufficient to pay claimants electing
26 to receive a cash refund, the Department by rule or
27 regulation shall first provide for the payment of refunds in
28 hardship cases as defined by the Department.

29 (Source: P.A. 93-32, eff. 7-1-03.)

30 (35 ILCS 510/3) (from Ch. 120, par. 481b.3)

31 Sec. 3. (1) All licenses ~~privilege-tax-deals~~ herein
32 provided for shall be transferable from one device to another
33 device. Any such transfer from one device to another shall be

1 reported to the Department of Revenue on forms prescribed by
2 such Department. All licenses privilege-tax-deeals issued
3 hereunder shall expire on July 31 following issuance.

4 (2) (Blank).

5 (Source: P.A. 93-32, eff. 7-1-03.)

6 (35 ILCS 510/4b) (from Ch. 120, par. 481b.4b)

7 Sec. 4b. The Department of Revenue is hereby authorized
8 to implement a program whereby the licenses privilege-tax
9 deeals required by and the taxes imposed by this Act may be
10 distributed and collected on behalf of the Department by
11 State or national banks and by State or federal savings and
12 loan associations. The Department shall promulgate such
13 rules and regulations as are reasonable and necessary to
14 establish the system of collection of taxes and distribution
15 of licenses privilege-tax-deeals authorized by this Section.
16 Such rules and regulations shall provide for the licensing of
17 such financial institutions, specification of information to
18 be disclosed in an application therefor and the imposition of
19 a license fee not in excess of \$100 annually.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (35 ILCS 510/6) (from Ch. 120, par. 481b.6)

22 Sec. 6. The Department of Revenue is hereby empowered
23 and authorized in the name of the People of the State of
24 Illinois in a suit or suits in any court of competent
25 jurisdiction to enforce the collection of any unpaid license
26 tax, fines or penalties provided for in this Act.

27 (Source: P.A. 93-32, eff. 7-1-03.)

28 (35 ILCS 510/9.1 new)

29 Sec. 9.1. The Department of Revenue is hereby authorized
30 to revoke any license issued by it if after notice and
31 hearing it finds that there has been a violation of this Act.

1 No license shall be revoked except after hearing by the
 2 Department of Revenue thereon. The Department of Revenue
 3 may fix the time and place of such hearing but shall give at
 4 least 7 days notice of the time and place of such hearing to
 5 the person, firm, or corporation displaying the device on
 6 which the license is sought to be revoked. The order
 7 revoking such license shall not be effective until after such
 8 hearing has been held.

9 Section 25. The Illinois Pension Code is amended by
 10 changing Section 1A-112 as follows:

11 (40 ILCS 5/1A-112)

12 Sec. 1A-112. Fees.

13 (a) Every pension fund that is required to file an
 14 annual statement under Section 1A-109 shall pay to the
 15 Department an annual compliance fee. In the case of a
 16 pension fund under Article 3 or 4 of this Code, the annual
 17 compliance fee shall be 0.007% ~~0.02%~~ (0.7 ~~2~~ basis points) of
 18 the total assets of the pension fund, as reported in the most
 19 current annual statement of the fund, but not more than
 20 \$6,000 ~~\$8,000~~. In the case of all other pension funds and
 21 retirement systems, the annual compliance fee shall be \$6,000
 22 ~~\$8,000~~.

23 (b) The annual compliance fee shall be due on June 30
 24 for the following State fiscal year, except that the fee
 25 payable in 1997 for fiscal year 1998 shall be due no earlier
 26 than 30 days following the effective date of this amendatory
 27 Act of 1997.

28 (c) Any information obtained by the Division that is
 29 available to the public under the Freedom of Information Act
 30 and is either compiled in published form or maintained on a
 31 computer processible medium shall be furnished upon the
 32 written request of any applicant and the payment of a

1 reasonable information services fee established by the
2 Director, sufficient to cover the total cost to the Division
3 of compiling, processing, maintaining, and generating the
4 information. The information may be furnished by means of
5 published copy or on a computer processed or computer
6 processible medium.

7 No fee may be charged to any person for information that
8 the Division is required by law to furnish to that person.

9 (d) Except as otherwise provided in this Section, all
10 fees and penalties collected by the Department under this
11 Code shall be deposited into the Public Pension Regulation
12 Fund.

13 (e) Fees collected under subsection (c) of this Section
14 and money collected under Section 1A-107 shall be deposited
15 into the Department's Statistical Services Revolving Fund and
16 credited to the account of the Public Pension Division. This
17 income shall be used exclusively for the purposes set forth
18 in Section 1A-107. Notwithstanding the provisions of Section
19 408.2 of the Illinois Insurance Code, no surplus funds
20 remaining in this account shall be deposited in the Insurance
21 Financial Regulation Fund. All money in this account that
22 the Director certifies is not needed for the purposes set
23 forth in Section 1A-107 of this Code shall be transferred to
24 the Public Pension Regulation Fund.

25 (f) Nothing in this Code prohibits the General Assembly
26 from appropriating funds from the General Revenue Fund to the
27 Department for the purpose of administering or enforcing this
28 Code.

29 (Source: P.A. 93-32, eff. 7-1-03.)

30 Section 30. The Illinois Savings and Loan Act of 1985 is
31 amended by changing Section 2B-6 as follows:

32 (205 ILCS 105/2B-6) (from Ch. 17, par. 3302B-6)

1 Sec. 2B-6. Foreign savings and loan associations shall
 2 pay to the Commissioner the following fees that shall be paid
 3 into the Savings and Residential Finance Regulatory Fund, to
 4 wit: For filing each application for admission to do
 5 business in this State, \$750 ~~\$1,125~~; and for each certificate
 6 of authority and annual renewal of same, \$200 ~~\$300~~.
 7 (Source: P.A. 93-32, eff. 7-1-03.)

8 Section 35. The Illinois Credit Union Act is amended by
 9 changing Section 12 as follows:

10 (205 ILCS 305/12) (from Ch. 17, par. 4413)

11 Sec. 12. Regulatory fees.

12 (1) A credit union regulated by the Department shall pay
 13 a regulatory fee to the Department based upon its total
 14 assets as shown by its Year-end Call Report at the following
 15 rates:

TOTAL ASSETS	REGULATORY FEE
\$25,000 or less	<u>\$100</u> \$150
Over \$25,000 and not over	
\$100,000	<u>\$100</u> \$150 plus <u>\$4</u> \$6 per
	\$1,000 of assets in excess of
	\$25,000
Over \$100,000 and not over	
\$200,000	<u>\$400</u> \$600 plus <u>\$3</u> \$4.50 per
	\$1,000 of assets in excess of
	\$100,000
Over \$200,000 and not over	
\$500,000	<u>\$700</u> \$1,050 plus <u>\$2</u> \$3 per
	\$1,000 of assets in excess of
	\$200,000
Over \$500,000 and not over	
\$1,000,000	<u>\$1,300</u> \$1,950 plus <u>\$1.40</u> \$2.10
	per \$1,000 of assets in excess

1 of \$500,000

2 Over \$1,000,000 and not

3 over \$5,000,000..... \$2,000 ~~\$3,000~~ plus \$0.50 ~~\$0.75~~

4 per \$1,000 of assets in

5 excess of \$1,000,000

6 Over \$5,000,000 and not

7 over \$30,000,000 \$4,000 ~~\$6,000~~ plus \$0.35 ~~\$0.525~~

8 per \$1,000 assets

9 in excess of \$5,000,000

10 Over \$30,000,000 and not

11 over \$100,000,000 \$12,750 ~~\$19,125~~ plus \$0.30 ~~\$0.45~~

12 per \$1,000 of assets in

13 excess of \$30,000,000

14 Over \$100,000,000 and not

15 over \$500,000,000 \$33,750 ~~\$50,625~~ plus \$0.15 ~~\$0.225~~

16 per \$1,000 of assets in

17 excess of \$100,000,000

18 Over \$500,000,000 \$93,750 ~~\$140,625~~ plus \$0.05 ~~\$0.075~~

19 per \$1,000 of assets in

20 excess of \$500,000,000

21 (2) The Director shall review the regulatory fee

22 schedule in subsection (1) and the projected earnings on

23 those fees on an annual basis and adjust the fee schedule no

24 more than 5% annually if necessary to defray the estimated

25 administrative and operational expenses of the Department as

26 defined in subsection (5). The Director shall provide credit

27 unions with written notice of any adjustment made in the

28 regulatory fee schedule.

29 (3) Not later than March 1 of each calendar year, a

30 credit union shall pay to the Department a regulatory fee for

31 that calendar year in accordance with the regulatory fee

32 schedule in subsection (1), on the basis of assets as of the

33 Year-end Call Report of the preceding year. The regulatory

34 fee shall not be less than \$100 ~~\$150~~ or more than \$125,000

1 \$187,500, provided that the regulatory fee cap of \$125,000
2 \$187,500 shall be adjusted to incorporate the same percentage
3 increase as the Director makes in the regulatory fee schedule
4 from time to time under subsection (2). No regulatory fee
5 shall be collected from a credit union until it has been in
6 operation for one year.

7 (4) The aggregate of all fees collected by the
8 Department under this Act shall be paid promptly after they
9 are received, accompanied by a detailed statement thereof,
10 into the State Treasury and shall be set apart in the Credit
11 Union Fund, a special fund hereby created in the State
12 treasury. The amount from time to time deposited in the
13 Credit Union Fund and shall be used to offset the ordinary
14 administrative and operational expenses of the Department
15 under this Act. All earnings received from investments of
16 funds in the Credit Union Fund shall be deposited into the
17 Credit Union Fund and may be used for the same purposes as
18 fees deposited into that Fund.

19 (5) The administrative and operational expenses for any
20 calendar year shall mean the ordinary and contingent expenses
21 for that year incidental to making the examinations provided
22 for by, and for administering, this Act, including all
23 salaries and other compensation paid for personal services
24 rendered for the State by officers or employees of the State
25 to enforce this Act; all expenditures for telephone and
26 telegraph charges, postage and postal charges, office
27 supplies and services, furniture and equipment, office space
28 and maintenance thereof, travel expenses and other necessary
29 expenses; all to the extent that such expenditures are
30 directly incidental to such examination or administration.

31 (6) When the aggregate of all fees collected by the
32 Department under this Act and all earnings thereon for any
33 calendar year exceeds 150% of the total administrative and
34 operational expenses under this Act for that year, such

1 excess shall be credited to credit unions and applied against
2 their regulatory fees for the subsequent year. The amount
3 credited to a credit union shall be in the same proportion as
4 the fee paid by such credit union for the calendar year in
5 which the excess is produced bears to the aggregate of the
6 fees collected by the Department under this Act for the same
7 year.

8 (7) Examination fees for the year 2000 statutory
9 examinations paid pursuant to the examination fee schedule in
10 effect at that time shall be credited toward the regulatory
11 fee to be assessed the credit union in calendar year 2001.

12 (8) Nothing in this Act shall prohibit the General
13 Assembly from appropriating funds to the Department from the
14 General Revenue Fund for the purpose of administering this
15 Act.

16 (Source: P.A. 92-293, eff. 8-9-01; 93-32, eff. 7-1-03.)

17 Section 40. The Currency Exchange Act is amended by
18 changing Section 16 as follows:

19 (205 ILCS 405/16) (from Ch. 17, par. 4832)

20 Sec. 16. Annual report; investigation; costs. Each
21 licensee shall annually, on or before the 1st day of March,
22 file a report with the Director for the calendar year period
23 from January 1st through December 31st, except that the
24 report filed on or before March 15, 1990 shall cover the
25 period from October 1, 1988 through December 31, 1989, (which
26 shall be used only for the official purposes of the Director)
27 giving such relevant information as the Director may
28 reasonably require concerning, and for the purpose of
29 examining, the business and operations during the preceding
30 fiscal year period of each licensed currency exchange
31 conducted by such licensee within the State. Such report
32 shall be made under oath and shall be in the form prescribed

1 by the Director and the Director may at any time and shall at
2 least once in each year investigate the currency exchange
3 business of any licensee and of every person, partnership,
4 association, limited liability company, and corporation who
5 or which shall be engaged in the business of operating a
6 currency exchange. For that purpose, the Director shall have
7 free access to the offices and places of business and to such
8 records of all such persons, firms, partnerships,
9 associations, limited liability companies and members
10 thereof, and corporations and to the officers and directors
11 thereof that shall relate to such currency exchange business.
12 The investigation may be conducted in conjunction with
13 representatives of other State agencies or agencies of
14 another state or of the United States as determined by the
15 Director. The Director may at any time inspect the locations
16 served by an ambulatory currency exchange, for the purpose of
17 determining whether such currency exchange is complying with
18 the provisions of this Act at each location served. The
19 Director may require by subpoena the attendance of and
20 examine under oath all persons whose testimony he may require
21 relative to such business, and in such cases the Director, or
22 any qualified representative of the Director whom the
23 Director may designate, may administer oaths to all such
24 persons called as witnesses, and the Director, or any such
25 qualified representative of the Director, may conduct such
26 examinations, and there shall be paid to the Director for
27 each such examination a fee of \$150 \$225 for each day or part
28 thereof for each qualified representative designated and
29 required to conduct the examination; provided, however, that
30 in the case of an ambulatory currency exchange, such fee
31 shall be \$75 for each day or part thereof and shall not be
32 increased by reason of the number of locations served by it.
33 (Source: P.A. 92-398, eff. 1-1-02; 93-32, eff. 7-1-03.)

1 Section 45. The Residential Mortgage License Act of 1987
2 is amended by changing Sections 2-2 and 2-6 as follows:

3 (205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

4 Sec. 2-2. Application process; investigation; fee.

5 (a) The Commissioner shall issue a license upon
6 completion of all of the following:

7 (1) The filing of an application for license.

8 (2) The filing with the Commissioner of a listing
9 of judgments entered against, and bankruptcy petitions
10 by, the license applicant for the preceding 10 years.

11 (3) The payment, in certified funds, of
12 investigation and application fees, the total of which
13 shall be in an amount equal to \$1,800 ~~\$2,700~~ annually,
14 however, the Commissioner may increase the investigation
15 and application fees by rule as provided in Section 4-11.

16 (4) Except for a broker applying to renew a
17 license, the filing of an audited balance sheet including
18 all footnotes prepared by a certified public accountant
19 in accordance with generally accepted accounting
20 principles and generally accepted auditing principles
21 which evidences that the applicant meets the net worth
22 requirements of Section 3-5.

23 (5) The filing of proof satisfactory to the
24 Commissioner that the applicant, the members thereof if
25 the applicant is a partnership or association, the
26 members or managers thereof that retain any authority or
27 responsibility under the operating agreement if the
28 applicant is a limited liability company, or the officers
29 thereof if the applicant is a corporation have 3 years
30 experience preceding application in real estate finance.
31 Instead of this requirement, the applicant and the
32 applicant's officers or members, as applicable, may
33 satisfactorily complete a program of education in real

1 estate finance and fair lending, as approved by the
2 Commissioner, prior to receiving the initial license.
3 The Commissioner shall promulgate rules regarding proof
4 of experience requirements and educational requirements
5 and the satisfactory completion of those requirements.
6 The Commissioner may establish by rule a list of duly
7 licensed professionals and others who may be exempt from
8 this requirement.

9 (6) An investigation of the averments required by
10 Section 2-4, which investigation must allow the
11 Commissioner to issue positive findings stating that the
12 financial responsibility, experience, character, and
13 general fitness of the license applicant and of the
14 members thereof if the license applicant is a partnership
15 or association, of the officers and directors thereof if
16 the license applicant is a corporation, and of the
17 managers and members that retain any authority or
18 responsibility under the operating agreement if the
19 license applicant is a limited liability company are such
20 as to command the confidence of the community and to
21 warrant belief that the business will be operated
22 honestly, fairly and efficiently within the purpose of
23 this Act. If the Commissioner shall not so find, he or
24 she shall not issue such license, and he or she shall
25 notify the license applicant of the denial.

26 (b) All licenses shall be issued in duplicate with one
27 copy being transmitted to the license applicant and the
28 second being retained with the Commissioner.

29 Upon receipt of such license, a residential mortgage
30 licensee shall be authorized to engage in the business
31 regulated by this Act. Such license shall remain in full
32 force and effect until it expires without renewal, is
33 surrendered by the licensee or revoked or suspended as
34 hereinafter provided.

1 (Source: P.A. 93-32, eff. 7-1-03.)

2 (205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

3 Sec. 2-6. License issuance and renewal; fee.

4 (a) Beginning July 1, 2003 and ending on the effective
5 date of this amendatory Act of the 93rd General Assembly,
6 licenses shall be renewed every year on the anniversary of
7 the date of issuance of the original license. Beginning on
8 the effective date of this amendatory Act of the 93rd General
9 Assembly, except as otherwise provided, licenses shall be
10 renewed every 2 years on the anniversary of the date of the
11 issuance of the original license. Licenses issued for first
12 time applicants on or after the effective date of this
13 amendatory Act of the 93rd General Assembly shall be renewed
14 on the first anniversary of their issuance and every 2 years
15 thereafter. Properly completed renewal application forms and
16 filing fees must be received by the Commissioner 60 days
17 prior to the renewal date.

18 (b) It shall be the responsibility of each licensee to
19 accomplish renewal of its license; failure of the licensee to
20 receive renewal forms absent a request sent by certified mail
21 for such forms will not waive said responsibility. Failure by
22 a licensee to submit a properly completed renewal application
23 form and fees in a timely fashion, absent a written extension
24 from the Commissioner, will result in the assessment of
25 additional fees, as follows:

26 (1) A fee of \$500 ~~\$750~~ will be assessed to the
27 licensee 30 days after the proper renewal date and \$1,000
28 ~~\$1,500~~ each month thereafter, until the license is either
29 renewed or expires pursuant to Section 2-6, subsections
30 (c) and (d), of this Act.

31 (2) Such fee will be assessed without prior notice
32 to the licensee, but will be assessed only in cases
33 wherein the Commissioner has in his or her possession

1 documentation of the licensee's continuing activity for
2 which the unrenewed license was issued.

3 (c) A license which is not renewed by the date required
4 in this Section shall automatically become inactive. No
5 activity regulated by this Act shall be conducted by the
6 licensee when a license becomes inactive. An inactive
7 license may be reactivated by filing a completed reactivation
8 application with the Commissioner, payment of the renewal
9 fee, and payment of a reactivation fee equal to the renewal
10 fee.

11 (d) A license which is not renewed within one year of
12 becoming inactive shall expire.

13 (e) A licensee ceasing an activity or activities
14 regulated by this Act and desiring to no longer be licensed
15 shall so inform the Commissioner in writing and, at the same
16 time, convey the license and all other symbols or indicia of
17 licensure. The licensee shall include a plan for the
18 withdrawal from regulated business, including a timetable for
19 the disposition of the business. Upon receipt of such
20 written notice, the Commissioner shall issue a certified
21 statement canceling the license.

22 (Source: P.A. 93-32, eff. 7-1-03; 93-561, eff. 1-1-04;
23 revised 9-23-03.)

24 Section 50. The Consumer Installment Loan Act is amended
25 by changing Section 2 as follows:

26 (205 ILCS 670/2) (from Ch. 17, par. 5402)

27 Sec. 2. Application; fees; positive net worth.
28 Application for such license shall be in writing, and in the
29 form prescribed by the Director. Such applicant at the time
30 of making such application shall pay to the Director the sum
31 of \$300 as an application fee and the additional sum of \$300
32 \$450 as an annual license fee, for a period terminating on

1 the last day of the current calendar year; provided that if
2 the application is filed after June 30th in any year, such
3 license fee shall be 1/2 of the annual license fee for such
4 year.

5 Before the license is granted, every applicant shall
6 prove in form satisfactory to the Director that the applicant
7 has and will maintain a positive net worth of a minimum of
8 \$30,000. Every applicant and licensee shall maintain a
9 surety bond in the principal sum of \$25,000 issued by a
10 bonding company authorized to do business in this State and
11 which shall be approved by the Director. Such bond shall run
12 to the Director and shall be for the benefit of any consumer
13 who incurs damages as a result of any violation of the Act or
14 rules by a licensee. If the Director finds at any time that
15 a bond is of insufficient size, is insecure, exhausted, or
16 otherwise doubtful, an additional bond in such amount as
17 determined by the Director shall be filed by the licensee
18 within 30 days after written demand therefor by the Director.
19 "Net worth" means total assets minus total liabilities.

20 (Source: P.A. 92-398, eff. 1-1-02; 93-32, eff. 7-1-03.)

21 Section 55. The Nursing Home Care Act is amended by
22 changing Section 3-103 as follows:

23 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

24 Sec. 3-103. The procedure for obtaining a valid license
25 shall be as follows:

26 (1) Application to operate a facility shall be made to
27 the Department on forms furnished by the Department.

28 (2) Until the effective date of this amendatory Act of
29 the 93rd General Assembly, All-license-applications-shall--be
30 accompanied--with--an--application-fee. the fee for an annual
31 license shall be based on the licensed capacity of the
32 facility and shall be determined as follows: 0-49 licensed

1 beds, a flat fee of \$500; 50-99 licensed beds, a flat fee of
2 \$750; and for any facility with 100 or more licensed beds, a
3 fee of \$1,000 plus \$10 per licensed bed. The fee for a 2-year
4 license shall be double the fee for the annual license set
5 forth in the preceding sentence. Beginning on the effective
6 date of this amendatory Act of the 93rd General Assembly, all
7 applications, except those of homes for the aged, shall be
8 accompanied by an application fee of \$200 for an annual
9 license and \$400 for a 2-year license. The first \$600,000 of
10 such fees collected each fiscal year shall be deposited with
11 the State Treasurer into the Long Term Care Monitor/Receiver
12 Fund, which has been created as a special fund in the State
13 treasury. Any such fees in excess of \$600,000 collected in a
14 fiscal year shall be deposited into the General Revenue Fund.
15 This special fund is to be used by the Department for
16 expenses related to the appointment of monitors and receivers
17 as contained in Sections 3-501 through 3-517. At the end of
18 each fiscal year, any funds in excess of \$1,000,000 held in
19 the Long Term Care Monitor/Receiver Fund shall be deposited
20 in the State's General Revenue Fund. The application shall be
21 under oath and the submission of false or misleading
22 information shall be a Class A misdemeanor. The application
23 shall contain the following information:

24 (a) The name and address of the applicant if an
25 individual, and if a firm, partnership, or association,
26 of every member thereof, and in the case of a
27 corporation, the name and address thereof and of its
28 officers and its registered agent, and in the case of a
29 unit of local government, the name and address of its
30 chief executive officer;

31 (b) The name and location of the facility for which
32 a license is sought;

33 (c) The name of the person or persons under whose
34 management or supervision the facility will be conducted;

1 (d) The number and type of residents for which
2 maintenance, personal care, or nursing is to be provided;
3 and

4 (e) Such information relating to the number,
5 experience, and training of the employees of the
6 facility, any management agreements for the operation of
7 the facility, and of the moral character of the applicant
8 and employees as the Department may deem necessary.

9 (3) Each initial application shall be accompanied by a
10 financial statement setting forth the financial condition of
11 the applicant and by a statement from the unit of local
12 government having zoning jurisdiction over the facility's
13 location stating that the location of the facility is not in
14 violation of a zoning ordinance. An initial application for a
15 new facility shall be accompanied by a permit as required by
16 the "Illinois Health Facilities Planning Act". After the
17 application is approved, the applicant shall advise the
18 Department every 6 months of any changes in the information
19 originally provided in the application.

20 (4) Other information necessary to determine the
21 identity and qualifications of an applicant to operate a
22 facility in accordance with this Act shall be included in the
23 application as required by the Department in regulations.

24 (Source: P.A. 93-32, eff. 7-1-03.)

25 Section 60. The Illinois Insurance Code is amended by
26 changing Sections 121-19, 123A-4, 123B-4, 123C-17, 131.24,
27 141a, 149, 310.1, 315.4, 325, 363a, 370, 403, 403A, 408, 412,
28 416, 431, 445, 500-70, 500-110, 500-120, 500-135, 511.103,
29 511.105, 511.110, 512.63, 513a3, 513a4, 513a7, 529.5, 544,
30 1020, 1108, and 1204 as follows:

31 (215 ILCS 5/121-19) (from Ch. 73, par. 733-19)

32 Sec. 121-19. Fine for unauthorized insurance. Any

1 unauthorized insurer who transacts any unauthorized act of an
2 insurance business as set forth in this Act is guilty of a
3 business offense and may be fined not more than \$10,000
4 \$20,000.

5 (Source: P.A. 93-32, eff. 7-1-03.)

6 (215 ILCS 5/123A-4) (from Ch. 73, par. 735A-4)

7 Sec. 123A-4. Licenses - Application - Fees.

8 (1) An advisory organization must be licensed by the
9 Director before it is authorized to conduct activities in
10 this State.

11 (2) Any advisory organization shall make application for
12 a license as an advisory organization by providing with the
13 application satisfactory evidence to the Director that it has
14 complied with Sections 123A-6 and 123A-7 of this Article.

15 (3) The fee for filing an application as an advisory
16 organization is \$25 ~~\$50~~ payable to the Director.

17 (Source: P.A. 93-32, eff. 7-1-03.)

18 (215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)

19 Sec. 123B-4. Risk retention groups not organized in this
20 State. Any risk retention group organized and licensed in a
21 state other than this State and seeking to do business as a
22 risk retention group in this State shall comply with the laws
23 of this State as follows:

24 A. Notice of operations and designation of the Director
25 as agent.

26 Before offering insurance in this State, a risk retention
27 group shall submit to the Director on a form approved by the
28 Director:

29 (1) a statement identifying the state or states in
30 which the risk retention group is organized and licensed
31 as a liability insurance company, its date of
32 organization, its principal place of business, and such

1 other information, including information on its
2 membership, as the Director may require to verify that
3 the risk retention group is qualified under subsection
4 (11) of Section 123B-2 of this Article;

5 (2) a copy of its plan of operations or a
6 feasibility study and revisions of such plan or study
7 submitted to its state of domicile; provided, however,
8 that the provision relating to the submission of a plan
9 of operation or a feasibility study shall not apply with
10 respect to any line or classification of liability
11 insurance which (a) was defined in the Product Liability
12 Risk Retention Act of 1981 before October 27, 1986, and
13 (b) was offered before such date by any risk retention
14 group which had been organized and operating for not less
15 than 3 years before such date; and

16 (3) a statement of registration which designates
17 the Director as its agent for the purpose of receiving
18 service of legal documents or process, together with a
19 filing fee of \$100 ~~\$200~~ payable to the Director.

20 B. Financial condition. Any risk retention group doing
21 business in this State shall submit to the Director:

22 (1) a copy of the group's financial statement
23 submitted to the state in which the risk retention group
24 is organized and licensed, which shall be certified by an
25 independent public accountant and contain a statement of
26 opinion on loss and loss adjustment expense reserves made
27 by a member of the American Academy of Actuaries or a
28 qualified loss reserve specialist (under criteria
29 established by the National Association of Insurance
30 Commissioners);

31 (2) a copy of each examination of the risk
32 retention group as certified by the public official
33 conducting the examination;

34 (3) upon request by the Director, a copy of any

1 audit performed with respect to the risk retention group;
2 and

3 (4) such information as may be required to verify
4 its continuing qualification as a risk retention group
5 under subsection (11) of Section 123B-2.

6 C. Taxation.

7 (1) Each risk retention group shall be liable for
8 the payment of premium taxes and taxes on premiums of
9 direct business for risks resident or located within this
10 State, and shall report to the Director the net premiums
11 written for risks resident or located within this State.
12 Such risk retention group shall be subject to taxation,
13 and any applicable fines and penalties related thereto,
14 on the same basis as a foreign admitted insurer.

15 (2) To the extent licensed insurance producers are
16 utilized pursuant to Section 123B-11, they shall report
17 to the Director the premiums for direct business for
18 risks resident or located within this State which such
19 licensees have placed with or on behalf of a risk
20 retention group not organized in this State.

21 (3) To the extent that licensed insurance producers
22 are utilized pursuant to Section 123B-11, each such
23 producer shall keep a complete and separate record of all
24 policies procured from each such risk retention group,
25 which record shall be open to examination by the
26 Director, as provided in Section 506.1 of this Code.
27 These records shall, for each policy and each kind of
28 insurance provided thereunder, include the following:

- 29 (a) the limit of the liability;
- 30 (b) the time period covered;
- 31 (c) the effective date;
- 32 (d) the name of the risk retention group which
33 issued the policy;
- 34 (e) the gross premium charged; and

1 (f) the amount of return premiums, if any.

2 D. Compliance With unfair claims practices provisions.
3 Any risk retention group, its agents and representatives
4 shall be subject to the unfair claims practices provisions of
5 Sections 154.5 through 154.8 of this Code.

6 E. Deceptive, false, or fraudulent practices. Any risk
7 retention group shall comply with the laws of this State
8 regarding deceptive, false, or fraudulent acts or practices.
9 However, if the Director seeks an injunction regarding such
10 conduct, the injunction must be obtained from a court of
11 competent jurisdiction.

12 F. Examination regarding financial condition. Any risk
13 retention group must submit to an examination by the Director
14 to determine its financial condition if the commissioner of
15 insurance of the jurisdiction in which the group is organized
16 and licensed has not initiated an examination or does not
17 initiate an examination within 60 days after a request by the
18 Director. Any such examination shall be coordinated to avoid
19 unjustified repetition and conducted in an expeditious manner
20 and in accordance with the National Association of Insurance
21 Commissioners' Examiner Handbook.

22 G. Notice to purchasers. Every application form for
23 insurance from a risk retention group and the front page and
24 declaration page of every policy issued by a risk retention
25 group shall contain in 10 point type the following notice:

26 "NOTICE

27 This policy is issued by your risk retention group. Your
28 risk retention group is not subject to all of the insurance
29 laws and regulations of your state. State insurance
30 insolvency guaranty fund protection is not available for your
31 risk retention group".

32 H. Prohibited acts regarding solicitation or sale. The
33 following acts by a risk retention group are hereby
34 prohibited:

1 (1) the solicitation or sale of insurance by a risk
2 retention group to any person who is not eligible for
3 membership in such group; and

4 (2) the solicitation or sale of insurance by, or
5 operation of, a risk retention group that is in a
6 hazardous financial condition or is financially impaired.

7 I. Prohibition on ownership by an insurance company. No
8 risk retention group shall be allowed to do business in this
9 State if an insurance company is directly or indirectly a
10 member or owner of such risk retention group, other than in
11 the case of a risk retention group all of whose members are
12 insurance companies.

13 J. Prohibited coverage. No risk retention group may
14 offer insurance policy coverage prohibited by Articles IX or
15 XI of this Code or declared unlawful by the Illinois Supreme
16 Court; provided however, a risk retention group organized and
17 licensed in a state other than this State that selects the
18 law of this State to govern the validity, construction, or
19 enforceability of policies issued by it is permitted to
20 provide coverage under policies issued by it for penalties in
21 the nature of compensatory damages including, without
22 limitation, punitive damages and the multiplied portion of
23 multiple damages, so long as coverage of those penalties is
24 not prohibited by the law of the state under which the risk
25 retention group is organized.

26 K. Delinquency proceedings. A risk retention group not
27 organized in this State and doing business in this State
28 shall comply with a lawful order issued in a voluntary
29 dissolution proceeding or in a conservation, rehabilitation,
30 liquidation, or other delinquency proceeding commenced by the
31 Director or by another state insurance commissioner if there
32 has been a finding of financial impairment after an
33 examination under subsection F of Section 123B-4 of this
34 Article.

1 L. Compliance with injunctive relief. A risk retention
2 group shall comply with an injunctive order issued in another
3 state by a court of competent jurisdiction or by a United
4 States District Court based on a finding of financial
5 impairment or hazardous financial condition.

6 M. Penalties. A risk retention group that violates any
7 provision of this Article will be subject to fines and
8 penalties applicable to licensed insurers generally,
9 including revocation of its license or the right to do
10 business in this State, or both.

11 N. Operations prior to August 3, 1987. In addition to
12 complying with the requirements of this Section, any risk
13 retention group operating in this State prior to August 3,
14 1987, shall within 30 days after such effective date comply
15 with the provisions of subsection A of this Section.

16 (Source: P.A. 93-32, eff. 7-1-03.)

17 (215 ILCS 5/123C-17) (from Ch. 73, par. 735C-17)

18 Sec. 123C-17. Fees.

19 A. The Director shall charge, collect, and give proper
20 acquittances for the payment of the following fees and
21 charges with respect to a captive insurance company:

22 1. For filing all documents submitted for the
23 incorporation or organization or certification of a
24 captive insurance company, \$3,500 ~~\$7,000~~.

25 2. For filing requests for approval of changes in
26 the elements of a plan of operations, \$100 ~~\$200~~.

27 B. Except as otherwise provided in subsection A of this
28 Section and in Section 123C-10, the provisions of Section 408
29 shall apply to captive insurance companies.

30 C. Any funds collected from captive insurance companies
31 pursuant to this Section shall be treated in the manner
32 provided in subsection (11) of Section 408.

33 (Source: P.A. 93-32, eff. 7-1-03.)

1 (215 ILCS 5/131.24) (from Ch. 73, par. 743.24)

2 Sec. 131.24. Sanctions.

3 (1) Every director or officer of an insurance holding
4 company system who knowingly violates, participates in, or
5 assents to, or who knowingly permits any of the officers or
6 agents of the company to engage in transactions or make
7 investments which have not been properly filed or approved or
8 which violate this Article, shall pay, in their individual
9 capacity, a civil forfeiture of not more than \$50,000
10 ~~\$100,000~~ per violation, after notice and hearing before the
11 Director. In determining the amount of the civil forfeiture,
12 the Director shall take into account the appropriateness of
13 the forfeiture with respect to the gravity of the violation,
14 the history of previous violations, and such other matters as
15 justice may require.

16 (2) Whenever it appears to the Director that any company
17 subject to this Article or any director, officer, employee or
18 agent thereof has engaged in any transaction or entered into
19 a contract which is subject to Section 131.20, and any one of
20 Sections 131.16, 131.20a, 141, 141.1, or 174 of this Code and
21 which would not have been approved had such approval been
22 requested or would have been disapproved had required notice
23 been given, the Director may order the company to cease and
24 desist immediately any further activity under that
25 transaction or contract. After notice and hearing the
26 Director may also order (a) the company to void any such
27 contracts and restore the status quo if such action is in the
28 best interest of the policyholders or the public, and (b) any
29 affiliate of the company, which has received from the company
30 dividends, distributions, assets, loans, extensions of
31 credit, guarantees, or investments in violation of any such
32 Section, to immediately repay, refund or restore to the
33 company such dividends, distributions, assets, extensions of
34 credit, guarantees or investments.

1 (3) Whenever it appears to the Director that any company
2 or any director, officer, employee or agent thereof has
3 committed a willful violation of this Article, the Director
4 may cause criminal proceedings to be instituted in the
5 Circuit Court for the county in which the principal office of
6 the company is located or in the Circuit Court of Sangamon or
7 Cook County against such company or the responsible director,
8 officer, employee or agent thereof. Any company which
9 willfully violates this Article commits a business offense
10 and may be fined up to \$250,000 ~~\$500,000~~. Any individual who
11 willfully violates this Article commits a Class 4 felony and
12 may be fined in his individual capacity not more than
13 \$250,000 ~~\$500,000~~ or be imprisoned for not less than one year
14 nor more than 3 years, or both.

15 (4) Any officer, director, or employee of an insurance
16 holding company system who willfully and knowingly subscribes
17 to or makes or causes to be made any false statements or
18 false reports or false filings with the intent to deceive the
19 Director in the performance of his duties under this Article,
20 commits a Class 3 felony and upon conviction thereof, shall
21 be imprisoned for not less than 2 years nor more than 5
22 years or fined \$250,000 ~~\$500,000~~ or both. Any fines imposed
23 shall be paid by the officer, Director, or employee in his
24 individual capacity.

25 (Source: P.A. 93-32, eff. 7-1-03.)

26 (215 ILCS 5/141a) (from Ch. 73, par. 753a)

27 Sec. 141a. Managing general agents and retrospective
28 compensation agreements.

29 (a) As used in this Section, the following terms have
30 the following meanings:

31 "Actuary" means a person who is a member in good standing
32 of the American Academy of Actuaries.

33 "Gross direct written premium" means direct premium

1 including policy and membership fees, net of returns and
2 cancellations, and prior to any cessions.

3 "Insurer" means any person duly licensed in this State as
4 an insurance company pursuant to Articles II, III, III 1/2,
5 IV, V, VI, and XVII of this Code.

6 "Managing general agent" means any person, firm,
7 association, or corporation, either separately or together
8 with affiliates, that:

9 (1) manages all or part of the insurance business
10 of an insurer (including the management of a separate
11 division, department, or underwriting office), and

12 (2) acts as an agent for the insurer whether known
13 as a managing general agent, manager, or other similar
14 term, and

15 (3) with or without the authority produces,
16 directly or indirectly, and underwrites:

17 (A) within any one calendar quarter, an amount
18 of gross direct written premium equal to or more
19 than 5% of the policyholders' surplus as reported in
20 the insurer's last annual statement, or

21 (B) within any one calendar year, an amount of
22 gross direct written premium equal to or more than
23 8% of the policyholders' surplus as reported in the
24 insurer's last annual statement, and either

25 (4) has the authority to bind the company in
26 settlement of individual claims in amounts in excess of
27 \$500, or

28 (5) has the authority to negotiate reinsurance on
29 behalf of the insurer.

30 Notwithstanding the provisions of items (1) through (5),
31 the following persons shall not be considered to be managing
32 general agents for the purposes of this Code:

33 (1) An employee of the insurer;

34 (2) A U.S. manager of the United States branch of

1 an alien insurer;

2 (3) An underwriting manager who, pursuant to a
3 contract meeting the standards of Section 141.1 manages
4 all or part of the insurance operations of the insurer,
5 is affiliated with the insurer, subject to Article VIII
6 1/2, and whose compensation is not based on the volume of
7 premiums written;

8 (4) The attorney or the attorney in fact authorized
9 and acting for or on behalf of the subscriber
10 policyholders of a reciprocal or inter-insurance
11 exchange, under the terms of the subscription agreement,
12 power of attorney, or policy of insurance or the attorney
13 in fact for any Lloyds organization licensed in this
14 State.

15 "Retrospective compensation agreement" means any
16 arrangement, agreement, or contract having as its purpose the
17 actual or constructive retention by the insurer of a fixed
18 proportion of the gross premiums, with the balance of the
19 premiums, retained actually or constructively by the agent or
20 the producer of the business, who assumes to pay therefrom
21 all losses, all subordinate commission, loss adjustment
22 expenses, and his profit, if any, with other provisions of
23 the arrangement, agreement, or contract being auxiliary or
24 incidental to that purpose.

25 "Underwrite" means to accept or reject risk on behalf of
26 the insurer.

27 (b) Licensure of managing general agents.

28 (1) No person, firm, association, or corporation
29 shall act in the capacity of a managing general agent
30 with respect to risks located in this State for an
31 insurer licensed in this State unless the person is a
32 licensed producer or a registered firm in this State
33 under Article XXXI of this Code or a licensed third party
34 administrator in this State under Article XXXI 1/4 of

1 this Code.

2 (2) No person, firm, association, or corporation
3 shall act in the capacity of a managing general agent
4 with respect to risks located outside this State for an
5 insurer domiciled in this State unless the person is a
6 licensed producer or a registered firm in this State
7 under Article XXXI of this Code or a licensed third party
8 administrator in this State under Article XXXI 1/4 of
9 this Code.

10 (3) The managing general agent must provide a
11 surety bond for the benefit of the insurer in an amount
12 equal to the greater of \$100,000 or 5% of the gross
13 direct written premium underwritten by the managing
14 general agent on behalf of the insurer. The bond shall
15 provide for a discovery period and prior notification of
16 cancellation in accordance with the rules of the
17 Department unless otherwise approved in writing by the
18 Director.

19 (4) The managing general agent must maintain an
20 errors and omissions policy for the benefit of the
21 insurer with coverage in an amount equal to the greater
22 of \$1,000,000 or 5% of the gross direct written premium
23 underwritten by the managing general agent on behalf of
24 the insurer.

25 (5) Evidence of the existence of the bond and the
26 errors and omissions policy must be made available to the
27 Director upon his request.

28 (c) No person, firm, association, or corporation acting
29 in the capacity of a managing general agent shall place
30 business with an insurer unless there is in force a written
31 contract between the parties that sets forth the
32 responsibilities of each party, that, if both parties share
33 responsibility for a particular function, specifies the
34 division of responsibility, and that contains the following

1 minimum provisions:

2 (1) The insurer may terminate the contract for
3 cause upon written notice to the managing general agent.
4 The insurer may suspend the underwriting authority of the
5 managing general agent during the pendency of any dispute
6 regarding the cause for termination.

7 (2) The managing general agent shall render
8 accounts to the insurer detailing all transactions and
9 remit all funds due under the contract to the insurer on
10 not less than a monthly basis.

11 (3) All funds collected for the account of an
12 insurer shall be held by the managing general agent in a
13 fiduciary capacity in a bank that is a federally or State
14 chartered bank and that is a member of the Federal
15 Deposit Insurance Corporation. This account shall be
16 used for all payments on behalf of the insurer; however,
17 the managing general agent shall not have authority to
18 draw on any other accounts of the insurer. The managing
19 general agent may retain no more than 3 months estimated
20 claims payments and allocated loss adjustment expenses.

21 (4) Separate records of business written by the
22 managing general agent will be maintained. The insurer
23 shall have access to and the right to copy all accounts
24 and records related to its business in a form usable by
25 the insurer, and the Director shall have access to all
26 books, bank accounts, and records of the managing general
27 agent in a form usable to the Director.

28 (5) The contract may not be assigned in whole or
29 part by the managing general agent.

30 (6) The managing general agent shall provide to the
31 company audited financial statements required under
32 paragraph (1) of subsection (d).

33 (7) That appropriate underwriting guidelines be
34 followed, which guidelines shall stipulate the following:

- 1 (A) the maximum annual premium volume;
- 2 (B) the basis of the rates to be charged;
- 3 (C) the types of risks that may be written;
- 4 (D) maximum limits of liability;
- 5 (E) applicable exclusions;
- 6 (F) territorial limitations;
- 7 (G) policy cancellation provisions; and
- 8 (H) the maximum policy period.

9 (8) The insurer shall have the right to: (i) cancel
10 or nonrenew any policy of insurance subject to applicable
11 laws and regulations concerning those actions; and (ii)
12 require cancellation of any subproducer's contract after
13 appropriate notice.

14 (9) If the contract permits the managing general
15 agent to settle claims on behalf of the insurer:

16 (A) all claims must be reported to the company
17 in a timely manner.

18 (B) a copy of the claim file must be sent to
19 the insurer at its request or as soon as it becomes
20 known that the claim:

21 (i) has the potential to exceed an amount
22 determined by the company;

23 (ii) involves a coverage dispute;

24 (iii) may exceed the managing general
25 agent's claims settlement authority;

26 (iv) is open for more than 6 months; or

27 (v) is closed by payment of an amount set
28 by the company.

29 (C) all claim files will be the joint property
30 of the insurer and the managing general agent.
31 However, upon an order of liquidation of the
32 insurer, the files shall become the sole property of
33 the insurer or its estate; the managing general
34 agent shall have reasonable access to and the right

1 to copy the files on a timely basis.

2 (D) any settlement authority granted to the
3 managing general agent may be terminated for cause
4 upon the insurer's written notice to the managing
5 general agent or upon the termination of the
6 contract. The insurer may suspend the settlement
7 authority during the pendency of any dispute
8 regarding the cause for termination.

9 (10) Where electronic claims files are in
10 existence, the contract must address the timely
11 transmission of the data.

12 (11) If the contract provides for a sharing of
13 interim profits by the managing general agent and the
14 managing general agent has the authority to determine the
15 amount of the interim profits by establishing loss
16 reserves, controlling claim payments, or by any other
17 manner, interim profits will not be paid to the managing
18 general agent until one year after they are earned for
19 property insurance business and until 5 years after they
20 are earned on casualty business and in either case, not
21 until the profits have been verified.

22 (12) The managing general agent shall not:

23 (A) Bind reinsurance or retrocessions on
24 behalf of the insurer, except that the managing
25 general agent may bind facultative reinsurance
26 contracts under obligatory facultative agreements if
27 the contract with the insurer contains reinsurance
28 underwriting guidelines including, for both
29 reinsurance assumed and ceded, a list of reinsurers
30 with which automatic agreements are in effect, the
31 coverages and amounts or percentages that may be
32 reinsured, and commission schedules.

33 (B) Appoint any producer without assuring that
34 the producer is lawfully licensed to transact the

1 type of insurance for which he is appointed.

2 (C) Without prior approval of the insurer, pay
3 or commit the insurer to pay a claim over a
4 specified amount, net of reinsurance, that shall not
5 exceed 1% of the insurer's policyholders' surplus as
6 of December 31 of the last completed calendar year.

7 (D) Collect any payment from a reinsurer or
8 commit the insurer to any claim settlement with a
9 reinsurer without prior approval of the insurer. If
10 prior approval is given, a report must be promptly
11 forwarded to the insurer.

12 (E) Permit its subproducer to serve on its
13 board of directors.

14 (F) Employ an individual who is also employed
15 by the insurer.

16 (13) The contract may not be written for a term of
17 greater than 5 years.

18 (d) Insurers shall have the following duties:

19 (1) The insurer shall have on file the managing
20 general agent's audited financial statements as of the
21 end of the most recent fiscal year prepared in accordance
22 with Generally Accepted Accounting Principles. The
23 insurer shall notify the Director if the auditor's
24 opinion on those statements is other than an unqualified
25 opinion. That notice shall be given to the Director
26 within 10 days of receiving the audited financial
27 statements or becoming aware that such opinion has been
28 given.

29 (2) If a managing general agent establishes loss
30 reserves, the insurer shall annually obtain the opinion
31 of an actuary attesting to the adequacy of loss reserves
32 established for losses incurred and outstanding on
33 business produced by the managing general agent, in
34 addition to any other required loss reserve

1 certification.

2 (3) The insurer shall periodically (at least
3 semiannually) conduct an on-site review of the
4 underwriting and claims processing operations of the
5 managing general agent.

6 (4) Binding authority for all reinsurance contracts
7 or participation in insurance or reinsurance syndicates
8 shall rest with an officer of the insurer, who shall not
9 be affiliated with the managing general agent.

10 (5) Within 30 days of entering into or terminating
11 a contract with a managing general agent, the insurer
12 shall provide written notification of the appointment or
13 termination to the Director. Notices of appointment of a
14 managing general agent shall include a statement of
15 duties that the applicant is expected to perform on
16 behalf of the insurer, the lines of insurance for which
17 the applicant is to be authorized to act, and any other
18 information the Director may request.

19 (6) An insurer shall review its books and records
20 each quarter to determine if any producer has become a
21 managing general agent. If the insurer determines that a
22 producer has become a managing general agent, the insurer
23 shall promptly notify the producer and the Director of
24 that determination, and the insurer and producer must
25 fully comply with the provisions of this Section within
26 30 days of the notification.

27 (7) The insurer shall file any managing general
28 agent contract for the Director's approval within 45 days
29 after the contract becomes subject to this Section.
30 Failure of the Director to disapprove the contract within
31 45 days shall constitute approval thereof. Upon
32 expiration of the contract, the insurer shall submit the
33 replacement contract for approval. Contracts filed under
34 this Section shall be exempt from filing under Sections

1 141, 141.1 and 131.20a.

2 (8) An insurer shall not appoint to its board of
3 directors an officer, director, employee, or controlling
4 shareholder of its managing general agents. This
5 provision shall not apply to relationships governed by
6 Article VIII 1/2 of this Code.

7 (e) The acts of a managing general agent are considered
8 to be the acts of the insurer on whose behalf it is acting.
9 A managing general agent may be examined in the same manner
10 as an insurer.

11 (f) Retrospective compensation agreements for business
12 written under Section 4 of this Code in Illinois and outside
13 of Illinois by an insurer domiciled in this State must be
14 filed for approval. The standards for approval shall be as
15 set forth under Section 141 of this Code.

16 (g) Unless specifically required by the Director, the
17 provisions of this Section shall not apply to arrangements
18 between a managing general agent not underwriting any risks
19 located in Illinois and a foreign insurer domiciled in an
20 NAIC accredited state that has adopted legislation
21 substantially similar to the NAIC Managing General Agents
22 Model Act. "NAIC accredited state" means a state or
23 territory of the United States having an insurance regulatory
24 agency that maintains an accredited status granted by the
25 National Association of Insurance Commissioners.

26 (h) If the Director determines that a managing general
27 agent has not materially complied with this Section or any
28 regulation or order promulgated hereunder, after notice and
29 opportunity to be heard, the Director may order a penalty in
30 an amount not exceeding \$50,000 ~~\$100,000~~ for each separate
31 violation and may order the revocation or suspension of the
32 producer's license. If it is found that because of the
33 material noncompliance the insurer has suffered any loss or
34 damage, the Director may maintain a civil action brought by

1 or on behalf of the insurer and its policyholders and
2 creditors for recovery of compensatory damages for the
3 benefit of the insurer and its policyholders and creditors or
4 other appropriate relief. This subsection (h) shall not be
5 construed to prevent any other person from taking civil
6 action against a managing general agent.

7 (i) If an Order of Rehabilitation or Liquidation is
8 entered under Article XIII and the receiver appointed under
9 that Order determines that the managing general agent or any
10 other person has not materially complied with this Section or
11 any regulation or Order promulgated hereunder and the insurer
12 suffered any loss or damage therefrom, the receiver may
13 maintain a civil action for recovery of damages or other
14 appropriate sanctions for the benefit of the insurer.

15 Any decision, determination, or order of the Director
16 under this subsection shall be subject to judicial review
17 under the Administrative Review Law.

18 Nothing contained in this subsection shall affect the
19 right of the Director to impose any other penalties provided
20 for in this Code.

21 Nothing contained in this subsection is intended to or
22 shall in any manner limit or restrict the rights of
23 policyholders, claimants, and auditors.

24 (j) A domestic company shall not during any calendar
25 year write, through a managing general agent or managing
26 general agents, premiums in an amount equal to or greater
27 than its capital and surplus as of the preceding December
28 31st unless the domestic company requests in writing the
29 Director's permission to do so and the Director has either
30 approved the request or has not disapproved the request
31 within 45 days after the Director received the request.

32 No domestic company with less than \$5,000,000 of capital
33 and surplus may write any business through a managing general
34 agent unless the domestic company requests in writing the

1 Director's permission to do so and the Director has either
2 approved the request or has not disapproved the request
3 within 45 days after the Director received the request.

4 (Source: P.A. 93-32, eff. 7-1-03.)

5 (215 ILCS 5/149) (from Ch. 73, par. 761)

6 Sec. 149. Misrepresentation and defamation prohibited.

7 (1) No company doing business in this State, and no
8 officer, director, agent, clerk or employee thereof, broker,
9 or any other person, shall make, issue or circulate or cause
10 or knowingly permit to be made, issued or circulated any
11 estimate, illustration, circular, or verbal or written
12 statement of any sort misrepresenting the terms of any policy
13 issued or to be issued by it or any other company or the
14 benefits or advantages promised thereby or any misleading
15 estimate of the dividends or share of the surplus to be
16 received thereon, or shall by the use of any name or title of
17 any policy or class of policies misrepresent the nature
18 thereof.

19 (2) No such company or officer, director, agent, clerk
20 or employee thereof, or broker shall make any misleading
21 representation or comparison of companies or policies, to any
22 person insured in any company for the purpose of inducing or
23 tending to induce a policyholder in any company to lapse,
24 forfeit, change or surrender his insurance, whether on a
25 temporary or permanent plan.

26 (3) No such company, officer, director, agent, clerk or
27 employee thereof, broker or other person shall make, issue or
28 circulate or cause or knowingly permit to be made, issued or
29 circulated any pamphlet, circular, article, literature or
30 verbal or written statement of any kind which contains any
31 false or malicious statement calculated to injure any company
32 doing business in this State in its reputation or business.

33 (4) No such company, or officer, director, agent, clerk

1 or employee thereof, no agent, broker, solicitor, or company
2 service representative, and no other person, firm,
3 corporation, or association of any kind or character, shall
4 make, issue, circulate, use, or utter, or cause or knowingly
5 permit to be made, issued, circulated, used, or uttered, any
6 policy or certificate of insurance, or endorsement or rider
7 thereto, or matter incorporated therein by reference, or
8 application blanks, or any stationery, pamphlet, circular,
9 article, literature, advertisement or advertising of any kind
10 or character, visual, or aural, including radio advertising
11 and television advertising, or any other verbal or written
12 statement or utterance (a) which tends to create the
13 impression or from which it may be implied or inferred,
14 directly or indirectly, that the company, its financial
15 condition or status, or the payment of its claims, or the
16 merits, desirability, or advisability of its policy forms or
17 kinds or plans of insurance are approved, endorsed, or
18 guaranteed by the State of Illinois or United States
19 Government or the Director or the Department or are secured
20 by Government bonds or are secured by a deposit with the
21 Director, or (b) which uses or refers to any deposit with the
22 Director or any certificate of deposit issued by the Director
23 or any facsimile, reprint, photograph, photostat, or other
24 reproduction of any such certificate of deposit.

25 (5) Any company, officer, director, agent, clerk or
26 employee thereof, broker, or other person who violates any of
27 the provisions of this Section, or knowingly participates in
28 or abets such violation, is guilty of a business offense and
29 shall be required to pay a penalty of not less than \$100 ~~\$200~~
30 nor more than \$5,000 ~~\$10,000~~, to be recovered in the name of
31 the People of the State of Illinois either by the Attorney
32 General or by the State's Attorney of the county in which the
33 violation occurs. The penalty so recovered shall be paid into
34 the county treasury if recovered by the State's Attorney or

1 into the State treasury if recovered by the Attorney General.

2 (6) No company shall be held guilty of having violated
3 any of the provisions of this Section by reason of the act of
4 any agent, solicitor or employee, not an officer, director or
5 department head thereof, unless an officer, director or
6 department head of such company shall have knowingly
7 permitted such act or shall have had prior knowledge thereof.

8 (7) Any person, association, organization, partnership,
9 business trust or corporation not authorized to transact an
10 insurance business in this State which disseminates in or
11 causes to be disseminated in this State any advertising,
12 invitations to inquire, questionnaires or requests for
13 information designed to result in a solicitation for the
14 purchase of insurance by residents of this State is also
15 subject to the sanctions of this Section. The phrase
16 "designed to result in a solicitation for the purchase of
17 insurance" includes but is not limited to:

18 (a) the use of any form or document which provides
19 either generalized or specific information or
20 recommendations regardless of the insurance needs of the
21 recipient or the availability of any insurance policy or
22 plan; or

23 (b) any offer to provide such information or
24 recommendation upon subsequent contacts or solicitation
25 either by the entity generating the material or some
26 other person; or

27 (c) the use of a coupon, reply card or request to
28 write for further information; or

29 (d) the use of an application for insurance or an
30 offer to provide insurance coverage for any purpose; or

31 (e) the use of any material which, regardless of
32 the form and content used or the information imparted, is
33 intended to result, in the generation of leads for
34 further solicitations or the preparation of a mailing

1 list which can be sold to others for such purpose.

2 (Source: P.A. 93-32, eff. 7-1-03.)

3 (215 ILCS 5/310.1) (from Ch. 73, par. 922.1)

4 Sec. 310.1. Suspension, Revocation or Refusal to Renew
5 Certificate of Authority.

6 (a) Domestic Societies. When, upon investigation, the
7 Director is satisfied that any domestic society transacting
8 business under this amendatory Act has exceeded its powers or
9 has failed to comply with any provisions of this amendatory
10 Act or is conducting business fraudulently or in a way
11 hazardous to its members, creditors or the public or is not
12 carrying out its contracts in good faith, the Director shall
13 notify the society of his or her findings, stating in writing
14 the grounds of his or her dissatisfaction, and, after
15 reasonable notice, require the society on a date named to
16 show cause why its certificate of authority should not be
17 revoked or suspended or why such society should not be fined
18 as hereinafter provided or why the Director should not
19 proceed against the society under Article XIII of this
20 Code. If, on the date named in said notice, such objections
21 have not been removed to the satisfaction of the Director or
22 if the society does not present good and sufficient reasons
23 why its authority to transact business in this State should
24 not at that time be revoked or suspended or why such society
25 should not be fined as hereinafter provided, the Director
26 may revoke the authority of the society to continue business
27 in this State and proceed against the society under Article
28 XIII of this Code or suspend such certificate of authority
29 for any period of time up to, but not to exceed, 2 years; or
30 may by order require such society to pay to the people of the
31 State of Illinois a penalty in a sum not exceeding \$5,000
32 ~~\$10,000~~, and, upon the failure of such society to pay such
33 penalty within 20 days after the mailing of such order,

1 postage prepaid, registered and addressed to the last known
2 place of business of such society, unless such order is
3 stayed by an order of a court of competent jurisdiction, the
4 Director may revoke or suspend the license of such society
5 for any period of time up to, but not exceeding, a period of
6 2 years.

7 (b) Foreign or alien societies. The Director shall
8 suspend, revoke or refuse to renew certificates of authority
9 in accordance with Article VI of this Code.

10 (Source: P.A. 93-32, eff. 7-1-03.)

11 (215 ILCS 5/315.4) (from Ch. 73, par. 927.4)

12 Sec. 315.4. Penalties.

13 (a) Any person who willfully makes a false or fraudulent
14 statement in or relating to an application for membership or
15 for the purpose of obtaining money from, or a benefit in, any
16 society shall upon conviction be fined not less than \$100
17 ~~\$200~~ nor more than \$5,000 ~~\$10,000~~ or be subject to
18 imprisonment in the county jail not less than 30 days nor
19 more than one year, or both.

20 (b) Any person who willfully makes a false or fraudulent
21 statement in any verified report or declaration under oath
22 required or authorized by this amendatory Act, or of any
23 material fact or thing contained in a sworn statement
24 concerning the death or disability of an insured for the
25 purpose of procuring payment of a benefit named in the
26 certificate, shall be guilty of perjury and shall be subject
27 to the penalties therefor prescribed by law.

28 (c) Any person who solicits membership for, or in any
29 manner assists in procuring membership in, any society not
30 licensed to do business in this State shall upon conviction
31 be fined not less than \$50 ~~\$100~~ nor more than \$200 ~~\$400~~.

32 (d) Any person guilty of a willful violation of, or
33 neglect or refusal to comply with, the provisions of this

1 amendatory Act for which a penalty is not otherwise
2 prescribed shall upon conviction be subject to a fine not
3 exceeding \$5,000 ~~\$10,000~~.

4 (Source: P.A. 93-32, eff. 7-1-03.)

5 (215 ILCS 5/325) (from Ch. 73, par. 937)

6 Sec. 325. Officers bonds. The officer or officers of the
7 association entrusted with the custody of its funds shall
8 within thirty days after the effective date of this Code file
9 with the Director a bond in favor of the association in the
10 penalty of double the amount of its benefit account, as
11 defined in the act mentioned in section 316, as of the end of
12 a preceding calendar year, exclusive of such amount as the
13 association may maintain on deposit with the Director, (but
14 in no event a bond in a penalty of less than \$1,000 ~~\$2,000~~)
15 with such officer or officers as principal and a duly
16 authorized surety company as surety, conditioned upon the
17 faithful performance of his or their duties and the
18 accounting of the funds entrusted to his or their custody. If
19 the penalty of any bond filed pursuant to this section shall
20 at any time be less than twice the largest amount in the
21 benefit fund of the association not maintained on deposit
22 with the Director during the preceding calendar year, a new
23 bond in the penalty of double the largest amount in the
24 benefit fund during said preceding calendar year, with such
25 officer or officers as principal and a duly authorized surety
26 company as surety, conditioned as aforesaid, shall be filed
27 with the Director within sixty days after the end of such
28 calendar year.

29 (Source: P.A. 93-32, eff. 7-1-03.)

30 (215 ILCS 5/363a) (from Ch. 73, par. 975a)

31 Sec. 363a. Medicare supplement policies; disclosure,
32 advertising, loss ratio standards.

1 (1) Scope. This Section pertains to disclosure
2 requirements of companies and agents and mandatory and
3 prohibited practices of agents when selling a policy to
4 supplement the Medicare program or any other health insurance
5 policy sold to individuals eligible for Medicare. No policy
6 shall be referred to or labeled as a Medicare supplement
7 policy if it does not comply with the minimum standards
8 required by regulation pursuant to Section 363 of this Code.
9 Except as otherwise specifically provided in paragraph (d) of
10 subsection (6), this Section shall not apply to accident only
11 or specified disease type of policies or hospital confinement
12 indemnity or other type policies clearly unrelated to
13 Medicare.

14 (2) Advertising. An advertisement that describes or
15 offers to provide information concerning the federal Medicare
16 program shall comply with all of the following:

17 (a) It may not include any reference to that
18 program on the envelope, the reply envelope, or the
19 address side of the reply postal card, if any, nor use
20 any language to imply that failure to respond to the
21 advertisement might result in loss of Medicare benefits.

22 (b) It must include a prominent statement to the
23 effect that in providing supplemental coverage the
24 insurer and agent involved in the solicitation are not in
25 any manner connected with that program.

26 (c) It must prominently disclose that it is an
27 advertisement for insurance or is intended to obtain
28 insurance prospects.

29 (d) It must prominently identify and set forth the
30 actual address of the insurer or insurers that issue the
31 coverage.

32 (e) It must prominently state that any material or
33 information offered will be delivered in person by a
34 representative of the insurer, if that is the case.

1 The Director may issue reasonable rules and regulations
2 for the purpose of establishing criteria and guidelines for
3 the advertising of Medicare supplement insurance.

4 (3) Mandatory agent practices. For the purpose of this
5 Act, "home solicitation sale by an agent" means a sale or
6 attempted sale of an insurance policy at the purchaser's
7 residence, agent's transient quarters, or away from the
8 agent's home office when the initial contact is personally
9 solicited by the agent or insurer. Any agent involved in any
10 home solicitation sale of a Medicare supplement policy or
11 other policy of accident and health insurance, subject to
12 subsection (1) of this Section, sold to individuals eligible
13 for Medicare shall promptly do the following:

- 14 (a) Identify himself as an insurance agent.
- 15 (b) Identify the insurer or insurers for which he
16 is a licensed agent.
- 17 (c) Provide the purchaser with a clearly printed or
18 typed identification of his name, address, telephone
19 number, and the name of the insurer in which the
20 insurance is to be written.
- 21 (d) Determine what, if any, policy is appropriate,
22 suitable, and nonduplicative for the purchaser
23 considering existing coverage and be able to provide
24 proof to the company that such a determination has been
25 made.
- 26 (e) Fully and completely disclose the purchaser's
27 medical history on the application if required for issue.
- 28 (f) Complete a Policy Check List in duplicate as
29 follows:

30 POLICY CHECK LIST

- 31 Applicant's Name:
- 32 Policy Number:
- 33 Name of Existing Insurer:
- 34 Expiration Date of Existing Insurance:

1 eligible for Medicare shall use any false, deceptive, or
2 misleading representation to induce a sale, or use any
3 plan, scheme, or ruse, that misrepresents the true status
4 or mission of the person making the call, or represent
5 directly or by implication that the agent:

6 (i) Is offering insurance that is approved or
7 recommended by the State or federal government to
8 supplement Medicare.

9 (ii) Is in any way representing, working for,
10 or compensated by a local, State, or federal
11 government agency.

12 (iii) Is engaged in an advisory business in
13 which his compensation is unrelated to the sale of
14 insurance by the use of terms such as Medicare
15 consultant, Medicare advisor, Medicare Bureau,
16 disability insurance consultant, or similar
17 expression in a letter, envelope, reply card, or
18 other.

19 (iv) Will provide a continuing service to the
20 purchaser of the policy unless he does provide
21 services to the purchaser beyond the sale and
22 renewal of policies.

23 (b) No agent engaged in a home solicitation sale of
24 a Medicare supplement policy or other policy of accident
25 and health insurance sold to individuals eligible for
26 Medicare shall misrepresent, directly or by implication,
27 any of the following:

28 (i) The identity of the insurance company or
29 companies he represents.

30 (ii) That the assistance programs of the State
31 or county or the federal Medicare programs for
32 medical insurance are to be discontinued or are
33 increasing in cost to the prospective buyer or are
34 in any way endangered.

1 (iii) That an insurance company in which the
2 prospective purchaser is insured is financially
3 unstable, cancelling its outstanding policies,
4 merging, or withdrawing from the State.

5 (iv) The coverage of the policy being sold.

6 (v) The effective date of coverage under the
7 policy.

8 (vi) That any pre-existing health condition of
9 the purchaser is irrelevant.

10 (vii) The right of the purchaser to cancel the
11 policy within 30 days after receiving it.

12 (5) Mandatory company practices. Any company involved
13 in the sale of Medicare supplement policies or any policies
14 of accident and health insurance (subject to subsection (1)
15 of this Section) sold to individuals eligible for Medicare
16 shall do the following:

17 (a) Be able to readily determine the number of
18 accident and health policies in force with the company on
19 each insured eligible for Medicare.

20 (b) Make certain that policies of Medicare
21 supplement insurance are not issued, and any premium
22 collected for those policies is refunded, when they are
23 deemed duplicative, inappropriate, or not suitable
24 considering existing coverage with the company.

25 (c) Maintain copies of the Policy Check List as
26 completed by the agent at the point of sale of a Medicare
27 supplement policy or any policy of accident and health
28 insurance (subject to subsection (1) of this Section)
29 sold to individuals eligible for Medicare on file at the
30 company's regional or other administrative office.

31 (6) Disclosures. In order to provide for full and fair
32 disclosure in the sale of Medicare supplement policies, there
33 must be compliance with the following:

34 (a) No Medicare supplement policy or certificate

1 shall be delivered in this State unless an outline of
2 coverage is delivered to the applicant at the time
3 application is made and, except for direct response
4 policies, an acknowledgement from the applicant of
5 receipt of the outline is obtained.

6 (b) Outline of coverage requirements for Medicare
7 supplement policies.

8 (i) Insurers issuing Medicare supplement
9 policies or certificates for delivery in this State
10 shall provide an outline of coverage to all
11 applicants at the time application is made and,
12 except for direct response policies, shall obtain an
13 acknowledgement of receipt of the outline from the
14 applicant.

15 (ii) If an outline of coverage is provided at
16 the time of application and the Medicare supplement
17 policy or certificate is issued on a basis that
18 would require revision of the outline, a substitute
19 outline of coverage properly describing the policy
20 or certificate must accompany the policy or
21 certificate when it is delivered and shall contain
22 immediately above the company name, in no less than
23 12 point type, the following statement:

24 "NOTICE: Read this outline of coverage
25 carefully. It is not identical to the outline of
26 coverage provided upon application and the coverage
27 originally applied for has not been issued."

28 (iii) The outline of coverage provided to
29 applicants shall be in the form prescribed by rule
30 by the Department.

31 (c) Insurers issuing policies that provide hospital
32 or medical expense coverage on an expense incurred or
33 indemnity basis, other than incidentally, to a person or
34 persons eligible for Medicare shall provide to the

1 policyholder a buyer's guide approved by the Director.
2 Delivery of the buyer's guide shall be made whether or
3 not the policy qualifies as a "Medicare Supplement
4 Coverage" in accordance with Section 363 of this Code.
5 Except in the case of direct response insurers, delivery
6 of the buyer's guide shall be made at the time of
7 application, and acknowledgement of receipt of
8 certification of delivery of the buyer's guide shall be
9 provided to the insurer. Direct response insurers shall
10 deliver the buyer's guide upon request, but not later
11 than at the time the policy is delivered.

12 (d) Outlines of coverage delivered in connection
13 with policies defined in subsection (4) of Section 355a
14 of this Code as Hospital confinement Indemnity (Section
15 4c), Accident Only Coverage (Section 4f), Specified
16 Disease (Section 4g) or Limited Benefit Health Insurance
17 Coverage to persons eligible for Medicare shall contain,
18 in addition to other requirements for those outlines, the
19 following language that shall be printed on or attached
20 to the first page of the outline of coverage:

21 "This policy, certificate or subscriber contract IS
22 NOT A MEDICARE SUPPLEMENT policy or certificate. It does
23 not fully supplement your federal Medicare health
24 insurance. If you are eligible for Medicare, review the
25 Guide to Health Insurance for People with Medicare
26 available from the company."

27 (e) In the case wherein a policy, as defined in
28 paragraph (a) of subsection (2) of Section 355a of this
29 Code, being sold to a person eligible for Medicare
30 provides one or more but not all of the minimum standards
31 for Medicare supplements set forth in Section 363 of this
32 Code, disclosure must be provided that the policy is not
33 a Medicare supplement and does not meet the minimum
34 benefit standards set for those policies in this State.

1 (7) Loss ratio standards.

2 (a) Every issuer of Medicare supplement policies or
3 certificates in this State, as defined in Section 363 of
4 this Code, shall file annually its rates, rating
5 schedule, and supporting documentation demonstrating that
6 it is in compliance with the applicable loss ratio
7 standards of this State. All filings of rates and rating
8 schedules shall demonstrate that the actual and
9 anticipated losses in relation to premiums comply with
10 the requirements of this Code.

11 (b) Medicare supplement policies shall, for the
12 entire period for which rates are computed to provide
13 coverage, on the basis of incurred claims experience and
14 earned premiums for the period and in accordance with
15 accepted actuarial principles and practices, return to
16 policyholders in the form of aggregate benefits the
17 following:

18 (i) In the case of group policies, at least
19 75% of the aggregate amount of premiums earned.

20 (ii) In the case of individual policies, at
21 least 60% of the aggregate amount of premiums
22 earned; and beginning November 5, 1991, at least 65%
23 of the aggregate amount of premiums earned.

24 (iii) In the case of sponsored group policies
25 in which coverage is marketed on an individual basis
26 by direct response to eligible individuals in that
27 group only, at least 65% of the aggregate amount of
28 premiums earned.

29 (c) For the purposes of this Section, the insurer
30 shall be deemed to comply with the loss ratio standards
31 if: (i) for the most recent year, the ratio of the
32 incurred losses to earned premiums for policies or
33 certificates that have been in force for 3 years or more
34 is greater than or equal to the applicable percentages

1 contained in this Section; and (ii) the anticipated
2 losses in relation to premiums over the entire period for
3 which the policy is rated comply with the requirements of
4 this Section. An anticipated third-year loss ratio that
5 is greater than or equal to the applicable percentage
6 shall be demonstrated for policies or certificates in
7 force less than 3 years.

8 (8) Applicability. This Section shall apply to those
9 companies writing the kind or kinds of business enumerated in
10 Classes 1(b) and 2(a) of Section 4 of this Code and to those
11 entities organized and operating under the Voluntary Health
12 Services Plans Act and the Health Maintenance Organization
13 Act.

14 (9) Penalties.

15 (a) Any company or agent who is found to have
16 violated any of the provisions of this Section may be
17 required by order of the Director of Insurance to forfeit
18 by civil penalty not less than ~~\$250~~ \$500 nor more than
19 \$2,500 ~~\$5,000~~ for each offense. Written notice will be
20 issued and an opportunity for a hearing will be granted
21 pursuant to subsection (2) of Section 403A of this Code.

22 (b) In addition to any other applicable penalties
23 for violations of this Code, the Director may require
24 insurers violating any provision of this Code or
25 regulations promulgated pursuant to this Code to cease
26 marketing in this State any Medicare supplement policy or
27 certificate that is related directly or indirectly to a
28 violation and may require the insurer to take actions as
29 are necessary to comply with the provisions of Sections
30 363 and 363a of this Code.

31 (c) After June 30, 1991, no person may advertise,
32 solicit for the sale or purchase of, offer for sale, or
33 deliver a Medicare supplement policy that has not been
34 approved by the Director. A person who knowingly

1 violates, directly or through an agent, the provisions of
2 this paragraph commits a Class 3 felony. Any person who
3 violates the provisions of this paragraph may be
4 subjected to a civil penalty not to exceed \$5,000
5 \$10,000. The civil penalty authorized in this paragraph
6 shall be enforced in the manner provided in Section 403A
7 of this Code.

8 (10) Replacement. Application forms shall include a
9 question designed to elicit information as to whether a
10 Medicare supplement policy or certificate is intended to
11 replace any similar accident and sickness policy or
12 certificate presently in force. A supplementary application
13 or other form to be signed by the applicant containing the
14 question may be used. Upon determining that a sale of
15 Medicare supplement coverage will involve replacement, an
16 insurer, other than a direct response insurer, or its agent,
17 shall furnish the applicant, prior to issuance or delivery of
18 the Medicare supplement policy or certificate, a notice
19 regarding replacement of Medicare supplement coverage. One
20 copy of the notice shall be provided to the applicant, and an
21 additional copy signed by the applicant shall be retained by
22 the insurer. A direct response insurer shall deliver to the
23 applicant at the time of the issuance of the policy the
24 notice regarding replacement of Medicare supplement coverage.
25 (Source: P.A. 93-32, eff. 7-1-03.)

26 (215 ILCS 5/370) (from Ch. 73, par. 982)

27 Sec. 370. Policies issued in violation of
28 article-Penalty.

29 (1) Any company, or any officer or agent thereof,
30 issuing or delivering to any person in this State any policy
31 in wilful violation of the provision of this article shall be
32 guilty of a petty offense.

33 (2) The Director may revoke the license of any foreign

1 or alien company, or of the agent thereof wilfully violating
2 any provision of this article or suspend such license for any
3 period of time up to, but not to exceed, two years; or may by
4 order require such insurance company or agent to pay to the
5 people of the State of Illinois a penalty in a sum not
6 exceeding \$500 ~~\$1,000~~, and upon the failure of such insurance
7 company or agent to pay such penalty within twenty days after
8 the mailing of such order, postage prepaid, registered, and
9 addressed to the last known place of business of such
10 insurance company or agent, unless such order is stayed by an
11 order of a court of competent jurisdiction, the Director of
12 Insurance may revoke or suspend the license of such insurance
13 company or agent for any period of time up to, but not
14 exceeding a period of, two years.

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 (215 ILCS 5/403) (from Ch. 73, par. 1015)

17 Sec. 403. Power to subpoena and examine witnesses.

18 (1) In the conduct of any examination, investigation or
19 hearing provided for by this Code, the Director or other
20 officer designated by him or her to conduct the same, shall
21 have power to compel the attendance of any person by
22 subpoena, to administer oaths and to examine any person under
23 oath concerning the business, conduct or affairs of any
24 company or person subject to the provisions of this Code, and
25 in connection therewith to require the production of any
26 books, records or papers relevant to the inquiry.

27 (2) If a person subpoenaed to attend such inquiry fails
28 to obey the command of the subpoena without reasonable
29 excuse, or if a person in attendance upon such inquiry shall,
30 without reasonable cause, refuse to be sworn or to be
31 examined or to answer a question or to produce a book or
32 paper when ordered to do so by any officer conducting such
33 inquiry, or if any person fails to perform any act required

1 hereunder to be performed, he or she shall be required to pay
2 a penalty of not more than \$1,000 ~~\$2,000~~ to be recovered in
3 the name of the People of the State of Illinois by the
4 State's Attorney of the county in which the violation occurs,
5 and the penalty so recovered shall be paid into the county
6 treasury.

7 (3) When any person neglects or refuses without
8 reasonable cause to obey a subpoena issued by the Director,
9 or refuses without reasonable cause to testify, to be sworn
10 or to produce any book or paper described in the subpoena,
11 the Director may file a petition against such person in the
12 circuit court of the county in which the testimony is desired
13 to be or has been taken or has been attempted to be taken,
14 briefly setting forth the fact of such refusal or neglect and
15 attaching a copy of the subpoena and the return of service
16 thereon and applying for an order requiring such person to
17 attend, testify or produce the books or papers before the
18 Director or his or her actuary, supervisor, deputy or
19 examiner, at such time or place as may be specified in such
20 order. Any circuit court of this State, upon the filing of
21 such petition, either before or after notice to such person,
22 may, in the judicial discretion of such court, order the
23 attendance of such person, the production of books and papers
24 and the giving of testimony before the Director or any of his
25 or her actuaries, supervisors, deputies or examiners. If such
26 person shall fail or refuse to obey the order of the court
27 and it shall appear to the court that the failure or refusal
28 of such person to obey its order is wilful, and without
29 lawful excuse, the court shall punish such person by fine or
30 imprisonment in the county jail, or both, as the nature of
31 the case may require, as is now, or as may hereafter be
32 lawful for the court to do in cases of contempt of court.

33 (4) The fees of witnesses for attendance and travel
34 shall be the same as the fees of witnesses before the circuit

1 courts of this State. When a witness is subpoenaed by or
2 testifies at the instance of the Director or other officer
3 designated by him or her, such fees shall be paid in the same
4 manner as other expenses of the Department. When a witness is
5 subpoenaed or testifies at the instance of any other party to
6 any such proceeding, the cost of the subpoena or subpoenas
7 duces tecum and the fee of the witness shall be borne by the
8 party at whose instance a witness is summoned. In such case,
9 the Department in its discretion, may require a deposit to
10 cover the cost of such service and witness fees.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (215 ILCS 5/403A) (from Ch. 73, par. 1015A)

13 Sec. 403A. Violations; Notice of Apparent Liability;
14 Limitation of Forfeiture Liability.

15 (1) Any company or person, agent or broker, officer or
16 director and any other person subject to this Code and as may
17 be defined in Section 2 of this Code, who willfully or
18 repeatedly fails to observe or who otherwise violates any of
19 the provisions of this Code or any rule or regulation
20 promulgated by the Director under authority of this Code or
21 any final order of the Director entered under the authority
22 of this Code shall by civil penalty forfeit to the State of
23 Illinois a sum not to exceed \$1,000 ~~\$2,000~~. Each day during
24 which a violation occurs constitutes a separate offense. The
25 civil penalty provided for in this Section shall apply only
26 to those Sections of this Code or administrative regulations
27 thereunder that do not otherwise provide for a monetary civil
28 penalty.

29 (2) No forfeiture liability under paragraph (1) of this
30 Section may attach unless a written notice of apparent
31 liability has been issued by the Director and received by the
32 respondent, or the Director sends written notice of apparent
33 liability by registered or certified mail, return receipt

1 requested, to the last known address of the respondent. Any
2 respondent so notified must be granted an opportunity to
3 request a hearing within 10 days from receipt of notice, or
4 to show in writing, why he should not be held liable. A
5 notice issued under this Section must set forth the date,
6 facts and nature of the act or omission with which the
7 respondent is charged and must specifically identify the
8 particular provision of the Code, rule, regulation or order
9 of which a violation is charged.

10 (3) No forfeiture liability under paragraph (1) of this
11 Section may attach for any violation occurring more than 2
12 years prior to the date of issuance of the notice of apparent
13 liability and in no event may the total civil penalty
14 forfeiture imposed for the acts or omissions set forth in any
15 one notice of apparent liability exceed \$250,000 ~~\$500,000~~.

16 (4) The civil penalty forfeitures provided for in this
17 Section are payable to the General Revenue Fund of the State
18 of Illinois, and may be recovered in a civil suit in the name
19 of the State of Illinois brought in the Circuit Court in
20 Sangamon County, or in the Circuit Court of the county where
21 the respondent is domiciled or has its principal operating
22 office.

23 (5) In any case where the Director issues a notice of
24 apparent liability looking toward the imposition of a civil
25 penalty forfeiture under this Section, that fact may not be
26 used in any other proceeding before the Director to the
27 prejudice of the respondent to whom the notice was issued,
28 unless (a) the civil penalty forfeiture has been paid, or (b)
29 a court has ordered payment of the civil penalty forfeiture
30 and that order has become final.

31 (Source: P.A. 93-32, eff. 7-1-03.)

32 (215 ILCS 5/408) (from Ch. 73, par. 1020)

33 Sec. 408. Fees and charges.

1 (1) The Director shall charge, collect and give proper
2 acquittances for the payment of the following fees and
3 charges:

4 (a) For filing all documents submitted for the
5 incorporation or organization or certification of a
6 domestic company, except for a fraternal benefit society,
7 \$1,000 ~~\$2,000~~.

8 (b) For filing all documents submitted for the
9 incorporation or organization of a fraternal benefit
10 society, \$250 ~~\$500~~.

11 (c) For filing amendments to articles of
12 incorporation and amendments to declaration of
13 organization, except for a fraternal benefit society, a
14 mutual benefit association, a burial society or a farm
15 mutual, \$100 ~~\$200~~.

16 (d) For filing amendments to articles of
17 incorporation of a fraternal benefit society, a mutual
18 benefit association or a burial society, \$50 ~~\$100~~.

19 (e) For filing amendments to articles of
20 incorporation of a farm mutual, \$25 ~~\$50~~.

21 (f) For filing bylaws or amendments thereto, \$25
22 ~~\$50~~.

23 (g) For filing agreement of merger or
24 consolidation:

25 (i) for a domestic company, except for a
26 fraternal benefit society, a mutual benefit
27 association, a burial society, or a farm mutual,
28 \$1,000 ~~\$2,000~~.

29 (ii) for a foreign or alien company, except
30 for a fraternal benefit society, \$300 ~~\$600~~.

31 (iii) for a fraternal benefit society, a
32 mutual benefit association, a burial society, or a
33 farm mutual, \$100 ~~\$200~~.

34 (h) For filing agreements of reinsurance by a

1 domestic company, \$100 \$200.

2 (i) For filing all documents submitted by a foreign
3 or alien company to be admitted to transact business or
4 accredited as a reinsurer in this State, except for a
5 fraternal benefit society, \$2,500 \$5,000.

6 (j) For filing all documents submitted by a foreign
7 or alien fraternal benefit society to be admitted to
8 transact business in this State, \$250 \$500.

9 (k) For filing declaration of withdrawal of a
10 foreign or alien company, \$25 \$50.

11 (l) For filing annual statement, except a fraternal
12 benefit society, a mutual benefit association, a burial
13 society, or a farm mutual, \$100 \$200.

14 (m) For filing annual statement by a fraternal
15 benefit society, \$50 \$100.

16 (n) For filing annual statement by a farm mutual, a
17 mutual benefit association, or a burial society, \$25 \$50.

18 (o) For issuing a certificate of authority or
19 renewal thereof except to a fraternal benefit society,
20 \$100 \$200.

21 (p) For issuing a certificate of authority or
22 renewal thereof to a fraternal benefit society, \$50 \$100.

23 (q) For issuing an amended certificate of
24 authority, \$25 \$50.

25 (r) For each certified copy of certificate of
26 authority, \$10 \$20.

27 (s) For each certificate of deposit, or valuation,
28 or compliance or surety certificate, \$10 \$20.

29 (t) For copies of papers or records per page, \$1.

30 (u) For each certification to copies of papers or
31 records, \$10.

32 (v) For multiple copies of documents or
33 certificates listed in subparagraphs (r), (s), and (u) of
34 paragraph (1) of this Section, \$10 for the first copy of

1 a certificate of any type and \$5 for each additional copy
2 of the same certificate requested at the same time,
3 unless, pursuant to paragraph (2) of this Section, the
4 Director finds these additional fees excessive.

5 (w) For issuing a permit to sell shares or increase
6 paid-up capital:

7 (i) in connection with a public stock
8 offering, \$150 \$300;

9 (ii) in any other case, \$50 \$100.

10 (x) For issuing any other certificate required or
11 permissible under the law, \$25 \$50.

12 (y) For filing a plan of exchange of the stock of a
13 domestic stock insurance company, a plan of
14 demutualization of a domestic mutual company, or a plan
15 of reorganization under Article XII, \$1,000 \$2,000.

16 (z) For filing a statement of acquisition of a
17 domestic company as defined in Section 131.4 of this
18 Code, \$1,000 \$2,000.

19 (aa) For filing an agreement to purchase the
20 business of an organization authorized under the Dental
21 Service Plan Act or the Voluntary Health Services Plans
22 Act or of a health maintenance organization or a limited
23 health service organization, \$1,000 \$2,000.

24 (bb) For filing a statement of acquisition of a
25 foreign or alien insurance company as defined in Section
26 131.12a of this Code, \$500 \$1,000.

27 (cc) For filing a registration statement as
28 required in Sections 131.13 and 131.14, the notification
29 as required by Sections 131.16, 131.20a, or 141.4, or an
30 agreement or transaction required by Sections 124.2(2),
31 141, 141a, or 141.1, \$100 \$200.

32 (dd) For filing an application for licensing of:

33 (i) a religious or charitable risk pooling
34 trust or a workers' compensation pool, \$500 \$1,000;

1 (ii) a workers' compensation service company,
2 \$250 ~~\$500~~;

3 (iii) a self-insured automobile fleet, \$100
4 ~~\$200~~; or

5 (iv) a renewal of or amendment of any license
6 issued pursuant to (i), (ii), or (iii) above, \$50
7 ~~\$100~~.

8 (ee) For filing articles of incorporation for a
9 syndicate to engage in the business of insurance through
10 the Illinois Insurance Exchange, \$1,000 ~~\$2,000~~.

11 (ff) For filing amended articles of incorporation
12 for a syndicate engaged in the business of insurance
13 through the Illinois Insurance Exchange, \$50 ~~\$100~~.

14 (gg) For filing articles of incorporation for a
15 limited syndicate to join with other subscribers or
16 limited syndicates to do business through the Illinois
17 Insurance Exchange, \$500 ~~\$1,000~~.

18 (hh) For filing amended articles of incorporation
19 for a limited syndicate to do business through the
20 Illinois Insurance Exchange, \$50 ~~\$100~~.

21 (ii) For a permit to solicit subscriptions to a
22 syndicate or limited syndicate, \$50 ~~\$100~~.

23 (jj) For the filing of each form as required in
24 Section 143 of this Code, \$25 ~~\$50~~ per form. The fee for
25 advisory and rating organizations shall be \$100 ~~\$200~~ per
26 form.

27 (i) For the purposes of the form filing fee,
28 filings made on insert page basis will be considered
29 one form at the time of its original submission.
30 Changes made to a form subsequent to its approval
31 shall be considered a new filing.

32 (ii) Only one fee shall be charged for a form,
33 regardless of the number of other forms or policies
34 with which it will be used.

1 (iii) Fees charged for a policy filed as it
2 will be issued regardless of the number of forms
3 comprising that policy shall not exceed \$500 ~~\$1,000~~
4 or \$1,000 ~~\$2,000~~ for advisory or rating
5 organizations.

6 (iv) The Director may by rule exempt forms
7 from such fees.

8 (kk) For filing an application for licensing of a
9 reinsurance intermediary, \$250 ~~\$500~~.

10 (ll) For filing an application for renewal of a
11 license of a reinsurance intermediary, \$100 ~~\$200~~.

12 (2) When printed copies or numerous copies of the same
13 paper or records are furnished or certified, the Director may
14 reduce such fees for copies if he finds them excessive. He
15 may, when he considers it in the public interest, furnish
16 without charge to state insurance departments and persons
17 other than companies, copies or certified copies of reports
18 of examinations and of other papers and records.

19 (3) The expenses incurred in any performance examination
20 authorized by law shall be paid by the company or person
21 being examined. The charge shall be reasonably related to the
22 cost of the examination including but not limited to
23 compensation of examiners, electronic data processing costs,
24 supervision and preparation of an examination report and
25 lodging and travel expenses. All lodging and travel expenses
26 shall be in accord with the applicable travel regulations as
27 published by the Department of Central Management Services
28 and approved by the Governor's Travel Control Board, except
29 that out-of-state lodging and travel expenses related to
30 examinations authorized under Section 132 shall be in
31 accordance with travel rates prescribed under paragraph
32 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2,
33 for reimbursement of subsistence expenses incurred during
34 official travel. All lodging and travel expenses may be

1 reimbursed directly upon authorization of the Director. With
2 the exception of the direct reimbursements authorized by the
3 Director, all performance examination charges collected by
4 the Department shall be paid to the Insurance Producers
5 Administration Fund, however, the electronic data processing
6 costs incurred by the Department in the performance of any
7 examination shall be billed directly to the company being
8 examined for payment to the Statistical Services Revolving
9 Fund.

10 (4) At the time of any service of process on the
11 Director as attorney for such service, the Director shall
12 charge and collect the sum of \$10 \$20, which may be recovered
13 as taxable costs by the party to the suit or action causing
14 such service to be made if he prevails in such suit or
15 action.

16 (5) (a) The costs incurred by the Department of
17 Insurance in conducting any hearing authorized by law shall
18 be assessed against the parties to the hearing in such
19 proportion as the Director of Insurance may determine upon
20 consideration of all relevant circumstances including: (1)
21 the nature of the hearing; (2) whether the hearing was
22 instigated by, or for the benefit of a particular party or
23 parties; (3) whether there is a successful party on the
24 merits of the proceeding; and (4) the relative levels of
25 participation by the parties.

26 (b) For purposes of this subsection (5) costs incurred
27 shall mean the hearing officer fees, court reporter fees, and
28 travel expenses of Department of Insurance officers and
29 employees; provided however, that costs incurred shall not
30 include hearing officer fees or court reporter fees unless
31 the Department has retained the services of independent
32 contractors or outside experts to perform such functions.

33 (c) The Director shall make the assessment of costs
34 incurred as part of the final order or decision arising out

1 of the proceeding; provided, however, that such order or
2 decision shall include findings and conclusions in support of
3 the assessment of costs. This subsection (5) shall not be
4 construed as permitting the payment of travel expenses unless
5 calculated in accordance with the applicable travel
6 regulations of the Department of Central Management Services,
7 as approved by the Governor's Travel Control Board. The
8 Director as part of such order or decision shall require all
9 assessments for hearing officer fees and court reporter fees,
10 if any, to be paid directly to the hearing officer or court
11 reporter by the party(s) assessed for such costs. The
12 assessments for travel expenses of Department officers and
13 employees shall be reimbursable to the Director of Insurance
14 for deposit to the fund out of which those expenses had been
15 paid.

16 (d) The provisions of this subsection (5) shall apply in
17 the case of any hearing conducted by the Director of
18 Insurance not otherwise specifically provided for by law.

19 (6) The Director shall charge and collect an annual
20 financial regulation fee from every domestic company for
21 examination and analysis of its financial condition and to
22 fund the internal costs and expenses of the Interstate
23 Insurance Receivership Commission as may be allocated to the
24 State of Illinois and companies doing an insurance business
25 in this State pursuant to Article X of the Interstate
26 Insurance Receivership Compact. The fee shall be the greater
27 fixed amount based upon the combination of nationwide direct
28 premium income and nationwide reinsurance assumed premium
29 income or upon admitted assets calculated under this
30 subsection as follows:

31 (a) Combination of nationwide direct premium income
32 and nationwide reinsurance assumed premium.

33 (i) \$100 \$150, if the premium is less than
34 \$500,000 and there is no reinsurance assumed

1 premium;

2 (ii) \$500 \$750, if the premium is \$500,000 or
3 more, but less than \$5,000,000 and there is no
4 reinsurance assumed premium; or if the premium is
5 less than \$5,000,000 and the reinsurance assumed
6 premium is less than \$10,000,000;

7 (iii) \$2,500 \$3,750, if the premium is less
8 than \$5,000,000 and the reinsurance assumed premium
9 is \$10,000,000 or more;

10 (iv) \$5,000 \$7,500, if the premium is
11 \$5,000,000 or more, but less than \$10,000,000;

12 (v) \$12,000 \$18,000, if the premium is
13 \$10,000,000 or more, but less than \$25,000,000;

14 (vi) \$15,000 \$22,500, if the premium is
15 \$25,000,000 or more, but less than \$50,000,000;

16 (vii) \$20,000 \$30,000, if the premium is
17 \$50,000,000 or more, but less than \$100,000,000;

18 (viii) \$25,000 \$37,500, if the premium is
19 \$100,000,000 or more.

20 (b) Admitted assets.

21 (i) \$100 \$150, if admitted assets are less
22 than \$1,000,000;

23 (ii) \$500 \$750, if admitted assets are
24 \$1,000,000 or more, but less than \$5,000,000;

25 (iii) \$2,500 \$3,750, if admitted assets are
26 \$5,000,000 or more, but less than \$25,000,000;

27 (iv) \$5,000 \$7,500, if admitted assets are
28 \$25,000,000 or more, but less than \$50,000,000;

29 (v) \$12,000 \$18,000, if admitted assets are
30 \$50,000,000 or more, but less than \$100,000,000;

31 (vi) \$15,000 \$22,500, if admitted assets are
32 \$100,000,000 or more, but less than \$500,000,000;

33 (vii) \$20,000 \$30,000, if admitted assets are
34 \$500,000,000 or more, but less than \$1,000,000,000;

1 (viii) \$25,000 ~~\$37,500~~, if admitted assets are
2 \$1,000,000,000 or more.

3 (c) The sum of financial regulation fees charged to
4 the domestic companies of the same affiliated group shall
5 not exceed \$100,000 ~~\$250,000~~ in the aggregate in any
6 single year and shall be billed by the Director to the
7 member company designated by the group.

8 (7) The Director shall charge and collect an annual
9 financial regulation fee from every foreign or alien company,
10 except fraternal benefit societies, for the examination and
11 analysis of its financial condition and to fund the internal
12 costs and expenses of the Interstate Insurance Receivership
13 Commission as may be allocated to the State of Illinois and
14 companies doing an insurance business in this State pursuant
15 to Article X of the Interstate Insurance Receivership
16 Compact. The fee shall be a fixed amount based upon Illinois
17 direct premium income and nationwide reinsurance assumed
18 premium income in accordance with the following schedule:

19 (a) \$100 ~~\$150~~, if the premium is less than \$500,000
20 and there is no reinsurance assumed premium;

21 (b) \$500 ~~\$750~~, if the premium is \$500,000 or more,
22 but less than \$5,000,000 and there is no reinsurance
23 assumed premium; or if the premium is less than
24 \$5,000,000 and the reinsurance assumed premium is less
25 than \$10,000,000;

26 (c) \$2,500 ~~\$3,750~~, if the premium is less than
27 \$5,000,000 and the reinsurance assumed premium is
28 \$10,000,000 or more;

29 (d) \$5,000 ~~\$7,500~~, if the premium is \$5,000,000 or
30 more, but less than \$10,000,000;

31 (e) \$12,000 ~~\$18,000~~, if the premium is \$10,000,000
32 or more, but less than \$25,000,000;

33 (f) \$15,000 ~~\$22,500~~, if the premium is \$25,000,000
34 or more, but less than \$50,000,000;

1 (g) \$20,000 ~~\$30,000~~, if the premium is \$50,000,000
2 or more, but less than \$100,000,000;

3 (h) \$25,000 ~~\$37,500~~, if the premium is \$100,000,000
4 or more.

5 The sum of financial regulation fees under this
6 subsection (7) charged to the foreign or alien companies
7 within the same affiliated group shall not exceed \$100,000
8 ~~\$250,000~~ in the aggregate in any single year and shall be
9 billed by the Director to the member company designated by
10 the group.

11 (8) Beginning January 1, 1992, the financial regulation
12 fees imposed under subsections (6) and (7) of this Section
13 shall be paid by each company or domestic affiliated group
14 annually. After January 1, 1994, the fee shall be billed by
15 Department invoice based upon the company's premium income or
16 admitted assets as shown in its annual statement for the
17 preceding calendar year. The invoice is due upon receipt and
18 must be paid no later than June 30 of each calendar year.
19 All financial regulation fees collected by the Department
20 shall be paid to the Insurance Financial Regulation Fund.
21 The Department may not collect financial examiner per diem
22 charges from companies subject to subsections (6) and (7) of
23 this Section undergoing financial examination after June 30,
24 1992.

25 (9) In addition to the financial regulation fee required
26 by this Section, a company undergoing any financial
27 examination authorized by law shall pay the following costs
28 and expenses incurred by the Department: electronic data
29 processing costs, the expenses authorized under Section
30 131.21 and subsection (d) of Section 132.4 of this Code, and
31 lodging and travel expenses.

32 Electronic data processing costs incurred by the
33 Department in the performance of any examination shall be
34 billed directly to the company undergoing examination for

1 payment to the Statistical Services Revolving Fund. Except
2 for direct reimbursements authorized by the Director or
3 direct payments made under Section 131.21 or subsection (d)
4 of Section 132.4 of this Code, all financial regulation fees
5 and all financial examination charges collected by the
6 Department shall be paid to the Insurance Financial
7 Regulation Fund.

8 All lodging and travel expenses shall be in accordance
9 with applicable travel regulations published by the
10 Department of Central Management Services and approved by the
11 Governor's Travel Control Board, except that out-of-state
12 lodging and travel expenses related to examinations
13 authorized under Sections 132.1 through 132.7 shall be in
14 accordance with travel rates prescribed under paragraph
15 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2,
16 for reimbursement of subsistence expenses incurred during
17 official travel. All lodging and travel expenses may be
18 reimbursed directly upon the authorization of the Director.

19 In the case of an organization or person not subject to
20 the financial regulation fee, the expenses incurred in any
21 financial examination authorized by law shall be paid by the
22 organization or person being examined. The charge shall be
23 reasonably related to the cost of the examination including,
24 but not limited to, compensation of examiners and other costs
25 described in this subsection.

26 (10) Any company, person, or entity failing to make any
27 payment of \$100 ~~\$150~~ or more as required under this Section
28 shall be subject to the penalty and interest provisions
29 provided for in subsections (4) and (7) of Section 412.

30 (11) Unless otherwise specified, all of the fees
31 collected under this Section shall be paid into the Insurance
32 Financial Regulation Fund.

33 (12) For purposes of this Section:

34 (a) "Domestic company" means a company as defined

1 in Section 2 of this Code which is incorporated or
2 organized under the laws of this State, and in addition
3 includes a not-for-profit corporation authorized under
4 the Dental Service Plan Act or the Voluntary Health
5 Services Plans Act, a health maintenance organization,
6 and a limited health service organization.

7 (b) "Foreign company" means a company as defined in
8 Section 2 of this Code which is incorporated or organized
9 under the laws of any state of the United States other
10 than this State and in addition includes a health
11 maintenance organization and a limited health service
12 organization which is incorporated or organized under the
13 laws of any state of the United States other than this
14 State.

15 (c) "Alien company" means a company as defined in
16 Section 2 of this Code which is incorporated or organized
17 under the laws of any country other than the United
18 States.

19 (d) "Fraternal benefit society" means a
20 corporation, society, order, lodge or voluntary
21 association as defined in Section 282.1 of this Code.

22 (e) "Mutual benefit association" means a company,
23 association or corporation authorized by the Director to
24 do business in this State under the provisions of Article
25 XVIII of this Code.

26 (f) "Burial society" means a person, firm,
27 corporation, society or association of individuals
28 authorized by the Director to do business in this State
29 under the provisions of Article XIX of this Code.

30 (g) "Farm mutual" means a district, county and
31 township mutual insurance company authorized by the
32 Director to do business in this State under the
33 provisions of the Farm Mutual Insurance Company Act of
34 1986.

1 (Source: P.A. 93-32, eff. 7-1-03.)

2 (215 ILCS 5/412) (from Ch. 73, par. 1024)

3 Sec. 412. Refunds; penalties; collection.

4 (1) (a) Whenever it appears to the satisfaction of the
5 Director that because of some mistake of fact, error in
6 calculation, or erroneous interpretation of a statute of
7 this or any other state, any authorized company has paid
8 to him, pursuant to any provision of law, taxes, fees, or
9 other charges in excess of the amount legally chargeable
10 against it, during the 6 year period immediately
11 preceding the discovery of such overpayment, he shall
12 have power to refund to such company the amount of the
13 excess or excesses by applying the amount or amounts
14 thereof toward the payment of taxes, fees, or other
15 charges already due, or which may thereafter become due
16 from that company until such excess or excesses have been
17 fully refunded, or upon a written request from the
18 authorized company, the Director shall provide a cash
19 refund within 120 days after receipt of the written
20 request if all necessary information has been filed with
21 the Department in order for it to perform an audit of the
22 annual return for the year in which the overpayment
23 occurred or within 120 days after the date the Department
24 receives all the necessary information to perform such
25 audit. The Director shall not provide a cash refund if
26 there are insufficient funds in the Insurance Premium Tax
27 Refund Fund to provide a cash refund, if the amount of
28 the overpayment is less than \$100, or if the amount of
29 the overpayment can be fully offset against the
30 taxpayer's estimated liability for the year following the
31 year of the cash refund request. Any cash refund shall
32 be paid from the Insurance Premium Tax Refund Fund, a
33 special fund hereby created in the State treasury.

1 (b) Beginning January 1, 2000 and thereafter, the
2 Department shall deposit a percentage of the amounts
3 collected under Sections 409, 444, and 444.1 of this Code
4 into the Insurance Premium Tax Refund Fund. The
5 percentage deposited into the Insurance Premium Tax
6 Refund Fund shall be the annual percentage. The annual
7 percentage shall be calculated as a fraction, the
8 numerator of which shall be the amount of cash refunds
9 approved by the Director for payment and paid during the
10 preceding calendar year as a result of overpayment of tax
11 liability under Sections 409, 444, and 444.1 of this Code
12 and the denominator of which shall be the amounts
13 collected pursuant to Sections 409, 444, and 444.1 of
14 this Code during the preceding calendar year. However,
15 if there were no cash refunds paid in a preceding
16 calendar year, the Department shall deposit 5% of the
17 amount collected in that preceding calendar year pursuant
18 to Sections 409, 444, and 444.1 of this Code into the
19 Insurance Premium Tax Refund Fund instead of an amount
20 calculated by using the annual percentage.

21 (c) Beginning July 1, 1999, moneys in the Insurance
22 Premium Tax Refund Fund shall be expended exclusively for
23 the purpose of paying cash refunds resulting from
24 overpayment of tax liability under Sections 409, 444, and
25 444.1 of this Code as determined by the Director pursuant
26 to subsection 1(a) of this Section. Cash refunds made in
27 accordance with this Section may be made from the
28 Insurance Premium Tax Refund Fund only to the extent that
29 amounts have been deposited and retained in the Insurance
30 Premium Tax Refund Fund.

31 (d) This Section shall constitute an irrevocable
32 and continuing appropriation from the Insurance Premium
33 Tax Refund Fund for the purpose of paying cash refunds
34 pursuant to the provisions of this Section.

1 (2) When any insurance company or any surplus line
2 producer fails to file any tax return required under Sections
3 408.1, 409, 444, 444.1 and 445 of this Code or Section 12 of
4 the Fire Investigation Act on the date prescribed, including
5 any extensions, there shall be added as a penalty ~~\$200~~ \$400
6 or 10% of the amount of such tax, whichever is greater, for
7 each month or part of a month of failure to file, the entire
8 penalty not to exceed ~~\$1,000~~ \$2,000 or ~~25%~~ 50% of the tax
9 due, whichever is greater.

10 (3) (a) When any insurance company or any surplus line
11 producer fails to pay the full amount due under the
12 provisions of this Section, Sections 408.1, 409, 444,
13 444.1 or 445 of this Code, or Section 12 of the Fire
14 Investigation Act, there shall be added to the amount due
15 as a penalty an amount equal to ~~5%~~ 10% of the deficiency.

16 (b) If such failure to pay is determined by the
17 Director to be wilful, after a hearing under Sections 402
18 and 403, there shall be added to the tax as a penalty an
19 amount equal to the greater of ~~25%~~ 50% of the deficiency
20 or ~~5%~~ 10% of the amount due and unpaid for each month or
21 part of a month that the deficiency remains unpaid
22 commencing with the date that the amount becomes due.
23 Such amount shall be in lieu of any determined under
24 paragraph (a).

25 (4) Any insurance company or any surplus line producer
26 which fails to pay the full amount due under this Section or
27 Sections 408.1, 409, 444, 444.1 or 445 of this Code, or
28 Section 12 of the Fire Investigation Act is liable, in
29 addition to the tax and any penalties, for interest on such
30 deficiency at the rate of 12% per annum, or at such higher
31 adjusted rates as are or may be established under subsection
32 (b) of Section 6621 of the Internal Revenue Code, from the
33 date that payment of any such tax was due, determined without
34 regard to any extensions, to the date of payment of such

1 amount.

2 (5) The Director, through the Attorney General, may
3 institute an action in the name of the People of the State of
4 Illinois, in any court of competent jurisdiction, for the
5 recovery of the amount of such taxes, fees, and penalties
6 due, and prosecute the same to final judgment, and take such
7 steps as are necessary to collect the same.

8 (6) In the event that the certificate of authority of a
9 foreign or alien company is revoked for any cause or the
10 company withdraws from this State prior to the renewal date
11 of the certificate of authority as provided in Section 114,
12 the company may recover the amount of any such tax paid in
13 advance. Except as provided in this subsection, no revocation
14 or withdrawal excuses payment of or constitutes grounds for
15 the recovery of any taxes or penalties imposed by this Code.

16 (7) When an insurance company or domestic affiliated
17 group fails to pay the full amount of any fee of ~~\$100~~ \$200 or
18 more due under Section 408 of this Code, there shall be added
19 to the amount due as a penalty the greater of ~~\$50~~ \$100 or an
20 amount equal to ~~5%~~ 10% of the deficiency for each month or
21 part of a month that the deficiency remains unpaid.

22 (Source: P.A. 93-32, eff. 7-1-03.)

23 (215 ILCS 5/416)

24 Sec. 416. Industrial Commission Operations Fund
25 Surcharge. On and after the effective date of this amendatory
26 Act of the 93rd General Assembly no surcharge shall be
27 imposed under this Section.

28 (a) As of the effective date of this amendatory Act of
29 the 93rd General Assembly, every company licensed or
30 authorized by the Illinois Department of Insurance and
31 insuring employers' liabilities arising under the Workers'
32 Compensation Act or the Workers' Occupational Diseases Act
33 shall remit to the Director a surcharge based upon the annual

1 direct written premium, as reported under Section 136 of this
2 Act, of the company in the manner provided in this Section.
3 Such proceeds shall be deposited into the Industrial
4 Commission Operations Fund as established in the Workers'
5 Compensation Act. If a company survives or was formed by a
6 merger, consolidation, reorganization, or reincorporation,
7 the direct written premiums of all companies party to the
8 merger, consolidation, reorganization, or reincorporation
9 shall, for purposes of determining the amount of the fee
10 imposed by this Section, be regarded as those of the
11 surviving or new company.

12 (b)(1) Except as provided in subsection (b)(2) of this
13 Section, beginning on July 1, 2004 and each year thereafter,
14 the Director shall charge an annual Industrial Commission
15 Operations Fund Surcharge from every company subject to
16 subsection (a) of this Section equal to 1.5% of its direct
17 written premium for insuring employers' liabilities arising
18 under the Workers' Compensation Act or Workers' Occupational
19 Diseases Act as reported in each company's annual statement
20 filed for the previous year as required by Section 136. The
21 Industrial Commission Operations Fund Surcharge shall be
22 collected by companies subject to subsection (a) of this
23 Section as a separately stated surcharge on insured employers
24 at the rate of 1.5% of direct written premium. All sums
25 collected by the Department of Insurance under the provisions
26 of this Section shall be paid promptly after the receipt of
27 the same, accompanied by a detailed statement thereof, into
28 the Industrial Commission Operations Fund in the State
29 treasury.

30 (b)(2) Prior to July 1, 2004, the Director shall charge
31 and collect the surcharge set forth in subparagraph (b)(1) of
32 this Section on or before September 1, 2003, December 1,
33 2003, March 1, 2004 and June 1, 2004. For purposes of this
34 subsection (b)(2), the company shall remit the amounts to the

1 Director based on estimated direct premium for each quarter
2 beginning on July 1, 2003, together with a sworn statement
3 attesting to the reasonableness of the estimate, and the
4 estimated amount of direct premium written forming the bases
5 of the remittance.

6 (c) In addition to the authority specifically granted
7 under Article XXV of this Code, the Director shall have such
8 authority to adopt rules or establish forms as may be
9 reasonably necessary for purposes of enforcing this Section.
10 The Director shall also have authority to defer, waive, or
11 abate the surcharge or any penalties imposed by this Section
12 if in the Director's opinion the company's solvency and
13 ability to meet its insured obligations would be immediately
14 threatened by payment of the surcharge due.

15 (d) When a company fails to pay the full amount of any
16 annual Industrial Commission Operations Fund Surcharge of
17 \$100 or more due under this Section, there shall be added to
18 the amount due as a penalty the greater of \$1,000 or an
19 amount equal to 5% of the deficiency for each month or part
20 of a month that the deficiency remains unpaid.

21 (e) The Department of Insurance may enforce the
22 collection of any delinquent payment, penalty, or portion
23 thereof by legal action or in any other manner by which the
24 collection of debts due the State of Illinois may be enforced
25 under the laws of this State.

26 (f) Whenever it appears to the satisfaction of the
27 Director that a company has paid pursuant to this Act an
28 Industrial Commission Operations Fund Surcharge in an amount
29 in excess of the amount legally collectable from the company,
30 the Director shall issue a credit memorandum for an amount
31 equal to the amount of such overpayment. A credit memorandum
32 may be applied for the 2-year period from the date of
33 issuance, against the payment of any amount due during that
34 period under the surcharge imposed by this Section or,

1 subject to reasonable rule of the Department of Insurance
2 including requirement of notification, may be assigned to any
3 other company subject to regulation under this Act. Any
4 application of credit memoranda after the period provided for
5 in this Section is void.

6 (g) Annually, the Governor may direct a transfer of up
7 to 2% of all moneys collected under this Section to the
8 Insurance Financial Regulation Fund.

9 (Source: P.A. 93-32, eff. 6-20-03.)

10 (215 ILCS 5/431) (from Ch. 73, par. 1038)

11 Sec. 431. Penalty. Any person who violates a cease and
12 desist order of the Director under Section 427, after it has
13 become final, and while such order is in effect, or who
14 violates an order of the Circuit Court under Section 429,
15 shall, upon proof thereof to the satisfaction of the court,
16 forfeit and pay to the State of Illinois, a sum not to exceed
17 \$500 ~~\$1,000~~, which may be recovered in a civil action, for
18 each violation.

19 (Source: P.A. 93-32, eff. 7-1-03.)

20 (215 ILCS 5/445) (from Ch. 73, par. 1057)

21 Sec. 445. Surplus line.

22 (1) Surplus line defined; surplus line insurer
23 requirements. Surplus line insurance is insurance on an
24 Illinois risk of the kinds specified in Classes 2 and 3 of
25 Section 4 of this Code procured from an unauthorized insurer
26 or a domestic surplus line insurer as defined in Section 445a
27 after the insurance producer representing the insured or the
28 surplus line producer is unable, after diligent effort, to
29 procure said insurance from insurers which are authorized to
30 transact business in this State other than domestic surplus
31 line insurers as defined in Section 445a.

32 Insurance producers may procure surplus line insurance

1 only if licensed as a surplus line producer under this
2 Section and may procure that insurance only from an
3 unauthorized insurer or from a domestic surplus line insurer
4 as defined in Section 445a:

5 (a) that based upon information available to the
6 surplus line producer has a policyholders surplus of not
7 less than \$15,000,000 determined in accordance with
8 accounting rules that are applicable to authorized
9 insurers; and

10 (b) that has standards of solvency and management
11 that are adequate for the protection of policyholders;
12 and

13 (c) where an unauthorized insurer does not meet the
14 standards set forth in (a) and (b) above, a surplus line
15 producer may, if necessary, procure insurance from that
16 insurer only if prior written warning of such fact or
17 condition is given to the insured by the insurance
18 producer or surplus line producer.

19 (2) Surplus line producer; license. Any licensed
20 producer who is a resident of this State, or any nonresident
21 who qualifies under Section 500-40, may be licensed as a
22 surplus line producer upon:

23 (a) completing a prelicensing course of study. The
24 course provided for by this Section shall be conducted
25 under rules and regulations prescribed by the Director.
26 The Director may administer the course or may make
27 arrangements, including contracting with an outside
28 educational service, for administering the course and
29 collecting the non-refundable application fee provided
30 for in this subsection. Any charges assessed by the
31 Director or the educational service for administering the
32 course shall be paid directly by the individual
33 applicants. Each applicant required to take the course
34 shall enclose with the application a non-refundable \$10

1 \$20 application fee payable to the Director plus a
2 separate course administration fee. An applicant who
3 fails to appear for the course as scheduled, or appears
4 but fails to complete the course, shall not be entitled
5 to any refund, and shall be required to submit a new
6 request to attend the course together with all the
7 requisite fees before being rescheduled for another
8 course at a later date; and

9 (b) payment of an annual license fee of \$200 \$400;
10 and

11 (c) procurement of the surety bond required in
12 subsection (4) of this Section.

13 A surplus line producer so licensed shall keep a separate
14 account of the business transacted thereunder which shall be
15 open at all times to the inspection of the Director or his
16 representative.

17 The prelicensing course of study requirement in (a) above
18 shall not apply to insurance producers who were licensed
19 under the Illinois surplus line law on or before the
20 effective date of this amendatory Act of the 92nd General
21 Assembly.

22 (3) Taxes and reports.

23 (a) Surplus line tax and penalty for late payment.

24 A surplus line producer shall file with the Director
25 on or before February 1 and August 1 of each year a
26 report in the form prescribed by the Director on all
27 surplus line insurance procured from unauthorized
28 insurers during the preceding 6 month period ending
29 December 31 or June 30 respectively, and on the filing of
30 such report shall pay to the Director for the use and
31 benefit of the State a sum equal to 3% 3-5% of the gross
32 premiums less returned premiums upon all surplus line
33 insurance procured or cancelled during the preceding 6
34 months.

1 Any surplus line producer who fails to pay the full
2 amount due under this subsection is liable, in addition
3 to the amount due, for such penalty and interest charges
4 as are provided for under Section 412 of this Code. The
5 Director, through the Attorney General, may institute an
6 action in the name of the People of the State of
7 Illinois, in any court of competent jurisdiction, for the
8 recovery of the amount of such taxes and penalties due,
9 and prosecute the same to final judgment, and take such
10 steps as are necessary to collect the same.

11 (b) Fire Marshal Tax.

12 Each surplus line producer shall file with the
13 Director on or before March 31 of each year a report in
14 the form prescribed by the Director on all fire insurance
15 procured from unauthorized insurers subject to tax under
16 Section 12 of the Fire Investigation Act and shall pay to
17 the Director the fire marshal tax required thereunder.

18 (c) Taxes and fees charged to insured. The taxes
19 imposed under this subsection and the countersigning fees
20 charged by the Surplus Line Association of Illinois may
21 be charged to and collected from surplus line insureds.

22 (4) Bond. Each surplus line producer, as a condition to
23 receiving a surplus line producer's license, shall execute
24 and deliver to the Director a surety bond to the People of
25 the State in the penal sum of \$20,000, with a surety which is
26 authorized to transact business in this State, conditioned
27 that the surplus line producer will pay to the Director the
28 tax, interest and penalties levied under subsection (3) of
29 this Section.

30 (5) Submission of documents to Surplus Line Association
31 of Illinois. A surplus line producer shall submit every
32 insurance contract issued under his or her license to the
33 Surplus Line Association of Illinois for recording and
34 countersignature. The submission and countersignature may be

1 effected through electronic means. The submission shall set
2 forth:

- 3 (a) the name of the insured;
- 4 (b) the description and location of the insured
5 property or risk;
- 6 (c) the amount insured;
- 7 (d) the gross premiums charged or returned;
- 8 (e) the name of the unauthorized insurer or
9 domestic surplus line insurer as defined in Section 445a
10 from whom coverage has been procured;
- 11 (f) the kind or kinds of insurance procured; and
- 12 (g) amount of premium subject to tax required by
13 Section 12 of the Fire Investigation Act.

14 Proposals, endorsements, and other documents which
15 are incidental to the insurance but which do not affect
16 the premium charged are exempted from filing and
17 countersignature.

18 The submission of insuring contracts to the Surplus
19 Line Association of Illinois constitutes a certification
20 by the surplus line producer or by the insurance producer
21 who presented the risk to the surplus line producer for
22 placement as a surplus line risk that after diligent
23 effort the required insurance could not be procured from
24 insurers which are authorized to transact business in
25 this State other than domestic surplus line insurers as
26 defined in Section 445a and that such procurement was
27 otherwise in accordance with the surplus line law.

28 (6) Countersignature required. It shall be unlawful for
29 an insurance producer to deliver any unauthorized insurer
30 contract or domestic surplus line insurer contract unless
31 such insurance contract is countersigned by the Surplus Line
32 Association of Illinois.

33 (7) Inspection of records. A surplus line producer
34 shall maintain separate records of the business transacted

1 under his or her license, including complete copies of
2 surplus line insurance contracts maintained on paper or by
3 electronic means, which records shall be open at all times
4 for inspection by the Director and by the Surplus Line
5 Association of Illinois.

6 (8) Violations and penalties. The Director may suspend
7 or revoke or refuse to renew a surplus line producer license
8 for any violation of this Code. In addition to or in lieu of
9 suspension or revocation, the Director may subject a surplus
10 line producer to a civil penalty of up to \$1,000 ~~\$2,000~~ for
11 each cause for suspension or revocation. Such penalty is
12 enforceable under subsection (5) of Section 403A of this
13 Code.

14 (9) Director may declare insurer ineligible. If the
15 Director determines that the further assumption of risks
16 might be hazardous to the policyholders of an unauthorized
17 insurer, the Director may order the Surplus Line Association
18 of Illinois not to countersign insurance contracts evidencing
19 insurance in such insurer and order surplus line producers to
20 cease procuring insurance from such insurer.

21 (10) Service of process upon Director. Insurance
22 contracts delivered under this Section from unauthorized
23 insurers shall contain a provision designating the Director
24 and his successors in office the true and lawful attorney of
25 the insurer upon whom may be served all lawful process in any
26 action, suit or proceeding arising out of such insurance.
27 Service of process made upon the Director to be valid
28 hereunder must state the name of the insured, the name of the
29 unauthorized insurer and identify the contract of insurance.
30 The Director at his option is authorized to forward a copy of
31 the process to the Surplus Line Association of Illinois for
32 delivery to the unauthorized insurer or the Director may
33 deliver the process to the unauthorized insurer by other
34 means which he considers to be reasonably prompt and certain.

1 (11) The Illinois Surplus Line law does not apply to
2 insurance of property and operations of railroads or aircraft
3 engaged in interstate or foreign commerce, insurance of
4 vessels, crafts or hulls, cargoes, marine builder's risks,
5 marine protection and indemnity, or other risks including
6 strikes and war risks insured under ocean or wet marine forms
7 of policies.

8 (12) Surplus line insurance procured under this Section,
9 including insurance procured from a domestic surplus line
10 insurer, is not subject to the provisions of the Illinois
11 Insurance Code other than Sections 123, 123.1, 401, 401.1,
12 402, 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4,
13 and all of the provisions of Article XXXI to the extent that
14 the provisions of Article XXXI are not inconsistent with the
15 terms of this Act.

16 (Source: P.A. 92-386, eff. 1-1-02; 93-29, eff. 6-20-03;
17 93-32, eff. 7-1-03.)

18 (215 ILCS 5/500-70)

19 Sec. 500-70. License denial, nonrenewal, or revocation.

20 (a) The Director may place on probation, suspend,
21 revoke, or refuse to issue or renew an insurance producer's
22 license or may levy a civil penalty in accordance with this
23 Section or take any combination of actions, for any one or
24 more of the following causes:

25 (1) providing incorrect, misleading, incomplete, or
26 materially untrue information in the license application;

27 (2) violating any insurance laws, or violating any
28 rule, subpoena, or order of the Director or of another
29 state's insurance commissioner;

30 (3) obtaining or attempting to obtain a license
31 through misrepresentation or fraud;

32 (4) improperly withholding, misappropriating or
33 converting any moneys or properties received in the

1 course of doing insurance business;

2 (5) intentionally misrepresenting the terms of an
3 actual or proposed insurance contract or application for
4 insurance;

5 (6) having been convicted of a felony;

6 (7) having admitted or been found to have committed
7 any insurance unfair trade practice or fraud;

8 (8) using fraudulent, coercive, or dishonest
9 practices, or demonstrating incompetence,
10 untrustworthiness or financial irresponsibility in the
11 conduct of business in this State or elsewhere;

12 (9) having an insurance producer license, or its
13 equivalent, denied, suspended, or revoked in any other
14 state, province, district or territory;

15 (10) forging a name to an application for insurance
16 or to a document related to an insurance transaction;

17 (11) improperly using notes or any other reference
18 material to complete an examination for an insurance
19 license;

20 (12) knowingly accepting insurance business from an
21 individual who is not licensed;

22 (13) failing to comply with an administrative or
23 court order imposing a child support obligation;

24 (14) failing to pay state income tax or penalty or
25 interest or comply with any administrative or court order
26 directing payment of state income tax or failed to file a
27 return or to pay any final assessment of any tax due to
28 the Department of Revenue; or

29 (15) failing to make satisfactory repayment to the
30 Illinois Student Assistance Commission for a delinquent
31 or defaulted student loan.

32 (b) If the action by the Director is to nonrenew,
33 suspend, or revoke a license or to deny an application for a
34 license, the Director shall notify the applicant or licensee

1 and advise, in writing, the applicant or licensee of the
2 reason for the suspension, revocation, denial or nonrenewal
3 of the applicant's or licensee's license. The applicant or
4 licensee may make written demand upon the Director within 30
5 days after the date of mailing for a hearing before the
6 Director to determine the reasonableness of the Director's
7 action. The hearing must be held within not fewer than 20
8 days nor more than 30 days after the mailing of the notice of
9 hearing and shall be held pursuant to 50 Ill. Adm. Code 2402.

10 (c) The license of a business entity may be suspended,
11 revoked, or refused if the Director finds, after hearing,
12 that an individual licensee's violation was known or should
13 have been known by one or more of the partners, officers, or
14 managers acting on behalf of the partnership, corporation,
15 limited liability company, or limited liability partnership
16 and the violation was neither reported to the Director nor
17 corrective action taken.

18 (d) In addition to or instead of any applicable denial,
19 suspension, or revocation of a license, a person may, after
20 hearing, be subject to a civil penalty of up to \$5,000
21 ~~\$10,000~~ for each cause for denial, suspension, or revocation,
22 however, the civil penalty may total no more than \$20,000
23 ~~\$100,000~~.

24 (e) The Director has the authority to enforce the
25 provisions of and impose any penalty or remedy authorized by
26 this Article against any person who is under investigation
27 for or charged with a violation of this Code or rules even if
28 the person's license or registration has been surrendered or
29 has lapsed by operation of law.

30 (f) Upon the suspension, denial, or revocation of a
31 license, the licensee or other person having possession or
32 custody of the license shall promptly deliver it to the
33 Director in person or by mail. The Director shall publish all
34 suspensions, denials, or revocations after the suspensions,

1 denials, or revocations become final in a manner designed to
2 notify interested insurance companies and other persons.

3 (g) A person whose license is revoked or whose
4 application is denied pursuant to this Section is ineligible
5 to apply for any license for 3 years after the revocation or
6 denial. A person whose license as an insurance producer has
7 been revoked, suspended, or denied may not be employed,
8 contracted, or engaged in any insurance related capacity
9 during the time the revocation, suspension, or denial is in
10 effect.

11 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

12 (215 ILCS 5/500-110)

13 Sec. 500-110. Regulatory examinations.

14 (a) The Director may examine any applicant for or holder
15 of an insurance producer license, limited line producer
16 license or temporary insurance producer license or any
17 business entity.

18 (b) All persons being examined, as well as their
19 officers, directors, insurance producers, limited lines
20 producers, and temporary insurance producers must provide to
21 the Director convenient and free access, at all reasonable
22 hours at their offices, to all books, records, documents, and
23 other papers relating to the persons' insurance business
24 affairs. The officers, directors, insurance producers,
25 limited lines producers, temporary insurance producers, and
26 employees must facilitate and aid the Director in the
27 examinations as much as it is in their power to do so.

28 (c) The Director may designate an examiner or examiners
29 to conduct any examination under this Section. The Director
30 or his or her designee may administer oaths and examine under
31 oath any individual relative to the business of the person
32 being examined.

33 (d) The examiners designated by the Director under this

1 Section may make reports to the Director. A report alleging
2 substantive violations of this Article or any rules
3 prescribed by the Director must be in writing and be based
4 upon facts ascertained from the books, records, documents,
5 papers, and other evidence obtained by the examiners or from
6 sworn or affirmed testimony of or written affidavits from the
7 person's officers, directors, insurance producers, limited
8 lines producer, temporary insurance producers, or employees
9 or other individuals, as given to the examiners. The report
10 of an examination must be verified by the examiners.

11 (e) If a report is made, the Director must either
12 deliver a duplicate of the report to the person being
13 examined or send the duplicate by certified or registered
14 mail to the person's address of record. The Director shall
15 afford the person an opportunity to demand a hearing with
16 reference to the facts and other evidence contained in the
17 report. The person may request a hearing within 14 calendar
18 days after he or she receives the duplicate of the
19 examination report by giving the Director written notice of
20 that request, together with a written statement of the
21 person's objections to the report. The Director must, if
22 requested to do so, conduct a hearing in accordance with
23 Sections 402 and 403 of this Code. The Director must issue a
24 written order based upon the examination report and upon the
25 hearing, if a hearing is held, within 90 days after the
26 report is filed, or within 90 days after the hearing if a
27 hearing is held. If the report is refused or otherwise
28 undeliverable, or a hearing is not requested in a timely
29 fashion, the right to a hearing is waived. After the hearing
30 or the expiration of the time period in which a person may
31 request a hearing, if the examination reveals that the person
32 is operating in violation of any law, rule, or prior order,
33 the Director in the written order may require the person to
34 take any action the Director considers necessary or

1 appropriate in accordance with the report or examination
2 hearing. The order is subject to review under the
3 Administrative Review Law.

4 (f) The Director may adopt reasonable rules to further
5 the purposes of this Section.

6 (g) A person who violates or aids and abets any
7 violation of a written order issued under this Section shall
8 be guilty of a business offense and his or her license may be
9 revoked or suspended pursuant to Section 500-70 of this
10 Article and he or she may be subjected to a civil penalty of
11 not more than \$10,000 ~~\$20,000~~.

12 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

13 (215 ILCS 5/500-120)

14 Sec. 500-120. Conflicts of interest; inactive status.

15 (a) A person, partnership, association, or corporation
16 licensed by the Department who, due to employment with any
17 unit of government that would cause a conflict of interest
18 with the holding of that license, notifies the Director in
19 writing on forms prescribed by the Department and, subject to
20 rules of the Department, makes payment of applicable
21 licensing renewal fees, may elect to place the license on an
22 inactive status.

23 (b) A licensee whose license is on inactive status may
24 have the license restored by making application to the
25 Department on such form as may be prescribed by the
26 Department. The application must be accompanied with a fee of
27 \$50 ~~\$100~~ plus the current applicable license fee.

28 (c) A license may be placed on inactive status for a
29 2-year period, and upon request, the inactive status may be
30 extended for a successive 2-year period not to exceed a
31 cumulative 4-year inactive period. After a license has been
32 on inactive status for 4 years or more, the licensee must
33 meet all of the standards required of a new applicant before

1 the license may be restored to active status.

2 (d) If requests for inactive status are not renewed as
3 set forth in subsection (c), the license will be taken off
4 the inactive status and the license will lapse immediately.

5 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

6 (215 ILCS 5/500-135)

7 Sec. 500-135. Fees.

8 (a) The fees required by this Article are as follows:

9 (1) a fee of \$150 ~~\$180~~ for a person who is a
10 resident of Illinois, and ~~\$250~~ for a person who is not a
11 resident of Illinois, payable once every 2 years for an
12 insurance producer license;

13 (2) a fee of \$25 ~~\$50~~ for the issuance of a
14 temporary insurance producer license;

15 (3) a fee of \$50 ~~\$150~~ payable once every 2 years
16 for a business entity;

17 (4) an annual \$25 ~~\$50~~ fee for a limited line
18 producer license issued under items (1) through (7) of
19 subsection (a) of Section 500-100;

20 (5) a \$25 ~~\$50~~ application fee for the processing of
21 a request to take the written examination for an
22 insurance producer license;

23 (6) an annual registration fee of \$500 ~~\$1,000~~ for
24 registration of an education provider;

25 (7) a certification fee of \$25 ~~\$50~~ for each
26 certified pre-licensing or continuing education course
27 and an annual fee of \$10 ~~\$20~~ for renewing the
28 certification of each such course;

29 (8) a fee of \$50 ~~\$180~~ for a person who is a
30 resident of Illinois, and ~~\$250~~ for a person who is not a
31 resident of Illinois, payable once every 2 years for a
32 car rental limited line license;

33 (9) a fee of \$150 ~~\$200~~ payable once every 2 years

1 for a limited lines license other than the licenses
2 issued under items (1) through (7) of subsection (a) of
3 Section 500-100, a car rental limited line license, or a
4 self-service storage facility limited line license;

5 (10) a fee of \$50 payable once every 2 years for a
6 self-service storage facility limited line license.

7 (b) Except as otherwise provided, all fees paid to and
8 collected by the Director under this Section shall be paid
9 promptly after receipt thereof, together with a detailed
10 statement of such fees, into a special fund in the State
11 Treasury to be known as the Insurance Producer Administration
12 Fund. The moneys deposited into the Insurance Producer
13 Administration Fund may be used only for payment of the
14 expenses of the Department in the execution, administration,
15 and enforcement of the insurance laws of this State, and
16 shall be appropriated as otherwise provided by law for the
17 payment of those expenses with first priority being any
18 expenses incident to or associated with the administration
19 and enforcement of this Article.

20 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03;
21 93-288, eff. 1-1-04; revised 9-12-03.)

22 (215 ILCS 5/511.103) (from Ch. 73, par. 1065.58-103)

23 Sec. 511.103. Application. The applicant for a license
24 shall file with the Director an application upon a form
25 prescribed by the Director, which shall include or have
26 attached the following:

27 (1) The names, addresses and official positions of the
28 individuals who are responsible for the conduct of the
29 affairs of the administrator, including but not limited to
30 all members of the board of directors, board of trustees,
31 executive committee, or other governing board or committee,
32 the principal officers in the case of a corporation or the
33 partners in the case of a partnership; and

1 (2) A non-refundable filing fee of \$100 ~~\$200~~ which shall
2 become the initial administrator license fee should the
3 Director issue an administrator license.

4 (Source: P.A. 93-32, eff. 7-1-03.)

5 (215 ILCS 5/511.105) (from Ch. 73, par. 1065.58-105)

6 Sec. 511.105. License.

7 (a) The Director shall cause a license to be issued to
8 each applicant that has demonstrated to the Director's
9 satisfaction compliance with the requirements of this
10 Article.

11 (b) Each administrator license shall remain in effect as
12 long as the holder of the license maintains in force and
13 effect the bond required by Section 511.104 and pays the
14 annual fee of \$100 ~~\$200~~ prior to the anniversary date of the
15 license, unless the license is revoked or suspended pursuant
16 to Section 511.107.

17 (c) Each license shall contain the name, business
18 address and identification number of the licensee, the date
19 the license was issued and any other information the Director
20 considers proper.

21 (Source: P.A. 93-32, eff. 7-1-03.)

22 (215 ILCS 5/511.110) (from Ch. 73, par. 1065.58-110)

23 Sec. 511.110. Administrative Fine.

24 (a) If the Director finds that one or more grounds exist
25 for the revocation or suspension of a license issued under
26 this Article, the Director may, in lieu of or in addition to
27 such suspension or revocation, impose a fine upon the
28 administrator.

29 (b) With respect to any knowing and wilful violation of
30 a lawful order of the Director, any applicable portion of the
31 Illinois Insurance Code or Part of Title 50 of the Illinois
32 Administrative Code, or a provision of this Article, the

1 Director may impose a fine upon the administrator in an
2 amount not to exceed \$5,000 ~~\$10,000~~ for each such violation.
3 In no event shall such fine exceed an aggregate amount of
4 \$25,000 ~~\$50,000~~ for all knowing and wilful violations arising
5 out of the same action.

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 (215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

8 Sec. 512.63. Fees.

9 (a) The fees required by this Article are as follows:

10 (1) Public Insurance Adjuster license annual fee,
11 \$30 ~~\$100~~;

12 (2) Registration of Firms, \$20 ~~\$100~~;

13 (3) Application Fee for processing each request to
14 take the written examination for a Public Adjuster
15 license, \$10 ~~\$20~~.

16 (Source: P.A. 93-32, eff. 7-1-03.)

17 (215 ILCS 5/513a3) (from Ch. 73, par. 1065.60a3)

18 Sec. 513a3. License required.

19 (a) No person may act as a premium finance company or
20 hold himself out to be engaged in the business of financing
21 insurance premiums, either directly or indirectly, without
22 first having obtained a license as a premium finance company
23 from the Director.

24 (b) An insurance producer shall be deemed to be engaged
25 in the business of financing insurance premiums if 10% or
26 more of the producer's total premium accounts receivable are
27 more than 90 days past due.

28 (c) In addition to any other penalty set forth in this
29 Article, any person violating subsection (a) of this Section
30 may, after hearing as set forth in Article XXIV of this Code,
31 be required to pay a civil penalty of not more than \$1,000
32 ~~\$2,000~~ for each offense.

1 (d) In addition to any other penalty set forth in this
 2 Article, any person violating subsection (a) of this Section
 3 is guilty of a Class A misdemeanor. Any individual violating
 4 subsection (a) of this Section, and misappropriating or
 5 converting any monies collected in conjunction with the
 6 violation, is guilty of a Class 4 felony.

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 (215 ILCS 5/513a4) (from Ch. 73, par. 1065.60a4)
 9 Sec. 513a4. Application and license.

10 (a) Each application for a premium finance license shall
 11 be made on a form specified by the Director and shall be
 12 signed by the applicant declaring under penalty of refusal,
 13 suspension, or revocation of the license that the statements
 14 made in the application are true, correct, and complete to
 15 the best of the applicant's knowledge and belief. The
 16 Director shall cause to be issued a license to each applicant
 17 that has demonstrated to the Director that the applicant:

- 18 (1) is competent and trustworthy and of a good
 19 business reputation;
- 20 (2) has a minimum net worth of \$50,000; and
- 21 (3) has paid the fees required by this Article.

22 (b) Each applicant at the time of request for a license
 23 or renewal of a license shall:

- 24 (1) certify that no charge for financing premiums
 25 shall exceed the rates permitted by this Article;
- 26 (2) certify that the premium finance agreement or
 27 other forms being used are in compliance with the
 28 requirements of this Article;
- 29 (3) certify that he or she has a minimum net worth
 30 of \$50,000; and
- 31 (4) attach with the application a non-refundable
 32 annual fee of \$200 ~~\$400~~.

33 (c) An applicant who has met the requirements of

1 subsection (a) and subsection (b) shall be issued a premium
2 finance license.

3 (d) Each premium finance license shall remain in effect
4 as long as the holder of the license annually continues to
5 meet the requirements of subsections (a) and (b) by the due
6 date unless the license is revoked or suspended by the
7 Director.

8 (e) The individual holder of a premium finance license
9 shall inform the Director in writing of a change in residence
10 address within 30 days of the change, and a corporation,
11 partnership, or association holder of a premium finance
12 license shall inform the Director in writing of a change in
13 business address within 30 days of the change.

14 (f) Every partnership or corporation holding a license
15 as a premium finance company shall appoint one or more
16 partners or officers to be responsible for the firm's
17 compliance with the Illinois Insurance Code and applicable
18 rules and regulations. Any change in the appointed person or
19 persons shall be reported to the Director in writing within
20 30 days of the change.

21 (Source: P.A. 93-32, eff. 7-1-03.)

22 (215 ILCS 5/513a7) (from Ch. 73, par. 1065.60a7)
23 Sec. 513a7. License suspension; revocation or denial.

24 (a) Any license issued under this Article may be
25 suspended, revoked, or denied if the Director finds that the
26 licensee or applicant:

27 (1) has wilfully violated any provisions of this
28 Code or the rules and regulations thereunder;

29 (2) has intentionally made a material misstatement
30 in the application for a license;

31 (3) has obtained or attempted to obtain a license
32 through misrepresentation or fraud;

33 (4) has misappropriated or converted to his own use

1 or improperly withheld monies;

2 (5) has used fraudulent, coercive, or dishonest
3 practices or has demonstrated incompetence,
4 untrustworthiness, or financial irresponsibility;

5 (6) has been, within the past 3 years, convicted of
6 a felony, unless the individual demonstrates to the
7 Director sufficient rehabilitation to warrant public
8 trust;

9 (7) has failed to appear without reasonable cause
10 or excuse in response to a subpoena issued by the
11 Director;

12 (8) has had a license suspended, revoked, or denied
13 in any other state on grounds similar to those stated in
14 this Section; or

15 (9) has failed to report a felony conviction as
16 required by Section 513a6.

17 (b) Suspension, revocation, or denial of a license under
18 this Section shall be by written order sent to the licensee
19 or applicant by certified or registered mail at the address
20 specified in the records of the Department. The licensee or
21 applicant may in writing request a hearing within 30 days
22 from the date of mailing. If no written request is made the
23 order shall be final upon the expiration of that 30 day
24 period.

25 (c) If the licensee or applicant requests a hearing
26 under this Section, the Director shall issue a written notice
27 of hearing sent to the licensee or applicant by certified or
28 registered mail at his address, as specified in the records
29 of the Department, and stating:

30 (1) the grounds, charges, or conduct that justifies
31 suspension, revocation, or denial under this Section;

32 (2) the specific time for the hearing, which may
33 not be fewer than 20 nor more than 30 days after the
34 mailing of the notice of hearing; and

1 (3) a specific place for the hearing, which may be
2 either in the City of Springfield or in the county where
3 the licensee's principal place of business is located.

4 (d) Upon the suspension or revocation of a license, the
5 licensee or other person having possession or custody of the
6 license shall promptly deliver it to the Director in person
7 or by mail. The Director shall publish all suspensions and
8 revocations after they become final in a manner designed to
9 notify interested insurance companies and other persons.

10 (e) Any person whose license is revoked or denied under
11 this Section shall be ineligible to apply for any license for
12 2 years. A suspension under this Section may be for a period
13 of up to 2 years.

14 (f) In addition to or instead of a denial, suspension,
15 or revocation of a license under this Section, the licensee
16 may be subjected to a civil penalty of up to \$1,000 ~~\$2,000~~
17 for each cause for denial, suspension, or revocation. The
18 penalty is enforceable under subsection (5) of Section 403A
19 of this Code.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (215 ILCS 5/529.5) (from Ch. 73, par. 1065.76-5)

22 Sec. 529.5. The Industry Placement Facility shall
23 compile an annual operating report, and publish such report
24 in at least 2 newspapers having widespread circulation in the
25 State, which report shall include:

26 (1) a description of the origin and purpose of the
27 Illinois Fair Plan and its relationship to the property and
28 casualty insurance industry in Illinois;

29 (2) a financial statement specifying the amount of
30 profit or loss incurred by the Facility for its financial
31 year; and

32 (3) a disclosure as to the amount of subsidization per
33 type of policy written by the Facility, which is provided by

1 the property and casualty insurance companies operating in
2 Illinois, if any.

3 This annual report shall be a matter of public record to
4 be made available to any person requesting a copy from the
5 Facility at a fee not to exceed \$5 ~~\$10~~ per copy. A copy
6 shall be available for inspection at the Department of
7 Insurance.

8 (Source: P.A. 93-32, eff. 7-1-03.)

9 (215 ILCS 5/544) (from Ch. 73, par. 1065.94)

10 Sec. 544. Powers of the Director. The Director shall
11 either (a) suspend or revoke, after notice and hearing
12 pursuant to Sections 401, 402 and 403 of this Code, the
13 certificate of authority to do business in this State of any
14 member company which fails to pay an assessment when due or
15 fails to comply with the plan of operation, or (b) levy a
16 fine on any member company which fails to pay an assessment
17 when due. Such fine shall not exceed 5% per month of the
18 unpaid assessment, except that no fine shall be less than
19 \$100 ~~\$200~~ per month.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (215 ILCS 5/1020) (from Ch. 73, par. 1065.720)

22 Sec. 1020. Penalties.

23 (A) In any case where a hearing pursuant to Section 1016
24 results in the finding of a knowing violation of this
25 Article, the Director may, in addition to the issuance of a
26 cease and desist order as prescribed in Section 1018, order
27 payment of a monetary penalty of not more than \$500 ~~\$1,000~~
28 for each violation but not to exceed \$10,000 ~~\$20,000~~ in the
29 aggregate for multiple violations.

30 (B) Any person who violates a cease and desist order of
31 the Director under Section 1018 of this Article may, after
32 notice and hearing and upon order of the Director, be subject

1 to one or more of the following penalties, at the discretion
2 of the Director:

3 (1) a monetary fine of not more than \$10,000
4 \$20,000 for each violation,

5 (2) a monetary fine of not more than \$50,000
6 \$100,000 if the Director finds that violations have
7 occurred with such frequency as to constitute a general
8 business practice, or

9 (3) suspension or revocation of an insurance
10 institution's or agent's license.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (215 ILCS 5/1108) (from Ch. 73, par. 1065.808)

13 Sec. 1108. Trust; filing requirements; records.

14 (1) Any risk retention trust created under this Article
15 shall file with the Director:

16 (a) A statement of intent to provide named
17 coverages.

18 (b) The trust agreement between the trust sponsor
19 and the trustees, detailing the organization and
20 administration of the trust and fiduciary
21 responsibilities.

22 (c) Signed risk pooling agreements from each trust
23 member describing their intent to participate in the
24 trust and maintain the contingency reserve fund.

25 (d) By April 1 of each year a financial statement
26 for the preceding calendar year ending December 31, and a
27 list of all beneficiaries during the year. The financial
28 statement and report shall be in such form as the
29 Director of Insurance may prescribe. The truth and
30 accuracy of the financial statement shall be attested to
31 by each trustee. Each Risk Retention Trust shall file
32 with the Director by June 1 an opinion of an independent
33 certified public accountant on the financial condition of

1 the Risk Retention Trust for the most recent calendar
2 year and the results of its operations, changes in
3 financial position and changes in capital and surplus for
4 the year then ended in conformity with accounting
5 practices permitted or prescribed by the Illinois
6 Department of Insurance.

7 (e) The name of a bank or trust company with whom
8 the trust will enter into an escrow agreement which shall
9 state that the contingency reserve fund will be
10 maintained at the levels prescribed in this Article.

11 (f) Copies of coverage grants it will issue.

12 (2) The Director of Insurance shall charge, collect and
13 give proper acquittances for the payment of the following
14 fees and charges:

15 (a) For filing trust instruments, amendments
16 thereto and financial statement and report of the
17 trustees, \$25 \$50.

18 (b) For copies of papers or records per page, \$1
19 \$2.

20 (c) For certificate to copy of paper, \$5 \$10.

21 (d) For filing an application for the licensing of
22 a risk retention trust, \$500 \$1,000.

23 (3) The trust shall keep its books and records in
24 accordance with the provisions of Section 133 of this Code.
25 The Director may examine such books and records from time to
26 time as provided in Sections 132 through 132.7 of this Code
27 and may charge the expense of such examination to the trust
28 as provided in subsection (3) of Section 408 of this Code.

29 (4) Trust funds established under this Section and all
30 persons interest therein or dealing therewith shall be
31 subject to the provisions of Sections 133, 144.1, 149, 401,
32 401.1, 402, 403, 403A, 412, and all of the provisions of
33 Articles VII, VIII, XII 1/2 and XIII of the Code, as amended.
34 Except as otherwise provided in this Section, trust funds

1 established under and which fully comply with this Section,
2 shall not be subjected to any other provision of the Code.

3 (5) The Director of Insurance may make reasonable rules
4 and regulations pertaining to the standards of coverage and
5 administration of the trust authorized by this Section. Such
6 rules may include but need not be limited to reasonable
7 standards for fiduciary duties of the trustees, standards for
8 the investment of funds, limitation of risks assumed, minimum
9 size, capital, surplus, reserves, and contingency reserves.

10 (Source: P.A. 93-32, eff. 7-1-03.)

11 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

12 Sec. 1204. (A) The Director shall promulgate rules and
13 regulations which shall require each insurer licensed to
14 write property or casualty insurance in the State and each
15 syndicate doing business on the Illinois Insurance Exchange
16 to record and report its loss and expense experience and
17 other data as may be necessary to assess the relationship of
18 insurance premiums and related income as compared to
19 insurance costs and expenses. The Director may designate one
20 or more rate service organizations or advisory organizations
21 to gather and compile such experience and data. The Director
22 shall require each insurer licensed to write property or
23 casualty insurance in this State and each syndicate doing
24 business on the Illinois Insurance Exchange to submit a
25 report, on a form furnished by the Director, showing its
26 direct writings in this State and companywide.

27 (B) Such report required by subsection (A) of this
28 Section may include, but not be limited to, the following
29 specific types of insurance written by such insurer:

30 (1) Political subdivision liability insurance
31 reported separately in the following categories:

- 32 (a) municipalities;
33 (b) school districts;

- 1 (c) other political subdivisions;
- 2 (2) Public official liability insurance;
- 3 (3) Dram shop liability insurance;
- 4 (4) Day care center liability insurance;
- 5 (5) Labor, fraternal or religious organizations
- 6 liability insurance;
- 7 (6) Errors and omissions liability insurance;
- 8 (7) Officers and directors liability insurance
- 9 reported separately as follows:
 - 10 (a) non-profit entities;
 - 11 (b) for-profit entities;
 - 12 (8) Products liability insurance;
 - 13 (9) Medical malpractice insurance;
 - 14 (10) Attorney malpractice insurance;
 - 15 (11) Architects and engineers malpractice
 - 16 insurance; and
 - 17 (12) Motor vehicle insurance reported separately
 - 18 for commercial and private passenger vehicles as follows:
 - 19 (a) motor vehicle physical damage insurance;
 - 20 (b) motor vehicle liability insurance.
- 21 (C) Such report may include, but need not be limited to
- 22 the following data, both specific to this State and
- 23 companywide, in the aggregate or by type of insurance for the
- 24 previous year on a calendar year basis:
 - 25 (1) Direct premiums written;
 - 26 (2) Direct premiums earned;
 - 27 (3) Number of policies;
 - 28 (4) Net investment income, using appropriate
 - 29 estimates where necessary;
 - 30 (5) Losses paid;
 - 31 (6) Losses incurred;
 - 32 (7) Loss reserves:
 - 33 (a) Losses unpaid on reported claims;
 - 34 (b) Losses unpaid on incurred but not reported

1 claims;

2 (8) Number of claims:

3 (a) Paid claims;

4 (b) Arising claims;

5 (9) Loss adjustment expenses:

6 (a) Allocated loss adjustment expenses;

7 (b) Unallocated loss adjustment expenses;

8 (10) Net underwriting gain or loss;

9 (11) Net operation gain or loss, including net
10 investment income;

11 (12) Any other information requested by the
12 Director.

13 (D) In addition to the information which may be
14 requested under subsection (C), the Director may also request
15 on a companywide, aggregate basis, Federal Income Tax
16 recoverable, net realized capital gain or loss, net
17 unrealized capital gain or loss, and all other expenses not
18 requested in subsection (C) above.

19 (E) Violations - Suspensions - Revocations.

20 (1) Any company or person subject to this Article,
21 who willfully or repeatedly fails to observe or who
22 otherwise violates any of the provisions of this Article
23 or any rule or regulation promulgated by the Director
24 under authority of this Article or any final order of the
25 Director entered under the authority of this Article
26 shall by civil penalty forfeit to the State of Illinois a
27 sum not to exceed \$1,000 \$2,000. Each day during which a
28 violation occurs constitutes a separate offense.

29 (2) No forfeiture liability under paragraph (1) of
30 this subsection may attach unless a written notice of
31 apparent liability has been issued by the Director and
32 received by the respondent, or the Director sends written
33 notice of apparent liability by registered or certified
34 mail, return receipt requested, to the last known address

1 of the respondent. Any respondent so notified must be
2 granted an opportunity to request a hearing within 10
3 days from receipt of notice, or to show in writing, why
4 he should not be held liable. A notice issued under this
5 Section must set forth the date, facts and nature of the
6 act or omission with which the respondent is charged and
7 must specifically identify the particular provision of
8 this Article, rule, regulation or order of which a
9 violation is charged.

10 (3) No forfeiture liability under paragraph (1) of
11 this subsection may attach for any violation occurring
12 more than 2 years prior to the date of issuance of the
13 notice of apparent liability and in no event may the
14 total civil penalty forfeiture imposed for the acts or
15 omissions set forth in any one notice of apparent
16 liability exceed \$50,000 ~~\$100,000~~.

17 (4) All administrative hearings conducted pursuant
18 to this Article are subject to 50 Ill. Adm. Code 2402 and
19 all administrative hearings are subject to the
20 Administrative Review Law.

21 (5) The civil penalty forfeitures provided for in
22 this Section are payable to the General Revenue Fund of
23 the State of Illinois, and may be recovered in a civil
24 suit in the name of the State of Illinois brought in the
25 Circuit Court in Sangamon County or in the Circuit Court
26 of the county where the respondent is domiciled or has
27 its principal operating office.

28 (6) In any case where the Director issues a notice
29 of apparent liability looking toward the imposition of a
30 civil penalty forfeiture under this Section that fact may
31 not be used in any other proceeding before the Director
32 to the prejudice of the respondent to whom the notice was
33 issued, unless (a) the civil penalty forfeiture has been
34 paid, or (b) a court has ordered payment of the civil

1 penalty forfeiture and that order has become final.

2 (7) When any person or company has a license or
3 certificate of authority under this Code and knowingly
4 fails or refuses to comply with a lawful order of the
5 Director requiring compliance with this Article, entered
6 after notice and hearing, within the period of time
7 specified in the order, the Director may, in addition to
8 any other penalty or authority provided, revoke or refuse
9 to renew the license or certificate of authority of such
10 person or company, or may suspend the license or
11 certificate of authority of such person or company until
12 compliance with such order has been obtained.

13 (8) When any person or company has a license or
14 certificate of authority under this Code and knowingly
15 fails or refuses to comply with any provisions of this
16 Article, the Director may, after notice and hearing, in
17 addition to any other penalty provided, revoke or refuse
18 to renew the license or certificate of authority of such
19 person or company, or may suspend the license or
20 certificate of authority of such person or company, until
21 compliance with such provision of this Article has been
22 obtained.

23 (9) No suspension or revocation under this Section
24 may become effective until 5 days from the date that the
25 notice of suspension or revocation has been personally
26 delivered or delivered by registered or certified mail to
27 the company or person. A suspension or revocation under
28 this Section is stayed upon the filing, by the company or
29 person, of a petition for judicial review under the
30 Administrative Review Law.

31 (Source: P.A. 93-32, eff. 7-1-03.)

32 Section 65. The Reinsurance Intermediary Act is amended
33 by changing Section 55 as follows:

1 (215 ILCS 100/55) (from Ch. 73, par. 1655)

2 Sec. 55. Penalties and liabilities.

3 (a) If the Director determines that a reinsurance
4 intermediary has not materially complied with this Act or any
5 regulation or Order promulgated hereunder, after notice and
6 opportunity to be heard, the Director may order a penalty in
7 an amount not exceeding \$50,000 ~~\$100,000~~ for each separate
8 violation and may order the revocation or suspension of the
9 reinsurance intermediary's license. If it is found that
10 because of the material noncompliance the insurer or
11 reinsurer has suffered any loss or damage, the Director may
12 maintain a civil action brought by or on behalf of the
13 reinsurer or insurer and its policyholders and creditors for
14 recovery of compensatory damages for the benefit of the
15 reinsurer or insurer and its policyholders and creditors or
16 seek other appropriate relief.

17 This subsection (a) shall not be construed to prevent any
18 other person from taking civil action against a reinsurance
19 intermediary.

20 (b) If an Order of Rehabilitation or Liquidation of the
21 insurer is entered under Article XIII of the Illinois
22 Insurance Code and the receiver appointed under that Order
23 determines that the reinsurance intermediary or any other
24 person has not materially complied with this Act or any
25 regulation or Order promulgated hereunder and the insurer has
26 suffered any loss or damage therefrom, the receiver may
27 maintain a civil action for recovery of damages or other
28 appropriate sanctions for the benefit of the insurer.

29 (c) The decision, determination, or order of the
30 Director under subsection (a) of this Section shall be
31 subject to judicial review under the Administrative Review
32 Law.

33 (d) Nothing contained in this Act shall affect the right
34 of the Director to impose any other penalties provided in the

1 Illinois Insurance Code.

2 (e) Nothing contained in this Act is intended to or
3 shall in any manner limit or restrict the rights of
4 policyholders, claimants, creditors, or other third parties
5 or confer any rights to those persons.

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 Section 70. The Employee Leasing Company Act is amended
8 by changing Section 20 as follows:

9 (215 ILCS 113/20)

10 Sec. 20. Registration.

11 (a) A lessor shall register with the Department prior to
12 becoming a qualified self-insured for workers' compensation
13 or becoming eligible to be issued a workers' compensation and
14 employers' liability insurance policy. The registration
15 shall:

16 (1) identify the name of the lessor;

17 (2) identify the address of the principal place of
18 business of the lessor;

19 (3) include the lessor's taxpayer or employer
20 identification number;

21 (4) include a list by jurisdiction of each and
22 every name that the lessor has operated under in the
23 preceding 5 years including any alternative names and
24 names of predecessors;

25 (5) include a list of the officers and directors of
26 the lessor and its predecessors, successors, or alter
27 egos in the preceding 5 years; and

28 (6) include a \$500 ~~\$1,000~~ fee for the registration
29 and each annual renewal thereafter.

30 Amounts received as registration fees shall be deposited
31 into the Insurance Producer Administration Fund.

32 (b) (Blank).

1 (c) Lessors registering pursuant to this Section shall
2 notify the Department within 30 days as to any changes in any
3 information provided pursuant to this Section.

4 (d) The Department shall maintain a list of those
5 lessors who are registered with the Department.

6 (e) The Department may prescribe any forms that are
7 necessary to promote the efficient administration of this
8 Section.

9 (f) Any lessor that was doing business in this State
10 prior to enactment of this Act shall register with the
11 Department within 60 days of the effective date of this Act.

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 Section 75. The Health Care Purchasing Group Act is
14 amended by changing Section 20 as follows:

15 (215 ILCS 123/20)

16 Sec. 20. HPG sponsors. Except as provided by Sections 15
17 and 25 of this Act, only a corporation authorized by the
18 Secretary of State to transact business in Illinois may
19 sponsor one or more HPGs with no more than 100,000 covered
20 individuals by negotiating, soliciting, or servicing health
21 insurance contracts for HPGs and their members. Such a
22 corporation may assert and maintain authority to act as an
23 HPG sponsor by complying with all of the following
24 requirements:

25 (1) The principal officers and directors
26 responsible for the conduct of the HPG sponsor must
27 perform their HPG sponsor related functions in Illinois.

28 (2) No insurance risk may be borne or retained by
29 the HPG sponsor; all health insurance contracts issued to
30 HPGs through the HPG sponsor must be delivered in
31 Illinois.

32 (3) No HPG sponsor may collect premium in its name

1 or hold or manage premium or claim fund accounts unless
2 duly qualified and licensed as a managing general agent
3 pursuant to Section 141a of the Illinois Insurance Code
4 or as a third party administrator pursuant to Section
5 511.105 of the Illinois Insurance Code.

6 (4) If the HPG gives an offer, application, notice,
7 or proposal of insurance to an employer, it must disclose
8 the total cost of the insurance. Dues, fees, or charges
9 to be paid to the HPG, HPG sponsor, or any other entity
10 as a condition to purchasing the insurance must be
11 itemized. The HPG shall also disclose to its members the
12 amount of any dividends, experience refunds, or other
13 such payments it receives from the risk-bearer.

14 (5) An HPG sponsor must register with the Director
15 before negotiating or soliciting any group or master
16 health insurance contract for any HPG and must renew the
17 registration annually on forms and at times prescribed by
18 the Director in rules specifying, at minimum, (i) the
19 identity of the officers and directors of the HPG sponsor
20 corporation; (ii) a certification that those persons have
21 not been convicted of any felony offense involving a
22 breach of fiduciary duty or improper manipulation of
23 accounts; (iii) the number of employer members then
24 enrolled in each HPG sponsored; (iv) the date on which
25 each HPG was issued a group or master health insurance
26 contract, if any; and (v) the date on which each such
27 contract, if any, was terminated.

28 (6) At the time of initial registration and each
29 renewal thereof an HPG sponsor shall pay a fee of \$100
30 \$200 to the Director.

31 (Source: P.A. 93-32, eff. 7-1-03.)

32 Section 80. The Service Contract Act is amended by
33 changing Section 25 as follows:

1 (215 ILCS 152/25)

2 Sec. 25. Registration requirements for service contract
3 providers.

4 (a) No service contract shall be issued or sold in this
5 State until the following information has been submitted to
6 the Department:

7 (1) the name of the service contract provider;

8 (2) a list identifying the service contract
9 provider's executive officer or officers directly
10 responsible for the service contract provider's service
11 contract business;

12 (3) the name and address of the service contract
13 provider's agent for service of process in this State, if
14 other than the service contract provider;

15 (4) a true and accurate copy of all service
16 contracts to be sold in this State; and

17 (5) a statement indicating under which provision of
18 Section 15 the service contract provider qualifies to do
19 business in this State as a service contract provider.

20 (b) The service contract provider shall pay an initial
21 registration fee of \$500 ~~\$1,000~~ and a renewal fee of \$75 ~~\$150~~
22 each year thereafter. All fees and penalties collected under
23 this Act shall be paid to the Director and deposited in the
24 Insurance Financial Regulation Fund.

25 (Source: P.A. 93-32, eff. 7-1-03.)

26 Section 85. The Title Insurance Act is amended by
27 changing Section 14 as follows:

28 (215 ILCS 155/14) (from Ch. 73, par. 1414)

29 Sec. 14. (a) Every title insurance company and every
30 independent escrowee subject to this Act shall pay the
31 following fees:

32 (1) for filing the original application for a

1 certificate of authority and receiving the deposit
2 required under this Act, \$500;

3 (2) for the certificate of authority, \$10;

4 (3) for every copy of a paper filed in the
5 Department under this Act, \$1 per folio;

6 (4) for affixing the seal of the Department and
7 certifying a copy, \$2;

8 (5) for filing the annual statement, \$50.

9 (b) Each title insurance company shall pay, for all of
10 its title insurance agents subject to this Act for filing an
11 annual registration of its agents, an amount equal to \$1 \$3
12 for each policy issued by all of its agents in the
13 immediately preceding calendar year, provided such sum shall
14 not exceed \$20,000 per annum.

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 Section 90. The Viatical Settlements Act is amended by
17 changing Section 10 as follows:

18 (215 ILCS 158/10)

19 Sec. 10. License requirements.

20 (a) No individual, partnership, corporation, or other
21 entity may act as a viatical settlement provider without
22 first having obtained a license from the Director.

23 (b) Application for a viatical settlement provider
24 license shall be made to the Director by the applicant on a
25 form prescribed by the Director. The application shall be
26 accompanied by a fee of \$1,500 \$3,000, which shall be
27 deposited into the Insurance Producer Administration Fund.

28 (c) Viatical settlement providers' licenses may be
29 renewed from year to year on the anniversary date upon (1)
30 submission of renewal forms prescribed by the Director and
31 (2) payment of the annual renewal fee of \$750 \$1,500, which
32 shall be deposited into the Insurance Producer Administration

1 Fund. Failure to pay the fee within the terms prescribed by
2 the Director shall result in the expiration of the license.

3 (d) Applicants for a viatical settlement provider's
4 license shall provide such information as the Director may
5 require. The Director shall have authority, at any time, to
6 require the applicant to fully disclose the identity of all
7 stockholders, partners, officers, and employees. The
8 Director may, in the exercise of discretion, refuse to issue
9 a license in the name of any firm, partnership, or
10 corporation if not satisfied that an officer, employee,
11 stockholder, or partner thereof who may materially influence
12 the applicant's conduct meets the standards of this Act.

13 (e) A viatical settlement provider's license issued to a
14 partnership, corporation, or other entity authorizes all
15 members, officers, and designated employees to act as
16 viatical settlement providers under the license. All those
17 persons must be named in the application and any supplements
18 thereto.

19 (f) Upon the filing of an application for a viatical
20 settlement provider's license and the payment of the license
21 fee, the Director shall make an investigation of the
22 applicant and may issue a license if the Director finds that
23 the applicant:

24 (1) has provided a detailed plan of operation;

25 (2) is competent and trustworthy and intends to act
26 in good faith in the capacity authorized by the license
27 applied for;

28 (3) has a good business reputation and has had
29 experience, training, or education so as to be qualified
30 in the business for which the license is applied for; and

31 (4) if a corporation, is a corporation incorporated
32 under the laws of this State or a foreign corporation
33 authorized to transact business in this State.

34 (g) The Director may not issue a license to a

1 nonresident applicant, unless a written designation of an
2 agent for service of process is filed and maintained with the
3 Director or the applicant has filed with the Director the
4 applicant's written irrevocable consent that any action
5 against the applicant may be commenced against the applicant
6 by service of process on the Director.

7 (h) A viatical settlement provider must assume
8 responsibility for all actions of its appointed viatical
9 settlement agents associated with a viatical settlement.

10 (Source: P.A. 93-32, eff. 7-1-03.)

11 Section 95. The Public Utilities Act is amended by
12 changing Section 6-108 as follows:

13 (220 ILCS 5/6-108) (from Ch. 111 2/3, par. 6-108)

14 Sec. 6-108. The Commission shall charge every public
15 utility receiving permission under this Act for the issue of
16 stocks, bonds, notes and other evidences of indebtedness an
17 amount equal to 10 ~~12~~ cents for every \$100 of the par or
18 stated value of stocks, and 20 ~~24~~ cents for every \$100 of the
19 principal amount of bonds, notes or other evidences of
20 indebtedness, authorized by the Commission, which shall be
21 paid to the Commission no later than 30 days after service of
22 the Commission order authorizing the issuance of those
23 stocks, bonds, notes or other evidences of indebtedness.
24 Provided, that if any such stock, bonds, notes or other
25 evidences of indebtedness constitutes or creates a lien or
26 charge on, or right to profits from, any property not
27 situated in this State, this fee shall be paid only on the
28 amount of any such issue which is the same proportion of the
29 whole issue as the property situated in this State is of the
30 total property on which such securities issue creates a lien
31 or charge, or from which a right to profits is established;
32 and provided further, that no public utility shall be

1 required to pay any fee for permission granted to it by the
2 Commission in any of the following cases:

3 (1) To guarantee bonds or other securities.

4 (2) To issue bonds, notes or other evidences of
5 indebtedness issued for the purpose of converting,
6 exchanging, taking over, refunding, discharging or retiring
7 any bonds, notes or other evidences of indebtedness except:

8 (a) When issued for an aggregate period of longer
9 than 2 years for the purpose of converting, exchanging,
10 taking over, refunding, discharging or retiring any note,
11 or renewals thereof, issued without the consent of the
12 State Public Utilities Commission of Illinois or the
13 Public Utilities Commission or the Illinois Commerce
14 Commission; or

15 (b) When issued for the purpose of converting,
16 exchanging, taking over, refunding, discharging or
17 retiring bonds, notes or other evidences of indebtedness
18 issued prior to January 1, 1914, and upon which no fee
19 has been previously paid.

20 (3) To issue shares of stock upon the conversion of
21 convertible bonds, notes or other evidences of indebtedness
22 or upon the conversion of convertible stock of another class
23 in accordance with a conversion privilege contained in such
24 convertible bonds, notes or other evidences of indebtedness
25 or contained in such convertible stock, as the case may be,
26 where a fee (in the amount payable under this Section in the
27 case of evidences of indebtedness) has been previously paid
28 for the issuance of such convertible bonds, notes or other
29 evidences of indebtedness, or where a fee (in the amount
30 payable under this Section in the case of stocks) has been
31 previously paid for the issuance of such convertible stock,
32 or where such convertible stock was issued prior to July 1,
33 1951 and upon which no fee has been previously paid, as the
34 case may be.

1 (4) To issue shares of stocks for the purpose of
2 redeeming or otherwise retiring, or in exchange for, other
3 stocks, where the fee for the issuance of such other stocks
4 has been previously paid, or where such other stocks were
5 issued prior to July 1, 1951 and upon which no fee has been
6 previously paid, as the case may be, but only to the extent
7 that the par or stated value of the shares of stock so issued
8 does not exceed the par or stated value of the other stocks
9 redeemed or otherwise retired or exchanged.

10 All fees collected by the Commission under this Section
11 shall be paid within 10 days after the receipt of the same,
12 accompanied by a detailed statement of the same, into the
13 Public Utility Fund in the State treasury.

14 (Source: P.A. 93-32, eff. 7-1-03.)

15 Section 100. The Weights and Measures Act is amended by
16 changing Section 8.1 as follows:

17 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

18 Sec. 8.1. Registration of servicepersons, service
19 agents, and special sealers. No person, firm, or corporation
20 shall sell, install, service, recondition or repair a
21 weighing or measuring device used in trade or commerce
22 without first obtaining a certificate of registration.
23 Applications by individuals for a certificate of registration
24 shall be made to the Department, shall be in writing on forms
25 prescribed by the Department, and shall be accompanied by the
26 required fee.

27 Each application shall provide such information that will
28 enable the Department to pass on the qualifications of the
29 applicant for the certificate of registration. The
30 information requests shall include present residence,
31 location of the business to be licensed under this Act,
32 whether the applicant has had any previous registration under

1 this Act or any federal, state, county, or local law,
2 ordinance, or regulation relating to servicepersons and
3 service Agencies, whether the applicant has ever had a
4 registration suspended or revoked, whether the applicant has
5 been convicted of a felony, and such other information as the
6 Department deems necessary to determine if the applicant is
7 qualified to receive a certificate of registration.

8 Before any certificate of registration is issued, the
9 Department shall require the registrant to meet the following
10 qualifications:

11 (1) Has possession of or available for use weights
12 and measures, standards, and testing equipment
13 appropriate in design and adequate in amount to provide
14 the services for which the person is requesting
15 registration.

16 (2) Passes a qualifying examination for each type
17 of weighing or measuring device he intends to install,
18 service, recondition, or repair.

19 (3) Demonstrates a working knowledge of weighing
20 and measuring devices for which he intends to be
21 registered.

22 (4) Has a working knowledge of all appropriate
23 weights and measures laws and their rules and
24 regulations.

25 (5) Has available a current copy of National
26 Institute of Standards and Technology Handbook 44.

27 (6) Pays the prescribed registration fee for the
28 type of registration:

29 (A) The annual fee for a Serviceperson
30 Certificate of Registration shall be \$5 \$25.

31 (B) The annual fee for a Special Sealer
32 Certificate of Registration shall be \$25 \$50.

33 (C) The annual fee for a Service Agency
34 Certificate of Registration shall be \$25 \$50.

1 "Registrant" means any individual, partnership,
2 corporation, agency, firm, or company registered by the
3 Department who installs, services, repairs, or reconditions,
4 for hire, award, commission, or any other payment of any
5 kind, any commercial weighing or measuring device.

6 "Commercial weighing and measuring device" means any
7 weight or measure or weighing or measuring device
8 commercially used or employed (i) in establishing size,
9 quantity, extent, area, or measurement of quantities, things,
10 produce, or articles for distribution or consumption which
11 are purchased, offered, or submitted for sale, hire, or
12 award, or (ii) in computing any basic charge or payment for
13 services rendered, except as otherwise excluded by Section 2
14 of this Act, and shall also include any accessory attached to
15 or used in connection with a commercial weighing or measuring
16 device when the accessory is so designed or installed that
17 its operation affects, or may affect, the accuracy of the
18 device.

19 "Serviceperson" means any individual who sells, installs,
20 services, repairs, or reconditions, for hire, award,
21 commission, or any other payment of kind, a commercial
22 weighing or measuring device.

23 "Service agency" means any individual, agency, firm,
24 company, or corporation that, for hire, award, commission, or
25 any other payment of any kind, sells, installs, services,
26 repairs, or reconditions a commercial weighing or measuring
27 device.

28 "Special sealer" means any serviceperson who is allowed
29 to service only one service agency's liquid petroleum meters
30 or liquid petroleum measuring devices.

31 Each registered service agency and serviceperson shall
32 have report forms, known as "Placed in Service Reports".
33 These forms shall be executed in triplicate, shall include
34 the assigned registration number (in the case where a

1 registered serviceperson is representing a registered service
2 agency both assigned registration numbers shall be included),
3 and shall be signed by a registered serviceperson or by a
4 registered serviceperson representing a registered service
5 agency for each rejected or repaired device restored to
6 service and for each newly installed device placed in
7 service. Whenever a registered serviceperson or special
8 sealer places into service a weighing or measuring device,
9 there shall be affixed to the device indicator a decal
10 provided by the Department that indicates the device
11 accuracy.

12 Within 5 days after a device is restored to service or
13 placed in service, the original of a properly executed
14 "Placed in Service Report", together with any official
15 rejection tag or seal removed from the device, shall be
16 mailed to the Department. The duplicate copy of the report
17 shall be handed to the owner or operator of the device and
18 the triplicate copy of the report shall be retained by the
19 service agency or serviceperson.

20 A registered service agency and a registered
21 serviceperson shall submit, at least once every 2 years to
22 the Department for examination and certification, any
23 standards and testing equipment that are used, or are to be
24 used, in the performance of the service and testing functions
25 with respect to weighing and measuring devices for which
26 competence is registered. A registered serviceperson or
27 agency shall not use in servicing commercial weighing and
28 measuring devices any standards or testing equipment that
29 have not been certified by the Department.

30 When a serviceperson's or service agency's weights and
31 measures are carried to a National Institute of Standards and
32 Technology approved out-of-state weights and measures
33 laboratory for inspection and testing, the serviceperson or
34 service agency shall be responsible for providing the

1 Department a copy of the current certification of all weights
2 and measures used in the repair, service, or testing of
3 weighing or measuring devices within the State of Illinois.

4 All registered servicepersons placing into service scales
5 in excess of 30,000 pounds shall have a minimum of 10,000
6 pounds of State approved certified test weights to accurately
7 test a scale.

8 Persons working as apprentices are not subject to
9 registration if they work with and under the supervision of a
10 registered serviceperson.

11 The Director is authorized to promulgate, after public
12 hearing, rules and regulations necessary to enforce the
13 provisions of this Section.

14 For good cause and after a hearing upon reasonable
15 notice, the Director may deny any application for
16 registration or any application for renewal of registration,
17 or may revoke or suspend the registration of any registrant.

18 The Director may publish from time to time as he deems
19 appropriate, and may supply upon request, lists of registered
20 servicepersons and registered service agencies.

21 All final administrative decisions of the Director under
22 this Section shall be subject to judicial review under the
23 Administrative Review Law. The term "administrative
24 decision" is defined as in Section 1 of the Administrative
25 Review Law.

26 (Source: P.A. 93-32, eff. 7-1-03.)

27 Section 105. The Environmental Protection Act is amended
28 by changing Section 9.6, 9.12, 9.13, 12.2, 12.5, 12.6, 16.1,
29 22.8, 22.15, 22.44, 39.5, 55.8, 56.4, 56.5, and 56.6 as
30 follows:

31 (415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

32 Sec. 9.6. Air pollution operating permit fee.

33 (a) For any site for which an air pollution operating

1 permit is required, other than a site permitted solely as a
2 retail liquid dispensing facility that has air pollution
3 control equipment or an agrichemical facility with an
4 endorsed permit pursuant to Section 39.4, the owner or
5 operator of that site shall pay an initial annual fee to the
6 Agency within 30 days of receipt of the permit and an annual
7 fee each year thereafter for as long as a permit is in
8 effect. The owner or operator of a portable emission unit,
9 as defined in 35 Ill. Adm. Code 201.170, may change the site
10 of any unit previously permitted without paying an additional
11 fee under this Section for each site change, provided that no
12 further change to the permit is otherwise necessary or
13 requested.

14 (b) Notwithstanding any rules to the contrary, the
15 following fee amounts shall apply:

16 (1) The fee for a site permitted to emit less than
17 25 tons per year of any combination of regulated air
18 pollutants, as defined in Section 39.5 of this Act, is
19 \$100 per year beginning July 1, 1993, and increases to
20 \$200 per year beginning on July 1, 2003, and is \$100 per
21 year beginning on the effective date of this amendatory
22 Act of the 93rd General Assembly, except as provided in
23 subsection (c) of this Section.

24 (2) The fee for a site permitted to emit at least
25 25 tons per year but less than 100 tons per year of any
26 combination of regulated air pollutants, as defined in
27 Section 39.5 of this Act, is \$1,000 per year beginning
28 July 1, 1993, and increases to \$1,800 per year beginning
29 on July 1, 2003, and is \$1,000 per year beginning on the
30 effective date of this amendatory Act of the 93rd General
31 Assembly, except as provided in subsection (c) of this
32 Section.

33 (3) The fee for a site permitted to emit at least
34 100 tons per year of any combination of regulated air

1 pollutants is \$2,500 per year beginning July 1, 1993, and
2 increases to \$3,500 per year beginning on July 1, 2003,
3 and is \$2,500 per year beginning on the effective date of
4 this amendatory Act of the 93rd General Assembly, except
5 as provided in subsection (c) of this Section; provided,
6 however, that the fee shall not exceed the amount that
7 would be required for the site if it were subject to the
8 fee requirements of Section 39.5 of this Act.

9 (c) The owner or operator of any source subject to
10 paragraphs (b)(1), (b)(2), or (b)(3) of this Section that
11 becomes subject to Section 39.5 of this Act shall continue to
12 pay the fee set forth in this Section until the source
13 becomes subject to the fee set forth within subsection 18 of
14 Section 39.5 of this Act. In the event a site has paid a fee
15 under this Section during the 12 month period following the
16 effective date of the CAAPP for that site, the fee amount
17 shall be deducted from any amount due under subsection 18 of
18 Section 39.5 of this Act. Owners or operators that are
19 subject to paragraph (b)(1), (b)(2), or (b)(3) of this
20 Section, but that are not also subject to Section 39.5, or
21 excluded pursuant to subsection 1.1 or subsection 3(c) of
22 Section 39.5 shall continue to pay the fee amounts set forth
23 within paragraphs (b)(1), (b)(2), or (b)(3), whichever is
24 applicable.

25 (d) Only one air pollution site fee may be collected
26 from any site, even if such site receives more than one air
27 pollution control permit.

28 (e) The Agency shall establish procedures for the
29 collection of air pollution site fees. Air pollution site
30 fees may be paid annually, or in advance for the number of
31 years for which the permit is issued, at the option of the
32 owner or operator. Payment in advance does not exempt the
33 owner or operator from paying any increase in the fee that
34 may occur during the term of the permit; the owner or

1 operator must pay the amount of the increase upon and from
2 the effective date of the increase.

3 (f) The Agency may deny an application for the issuance,
4 transfer, or renewal of an air pollution operating permit if
5 any air pollution site fee owed by the applicant has not been
6 paid within 60 days of the due date, unless the applicant, at
7 the time of application, pays to the Agency in advance the
8 air pollution site fee for the site that is the subject of
9 the operating permit, plus any other air pollution site fees
10 then owed by the applicant. The denial of an air pollution
11 operating permit for failure to pay an air pollution site fee
12 shall be subject to review by the Board pursuant to the
13 provisions of subsection (a) of Section 40 of this Act.

14 (g) If the Agency determines that an owner or operator
15 of a site was required, but failed, to timely obtain an air
16 pollution operating permit, and as a result avoided the
17 payment of permit fees, the Agency may collect the avoided
18 permit fees with or without pursuing enforcement under
19 Section 31 of this Act. The avoided permit fees shall be
20 calculated as double the amount that would have been owed had
21 a permit been timely obtained. Fees collected pursuant to
22 this subsection (g) shall be deposited into the Environmental
23 Protection Permit and Inspection Fund.

24 (h) If the Agency determines that an owner or operator
25 of a site was required, but failed, to timely obtain an air
26 pollution operating permit and as a result avoided the
27 payment of permit fees, an enforcement action may be brought
28 under Section 31 of this Act. In addition to any other
29 relief that may be obtained as part of this action, the
30 Agency may seek to recover the avoided permit fees. The
31 avoided permit fees shall be calculated as double the amount
32 that would have been owed had a permit been timely obtained.
33 Fees collected pursuant to this subsection (h) shall be
34 deposited into the Environmental Protection Permit and

1 Inspection Fund.

2 (i) If a permittee subject to a fee under this Section
3 fails to pay the fee within 90 days of its due date, or makes
4 the fee payment from an account with insufficient funds to
5 cover the amount of the fee payment, the Agency shall notify
6 the permittee of the failure to pay the fee. If the
7 permittee fails to pay the fee within 60 days after such
8 notification, the Agency may, by written notice, immediately
9 revoke the air pollution operating permit. Failure of the
10 Agency to notify the permittee of failure to pay a fee due
11 under this Section, or the payment of the fee from an account
12 with insufficient funds to cover the amount of the fee
13 payment, does not excuse or alter the duty of the permittee
14 to comply with the provisions of this Section.

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 (415 ILCS 5/9.12)

17 Sec. 9.12. Construction permit fees for air pollution
18 sources. On and after the effective date of this amendatory
19 Act of the 93rd General Assembly no fee shall be imposed
20 under this Section.

21 (a) An applicant for a new or revised air pollution
22 construction permit shall pay a fee, as established in this
23 Section, to the Agency at the time that he or she submits the
24 application for a construction permit. Except as set forth
25 below, the fee for each activity or category listed in this
26 Section is separate and is cumulative with any other
27 applicable fee listed in this Section.

28 (b) The fee amounts in this subsection (b) apply to
29 construction permit applications relating to (i) a source
30 subject to Section 39.5 of this Act (the Clean Air Act Permit
31 Program); (ii) a source that, upon issuance of the requested
32 construction permit, will become a major source subject to
33 Section 39.5; or (iii) a source that has or will require a

1 federally enforceable State operating permit limiting its
2 potential to emit.

3 (1) Base fees for each construction permit
4 application shall be assessed as follows:

5 (A) If the construction permit application
6 relates to one or more new emission units or to a
7 combination of new and modified emission units, a
8 fee of \$4,000 for the first new emission unit and a
9 fee of \$1,000 for each additional new or modified
10 emission unit; provided that the total base fee
11 under this subdivision (A) shall not exceed \$10,000.

12 (B) If the construction permit application
13 relates to one or more modified emission units but
14 not to any new emission unit, a fee of \$2,000 for
15 the first modified emission unit and a fee of \$1,000
16 for each additional modified emission unit; provided
17 that the total base fee under this subdivision (B)
18 shall not exceed \$5,000.

19 (2) Supplemental fees for each construction permit
20 application shall be assessed as follows:

21 (A) If, based on the construction permit
22 application, the source will be, but is not
23 currently, subject to Section 39.5 of this Act, a
24 CAAPP entry fee of \$5,000.

25 (B) If the construction permit application
26 involves (i) a new source or emission unit subject
27 to Section 39.2 of this Act, (ii) a commercial
28 incinerator or other municipal waste, hazardous
29 waste, or waste tire incinerator, (iii) a commercial
30 power generator, or (iv) one or more other emission
31 units designated as a complex source by Agency
32 rulemaking, a fee of \$25,000.

33 (C) If the construction permit application
34 involves an emissions netting exercise or reliance

1 on a contemporaneous emissions decrease for a
2 pollutant to avoid application of the federal PSD
3 program (40 CFR 52.21) or nonattainment new source
4 review (35 Ill. Adm. Code 203), a fee of \$3,000 for
5 each such pollutant.

6 (D) If the construction permit application is
7 for a new major source subject to the federal PSD
8 program, a fee of \$12,000.

9 (E) If the construction permit application is
10 for a new major source subject to nonattainment new
11 source review, a fee of \$20,000.

12 (F) If the construction permit application is
13 for a major modification subject to the federal PSD
14 program, a fee of \$6,000.

15 (G) If the construction permit application is
16 for a major modification subject to nonattainment
17 new source review, a fee of \$12,000.

18 (H) If the construction permit application
19 review involves a determination of whether an
20 emission unit has Clean Unit Status and is therefore
21 not subject to the Best Available Control Technology
22 (BACT) or Lowest Achievable Emission Rate (LAER)
23 under the federal PSD program or nonattainment new
24 source review, a fee of \$5,000 per unit for which a
25 determination is requested or otherwise required.

26 (I) If the construction permit application
27 review involves a determination of the Maximum
28 Achievable Control Technology standard for a
29 pollutant and the project is not otherwise subject
30 to BACT or LAER for a related pollutant under the
31 federal PSD program or nonattainment new source
32 review, a fee of \$5,000 per unit for which a
33 determination is requested or otherwise required.

34 (J) If the applicant is requesting a

1 construction permit that will alter the source's
2 status so that it is no longer a major source
3 subject to Section 39.5 of this Act, a fee of
4 \$4,000.

5 (3) If a public hearing is held regarding the
6 construction permit application, an administrative fee of
7 \$10,000, subject to adjustment under subsection (f) of
8 this Section.

9 (c) The fee amounts in this subsection (c) apply to
10 construction permit applications relating to a source that,
11 upon issuance of the construction permit, will not (i) be or
12 become subject to Section 39.5 of this Act (the Clean Air Act
13 Permit Program) or (ii) have or require a federally
14 enforceable state operating permit limiting its potential to
15 emit.

16 (1) Base fees for each construction permit
17 application shall be assessed as follows:

18 (A) For a construction permit application
19 involving a single new emission unit, a fee of \$500.

20 (B) For a construction permit application
21 involving more than one new emission unit, a fee of
22 \$1,000.

23 (C) For a construction permit application
24 involving no more than 2 modified emission units, a
25 fee of \$500.

26 (D) For a construction permit application
27 involving more than 2 modified emission units, a fee
28 of \$1,000.

29 (2) Supplemental fees for each construction permit
30 application shall be assessed as follows:

31 (A) If the source is a new source, i.e., does
32 not currently have an operating permit, an entry fee
33 of \$500;

34 (B) If the construction permit application

1 involves (i) a new source or emission unit subject
2 to Section 39.2 of this Act, (ii) a commercial
3 incinerator or a municipal waste, hazardous waste,
4 or waste tire incinerator, (iii) a commercial power
5 generator, or (iv) an emission unit designated as a
6 complex source by Agency rulemaking, a fee of
7 \$15,000.

8 (3) If a public hearing is held regarding the
9 construction permit application, an administrative fee of
10 \$10,000.

11 (d) If no other fee is applicable under this Section, a
12 construction permit application addressing one or more of the
13 following shall be subject to a filing fee of \$500:

14 (1) A construction permit application to add or
15 replace a control device on a permitted emission unit.

16 (2) A construction permit application to conduct a
17 pilot project or trial burn for a permitted emission
18 unit.

19 (3) A construction permit application for a land
20 remediation project.

21 (4) A construction permit application for an
22 insignificant activity as described in 35 Ill. Adm. Code
23 201.210.

24 (5) A construction permit application to revise an
25 emissions testing methodology or the timing of required
26 emissions testing.

27 (6) A construction permit application that provides
28 for a change in the name, address, or phone number of any
29 person identified in the permit, or for a change in the
30 stated ownership or control, or for a similar minor
31 administrative permit change at the source.

32 (e) No fee shall be assessed for a request to correct an
33 issued permit that involves only an Agency error, if the
34 request is received within the deadline for a permit appeal

1 to the Pollution Control Board.

2 (f) The applicant for a new or revised air pollution
3 construction permit shall submit to the Agency, with the
4 construction permit application, both a certification of the
5 fee that he or she estimates to be due under this Section and
6 the fee itself.

7 (g) Notwithstanding the requirements of Section 39(a) of
8 this Act, the application for an air pollution construction
9 permit shall not be deemed to be filed with the Agency until
10 the Agency receives the initial air pollution construction
11 permit application fee and the certified estimate of the fee
12 required by this Section. Unless the Agency has received the
13 initial air pollution construction permit application fee and
14 the certified estimate of the fee required by this Section,
15 the Agency is not required to review or process the
16 application.

17 (h) If the Agency determines at any time that a
18 construction permit application is subject to an additional
19 fee under this Section that the applicant has not submitted,
20 the Agency shall notify the applicant in writing of the
21 amount due under this Section. The applicant shall have 60
22 days to remit the assessed fee to the Agency.

23 If the proper fee established under this Section is not
24 submitted within 60 days after the request for further
25 remittance:

26 (1) If the construction permit has not yet been
27 issued, the Agency is not required to further review or
28 process, and the provisions of Section 39(a) of this Act
29 do not apply to, the application for a construction
30 permit until such time as the proper fee is remitted.

31 (2) If the construction permit has been issued, the
32 Agency may, upon written notice, immediately revoke the
33 construction permit.

34 The denial or revocation of a construction permit does

1 not excuse the applicant from the duty of paying the fees
2 required under this Section.

3 (i) The Agency may deny the issuance of a pending air
4 pollution construction permit or the subsequent operating
5 permit if the applicant has not paid the required fees by the
6 date required for issuance of the permit. The denial or
7 revocation of a permit for failure to pay a construction
8 permit fee is subject to review by the Board pursuant to the
9 provisions of subsection (a) of Section 40 of this Act.

10 (j) If the owner or operator undertakes construction
11 without obtaining an air pollution construction permit, the
12 fee under this Section is still required. Payment of the
13 required fee does not preclude the Agency or the Attorney
14 General or other authorized persons from pursuing enforcement
15 against the applicant for failure to have an air pollution
16 construction permit prior to commencing construction.

17 (k) If an air pollution construction permittee makes a
18 fee payment under this Section from an account with
19 insufficient funds to cover the amount of the fee payment,
20 the Agency shall notify the permittee of the failure to pay
21 the fee. If the permittee fails to pay the fee within 60
22 days after such notification, the Agency may, by written
23 notice, immediately revoke the air pollution construction
24 permit. Failure of the Agency to notify the permittee of the
25 permittee's failure to make payment does not excuse or alter
26 the duty of the permittee to comply with the provisions of
27 this Section.

28 (l) The Agency may establish procedures for the
29 collection of air pollution construction permit fees.

30 (m) Fees collected pursuant to this Section shall be
31 deposited into the Environmental Protection Permit and
32 Inspection Fund.

33 (Source: P.A. 93-32, eff. 7-1-03.)

1 (415 ILCS 5/9.13)

2 Sec. 9.13. Asbestos fees. On and after the effective
3 date of this amendatory Act of the 93rd General Assembly no
4 fee shall be imposed under this Section.

5 (a) For any site for which the owner or operator must
6 file an original 10-day notice of intent to renovate or
7 demolish pursuant to 40 CFR 61.145(b) (part of the federal
8 asbestos National Emission Standard for Hazardous Air
9 Pollutants or NESHAP), the owner or operator shall pay to the
10 Agency with the filing of each 10-day Notice a fee of \$150.

11 (b) If demolition or renovation of a site has commenced
12 without proper filing of the 10-day Notice, the fee is double
13 the amount otherwise due. This doubling of the fee is in
14 addition to any other penalties under this Act, the federal
15 NESHAP, or otherwise, and does not preclude the Agency, the
16 Attorney General, or other authorized persons from pursuing
17 an enforcement action against the owner or operator for
18 failure to file a 10-day Notice prior to commencing
19 demolition or renovation activities.

20 (c) In the event that an owner or operator makes a fee
21 payment under this Section from an account with insufficient
22 funds to cover the amount of the fee payment, the 10-day
23 Notice shall be deemed improperly filed. The Agency shall so
24 notify the owner or operator within 60 days of receiving the
25 notice of insufficient funds. Failure of the Agency to so
26 notify the owner or operator does not excuse or alter the
27 duty of the owner or operator to comply with the requirements
28 of this Section.

29 (d) Where asbestos remediation or demolition activities
30 have not been conducted in accordance with the asbestos
31 NESHAP, in addition to the fees imposed by this Section, the
32 Agency may also collect its actual costs incurred for
33 asbestos-related activities at the site, including without
34 limitation costs of sampling, sample analysis, remediation

1 plan review, and activity oversight for demolition or
2 renovation.

3 (e) Fees and cost recovery amounts collected under this
4 Section shall be deposited into the Environmental Protection
5 Permit and Inspection Fund.

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 (415 ILCS 5/12.2) (from Ch. 111 1/2, par. 1012.2)

8 Sec. 12.2. Water pollution construction permit fees.

9 (a) Beginning July 1, 2003, the Agency shall collect a
10 fee in the amount set forth in this Section:

11 (1) for any sewer which requires a construction
12 permit under paragraph (b) of Section 12, from each
13 applicant for a sewer construction permit under paragraph
14 (b) of Section 12 or regulations adopted hereunder; and

15 (2) for permits applied for before the effective
16 date of this amendatory Act of the 93rd General Assembly,
17 for any treatment works, industrial pretreatment works,
18 or industrial wastewater source that requires a
19 construction permit under paragraph (b) of Section 12,
20 from the applicant for the construction permit. However,
21 no fee shall be required for a treatment works or
22 wastewater source directly covered and authorized under
23 an NPDES permit issued by the Agency, nor for any
24 treatment works, industrial pretreatment works, or
25 industrial wastewater source (i) that is under or pending
26 construction authorized by a valid construction permit
27 issued by the Agency prior to July 1, 2003, during the
28 term of that construction permit, or (ii) for which a
29 completed construction permit application has been
30 received by the Agency prior to July 1, 2003, with
31 respect to the permit issued under that application.

32 (b) Each applicant or person required to pay a fee under
33 this Section shall submit the fee to the Agency along with

1 the permit application. The Agency shall deny any
2 construction permit application for which a fee is required
3 under this Section that does not contain the appropriate fee.

4 (c) The amount of the fee is as follows:

5 (1) A \$50 ~~\$100~~ fee shall be required for any sewer
6 constructed with a design population of 1.

7 (2) A \$200 ~~\$400~~ fee shall be required for any sewer
8 constructed with a design population of 2 to 20.

9 (3) A \$400 ~~\$800~~ fee shall be required for any sewer
10 constructed with a design population greater than 20 but
11 less than 101.

12 (4) A \$600 ~~\$1200~~ fee shall be required for any
13 sewer constructed with a design population greater than
14 100 but less than 500.

15 (5) A \$1200 ~~\$2400~~ fee shall be required for any
16 sewer constructed with a design population of 500 or
17 more.

18 (6) for permits applied for before the effective
19 date of this amendatory Act of the 93rd General Assembly,
20 a \$1,000 fee shall be required for any industrial
21 wastewater source that does not require pretreatment of
22 the wastewater prior to discharge to the publicly owned
23 treatment works or publicly regulated treatment works.

24 (7) for permits applied for before the effective
25 date of this amendatory Act of the 93rd General Assembly,
26 a \$3,000 fee shall be required for any industrial
27 wastewater source that requires pretreatment of the
28 wastewater for non-toxic pollutants prior to discharge to
29 the publicly owned treatment works or publicly regulated
30 treatment works.

31 (8) for permits applied for before the effective
32 date of this amendatory Act of the 93rd General Assembly,
33 a \$6,000 fee shall be required for any industrial
34 wastewater source that requires pretreatment of the

1 wastewater for toxic pollutants prior to discharge to the
2 publicly owned treatment works or publicly regulated
3 treatment works.

4 (9) for permits applied for before the effective
5 date of this amendatory Act of the 93rd General Assembly,
6 a \$2,500 fee shall be required for construction relating
7 to land application of industrial sludge or spray
8 irrigation of industrial wastewater.

9 All fees collected by the Agency under this Section shall
10 be deposited into the Environmental Protection Permit and
11 Inspection Fund in accordance with Section 22.8.

12 (d) Prior to a final Agency decision on a permit
13 application for which a fee has been paid under this Section,
14 the applicant may propose modification to the application in
15 accordance with this Act and regulations adopted hereunder
16 without any additional fee becoming due, unless the proposed
17 modifications cause an increase in the design population
18 served by the sewer specified in the permit application
19 before the modifications or the modifications cause a change
20 in the applicable fee category stated in subsection (c). If
21 the modifications cause such an increase or change the fee
22 category and the increase results in additional fees being
23 due under subsection (c), the applicant shall submit the
24 additional fee to the Agency with the proposed modifications.

25 (e) No fee shall be due under this Section from:

26 (1) any department, agency or unit of State
27 government for installing or extending a sewer;

28 (2) any unit of local government with which the
29 Agency has entered into a written delegation agreement
30 under Section 4 which allows such unit to issue
31 construction permits under this Title, or regulations
32 adopted hereunder, for installing or extending a sewer;
33 or

34 (3) any unit of local government or school district

1 for installing or extending a sewer where both of the
2 following conditions are met:

3 (i) the cost of the installation or extension
4 is paid wholly from monies of the unit of local
5 government or school district, State grants or
6 loans, federal grants or loans, or any combination
7 thereof; and

8 (ii) the unit of local government or school
9 district is not given monies, reimbursed or paid,
10 either in whole or in part, by another person
11 (except for State grants or loans or federal grants
12 or loans) for the installation or extension.

13 (f) The Agency may establish procedures relating to the
14 collection of fees under this Section. The Agency shall not
15 refund any fee paid to it under this Section.
16 Notwithstanding the provisions of any rule adopted before
17 July 1, 2003 concerning fees under this Section, the Agency
18 shall assess and collect the fees imposed under subdivision
19 (a)(2) of this Section and the increases in the fees imposed
20 under subdivision (a)(1) of this Section beginning on July 1,
21 2003, for all completed applications received on or after
22 that date. Notwithstanding the provisions of any rule adopted
23 before the effective date of this amendatory Act of the 93rd
24 General Assembly concerning fees under this Section, the
25 Agency shall implement the elimination and reduction of fees
26 under this Section imposed by this amendatory Act of the 93rd
27 General Assembly beginning on the effective date of this
28 amendatory Act of the 93rd General Assembly for all completed
29 applications received on or after the effective date of this
30 amendatory Act of the 93rd General Assembly.

31 (g) Notwithstanding any other provision of this Act, the
32 Agency shall, not later than 45 days following the receipt of
33 both an application for a construction permit and the fee
34 required by this Section, either approve that application and

1 issue a permit or tender to the applicant a written statement
2 setting forth with specificity the reasons for the
3 disapproval of the application and denial of a permit. If
4 the Agency takes no final action within 45 days after the
5 filing of the application for a permit, the applicant may
6 deem the permit issued.

7 (h) For purposes of this Section:

8 "Toxic pollutants" means those pollutants defined in
9 Section 502(13) of the federal Clean Water Act and
10 regulations adopted pursuant to that Act.

11 "Industrial" refers to those industrial users referenced
12 in Section 502(13) of the federal Clean Water Act and
13 regulations adopted pursuant to that Act.

14 "Pretreatment" means the reduction of the amount of
15 pollutants, the elimination of pollutants, or the alteration
16 of the nature of pollutant properties in wastewater prior to
17 or in lieu of discharging or otherwise introducing those
18 pollutants into a publicly owned treatment works or publicly
19 regulated treatment works.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (415 ILCS 5/12.5)

22 Sec. 12.5. NPDES discharge fees; sludge permit fees.
23 Beginning on the effective date of this amendatory Act of the
24 93rd General Assembly no fees may be imposed under this
25 Section.

26 (a) Beginning July 1, 2003, the Agency shall assess and
27 collect annual fees (i) in the amounts set forth in
28 subsection (e) for all discharges that require an NPDES
29 permit under subsection (f) of Section 12, from each person
30 holding an NPDES permit authorizing those discharges
31 (including a person who continues to discharge under an
32 expired permit pending renewal), and (ii) in the amounts set
33 forth in subsection (f) of this Section for all activities

1 that require a permit under subsection (b) of Section 12,
2 from each person holding a domestic sewage sludge generator
3 or user permit.

4 Each person subject to this Section must remit the
5 applicable annual fee to the Agency in accordance with the
6 requirements set forth in this Section and any rules adopted
7 pursuant to this Section.

8 (b) Within 30 days after the effective date of this
9 Section, and by May 31 of each year thereafter, the Agency
10 shall send a fee notice by mail to each existing permittee
11 subject to a fee under this Section at his or her address of
12 record. The notice shall state the amount of the applicable
13 annual fee and the date by which payment is required.

14 Except as provided in subsection (c) with respect to
15 initial fees under new permits and certain modifications of
16 existing permits, fees payable under this Section for the 12
17 months beginning July 1, 2003 are due by the date specified
18 in the fee notice, which shall be no less than 30 days after
19 the date the fee notice is mailed by the Agency, and fees
20 payable under this Section for subsequent years shall be due
21 on July 1 or as otherwise required in any rules that may be
22 adopted pursuant to this Section.

23 (c) The initial annual fee for discharges under a new
24 individual NPDES permit or for activity under a new
25 individual sludge generator or sludge user permit must be
26 remitted to the Agency prior to the issuance of the permit.
27 The Agency shall provide notice of the amount of the fee to
28 the applicant during its review of the application. In the
29 case of a new individual NPDES or sludge permit issued during
30 the months of January through June, the Agency may prorate
31 the initial annual fee payable under this Section.

32 The initial annual fee for discharges or other activity
33 under a general NPDES permit must be remitted to the Agency
34 as part of the application for coverage under that general

1 permit.

2 If a requested modification to an existing NPDES permit
3 causes a change in the applicable fee categories under
4 subsection (e) that results in an increase in the required
5 fee, the permittee must pay to the Agency the amount of the
6 increase, prorated for the number of months remaining before
7 the next July 1, before the modification is granted.

8 (d) Failure to submit the fee required under this
9 Section by the due date constitutes a violation of this
10 Section. Late payments shall incur an interest penalty,
11 calculated at the rate in effect from time to time for tax
12 delinquencies under subsection (a) of Section 1003 of the
13 Illinois Income Tax Act, from the date the fee is due until
14 the date the fee payment is received by the Agency.

15 (e) The annual fees applicable to discharges under NPDES
16 permits are as follows:

17 (1) For NPDES permits for publicly owned treatment
18 works, other facilities for which the wastewater being
19 treated and discharged is primarily domestic sewage, and
20 wastewater discharges from the operation of public water
21 supply treatment facilities, the fee is:

22 (i) \$1,500 for facilities with a Design
23 Average Flow rate of less than 100,000 gallons per
24 day;

25 (ii) \$5,000 for facilities with a Design
26 Average Flow rate of at least 100,000 gallons per
27 day but less than 500,000 gallons per day;

28 (iii) \$7,500 for facilities with a Design
29 Average Flow rate of at least 500,000 gallons per
30 day but less than 1,000,000 gallons per day;

31 (iv) \$15,000 for facilities with a Design
32 Average Flow rate of at least 1,000,000 gallons per
33 day but less than 5,000,000 gallons per day;

34 (v) \$30,000 for facilities with a Design

1 Average Flow rate of at least 5,000,000 gallons per
2 day but less than 10,000,000 gallons per day; and

3 (vi) \$50,000 for facilities with a Design
4 Average Flow rate of 10,000,000 gallons per day or
5 more.

6 (2) For NPDES permits for treatment works or sewer
7 collection systems that include combined sewer overflow
8 outfalls, the fee is:

9 (i) \$1,000 for systems serving a tributary
10 population of 10,000 or less;

11 (ii) \$5,000 for systems serving a tributary
12 population that is greater than 10,000 but not more
13 than 25,000; and

14 (iii) \$20,000 for systems serving a tributary
15 population that is greater than 25,000.

16 The fee amounts in this subdivision (e)(2) are in
17 addition to the fees stated in subdivision (e)(1) when
18 the combined sewer overflow outfall is contained within a
19 permit subject to subsection (e)(1) fees.

20 (3) For NPDES permits for mines producing coal, the
21 fee is \$5,000.

22 (4) For NPDES permits for mines other than mines
23 producing coal, the fee is \$5,000.

24 (5) For NPDES permits for industrial activity where
25 toxic substances are not regulated, other than permits
26 covered under subdivision (e)(3) or (e)(4), the fee is:

27 (i) \$1,000 for a facility with a Design
28 Average Flow rate that is not more than 10,000
29 gallons per day;

30 (ii) \$2,500 for a facility with a Design
31 Average Flow rate that is more than 10,000 gallons
32 per day but not more than 100,000 gallons per day;
33 and

34 (iii) \$10,000 for a facility with a Design

1 Average Flow rate that is more than 100,000 gallons
2 per day.

3 (6) For NPDES permits for industrial activity where
4 toxic substances are regulated, other than permits
5 covered under subdivision (e)(3) or (e)(4), the fee is:

6 (i) \$15,000 for a facility with a Design
7 Average Flow rate that is not more than 250,000
8 gallons per day; and

9 (ii) \$20,000 for a facility with a Design
10 Average Flow rate that is more than 250,000 gallons
11 per day.

12 (7) For NPDES permits for industrial activity
13 classified by USEPA as a major discharge, other than
14 permits covered under subdivision (e)(3) or (e)(4), the
15 fee is:

16 (i) \$30,000 for a facility where toxic
17 substances are not regulated; and

18 (ii) \$50,000 for a facility where toxic
19 substances are regulated.

20 (8) For NPDES permits for municipal separate storm
21 sewer systems, the fee is \$1,000.

22 (9) For NPDES permits for construction site or
23 industrial storm water, the fee is \$500.

24 (f) The annual fee for activities under a permit that
25 authorizes applying sludge on land is \$2,500 for a sludge
26 generator permit and \$5,000 for a sludge user permit.

27 (g) More than one of the annual fees specified in
28 subsections (e) and (f) may be applicable to a permit holder.
29 These fees are in addition to any other fees required under
30 this Act.

31 (h) The fees imposed under this Section do not apply to
32 the State or any department or agency of the State, nor to
33 any school district.

34 (i) The Agency may adopt rules to administer the fee

1 program established in this Section. The Agency may include
2 provisions pertaining to invoices, notice of late payment,
3 and disputes concerning the amount or timeliness of payment.
4 The Agency may set forth procedures and criteria for the
5 acceptance of payments. The absence of such rules does not
6 affect the duty of the Agency to immediately begin the
7 assessment and collection of fees under this Section.

8 (j) All fees and interest penalties collected by the
9 Agency under this Section shall be deposited into the
10 Illinois Clean Water Fund, which is hereby created as a
11 special fund in the State treasury. Gifts, supplemental
12 environmental project funds, and grants may be deposited into
13 the Fund. Investment earnings on moneys held in the Fund
14 shall be credited to the Fund.

15 Subject to appropriation, the moneys in the Fund shall be
16 used by the Agency to carry out the Agency's clean water
17 activities.

18 (k) Fees paid to the Agency under this Section are not
19 refundable.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (415 ILCS 5/12.6)

22 Sec. 12.6. Certification fees. Beginning on the
23 effective date of this amendatory Act of the 93rd General
24 Assembly no fees may be imposed under this Section.

25 (a) Beginning July 1, 2003, the Agency shall collect a
26 fee in the amount set forth in subsection (b) from each
27 applicant for a state water quality certification required by
28 Section 401 of the federal Clean Water Act prior to a federal
29 authorization pursuant to Section 404 of that Act; except
30 that the fee does not apply to the State or any department or
31 agency of the State, nor to any school district.

32 (b) The amount of the fee for a State water quality
33 certification is \$350 or 1% of the gross value of the

1 proposed project, whichever is greater, but not to exceed
2 \$10,000.

3 (c) Each applicant seeking a federal authorization of an
4 action requiring a Section 401 state water quality
5 certification by the Agency shall submit the required fee
6 with the application. The Agency shall deny an application
7 for which a fee is required under this Section, if the
8 application does not contain the appropriate fee.

9 (d) The Agency may establish procedures relating to the
10 collection of fees under this Section. Notwithstanding the
11 adoption of any rules establishing such procedures, the
12 Agency may begin collecting fees under this Section on July
13 1, 2003 for all complete applications received on or after
14 that date.

15 All fees collected by the Agency under this Section shall
16 be deposited into the Illinois Clean Water Fund. Fees paid
17 under this Section are not refundable.

18 (Source: P.A. 93-32, eff. 7-1-03.)

19 (415 ILCS 5/16.1) (from Ch. 111 1/2, par. 1016.1)

20 Sec. 16.1. Permit fees.

21 (a) Except as provided in subsection (f), the Agency
22 shall collect a fee in the amount set forth in subsection (d)
23 from: (1) each applicant for a construction permit under this
24 Title, or regulations adopted hereunder, to install or extend
25 water main; and (2) each person who submits as-built plans
26 under this Title, or regulations adopted hereunder, to
27 install or extend water main.

28 (b) Except as provided in subsection (c), each applicant
29 or person required to pay a fee under this Section shall
30 submit the fee to the Agency along with the permit
31 application or as-built plans. The Agency shall deny any
32 construction permit application for which a fee is required
33 under this Section that does not contain the appropriate fee.

1 The Agency shall not approve any as-built plans for which a
2 fee is required under this Section that do not contain the
3 appropriate fee.

4 (c) Each applicant for an emergency construction permit
5 under this Title, or regulations adopted hereunder, to
6 install or extend a water main shall submit the appropriate
7 fee to the Agency within 10 calendar days from the date of
8 issuance of the emergency construction permit.

9 (d) The amount of the fee is as follows:

10 (1) \$120 \$240 if the construction permit
11 application is to install or extend water main that is
12 more than 200 feet, but not more than 1,000 feet in
13 length;

14 (2) \$360 \$720 if the construction permit
15 application is to install or extend water main that is
16 more than 1,000 feet but not more than 5,000 feet in
17 length;

18 (3) \$600 \$1200 if the construction permit
19 application is to install or extend water main that is
20 more than 5,000 feet in length.

21 (e) Prior to a final Agency decision on a permit
22 application for which a fee has been paid under this Section,
23 the applicant may propose modifications to the application in
24 accordance with this Act and regulations adopted hereunder
25 without any additional fee becoming due unless the proposed
26 modifications cause the length of water main to increase
27 beyond the length specified in the permit application before
28 the modifications. If the modifications cause such an
29 increase and the increase results in additional fees being
30 due under subsection (d), the applicant shall submit the
31 additional fee to the Agency with the proposed modifications.

32 (f) No fee shall be due under this Section from (1) any
33 department, agency or unit of State government for installing
34 or extending a water main; (2) any unit of local government

1 with which the Agency has entered into a written delegation
2 agreement under Section 4 of this Act which allows such unit
3 to issue construction permits under this Title, or
4 regulations adopted hereunder, for installing or extending a
5 water main; or (3) any unit of local government or school
6 district for installing or extending a water main where both
7 of the following conditions are met: (i) the cost of the
8 installation or extension is paid wholly from monies of the
9 unit of local government or school district, State grants or
10 loans, federal grants or loans, or any combination thereof;
11 and (ii) the unit of local government or school district is
12 not given monies, reimbursed or paid, either in whole or in
13 part, by another person (except for State grants or loans or
14 federal grants or loans) for the installation or extension.

15 (g) The Agency may establish procedures relating to the
16 collection of fees under this Section. The Agency shall not
17 refund any fee paid to it under this Section.

18 (h) For the purposes of this Section, the term "water
19 main" means any pipe that is to be used for the purpose of
20 distributing potable water which serves or is accessible to
21 more than one property, dwelling or rental unit, and that is
22 exterior to buildings.

23 (i) Notwithstanding any other provision of this Act, the
24 Agency shall, not later than 45 days following the receipt of
25 both an application for a construction permit and the fee
26 required by this Section, either approve that application and
27 issue a permit or tender to the applicant a written statement
28 setting forth with specificity the reasons for the
29 disapproval of the application and denial of a permit. If
30 there is no final action by the Agency within 45 days after
31 the filing of the application for a permit, the applicant may
32 deem the permit issued.

33 (Source: P.A. 93-32, eff. 7-1-03.)

1 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

2 Sec. 22.8. Environmental Protection Permit and
3 Inspection Fund.

4 (a) There is hereby created in the State Treasury a
5 special fund to be known as the Environmental Protection
6 Permit and Inspection Fund. All fees collected by the Agency
7 pursuant to this Section, Section 9.6, 12.2, 16.1, 22.2
8 (j)(6)(E)(v)(IV), 56.4, 56.5, 56.6, and subsection (f) of
9 Section 5 of this Act or pursuant to Section 22 of the Public
10 Water Supply Operations Act and funds collected under
11 subsection (b.5) of Section 42 of this Act shall be deposited
12 into the Fund. In addition to any monies appropriated from
13 the General Revenue Fund, monies in the Fund shall be
14 appropriated by the General Assembly to the Agency in amounts
15 deemed necessary for manifest, permit, and inspection
16 activities and for processing requests under Section 22.2
17 (j)(6)(E)(v)(IV).

18 The General Assembly may appropriate monies in the Fund
19 deemed necessary for Board regulatory and adjudicatory
20 proceedings.

21 (b) The Agency shall collect from the owner or operator
22 of any of the following types of hazardous waste disposal
23 sites or management facilities which require a RCRA permit
24 under subsection (f) of Section 21 of this Act, or a UIC
25 permit under subsection (g) of Section 12 of this Act, an
26 annual fee in the amount of:

27 (1) \$35,000 (~~\$70,000~~ beginning in 2005 2004) for a
28 hazardous waste disposal site receiving hazardous waste
29 if the hazardous waste disposal site is located off the
30 site where such waste was produced;

31 (2) \$9,000 (~~\$18,000~~ beginning in 2005 2004) for a
32 hazardous waste disposal site receiving hazardous waste
33 if the hazardous waste disposal site is located on the
34 site where such waste was produced;

1 (3) \$7,000 (~~\$14,000~~ beginning in 2005 2004) for a
2 hazardous waste disposal site receiving hazardous waste
3 if the hazardous waste disposal site is an underground
4 injection well;

5 (4) \$2,000 (~~\$4,000~~ beginning in 2005 2004) for a
6 hazardous waste management facility treating hazardous
7 waste by incineration;

8 (5) \$1,000 (~~\$2,000~~ beginning in 2005 2004) for a
9 hazardous waste management facility treating hazardous
10 waste by a method, technique or process other than
11 incineration;

12 (6) \$1,000 (~~\$2,000~~ beginning in 2005 2004) for a
13 hazardous waste management facility storing hazardous
14 waste in a surface impoundment or pile;

15 (7) \$250 (~~\$500~~ beginning in 2005 2004) for a
16 hazardous waste management facility storing hazardous
17 waste other than in a surface impoundment or pile; and

18 (8) Beginning In 2004 only, \$500 for a large
19 quantity hazardous waste generator required to submit an
20 annual or biennial report for hazardous waste generation.

21 (c) Where two or more operational units are located
22 within a single hazardous waste disposal site, the Agency
23 shall collect from the owner or operator of such site an
24 annual fee equal to the highest fee imposed by subsection (b)
25 of this Section upon any single operational unit within the
26 site.

27 (d) The fee imposed upon a hazardous waste disposal site
28 under this Section shall be the exclusive permit and
29 inspection fee applicable to hazardous waste disposal at such
30 site, provided that nothing in this Section shall be
31 construed to diminish or otherwise affect any fee imposed
32 upon the owner or operator of a hazardous waste disposal site
33 by Section 22.2.

34 (e) The Agency shall establish procedures, no later than

1 December 1, 1984, relating to the collection of the hazardous
2 waste disposal site fees authorized by this Section. Such
3 procedures shall include, but not be limited to the time and
4 manner of payment of fees to the Agency, which shall be
5 quarterly, payable at the beginning of each quarter for
6 hazardous waste disposal site fees. Annual fees required
7 under paragraph (7) of subsection (b) of this Section shall
8 accompany the annual report required by Board regulations for
9 the calendar year for which the report applies.

10 (f) For purposes of this Section, a hazardous waste
11 disposal site consists of one or more of the following
12 operational units:

13 (1) a landfill receiving hazardous waste for
14 disposal;

15 (2) a waste pile or surface impoundment, receiving
16 hazardous waste, in which residues which exhibit any of
17 the characteristics of hazardous waste pursuant to Board
18 regulations are reasonably expected to remain after
19 closure;

20 (3) a land treatment facility receiving hazardous
21 waste; or

22 (4) a well injecting hazardous waste.

23 (g) The Agency shall assess a fee for each manifest
24 provided by the Agency. For manifests provided on or after
25 January 1, 1989 but before July 1, 2003, the fee shall be \$1
26 per manifest. For manifests provided on or after July 1,
27 2003 but before the effective date of this amendatory Act of
28 the 93rd General Assembly, the fee shall be \$3 per manifest.
29 For manifests provided on or after the effective date of this
30 amendatory Act of the 93rd General Assembly, the Agency shall
31 assess a fee of \$1 for each manifest provided by the Agency,
32 except that the Agency shall furnish up to 20 manifests
33 requested by any generator at no charge and no generator
34 shall be required to pay more than \$500 per year in such

1 manifest fees.

2 (Source: P.A. 93-32, eff. 7-1-03.)

3 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

4 Sec. 22.15. Solid Waste Management Fund; fees.

5 (a) There is hereby created within the State Treasury a
6 special fund to be known as the "Solid Waste Management
7 Fund", to be constituted from the fees collected by the State
8 pursuant to this Section and from repayments of loans made
9 from the Fund for solid waste projects. Moneys received by
10 the Department of Commerce and Community Affairs in repayment
11 of loans made pursuant to the Illinois Solid Waste Management
12 Act shall be deposited into the Solid Waste Management
13 Revolving Loan Fund.

14 (b) The Agency shall assess and collect a fee in the
15 amount set forth herein from the owner or operator of each
16 sanitary landfill permitted or required to be permitted by
17 the Agency to dispose of solid waste if the sanitary landfill
18 is located off the site where such waste was produced and if
19 such sanitary landfill is owned, controlled, and operated by
20 a person other than the generator of such waste. The Agency
21 shall deposit all fees collected into the Solid Waste
22 Management Fund. If a site is contiguous to one or more
23 landfills owned or operated by the same person, the volumes
24 permanently disposed of by each landfill shall be combined
25 for purposes of determining the fee under this subsection.

26 (1) If more than 150,000 cubic yards of
27 non-hazardous solid waste is permanently disposed of at a
28 site in a calendar year, the owner or operator shall
29 either pay a fee of 45 95 cents per cubic yard or,
30 alternatively, the owner or operator may weigh the
31 quantity of the solid waste permanently disposed of with
32 a device for which certification has been obtained under
33 the Weights and Measures Act and pay a fee of 95 cents

1 ~~\$2.00~~ per ton of solid waste permanently disposed of. In
2 no case shall the fee collected or paid by the owner or
3 operator under this paragraph exceed \$1.05 ~~\$1.55~~ per
4 cubic yard or \$2.22 ~~\$3.27~~ per ton.

5 (2) If more than 100,000 cubic yards but not more
6 than 150,000 cubic yards of non-hazardous waste is
7 permanently disposed of at a site in a calendar year, the
8 owner or operator shall pay a fee of \$25,000 ~~\$52,630~~.

9 (3) If more than 50,000 cubic yards but not more
10 than 100,000 cubic yards of non-hazardous solid waste is
11 permanently disposed of at a site in a calendar year, the
12 owner or operator shall pay a fee of \$11,300 ~~\$23,790~~.

13 (4) If more than 10,000 cubic yards but not more
14 than 50,000 cubic yards of non-hazardous solid waste is
15 permanently disposed of at a site in a calendar year, the
16 owner or operator shall pay a fee of \$3,450 ~~\$7,260~~.

17 (5) If not more than 10,000 cubic yards of
18 non-hazardous solid waste is permanently disposed of at a
19 site in a calendar year, the owner or operator shall pay
20 a fee of \$500 ~~\$1050~~.

21 (c) (Blank.)

22 (d) The Agency shall establish rules relating to the
23 collection of the fees authorized by this Section. Such
24 rules shall include, but not be limited to:

25 (1) necessary records identifying the quantities of
26 solid waste received or disposed;

27 (2) the form and submission of reports to accompany
28 the payment of fees to the Agency;

29 (3) the time and manner of payment of fees to the
30 Agency, which payments shall not be more often than
31 quarterly; and

32 (4) procedures setting forth criteria establishing
33 when an owner or operator may measure by weight or volume
34 during any given quarter or other fee payment period.

1 (e) Pursuant to appropriation, all monies in the Solid
2 Waste Management Fund shall be used by the Agency and the
3 Department of Commerce and Community Affairs for the purposes
4 set forth in this Section and in the Illinois Solid Waste
5 Management Act, including for the costs of fee collection and
6 administration.

7 (f) The Agency is authorized to enter into such
8 agreements and to promulgate such rules as are necessary to
9 carry out its duties under this Section and the Illinois
10 Solid Waste Management Act.

11 (g) On the first day of January, April, July, and
12 October of each year, beginning on July 1, 1996, the State
13 Comptroller and Treasurer shall transfer \$500,000 from the
14 Solid Waste Management Fund to the Hazardous Waste Fund.
15 Moneys transferred under this subsection (g) shall be used
16 only for the purposes set forth in item (1) of subsection (d)
17 of Section 22.2.

18 (h) The Agency is authorized to provide financial
19 assistance to units of local government for the performance
20 of inspecting, investigating and enforcement activities
21 pursuant to Section 4(r) at nonhazardous solid waste disposal
22 sites.

23 (i) The Agency is authorized to support the operations
24 of an industrial materials exchange service, and to conduct
25 household waste collection and disposal programs.

26 (j) A unit of local government, as defined in the Local
27 Solid Waste Disposal Act, in which a solid waste disposal
28 facility is located may establish a fee, tax, or surcharge
29 with regard to the permanent disposal of solid waste. All
30 fees, taxes, and surcharges collected under this subsection
31 shall be utilized for solid waste management purposes,
32 including long-term monitoring and maintenance of landfills,
33 planning, implementation, inspection, enforcement and other
34 activities consistent with the Solid Waste Management Act and

1 the Local Solid Waste Disposal Act, or for any other
2 environment-related purpose, including but not limited to an
3 environment-related public works project, but not for the
4 construction of a new pollution control facility other than a
5 household hazardous waste facility. However, the total fee,
6 tax or surcharge imposed by all units of local government
7 under this subsection (j) upon the solid waste disposal
8 facility shall not exceed:

9 (1) 60¢ per cubic yard if more than 150,000 cubic
10 yards of non-hazardous solid waste is permanently
11 disposed of at the site in a calendar year, unless the
12 owner or operator weighs the quantity of the solid waste
13 received with a device for which certification has been
14 obtained under the Weights and Measures Act, in which
15 case the fee shall not exceed \$1.27 per ton of solid
16 waste permanently disposed of.

17 (2) \$33,350 if more than 100,000 cubic yards, but
18 not more than 150,000 cubic yards, of non-hazardous waste
19 is permanently disposed of at the site in a calendar
20 year.

21 (3) \$15,500 if more than 50,000 cubic yards, but
22 not more than 100,000 cubic yards, of non-hazardous solid
23 waste is permanently disposed of at the site in a
24 calendar year.

25 (4) \$4,650 if more than 10,000 cubic yards, but not
26 more than 50,000 cubic yards, of non-hazardous solid
27 waste is permanently disposed of at the site in a
28 calendar year.

29 (5) \$\$650 if not more than 10,000 cubic yards of
30 non-hazardous solid waste is permanently disposed of at
31 the site in a calendar year.

32 The corporate authorities of the unit of local government
33 may use proceeds from the fee, tax, or surcharge to reimburse
34 a highway commissioner whose road district lies wholly or

1 partially within the corporate limits of the unit of local
2 government for expenses incurred in the removal of
3 nonhazardous, nonfluid municipal waste that has been dumped
4 on public property in violation of a State law or local
5 ordinance.

6 A county or Municipal Joint Action Agency that imposes a
7 fee, tax, or surcharge under this subsection may use the
8 proceeds thereof to reimburse a municipality that lies wholly
9 or partially within its boundaries for expenses incurred in
10 the removal of nonhazardous, nonfluid municipal waste that
11 has been dumped on public property in violation of a State
12 law or local ordinance.

13 If the fees are to be used to conduct a local sanitary
14 landfill inspection or enforcement program, the unit of local
15 government must enter into a written delegation agreement
16 with the Agency pursuant to subsection (r) of Section 4. The
17 unit of local government and the Agency shall enter into such
18 a written delegation agreement within 60 days after the
19 establishment of such fees. At least annually, the Agency
20 shall conduct an audit of the expenditures made by units of
21 local government from the funds granted by the Agency to the
22 units of local government for purposes of local sanitary
23 landfill inspection and enforcement programs, to ensure that
24 the funds have been expended for the prescribed purposes
25 under the grant.

26 The fees, taxes or surcharges collected under this
27 subsection (j) shall be placed by the unit of local
28 government in a separate fund, and the interest received on
29 the moneys in the fund shall be credited to the fund. The
30 monies in the fund may be accumulated over a period of years
31 to be expended in accordance with this subsection.

32 A unit of local government, as defined in the Local Solid
33 Waste Disposal Act, shall prepare and distribute to the
34 Agency, in April of each year, a report that details spending

1 plans for monies collected in accordance with this
2 subsection. The report will at a minimum include the
3 following:

4 (1) The total monies collected pursuant to this
5 subsection.

6 (2) The most current balance of monies collected
7 pursuant to this subsection.

8 (3) An itemized accounting of all monies expended
9 for the previous year pursuant to this subsection.

10 (4) An estimation of monies to be collected for the
11 following 3 years pursuant to this subsection.

12 (5) A narrative detailing the general direction and
13 scope of future expenditures for one, 2 and 3 years.

14 The exemptions granted under Sections 22.16 and 22.16a,
15 and under subsections (c) and (k) of this Section, shall be
16 applicable to any fee, tax or surcharge imposed under this
17 subsection (j); except that the fee, tax or surcharge
18 authorized to be imposed under this subsection (j) may be
19 made applicable by a unit of local government to the
20 permanent disposal of solid waste after December 31, 1986,
21 under any contract lawfully executed before June 1, 1986
22 under which more than 150,000 cubic yards (or 50,000 tons) of
23 solid waste is to be permanently disposed of, even though the
24 waste is exempt from the fee imposed by the State under
25 subsection (b) of this Section pursuant to an exemption
26 granted under Section 22.16.

27 (k) In accordance with the findings and purposes of the
28 Illinois Solid Waste Management Act, beginning January 1,
29 1989 the fee under subsection (b) and the fee, tax or
30 surcharge under subsection (j) shall not apply to:

31 (1) Waste which is hazardous waste; or

32 (2) Waste which is pollution control waste; or

33 (3) Waste from recycling, reclamation or reuse
34 processes which have been approved by the Agency as being

1 designed to remove any contaminant from wastes so as to
2 render such wastes reusable, provided that the process
3 renders at least 50% of the waste reusable; or

4 (4) Non-hazardous solid waste that is received at a
5 sanitary landfill and composted or recycled through a
6 process permitted by the Agency; or

7 (5) Any landfill which is permitted by the Agency
8 to receive only demolition or construction debris or
9 landscape waste.

10 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03.)

11 (415 ILCS 5/22.44)

12 Sec. 22.44. Subtitle D management fees.

13 (a) There is created within the State treasury a special
14 fund to be known as the "Subtitle D Management Fund"
15 constituted from the fees collected by the State under this
16 Section.

17 (b) The Agency shall assess and collect a fee in the
18 amount set forth in this subsection from the owner or
19 operator of each sanitary landfill permitted or required to
20 be permitted by the Agency to dispose of solid waste if the
21 sanitary landfill is located off the site where the waste was
22 produced and if the sanitary landfill is owned, controlled,
23 and operated by a person other than the generator of the
24 waste. The Agency shall deposit all fees collected under
25 this subsection into the Subtitle D Management Fund. If a
26 site is contiguous to one or more landfills owned or operated
27 by the same person, the volumes permanently disposed of by
28 each landfill shall be combined for purposes of determining
29 the fee under this subsection.

30 (1) If more than 150,000 cubic yards of
31 non-hazardous solid waste is permanently disposed of at a
32 site in a calendar year, the owner or operator shall
33 either pay a fee of 5.5 ~~10.1~~ cents per cubic yard or,

1 alternatively, the owner or operator may weigh the
2 quantity of the solid waste permanently disposed of with
3 a device for which certification has been obtained under
4 the Weights and Measures Act and pay a fee of 12 22 cents
5 per ton of waste permanently disposed of.

6 (2) If more than 100,000 cubic yards, but not more
7 than 150,000 cubic yards, of non-hazardous waste is
8 permanently disposed of at a site in a calendar year, the
9 owner or operator shall pay a fee of \$3,825 ~~\$7,020~~.

10 (3) If more than 50,000 cubic yards, but not more
11 than 100,000 cubic yards, of non-hazardous solid waste is
12 permanently disposed of at a site in a calendar year, the
13 owner or operator shall pay a fee of \$1,700 ~~\$3,120~~.

14 (4) If more than 10,000 cubic yards, but not more
15 than 50,000 cubic yards, of non-hazardous solid waste is
16 permanently disposed of at a site in a calendar year, the
17 owner or operator shall pay a fee of \$530 ~~\$975~~.

18 (5) If not more than 10,000 cubic yards of
19 non-hazardous solid waste is permanently disposed of at a
20 site in a calendar year, the owner or operator shall pay
21 a fee of \$110 ~~\$210~~.

22 (c) The fee under subsection (b) shall not apply to any
23 of the following:

24 (1) Hazardous waste.

25 (2) Pollution control waste.

26 (3) Waste from recycling, reclamation, or reuse
27 processes that have been approved by the Agency as being
28 designed to remove any contaminant from wastes so as to
29 render the wastes reusable, provided that the process
30 renders at least 50% of the waste reusable.

31 (4) Non-hazardous solid waste that is received at a
32 sanitary landfill and composted or recycled through a
33 process permitted by the Agency.

34 (5) Any landfill that is permitted by the Agency to

1 receive only demolition or construction debris or
2 landscape waste.

3 (d) The Agency shall establish rules relating to the
4 collection of the fees authorized by this Section. These
5 rules shall include, but not be limited to the following:

6 (1) Necessary records identifying the quantities of
7 solid waste received or disposed.

8 (2) The form and submission of reports to accompany
9 the payment of fees to the Agency.

10 (3) The time and manner of payment of fees to the
11 Agency, which payments shall not be more often than
12 quarterly.

13 (4) Procedures setting forth criteria establishing
14 when an owner or operator may measure by weight or volume
15 during any given quarter or other fee payment period.

16 (e) Fees collected under this Section shall be in
17 addition to any other fees collected under any other Section.

18 (f) The Agency shall not refund any fee paid to it under
19 this Section.

20 (g) Pursuant to appropriation, all moneys in the
21 Subtitle D Management Fund shall be used by the Agency to
22 administer the United States Environmental Protection
23 Agency's Subtitle D Program provided in Sections 4004 and
24 4010 of the Resource Conservation and Recovery Act of 1976
25 (P.L. 94-580) as it relates to a municipal solid waste
26 landfill program in Illinois and to fund a delegation of
27 inspecting, investigating, and enforcement functions, within
28 the municipality only, pursuant to subsection (r) of Section
29 4 of this Act to a municipality having a population of more
30 than 1,000,000 inhabitants. The Agency shall execute a
31 delegation agreement pursuant to subsection (r) of Section 4
32 of this Act with a municipality having a population of more
33 than 1,000,000 inhabitants within 90 days of September 13,
34 1993 and shall on an annual basis distribute from the

1 Subtitle D Management Fund to that municipality no less than
2 \$150,000.

3 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03.)

4 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

5 Sec. 39.5. Clean Air Act Permit Program.

6 1. Definitions.

7 For purposes of this Section:

8 "Administrative permit amendment" means a permit revision
9 subject to subsection 13 of this Section.

10 "Affected source for acid deposition" means a source that
11 includes one or more affected units under Title IV of the
12 Clean Air Act.

13 "Affected States" for purposes of formal distribution of
14 a draft CAAPP permit to other States for comments prior to
15 issuance, means all States:

16 (1) Whose air quality may be affected by the source
17 covered by the draft permit and that are contiguous to
18 Illinois; or

19 (2) That are within 50 miles of the source.

20 "Affected unit for acid deposition" shall have the
21 meaning given to the term "affected unit" in the regulations
22 promulgated under Title IV of the Clean Air Act.

23 "Applicable Clean Air Act requirement" means all of the
24 following as they apply to emissions units in a source
25 (including regulations that have been promulgated or approved
26 by USEPA pursuant to the Clean Air Act which directly impose
27 requirements upon a source and other such federal
28 requirements which have been adopted by the Board. These may
29 include requirements and regulations which have future
30 effective compliance dates. Requirements and regulations
31 will be exempt if USEPA determines that such requirements
32 need not be contained in a Title V permit):

33 (1) Any standard or other requirement provided for

1 in the applicable state implementation plan approved or
2 promulgated by USEPA under Title I of the Clean Air Act
3 that implement the relevant requirements of the Clean Air
4 Act, including any revisions to the state Implementation
5 Plan promulgated in 40 CFR Part 52, Subparts A and O and
6 other subparts applicable to Illinois. For purposes of
7 this subsection (1) of this definition, "any standard or
8 other requirement" shall mean only such standards or
9 requirements directly enforceable against an individual
10 source under the Clean Air Act.

11 (2)(i) Any term or condition of any preconstruction
12 permits issued pursuant to regulations approved or
13 promulgated by USEPA under Title I of the Clean Air
14 Act, including Part C or D of the Clean Air Act.

15 (ii) Any term or condition as required
16 pursuant to Section 39.5 of any federally
17 enforceable State operating permit issued pursuant
18 to regulations approved or promulgated by USEPA
19 under Title I of the Clean Air Act, including Part C
20 or D of the Clean Air Act.

21 (3) Any standard or other requirement under Section
22 111 of the Clean Air Act, including Section 111(d).

23 (4) Any standard or other requirement under Section
24 112 of the Clean Air Act, including any requirement
25 concerning accident prevention under Section 112(r)(7) of
26 the Clean Air Act.

27 (5) Any standard or other requirement of the acid
28 rain program under Title IV of the Clean Air Act or the
29 regulations promulgated thereunder.

30 (6) Any requirements established pursuant to
31 Section 504(b) or Section 114(a)(3) of the Clean Air Act.

32 (7) Any standard or other requirement governing
33 solid waste incineration, under Section 129 of the Clean
34 Air Act.

1 (8) Any standard or other requirement for consumer
2 and commercial products, under Section 183(e) of the
3 Clean Air Act.

4 (9) Any standard or other requirement for tank
5 vessels, under Section 183(f) of the Clean Air Act.

6 (10) Any standard or other requirement of the
7 program to control air pollution from Outer Continental
8 Shelf sources, under Section 328 of the Clean Air Act.

9 (11) Any standard or other requirement of the
10 regulations promulgated to protect stratospheric ozone
11 under Title VI of the Clean Air Act, unless USEPA has
12 determined that such requirements need not be contained
13 in a Title V permit.

14 (12) Any national ambient air quality standard or
15 increment or visibility requirement under Part C of Title
16 I of the Clean Air Act, but only as it would apply to
17 temporary sources permitted pursuant to Section 504(e) of
18 the Clean Air Act.

19 "Applicable requirement" means all applicable Clean Air
20 Act requirements and any other standard, limitation, or other
21 requirement contained in this Act or regulations promulgated
22 under this Act as applicable to sources of air contaminants
23 (including requirements that have future effective compliance
24 dates).

25 "CAAPP" means the Clean Air Act Permit Program, developed
26 pursuant to Title V of the Clean Air Act.

27 "CAAPP application" means an application for a CAAPP
28 permit.

29 "CAAPP Permit" or "permit" (unless the context suggests
30 otherwise) means any permit issued, renewed, amended,
31 modified or revised pursuant to Title V of the Clean Air Act.

32 "CAAPP source" means any source for which the owner or
33 operator is required to obtain a CAAPP permit pursuant to
34 subsection 2 of this Section.

1 "Clean Air Act" means the Clean Air Act, as now and
2 hereafter amended, 42 U.S.C. 7401, et seq.

3 "Designated representative" shall have the meaning given
4 to it in Section 402(26) of the Clean Air Act and the
5 regulations promulgated thereunder which states that the term
6 'designated representative' shall mean a responsible person
7 or official authorized by the owner or operator of a unit to
8 represent the owner or operator in all matters pertaining to
9 the holding, transfer, or disposition of allowances allocated
10 to a unit, and the submission of and compliance with permits,
11 permit applications, and compliance plans for the unit.

12 "Draft CAAPP permit" means the version of a CAAPP permit
13 for which public notice and an opportunity for public comment
14 and hearing is offered by the Agency.

15 "Effective date of the CAAPP" means the date that USEPA
16 approves Illinois' CAAPP.

17 "Emission unit" means any part or activity of a
18 stationary source that emits or has the potential to emit any
19 air pollutant. This term is not meant to alter or affect the
20 definition of the term "unit" for purposes of Title IV of the
21 Clean Air Act.

22 "Federally enforceable" means enforceable by USEPA.

23 "Final permit action" means the Agency's granting with
24 conditions, refusal to grant, renewal of, or revision of a
25 CAAPP permit, the Agency's determination of incompleteness of
26 a submitted CAAPP application, or the Agency's failure to act
27 on an application for a permit, permit renewal, or permit
28 revision within the time specified in paragraph 5(j),
29 subsection 13, or subsection 14 of this Section.

30 "General permit" means a permit issued to cover numerous
31 similar sources in accordance with subsection 11 of this
32 Section.

33 "Major source" means a source for which emissions of one
34 or more air pollutants meet the criteria for major status

1 pursuant to paragraph 2(c) of this Section.

2 "Maximum achievable control technology" or "MACT" means
3 the maximum degree of reductions in emissions deemed
4 achievable under Section 112 of the Clean Air Act.

5 "Owner or operator" means any person who owns, leases,
6 operates, controls, or supervises a stationary source.

7 "Permit modification" means a revision to a CAAPP permit
8 that cannot be accomplished under the provisions for
9 administrative permit amendments under subsection 13 of this
10 Section.

11 "Permit revision" means a permit modification or
12 administrative permit amendment.

13 "Phase II" means the period of the national acid rain
14 program, established under Title IV of the Clean Air Act,
15 beginning January 1, 2000, and continuing thereafter.

16 "Phase II acid rain permit" means the portion of a CAAPP
17 permit issued, renewed, modified, or revised by the Agency
18 during Phase II for an affected source for acid deposition.

19 "Potential to emit" means the maximum capacity of a
20 stationary source to emit any air pollutant under its
21 physical and operational design. Any physical or operational
22 limitation on the capacity of a source to emit an air
23 pollutant, including air pollution control equipment and
24 restrictions on hours of operation or on the type or amount
25 of material combusted, stored, or processed, shall be treated
26 as part of its design if the limitation is enforceable by
27 USEPA. This definition does not alter or affect the use of
28 this term for any other purposes under the Clean Air Act, or
29 the term "capacity factor" as used in Title IV of the Clean
30 Air Act or the regulations promulgated thereunder.

31 "Preconstruction Permit" or "Construction Permit" means a
32 permit which is to be obtained prior to commencing or
33 beginning actual construction or modification of a source or
34 emissions unit.

1 "Proposed CAAPP permit" means the version of a CAAPP
2 permit that the Agency proposes to issue and forwards to
3 USEPA for review in compliance with applicable requirements
4 of the Act and regulations promulgated thereunder.

5 "Regulated air pollutant" means the following:

6 (1) Nitrogen oxides (NOx) or any volatile organic
7 compound.

8 (2) Any pollutant for which a national ambient air
9 quality standard has been promulgated.

10 (3) Any pollutant that is subject to any standard
11 promulgated under Section 111 of the Clean Air Act.

12 (4) Any Class I or II substance subject to a
13 standard promulgated under or established by Title VI of
14 the Clean Air Act.

15 (5) Any pollutant subject to a standard promulgated
16 under Section 112 or other requirements established under
17 Section 112 of the Clean Air Act, including Sections
18 112(g), (j) and (r).

19 (i) Any pollutant subject to requirements
20 under Section 112(j) of the Clean Air Act. Any
21 pollutant listed under Section 112(b) for which the
22 subject source would be major shall be considered to
23 be regulated 18 months after the date on which USEPA
24 was required to promulgate an applicable standard
25 pursuant to Section 112(e) of the Clean Air Act, if
26 USEPA fails to promulgate such standard.

27 (ii) Any pollutant for which the requirements
28 of Section 112(g)(2) of the Clean Air Act have been
29 met, but only with respect to the individual source
30 subject to Section 112(g)(2) requirement.

31 "Renewal" means the process by which a permit is reissued
32 at the end of its term.

33 "Responsible official" means one of the following:

34 (1) For a corporation: a president, secretary,

1 treasurer, or vice-president of the corporation in charge
2 of a principal business function, or any other person who
3 performs similar policy or decision-making functions for
4 the corporation, or a duly authorized representative of
5 such person if the representative is responsible for the
6 overall operation of one or more manufacturing,
7 production, or operating facilities applying for or
8 subject to a permit and either (i) the facilities employ
9 more than 250 persons or have gross annual sales or
10 expenditures exceeding \$25 million (in second quarter
11 1980 dollars), or (ii) the delegation of authority to
12 such representative is approved in advance by the Agency.

13 (2) For a partnership or sole proprietorship: a
14 general partner or the proprietor, respectively, or in
15 the case of a partnership in which all of the partners
16 are corporations, a duly authorized representative of the
17 partnership if the representative is responsible for the
18 overall operation of one or more manufacturing,
19 production, or operating facilities applying for or
20 subject to a permit and either (i) the facilities employ
21 more than 250 persons or have gross annual sales or
22 expenditures exceeding \$25 million (in second quarter
23 1980 dollars), or (ii) the delegation of authority to
24 such representative is approved in advance by the Agency.

25 (3) For a municipality, State, Federal, or other
26 public agency: either a principal executive officer or
27 ranking elected official. For the purposes of this part,
28 a principal executive officer of a Federal agency
29 includes the chief executive officer having
30 responsibility for the overall operations of a principal
31 geographic unit of the agency (e.g., a Regional
32 Administrator of USEPA).

33 (4) For affected sources for acid deposition:

34 (i) The designated representative shall be the

1 "responsible official" in so far as actions,
2 standards, requirements, or prohibitions under Title
3 IV of the Clean Air Act or the regulations
4 promulgated thereunder are concerned.

5 (ii) The designated representative may also be
6 the "responsible official" for any other purposes
7 with respect to air pollution control.

8 "Section 502(b)(10) changes" means changes that
9 contravene express permit terms. "Section 502(b)(10) changes"
10 do not include changes that would violate applicable
11 requirements or contravene federally enforceable permit terms
12 or conditions that are monitoring (including test methods),
13 recordkeeping, reporting, or compliance certification
14 requirements.

15 "Solid waste incineration unit" means a distinct
16 operating unit of any facility which combusts any solid waste
17 material from commercial or industrial establishments or the
18 general public (including single and multiple residences,
19 hotels, and motels). The term does not include incinerators
20 or other units required to have a permit under Section 3005
21 of the Solid Waste Disposal Act. The term also does not
22 include (A) materials recovery facilities (including primary
23 or secondary smelters) which combust waste for the primary
24 purpose of recovering metals, (B) qualifying small power
25 production facilities, as defined in Section 3(17)(C) of the
26 Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying
27 cogeneration facilities, as defined in Section 3(18)(B) of
28 the Federal Power Act (16 U.S.C. 796(18)(B)), which burn
29 homogeneous waste (such as units which burn tires or used
30 oil, but not including refuse-derived fuel) for the
31 production of electric energy or in the case of qualifying
32 cogeneration facilities which burn homogeneous waste for the
33 production of electric energy and steam or forms of useful
34 energy (such as heat) which are used for industrial,

1 commercial, heating or cooling purposes, or (C) air curtain
2 incinerators provided that such incinerators only burn wood
3 wastes, yard waste and clean lumber and that such air curtain
4 incinerators comply with opacity limitations to be
5 established by the USEPA by rule.

6 "Source" means any stationary source (or any group of
7 stationary sources) that are located on one or more
8 contiguous or adjacent properties that are under common
9 control of the same person (or persons under common control)
10 and that belongs to a single major industrial grouping. For
11 the purposes of defining "source," a stationary source or
12 group of stationary sources shall be considered part of a
13 single major industrial grouping if all of the pollutant
14 emitting activities at such source or group of sources
15 located on contiguous or adjacent properties and under common
16 control belong to the same Major Group (i.e., all have the
17 same two-digit code) as described in the Standard Industrial
18 Classification Manual, 1987, or such pollutant emitting
19 activities at a stationary source (or group of stationary
20 sources) located on contiguous or adjacent properties and
21 under common control constitute a support facility. The
22 determination as to whether any group of stationary sources
23 are located on contiguous or adjacent properties, and/or are
24 under common control, and/or whether the pollutant emitting
25 activities at such group of stationary sources constitute a
26 support facility shall be made on a case by case basis.

27 "Stationary source" means any building, structure,
28 facility, or installation that emits or may emit any
29 regulated air pollutant or any pollutant listed under Section
30 112(b) of the Clean Air Act.

31 "Support facility" means any stationary source (or group
32 of stationary sources) that conveys, stores, or otherwise
33 assists to a significant extent in the production of a
34 principal product at another stationary source (or group of

1 stationary sources). A support facility shall be considered
2 to be part of the same source as the stationary source (or
3 group of stationary sources) that it supports regardless of
4 the 2-digit Standard Industrial Classification code for the
5 support facility.

6 "USEPA" means the Administrator of the United States
7 Environmental Protection Agency (USEPA) or a person
8 designated by the Administrator.

9 1.1. Exclusion From the CAAPP.

10 a. An owner or operator of a source which
11 determines that the source could be excluded from the
12 CAAPP may seek such exclusion prior to the date that the
13 CAAPP application for the source is due but in no case
14 later than 9 months after the effective date of the CAAPP
15 through the imposition of federally enforceable
16 conditions limiting the "potential to emit" of the source
17 to a level below the major source threshold for that
18 source as described in paragraph 2(c) of this Section,
19 within a State operating permit issued pursuant to
20 Section 39(a) of this Act. After such date, an exclusion
21 from the CAAPP may be sought under paragraph 3(c) of this
22 Section.

23 b. An owner or operator of a source seeking
24 exclusion from the CAAPP pursuant to paragraph (a) of
25 this subsection must submit a permit application
26 consistent with the existing State permit program which
27 specifically requests such exclusion through the
28 imposition of such federally enforceable conditions.

29 c. Upon such request, if the Agency determines that
30 the owner or operator of a source has met the
31 requirements for exclusion pursuant to paragraph (a) of
32 this subsection and other applicable requirements for
33 permit issuance under Section 39(a) of this Act, the
34 Agency shall issue a State operating permit for such

1 source under Section 39(a) of this Act, as amended, and
2 regulations promulgated thereunder with federally
3 enforceable conditions limiting the "potential to emit"
4 of the source to a level below the major source threshold
5 for that source as described in paragraph 2(c) of this
6 Section.

7 d. The Agency shall provide an owner or operator of
8 a source which may be excluded from the CAAPP pursuant to
9 this subsection with reasonable notice that the owner or
10 operator may seek such exclusion.

11 e. The Agency shall provide such sources with the
12 necessary permit application forms.

13 2. Applicability.

14 a. Sources subject to this Section shall include:

15 i. Any major source as defined in paragraph
16 (c) of this subsection.

17 ii. Any source subject to a standard or other
18 requirements promulgated under Section 111 (New
19 Source Performance Standards) or Section 112
20 (Hazardous Air Pollutants) of the Clean Air Act,
21 except that a source is not required to obtain a
22 permit solely because it is subject to regulations
23 or requirements under Section 112(r) of the Clean
24 Air Act.

25 iii. Any affected source for acid deposition,
26 as defined in subsection 1 of this Section.

27 iv. Any other source subject to this Section
28 under the Clean Air Act or regulations promulgated
29 thereunder, or applicable Board regulations.

30 b. Sources exempted from this Section shall
31 include:

32 i. All sources listed in paragraph (a) of this
33 subsection which are not major sources, affected
34 sources for acid deposition or solid waste

1 incineration units required to obtain a permit
2 pursuant to Section 129(e) of the Clean Air Act,
3 until the source is required to obtain a CAAPP
4 permit pursuant to the Clean Air Act or regulations
5 promulgated thereunder.

6 ii. Nonmajor sources subject to a standard or
7 other requirements subsequently promulgated by USEPA
8 under Section 111 or 112 of the Clean Air Act which
9 are determined by USEPA to be exempt at the time a
10 new standard is promulgated.

11 iii. All sources and source categories that
12 would be required to obtain a permit solely because
13 they are subject to Part 60, Subpart AAA - Standards
14 of Performance for New Residential Wood Heaters (40
15 CFR Part 60).

16 iv. All sources and source categories that
17 would be required to obtain a permit solely because
18 they are subject to Part 61, Subpart M - National
19 Emission Standard for Hazardous Air Pollutants for
20 Asbestos, Section 61.145 (40 CFR Part 61).

21 v. Any other source categories exempted by
22 USEPA regulations pursuant to Section 502(a) of the
23 Clean Air Act.

24 c. For purposes of this Section the term "major
25 source" means any source that is:

26 i. A major source under Section 112 of the
27 Clean Air Act, which is defined as:

28 A. For pollutants other than
29 radionuclides, any stationary source or group
30 of stationary sources located within a
31 contiguous area and under common control that
32 emits or has the potential to emit, in the
33 aggregate, 10 tons per year (tpy) or more of
34 any hazardous air pollutant which has been

1 listed pursuant to Section 112(b) of the Clean
2 Air Act, 25 tpy or more of any combination of
3 such hazardous air pollutants, or such lesser
4 quantity as USEPA may establish by rule.
5 Notwithstanding the preceding sentence,
6 emissions from any oil or gas exploration or
7 production well (with its associated equipment)
8 and emissions from any pipeline compressor or
9 pump station shall not be aggregated with
10 emissions from other similar units, whether or
11 not such units are in a contiguous area or
12 under common control, to determine whether such
13 stations are major sources.

14 B. For radionuclides, "major source"
15 shall have the meaning specified by the USEPA
16 by rule.

17 ii. A major stationary source of air
18 pollutants, as defined in Section 302 of the Clean
19 Air Act, that directly emits or has the potential to
20 emit, 100 tpy or more of any air pollutant
21 (including any major source of fugitive emissions of
22 any such pollutant, as determined by rule by USEPA).
23 For purposes of this subsection, "fugitive
24 emissions" means those emissions which could not
25 reasonably pass through a stack, chimney, vent, or
26 other functionally-equivalent opening. The fugitive
27 emissions of a stationary source shall not be
28 considered in determining whether it is a major
29 stationary source for the purposes of Section 302(j)
30 of the Clean Air Act, unless the source belongs to
31 one of the following categories of stationary
32 source:

33 A. Coal cleaning plants (with thermal
34 dryers).

- 1 B. Kraft pulp mills.
- 2 C. Portland cement plants.
- 3 D. Primary zinc smelters.
- 4 E. Iron and steel mills.
- 5 F. Primary aluminum ore reduction plants.
- 6 G. Primary copper smelters.
- 7 H. Municipal incinerators capable of
- 8 charging more than 250 tons of refuse per day.
- 9 I. Hydrofluoric, sulfuric, or nitric acid
- 10 plants.
- 11 J. Petroleum refineries.
- 12 K. Lime plants.
- 13 L. Phosphate rock processing plants.
- 14 M. Coke oven batteries.
- 15 N. Sulfur recovery plants.
- 16 O. Carbon black plants (furnace process).
- 17 P. Primary lead smelters.
- 18 Q. Fuel conversion plants.
- 19 R. Sintering plants.
- 20 S. Secondary metal production plants.
- 21 T. Chemical process plants.
- 22 U. Fossil-fuel boilers (or combination
- 23 thereof) totaling more than 250 million British
- 24 thermal units per hour heat input.
- 25 V. Petroleum storage and transfer units
- 26 with a total storage capacity exceeding 300,000
- 27 barrels.
- 28 W. Taconite ore processing plants.
- 29 X. Glass fiber processing plants.
- 30 Y. Charcoal production plants.
- 31 Z. Fossil fuel-fired steam electric
- 32 plants of more than 250 million British thermal
- 33 units per hour heat input.
- 34 AA. All other stationary source

1 categories regulated by a standard promulgated
2 under Section 111 or 112 of the Clean Air Act,
3 but only with respect to those air pollutants
4 that have been regulated for that category.

5 BB. Any other stationary source category
6 designated by USEPA by rule.

7 iii. A major stationary source as defined in
8 part D of Title I of the Clean Air Act including:

9 A. For ozone nonattainment areas, sources
10 with the potential to emit 100 tons or more per
11 year of volatile organic compounds or oxides of
12 nitrogen in areas classified as "marginal" or
13 "moderate", 50 tons or more per year in areas
14 classified as "serious", 25 tons or more per
15 year in areas classified as "severe", and 10
16 tons or more per year in areas classified as
17 "extreme"; except that the references in this
18 clause to 100, 50, 25, and 10 tons per year of
19 nitrogen oxides shall not apply with respect to
20 any source for which USEPA has made a finding,
21 under Section 182(f)(1) or (2) of the Clean Air
22 Act, that requirements otherwise applicable to
23 such source under Section 182(f) of the Clean
24 Air Act do not apply. Such sources shall
25 remain subject to the major source criteria of
26 paragraph 2(c)(ii) of this subsection.

27 B. For ozone transport regions
28 established pursuant to Section 184 of the
29 Clean Air Act, sources with the potential to
30 emit 50 tons or more per year of volatile
31 organic compounds (VOCs).

32 C. For carbon monoxide nonattainment
33 areas (1) that are classified as "serious", and
34 (2) in which stationary sources contribute

1 significantly to carbon monoxide levels as
2 determined under rules issued by USEPA, sources
3 with the potential to emit 50 tons or more per
4 year of carbon monoxide.

5 D. For particulate matter (PM-10)
6 nonattainment areas classified as "serious",
7 sources with the potential to emit 70 tons or
8 more per year of PM-10.

9 3. Agency Authority To Issue CAAPP Permits and Federally
10 Enforceable State Operating Permits.

11 a. The Agency shall issue CAAPP permits under this
12 Section consistent with the Clean Air Act and regulations
13 promulgated thereunder and this Act and regulations
14 promulgated thereunder.

15 b. The Agency shall issue CAAPP permits for fixed
16 terms of 5 years, except CAAPP permits issued for solid
17 waste incineration units combusting municipal waste which
18 shall be issued for fixed terms of 12 years and except
19 CAAPP permits for affected sources for acid deposition
20 which shall be issued for initial terms to expire on
21 December 31, 1999, and for fixed terms of 5 years
22 thereafter.

23 c. The Agency shall have the authority to issue a
24 State operating permit for a source under Section 39(a)
25 of this Act, as amended, and regulations promulgated
26 thereunder, which includes federally enforceable
27 conditions limiting the "potential to emit" of the source
28 to a level below the major source threshold for that
29 source as described in paragraph 2(c) of this Section,
30 thereby excluding the source from the CAAPP, when
31 requested by the applicant pursuant to paragraph 5(u) of
32 this Section. The public notice requirements of this
33 Section applicable to CAAPP permits shall also apply to
34 the initial issuance of permits under this paragraph.

1 d. For purposes of this Act, a permit issued by
2 USEPA under Section 505 of the Clean Air Act, as now and
3 hereafter amended, shall be deemed to be a permit issued
4 by the Agency pursuant to Section 39.5 of this Act.

5 4. Transition.

6 a. An owner or operator of a CAAPP source shall not
7 be required to renew an existing State operating permit
8 for any emission unit at such CAAPP source once a CAAPP
9 application timely submitted prior to expiration of the
10 State operating permit has been deemed complete. For
11 purposes other than permit renewal, the obligation upon
12 the owner or operator of a CAAPP source to obtain a State
13 operating permit is not removed upon submittal of the
14 complete CAAPP permit application. An owner or operator
15 of a CAAPP source seeking to make a modification to a
16 source prior to the issuance of its CAAPP permit shall be
17 required to obtain a construction and/or operating permit
18 as required for such modification in accordance with the
19 State permit program under Section 39(a) of this Act, as
20 amended, and regulations promulgated thereunder. The
21 application for such construction and/or operating permit
22 shall be considered an amendment to the CAAPP application
23 submitted for such source.

24 b. An owner or operator of a CAAPP source shall
25 continue to operate in accordance with the terms and
26 conditions of its applicable State operating permit
27 notwithstanding the expiration of the State operating
28 permit until the source's CAAPP permit has been issued.

29 c. An owner or operator of a CAAPP source shall
30 submit its initial CAAPP application to the Agency no
31 later than 12 months after the effective date of the
32 CAAPP. The Agency may request submittal of initial CAAPP
33 applications during this 12 month period according to a
34 schedule set forth within Agency procedures, however, in

1 no event shall the Agency require such submittal earlier
2 than 3 months after such effective date of the CAAPP. An
3 owner or operator may voluntarily submit its initial
4 CAAPP application prior to the date required within this
5 paragraph or applicable procedures, if any, subsequent to
6 the date the Agency submits the CAAPP to USEPA for
7 approval.

8 d. The Agency shall act on initial CAAPP
9 applications in accordance with subsection 5(j) of this
10 Section.

11 e. For purposes of this Section, the term "initial
12 CAAPP application" shall mean the first CAAPP application
13 submitted for a source existing as of the effective date
14 of the CAAPP.

15 f. The Agency shall provide owners or operators of
16 CAAPP sources with at least three months advance notice
17 of the date on which their applications are required to
18 be submitted. In determining which sources shall be
19 subject to early submittal, the Agency shall include
20 among its considerations the complexity of the permit
21 application, and the burden that such early submittal
22 will have on the source.

23 g. The CAAPP permit shall upon becoming effective
24 supersede the State operating permit.

25 h. The Agency shall have the authority to adopt
26 procedural rules, in accordance with the Illinois
27 Administrative Procedure Act, as the Agency deems
28 necessary, to implement this subsection.

29 5. Applications and Completeness.

30 a. An owner or operator of a CAAPP source shall
31 submit its complete CAAPP application consistent with the
32 Act and applicable regulations.

33 b. An owner or operator of a CAAPP source shall
34 submit a single complete CAAPP application covering all

1 emission units at that source.

2 c. To be deemed complete, a CAAPP application must
3 provide all information, as requested in Agency
4 application forms, sufficient to evaluate the subject
5 source and its application and to determine all
6 applicable requirements, pursuant to the Clean Air Act,
7 and regulations thereunder, this Act and regulations
8 thereunder. Such Agency application forms shall be
9 finalized and made available prior to the date on which
10 any CAAPP application is required.

11 d. An owner or operator of a CAAPP source shall
12 submit, as part of its complete CAAPP application, a
13 compliance plan, including a schedule of compliance,
14 describing how each emission unit will comply with all
15 applicable requirements. Any such schedule of compliance
16 shall be supplemental to, and shall not sanction
17 noncompliance with, the applicable requirements on which
18 it is based.

19 e. Each submitted CAAPP application shall be
20 certified for truth, accuracy, and completeness by a
21 responsible official in accordance with applicable
22 regulations.

23 f. The Agency shall provide notice to a CAAPP
24 applicant as to whether a submitted CAAPP application is
25 complete. Unless the Agency notifies the applicant of
26 incompleteness, within 60 days of receipt of the CAAPP
27 application, the application shall be deemed complete.
28 The Agency may request additional information as needed
29 to make the completeness determination. The Agency may
30 to the extent practicable provide the applicant with a
31 reasonable opportunity to correct deficiencies prior to a
32 final determination of completeness.

33 g. If after the determination of completeness the
34 Agency finds that additional information is necessary to

1 evaluate or take final action on the CAAPP application,
2 the Agency may request in writing such information from
3 the source with a reasonable deadline for response.

4 h. If the owner or operator of a CAAPP source
5 submits a timely and complete CAAPP application, the
6 source's failure to have a CAAPP permit shall not be a
7 violation of this Section until the Agency takes final
8 action on the submitted CAAPP application, provided,
9 however, where the applicant fails to submit the
10 requested information under paragraph 5(g) within the
11 time frame specified by the Agency, this protection shall
12 cease to apply.

13 i. Any applicant who fails to submit any relevant
14 facts necessary to evaluate the subject source and its
15 CAAPP application or who has submitted incorrect
16 information in a CAAPP application shall, upon becoming
17 aware of such failure or incorrect submittal, submit
18 supplementary facts or correct information to the Agency.
19 In addition, an applicant shall provide to the Agency
20 additional information as necessary to address any
21 requirements which become applicable to the source
22 subsequent to the date the applicant submitted its
23 complete CAAPP application but prior to release of the
24 draft CAAPP permit.

25 j. The Agency shall issue or deny the CAAPP permit
26 within 18 months after the date of receipt of the
27 complete CAAPP application, with the following
28 exceptions: (i) permits for affected sources for acid
29 deposition shall be issued or denied within 6 months
30 after receipt of a complete application in accordance
31 with subsection 17 of this Section; (ii) the Agency shall
32 act on initial CAAPP applications within 24 months after
33 the date of receipt of the complete CAAPP application;
34 (iii) the Agency shall act on complete applications

1 containing early reduction demonstrations under Section
2 112(i)(5) of the Clean Air Act within 9 months of receipt
3 of the complete CAAPP application.

4 Where the Agency does not take final action on the
5 permit within the required time period, the permit shall
6 not be deemed issued; rather, the failure to act shall be
7 treated as a final permit action for purposes of judicial
8 review pursuant to Sections 40.2 and 41 of this Act.

9 k. The submittal of a complete CAAPP application
10 shall not affect the requirement that any source have a
11 preconstruction permit under Title I of the Clean Air
12 Act.

13 l. Unless a timely and complete renewal application
14 has been submitted consistent with this subsection, a
15 CAAPP source operating upon the expiration of its CAAPP
16 permit shall be deemed to be operating without a CAAPP
17 permit. Such operation is prohibited under this Act.

18 m. Permits being renewed shall be subject to the
19 same procedural requirements, including those for public
20 participation and federal review and objection, that
21 apply to original permit issuance.

22 n. For purposes of permit renewal, a timely
23 application is one that is submitted no less than 9
24 months prior to the date of permit expiration.

25 o. The terms and conditions of a CAAPP permit shall
26 remain in effect until the issuance of a CAAPP renewal
27 permit provided a timely and complete CAAPP application
28 has been submitted.

29 p. The owner or operator of a CAAPP source seeking
30 a permit shield pursuant to paragraph 7(j) of this
31 Section shall request such permit shield in the CAAPP
32 application regarding that source.

33 q. The Agency shall make available to the public
34 all documents submitted by the applicant to the Agency,

1 including each CAAPP application, compliance plan
2 (including the schedule of compliance), and emissions or
3 compliance monitoring report, with the exception of
4 information entitled to confidential treatment pursuant
5 to Section 7 of this Act.

6 r. The Agency shall use the standardized forms
7 required under Title IV of the Clean Air Act and
8 regulations promulgated thereunder for affected sources
9 for acid deposition.

10 s. An owner or operator of a CAAPP source may
11 include within its CAAPP application a request for
12 permission to operate during a startup, malfunction, or
13 breakdown consistent with applicable Board regulations.

14 t. An owner or operator of a CAAPP source, in order
15 to utilize the operational flexibility provided under
16 paragraph 7(1) of this Section, must request such use and
17 provide the necessary information within its CAAPP
18 application.

19 u. An owner or operator of a CAAPP source which
20 seeks exclusion from the CAAPP through the imposition of
21 federally enforceable conditions, pursuant to paragraph
22 3(c) of this Section, must request such exclusion within
23 a CAAPP application submitted consistent with this
24 subsection on or after the date that the CAAPP
25 application for the source is due. Prior to such date,
26 but in no case later than 9 months after the effective
27 date of the CAAPP, such owner or operator may request the
28 imposition of federally enforceable conditions pursuant
29 to paragraph 1.1(b) of this Section.

30 v. CAAPP applications shall contain accurate
31 information on allowable emissions to implement the fee
32 provisions of subsection 18 of this Section.

33 w. An owner or operator of a CAAPP source shall
34 submit within its CAAPP application emissions information

1 regarding all regulated air pollutants emitted at that
2 source consistent with applicable Agency procedures.
3 Emissions information regarding insignificant activities
4 or emission levels, as determined by the Agency pursuant
5 to Board regulations, may be submitted as a list within
6 the CAAPP application. The Agency shall propose
7 regulations to the Board defining insignificant
8 activities or emission levels, consistent with federal
9 regulations, if any, no later than 18 months after the
10 effective date of this amendatory Act of 1992, consistent
11 with Section 112(n)(1) of the Clean Air Act. The Board
12 shall adopt final regulations defining insignificant
13 activities or emission levels no later than 9 months
14 after the date of the Agency's proposal.

15 x. The owner or operator of a new CAAPP source
16 shall submit its complete CAAPP application consistent
17 with this subsection within 12 months after commencing
18 operation of such source. The owner or operator of an
19 existing source that has been excluded from the
20 provisions of this Section under subsection 1.1 or
21 subsection 3(c) of this Section and that becomes subject
22 to the CAAPP solely due to a change in operation at the
23 source shall submit its complete CAAPP application
24 consistent with this subsection at least 180 days before
25 commencing operation in accordance with the change in
26 operation.

27 y. The Agency shall have the authority to adopt
28 procedural rules, in accordance with the Illinois
29 Administrative Procedure Act, as the Agency deems
30 necessary to implement this subsection.

31 6. Prohibitions.

32 a. It shall be unlawful for any person to violate
33 any terms or conditions of a permit issued under this
34 Section, to operate any CAAPP source except in compliance

1 with a permit issued by the Agency under this Section or
2 to violate any other applicable requirements. All terms
3 and conditions of a permit issued under this Section are
4 enforceable by USEPA and citizens under the Clean Air
5 Act, except those, if any, that are specifically
6 designated as not being federally enforceable in the
7 permit pursuant to paragraph 7(m) of this Section.

8 b. After the applicable CAAPP permit or renewal
9 application submittal date, as specified in subsection 5
10 of this Section, no person shall operate a CAAPP source
11 without a CAAPP permit unless the complete CAAPP permit
12 or renewal application for such source has been timely
13 submitted to the Agency.

14 c. No owner or operator of a CAAPP source shall
15 cause or threaten or allow the continued operation of an
16 emission source during malfunction or breakdown of the
17 emission source or related air pollution control
18 equipment if such operation would cause a violation of
19 the standards or limitations applicable to the source,
20 unless the CAAPP permit granted to the source provides
21 for such operation consistent with this Act and
22 applicable Board regulations.

23 7. Permit Content.

24 a. All CAAPP permits shall contain emission
25 limitations and standards and other enforceable terms and
26 conditions, including but not limited to operational
27 requirements, and schedules for achieving compliance at
28 the earliest reasonable date, which are or will be
29 required to accomplish the purposes and provisions of
30 this Act and to assure compliance with all applicable
31 requirements.

32 b. The Agency shall include among such conditions
33 applicable monitoring, reporting, record keeping and
34 compliance certification requirements, as authorized by

1 paragraphs d, e, and f of this subsection, that the
2 Agency deems necessary to assure compliance with the
3 Clean Air Act, the regulations promulgated thereunder,
4 this Act, and applicable Board regulations. When
5 monitoring, reporting, record keeping, and compliance
6 certification requirements are specified within the Clean
7 Air Act, regulations promulgated thereunder, this Act, or
8 applicable regulations, such requirements shall be
9 included within the CAAPP permit. The Board shall have
10 authority to promulgate additional regulations where
11 necessary to accomplish the purposes of the Clean Air
12 Act, this Act, and regulations promulgated thereunder.

13 c. The Agency shall assure, within such conditions,
14 the use of terms, test methods, units, averaging periods,
15 and other statistical conventions consistent with the
16 applicable emission limitations, standards, and other
17 requirements contained in the permit.

18 d. To meet the requirements of this subsection with
19 respect to monitoring, the permit shall:

20 i. Incorporate and identify all applicable
21 emissions monitoring and analysis procedures or test
22 methods required under the Clean Air Act,
23 regulations promulgated thereunder, this Act, and
24 applicable Board regulations, including any
25 procedures and methods promulgated by USEPA pursuant
26 to Section 504(b) or Section 114 (a)(3) of the Clean
27 Air Act.

28 ii. Where the applicable requirement does not
29 require periodic testing or instrumental or
30 noninstrumental monitoring (which may consist of
31 recordkeeping designed to serve as monitoring),
32 require periodic monitoring sufficient to yield
33 reliable data from the relevant time period that is
34 representative of the source's compliance with the

1 permit, as reported pursuant to paragraph (f) of
2 this subsection. The Agency may determine that
3 recordkeeping requirements are sufficient to meet
4 the requirements of this subparagraph.

5 iii. As necessary, specify requirements
6 concerning the use, maintenance, and when
7 appropriate, installation of monitoring equipment or
8 methods.

9 e. To meet the requirements of this subsection with
10 respect to record keeping, the permit shall incorporate
11 and identify all applicable recordkeeping requirements
12 and require, where applicable, the following:

13 i. Records of required monitoring information
14 that include the following:

15 A. The date, place and time of sampling
16 or measurements.

17 B. The date(s) analyses were performed.

18 C. The company or entity that performed
19 the analyses.

20 D. The analytical techniques or methods
21 used.

22 E. The results of such analyses.

23 F. The operating conditions as existing
24 at the time of sampling or measurement.

25 ii. Retention of records of all monitoring
26 data and support information for a period of at
27 least 5 years from the date of the monitoring
28 sample, measurement, report, or application.
29 Support information includes all calibration and
30 maintenance records, original strip-chart recordings
31 for continuous monitoring instrumentation, and
32 copies of all reports required by the permit.

33 f. To meet the requirements of this subsection with
34 respect to reporting, the permit shall incorporate and

1 identify all applicable reporting requirements and
2 require the following:

3 i. Submittal of reports of any required
4 monitoring every 6 months. More frequent submittals
5 may be requested by the Agency if such submittals
6 are necessary to assure compliance with this Act or
7 regulations promulgated by the Board thereunder.
8 All instances of deviations from permit requirements
9 must be clearly identified in such reports. All
10 required reports must be certified by a responsible
11 official consistent with subsection 5 of this
12 Section.

13 ii. Prompt reporting of deviations from permit
14 requirements, including those attributable to upset
15 conditions as defined in the permit, the probable
16 cause of such deviations, and any corrective actions
17 or preventive measures taken.

18 g. Each CAAPP permit issued under subsection 10 of
19 this Section shall include a condition prohibiting
20 emissions exceeding any allowances that the source
21 lawfully holds under Title IV of the Clean Air Act or the
22 regulations promulgated thereunder, consistent with
23 subsection 17 of this Section and applicable regulations,
24 if any.

25 h. All CAAPP permits shall state that, where
26 another applicable requirement of the Clean Air Act is
27 more stringent than any applicable requirement of
28 regulations promulgated under Title IV of the Clean Air
29 Act, both provisions shall be incorporated into the
30 permit and shall be State and federally enforceable.

31 i. Each CAAPP permit issued under subsection 10 of
32 this Section shall include a severability clause to
33 ensure the continued validity of the various permit
34 requirements in the event of a challenge to any portions

1 of the permit.

2 j. The following shall apply with respect to owners
3 or operators requesting a permit shield:

4 i. The Agency shall include in a CAAPP permit,
5 when requested by an applicant pursuant to paragraph
6 5(p) of this Section, a provision stating that
7 compliance with the conditions of the permit shall
8 be deemed compliance with applicable requirements
9 which are applicable as of the date of release of
10 the proposed permit, provided that:

11 A. The applicable requirement is
12 specifically identified within the permit; or

13 B. The Agency in acting on the CAAPP
14 application or revision determines in writing
15 that other requirements specifically identified
16 are not applicable to the source, and the
17 permit includes that determination or a concise
18 summary thereof.

19 ii. The permit shall identify the requirements
20 for which the source is shielded. The shield shall
21 not extend to applicable requirements which are
22 promulgated after the date of release of the
23 proposed permit unless the permit has been modified
24 to reflect such new requirements.

25 iii. A CAAPP permit which does not expressly
26 indicate the existence of a permit shield shall not
27 provide such a shield.

28 iv. Nothing in this paragraph or in a CAAPP
29 permit shall alter or affect the following:

30 A. The provisions of Section 303
31 (emergency powers) of the Clean Air Act,
32 including USEPA's authority under that section.

33 B. The liability of an owner or operator
34 of a source for any violation of applicable

1 requirements prior to or at the time of permit
2 issuance.

3 C. The applicable requirements of the
4 acid rain program consistent with Section
5 408(a) of the Clean Air Act.

6 D. The ability of USEPA to obtain
7 information from a source pursuant to Section
8 114 (inspections, monitoring, and entry) of the
9 Clean Air Act.

10 k. Each CAAPP permit shall include an emergency
11 provision providing an affirmative defense of emergency
12 to an action brought for noncompliance with
13 technology-based emission limitations under a CAAPP
14 permit if the following conditions are met through
15 properly signed, contemporaneous operating logs, or other
16 relevant evidence:

17 i. An emergency occurred and the permittee can
18 identify the cause(s) of the emergency.

19 ii. The permitted facility was at the time
20 being properly operated.

21 iii. The permittee submitted notice of the
22 emergency to the Agency within 2 working days of the
23 time when emission limitations were exceeded due to
24 the emergency. This notice must contain a detailed
25 description of the emergency, any steps taken to
26 mitigate emissions, and corrective actions taken.

27 iv. During the period of the emergency the
28 permittee took all reasonable steps to minimize
29 levels of emissions that exceeded the emission
30 limitations, standards, or requirements in the
31 permit.

32 For purposes of this subsection, "emergency" means
33 any situation arising from sudden and reasonably
34 unforeseeable events beyond the control of the source,

1 such as an act of God, that requires immediate corrective
2 action to restore normal operation, and that causes the
3 source to exceed a technology-based emission limitation
4 under the permit, due to unavoidable increases in
5 emissions attributable to the emergency. An emergency
6 shall not include noncompliance to the extent caused by
7 improperly designed equipment, lack of preventative
8 maintenance, careless or improper operation, or operation
9 error.

10 In any enforcement proceeding, the permittee
11 seeking to establish the occurrence of an emergency has
12 the burden of proof. This provision is in addition to
13 any emergency or upset provision contained in any
14 applicable requirement. This provision does not relieve
15 a permittee of any reporting obligations under existing
16 federal or state laws or regulations.

17 1. The Agency shall include in each permit issued
18 under subsection 10 of this Section:

19 i. Terms and conditions for reasonably
20 anticipated operating scenarios identified by the
21 source in its application. The permit terms and
22 conditions for each such operating scenario shall
23 meet all applicable requirements and the
24 requirements of this Section.

25 A. Under this subparagraph, the source
26 must record in a log at the permitted facility
27 a record of the scenario under which it is
28 operating contemporaneously with making a
29 change from one operating scenario to another.

30 B. The permit shield described in
31 paragraph 7(j) of this Section shall extend to
32 all terms and conditions under each such
33 operating scenario.

34 ii. Where requested by an applicant, all terms

1 and conditions allowing for trading of emissions
2 increases and decreases between different emission
3 units at the CAAPP source, to the extent that the
4 applicable requirements provide for trading of such
5 emissions increases and decreases without a
6 case-by-case approval of each emissions trade. Such
7 terms and conditions:

8 A. Shall include all terms required under
9 this subsection to determine compliance;

10 B. Must meet all applicable requirements;

11 C. Shall extend the permit shield
12 described in paragraph 7(j) of this Section to
13 all terms and conditions that allow such
14 increases and decreases in emissions.

15 m. The Agency shall specifically designate as not
16 being federally enforceable under the Clean Air Act any
17 terms and conditions included in the permit that are not
18 specifically required under the Clean Air Act or federal
19 regulations promulgated thereunder. Terms or conditions
20 so designated shall be subject to all applicable state
21 requirements, except the requirements of subsection 7
22 (other than this paragraph, paragraph q of subsection 7,
23 subsections 8 through 11, and subsections 13 through 16
24 of this Section. The Agency shall, however, include such
25 terms and conditions in the CAAPP permit issued to the
26 source.

27 n. Each CAAPP permit issued under subsection 10 of
28 this Section shall specify and reference the origin of
29 and authority for each term or condition, and identify
30 any difference in form as compared to the applicable
31 requirement upon which the term or condition is based.

32 o. Each CAAPP permit issued under subsection 10 of
33 this Section shall include provisions stating the
34 following:

1 i. Duty to comply. The permittee must comply
2 with all terms and conditions of the CAAPP permit.
3 Any permit noncompliance constitutes a violation of
4 the Clean Air Act and the Act, and is grounds for
5 any or all of the following: enforcement action;
6 permit termination, revocation and reissuance, or
7 modification; or denial of a permit renewal
8 application.

9 ii. Need to halt or reduce activity not a
10 defense. It shall not be a defense for a permittee
11 in an enforcement action that it would have been
12 necessary to halt or reduce the permitted activity
13 in order to maintain compliance with the conditions
14 of this permit.

15 iii. Permit actions. The permit may be
16 modified, revoked, reopened, and reissued, or
17 terminated for cause in accordance with the
18 applicable subsections of Section 39.5 of this Act.
19 The filing of a request by the permittee for a
20 permit modification, revocation and reissuance, or
21 termination, or of a notification of planned changes
22 or anticipated noncompliance does not stay any
23 permit condition.

24 iv. Property rights. The permit does not
25 convey any property rights of any sort, or any
26 exclusive privilege.

27 v. Duty to provide information. The permittee
28 shall furnish to the Agency within a reasonable time
29 specified by the Agency any information that the
30 Agency may request in writing to determine whether
31 cause exists for modifying, revoking and reissuing,
32 or terminating the permit or to determine compliance
33 with the permit. Upon request, the permittee shall
34 also furnish to the Agency copies of records

1 required to be kept by the permit or, for
2 information claimed to be confidential, the
3 permittee may furnish such records directly to USEPA
4 along with a claim of confidentiality.

5 vi. Duty to pay fees. The permittee must pay
6 fees to the Agency consistent with the fee schedule
7 approved pursuant to subsection 18 of this Section,
8 and submit any information relevant thereto.

9 vii. Emissions trading. No permit revision
10 shall be required for increases in emissions allowed
11 under any approved economic incentives, marketable
12 permits, emissions trading, and other similar
13 programs or processes for changes that are provided
14 for in the permit and that are authorized by the
15 applicable requirement.

16 p. Each CAAPP permit issued under subsection 10 of
17 this Section shall contain the following elements with
18 respect to compliance:

19 i. Compliance certification, testing,
20 monitoring, reporting, and record keeping
21 requirements sufficient to assure compliance with
22 the terms and conditions of the permit. Any
23 document (including reports) required by a CAAPP
24 permit shall contain a certification by a
25 responsible official that meets the requirements of
26 subsection 5 of this Section and applicable
27 regulations.

28 ii. Inspection and entry requirements that
29 necessitate that, upon presentation of credentials
30 and other documents as may be required by law and in
31 accordance with constitutional limitations, the
32 permittee shall allow the Agency, or an authorized
33 representative to perform the following:

34 A. Enter upon the permittee's premises

1 where a CAAPP source is located or
2 emissions-related activity is conducted, or
3 where records must be kept under the conditions
4 of the permit.

5 B. Have access to and copy, at reasonable
6 times, any records that must be kept under the
7 conditions of the permit.

8 C. Inspect at reasonable times any
9 facilities, equipment (including monitoring and
10 air pollution control equipment), practices, or
11 operations regulated or required under the
12 permit.

13 D. Sample or monitor any substances or
14 parameters at any location:

15 1. As authorized by the Clean Air
16 Act, at reasonable times, for the purposes
17 of assuring compliance with the CAAPP
18 permit or applicable requirements; or

19 2. As otherwise authorized by this
20 Act.

21 iii. A schedule of compliance consistent with
22 subsection 5 of this Section and applicable
23 regulations.

24 iv. Progress reports consistent with an
25 applicable schedule of compliance pursuant to
26 paragraph 5(d) of this Section and applicable
27 regulations to be submitted semiannually, or more
28 frequently if the Agency determines that such more
29 frequent submittals are necessary for compliance
30 with the Act or regulations promulgated by the Board
31 thereunder. Such progress reports shall contain the
32 following:

33 A. Required dates for achieving the
34 activities, milestones, or compliance required

1 by the schedule of compliance and dates when
2 such activities, milestones or compliance were
3 achieved.

4 B. An explanation of why any dates in the
5 schedule of compliance were not or will not be
6 met, and any preventive or corrective measures
7 adopted.

8 v. Requirements for compliance certification
9 with terms and conditions contained in the permit,
10 including emission limitations, standards, or work
11 practices. Permits shall include each of the
12 following:

13 A. The frequency (annually or more
14 frequently as specified in any applicable
15 requirement or by the Agency pursuant to
16 written procedures) of submissions of
17 compliance certifications.

18 B. A means for assessing or monitoring
19 the compliance of the source with its emissions
20 limitations, standards, and work practices.

21 C. A requirement that the compliance
22 certification include the following:

23 1. The identification of each term
24 or condition contained in the permit that
25 is the basis of the certification.

26 2. The compliance status.

27 3. Whether compliance was continuous
28 or intermittent.

29 4. The method(s) used for
30 determining the compliance status of the
31 source, both currently and over the
32 reporting period consistent with
33 subsection 7 of Section 39.5 of the Act.

34 D. A requirement that all compliance

1 certifications be submitted to USEPA as well as
2 to the Agency.

3 E. Additional requirements as may be
4 specified pursuant to Sections 114(a)(3) and
5 504(b) of the Clean Air Act.

6 F. Other provisions as the Agency may
7 require.

8 q. If the owner or operator of CAAPP source can
9 demonstrate in its CAAPP application, including an
10 application for a significant modification, that an
11 alternative emission limit would be equivalent to that
12 contained in the applicable Board regulations, the Agency
13 shall include the alternative emission limit in the CAAPP
14 permit, which shall supersede the emission limit set
15 forth in the applicable Board regulations, and shall
16 include conditions that insure that the resulting
17 emission limit is quantifiable, accountable, enforceable,
18 and based on replicable procedures.

19 8. Public Notice; Affected State Review.

20 a. The Agency shall provide notice to the public,
21 including an opportunity for public comment and a
22 hearing, on each draft CAAPP permit for issuance, renewal
23 or significant modification, subject to Sections 7(a) and
24 7.1 of this Act.

25 b. The Agency shall prepare a draft CAAPP permit
26 and a statement that sets forth the legal and factual
27 basis for the draft CAAPP permit conditions, including
28 references to the applicable statutory or regulatory
29 provisions. The Agency shall provide this statement to
30 any person who requests it.

31 c. The Agency shall give notice of each draft CAAPP
32 permit to the applicant and to any affected State on or
33 before the time that the Agency has provided notice to
34 the public, except as otherwise provided in this Act.

1 d. The Agency, as part of its submittal of a
2 proposed permit to USEPA (or as soon as possible after
3 the submittal for minor permit modification procedures
4 allowed under subsection 14 of this Section), shall
5 notify USEPA and any affected State in writing of any
6 refusal of the Agency to accept all of the
7 recommendations for the proposed permit that an affected
8 State submitted during the public or affected State
9 review period. The notice shall include the Agency's
10 reasons for not accepting the recommendations. The
11 Agency is not required to accept recommendations that are
12 not based on applicable requirements or the requirements
13 of this Section.

14 e. The Agency shall make available to the public
15 any CAAPP permit application, compliance plan (including
16 the schedule of compliance), CAAPP permit, and emissions
17 or compliance monitoring report. If an owner or operator
18 of a CAAPP source is required to submit information
19 entitled to protection from disclosure under Section 7(a)
20 or Section 7.1 of this Act, the owner or operator shall
21 submit such information separately. The requirements of
22 Section 7(a) or Section 7.1 of this Act shall apply to
23 such information, which shall not be included in a CAAPP
24 permit unless required by law. The contents of a CAAPP
25 permit shall not be entitled to protection under Section
26 7(a) or Section 7.1 of this Act.

27 f. The Agency shall have the authority to adopt
28 procedural rules, in accordance with the Illinois
29 Administrative Procedure Act, as the Agency deems
30 necessary, to implement this subsection.

31 9. USEPA Notice and Objection.

32 a. The Agency shall provide to USEPA for its review
33 a copy of each CAAPP application (including any
34 application for permit modification), statement of basis

1 as provided in paragraph 8(b) of this Section, proposed
2 CAAPP permit, CAAPP permit, and, if the Agency does not
3 incorporate any affected State's recommendations on a
4 proposed CAAPP permit, a written statement of this
5 decision and its reasons for not accepting the
6 recommendations, except as otherwise provided in this Act
7 or by agreement with USEPA. To the extent practicable,
8 the preceding information shall be provided in computer
9 readable format compatible with USEPA's national database
10 management system.

11 b. The Agency shall not issue the proposed CAAPP
12 permit if USEPA objects in writing within 45 days of
13 receipt of the proposed CAAPP permit and all necessary
14 supporting information.

15 c. If USEPA objects in writing to the issuance of
16 the proposed CAAPP permit within the 45-day period, the
17 Agency shall respond in writing and may revise and
18 resubmit the proposed CAAPP permit in response to the
19 stated objection, to the extent supported by the record,
20 within 90 days after the date of the objection. Prior to
21 submitting a revised permit to USEPA, the Agency shall
22 provide the applicant and any person who participated in
23 the public comment process, pursuant to subsection 8 of
24 this Section, with a 10-day period to comment on any
25 revision which the Agency is proposing to make to the
26 permit in response to USEPA's objection in accordance
27 with Agency procedures.

28 d. Any USEPA objection under this subsection,
29 according to the Clean Air Act, will include a statement
30 of reasons for the objection and a description of the
31 terms and conditions that must be in the permit, in order
32 to adequately respond to the objections. Grounds for a
33 USEPA objection include the failure of the Agency to:
34 (1) submit the items and notices required under this

1 subsection; (2) submit any other information necessary to
2 adequately review the proposed CAAPP permit; or (3)
3 process the permit under subsection 8 of this Section
4 except for minor permit modifications.

5 e. If USEPA does not object in writing to issuance
6 of a permit under this subsection, any person may
7 petition USEPA within 60 days after expiration of the
8 45-day review period to make such objection.

9 f. If the permit has not yet been issued and USEPA
10 objects to the permit as a result of a petition, the
11 Agency shall not issue the permit until USEPA's objection
12 has been resolved. The Agency shall provide a 10-day
13 comment period in accordance with paragraph c of this
14 subsection. A petition does not, however, stay the
15 effectiveness of a permit or its requirements if the
16 permit was issued after expiration of the 45-day review
17 period and prior to a USEPA objection.

18 g. If the Agency has issued a permit after
19 expiration of the 45-day review period and prior to
20 receipt of a USEPA objection under this subsection in
21 response to a petition submitted pursuant to paragraph e
22 of this subsection, the Agency may, upon receipt of an
23 objection from USEPA, revise and resubmit the permit to
24 USEPA pursuant to this subsection after providing a
25 10-day comment period in accordance with paragraph c of
26 this subsection. If the Agency fails to submit a revised
27 permit in response to the objection, USEPA shall modify,
28 terminate or revoke the permit. In any case, the source
29 will not be in violation of the requirement to have
30 submitted a timely and complete application.

31 h. The Agency shall have the authority to adopt
32 procedural rules, in accordance with the Illinois
33 Administrative Procedure Act, as the Agency deems
34 necessary, to implement this subsection.

1 10. Final Agency Action.

2 a. The Agency shall issue a CAAPP permit, permit
3 modification, or permit renewal if all of the following
4 conditions are met:

5 i. The applicant has submitted a complete and
6 certified application for a permit, permit
7 modification, or permit renewal consistent with
8 subsections 5 and 14 of this Section, as applicable,
9 and applicable regulations.

10 ii. The applicant has submitted with its
11 complete application an approvable compliance plan,
12 including a schedule for achieving compliance,
13 consistent with subsection 5 of this Section and
14 applicable regulations.

15 iii. The applicant has timely paid the fees
16 required pursuant to subsection 18 of this Section
17 and applicable regulations.

18 iv. The Agency has received a complete CAAPP
19 application and, if necessary, has requested and
20 received additional information from the applicant
21 consistent with subsection 5 of this Section and
22 applicable regulations.

23 v. The Agency has complied with all applicable
24 provisions regarding public notice and affected
25 State review consistent with subsection 8 of this
26 Section and applicable regulations.

27 vi. The Agency has provided a copy of each
28 CAAPP application, or summary thereof, pursuant to
29 agreement with USEPA and proposed CAAPP permit
30 required under subsection 9 of this Section to
31 USEPA, and USEPA has not objected to the issuance of
32 the permit in accordance with the Clean Air Act and
33 40 CFR Part 70.

34 b. The Agency shall have the authority to deny a

1 CAAPP permit, permit modification, or permit renewal if
2 the applicant has not complied with the requirements of
3 paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA
4 objects to its issuance.

5 c. i. Prior to denial of a CAAPP permit, permit
6 modification, or permit renewal under this Section,
7 the Agency shall notify the applicant of the
8 possible denial and the reasons for the denial.

9 ii. Within such notice, the Agency shall
10 specify an appropriate date by which the applicant
11 shall adequately respond to the Agency's notice.
12 Such date shall not exceed 15 days from the date the
13 notification is received by the applicant. The
14 Agency may grant a reasonable extension for good
15 cause shown.

16 iii. Failure by the applicant to adequately
17 respond by the date specified in the notification or
18 by any granted extension date shall be grounds for
19 denial of the permit.

20 For purposes of obtaining judicial review under
21 Sections 40.2 and 41 of this Act, the Agency shall
22 provide to USEPA and each applicant, and, upon
23 request, to affected States, any person who
24 participated in the public comment process, and any
25 other person who could obtain judicial review under
26 Sections 40.2 and 41 of this Act, a copy of each
27 CAAPP permit or notification of denial pertaining to
28 that party.

29 d. The Agency shall have the authority to adopt
30 procedural rules, in accordance with the Illinois
31 Administrative Procedure Act, as the Agency deems
32 necessary, to implement this subsection.

33 11. General Permits.

34 a. The Agency may issue a general permit covering

1 numerous similar sources, except for affected sources for
2 acid deposition unless otherwise provided in regulations
3 promulgated under Title IV of the Clean Air Act.

4 b. The Agency shall identify, in any general
5 permit, criteria by which sources may qualify for the
6 general permit.

7 c. CAAPP sources that would qualify for a general
8 permit must apply for coverage under the terms of the
9 general permit or must apply for a CAAPP permit
10 consistent with subsection 5 of this Section and
11 applicable regulations.

12 d. The Agency shall comply with the public comment
13 and hearing provisions of this Section as well as the
14 USEPA and affected State review procedures prior to
15 issuance of a general permit.

16 e. When granting a subsequent request by a
17 qualifying CAAPP source for coverage under the terms of a
18 general permit, the Agency shall not be required to
19 repeat the public notice and comment procedures. The
20 granting of such request shall not be considered a final
21 permit action for purposes of judicial review.

22 f. The Agency may not issue a general permit to
23 cover any discrete emission unit at a CAAPP source if
24 another CAAPP permit covers emission units at the source.

25 g. The Agency shall have the authority to adopt
26 procedural rules, in accordance with the Illinois
27 Administrative Procedure Act, as the Agency deems
28 necessary, to implement this subsection.

29 12. Operational Flexibility.

30 a. An owner or operator of a CAAPP source may make
31 changes at the CAAPP source without requiring a prior
32 permit revision, consistent with subparagraphs (a) (i)
33 through (a) (iii) of this subsection, so long as the
34 changes are not modifications under any provision of

1 Title I of the Clean Air Act and they do not exceed the
2 emissions allowable under the permit (whether expressed
3 therein as a rate of emissions or in terms of total
4 emissions), provided that the owner or operator of the
5 CAAPP source provides USEPA and the Agency with written
6 notification as required below in advance of the proposed
7 changes, which shall be a minimum of 7 days, unless
8 otherwise provided by the Agency in applicable
9 regulations regarding emergencies. The owner or operator
10 of a CAAPP source and the Agency shall each attach such
11 notice to their copy of the relevant permit.

12 i. An owner or operator of a CAAPP source may
13 make Section 502 (b) (10) changes without a permit
14 revision, if the changes are not modifications under
15 any provision of Title I of the Clean Air Act and
16 the changes do not exceed the emissions allowable
17 under the permit (whether expressed therein as a
18 rate of emissions or in terms of total emissions).

19 A. For each such change, the written
20 notification required above shall include a
21 brief description of the change within the
22 source, the date on which the change will
23 occur, any change in emissions, and any permit
24 term or condition that is no longer applicable
25 as a result of the change.

26 B. The permit shield described in
27 paragraph 7(j) of this Section shall not apply
28 to any change made pursuant to this
29 subparagraph.

30 ii. An owner or operator of a CAAPP source may
31 trade increases and decreases in emissions in the
32 CAAPP source, where the applicable implementation
33 plan provides for such emission trades without
34 requiring a permit revision. This provision is

1 available in those cases where the permit does not
2 already provide for such emissions trading.

3 A. Under this subparagraph (a)(ii), the
4 written notification required above shall
5 include such information as may be required by
6 the provision in the applicable implementation
7 plan authorizing the emissions trade, including
8 at a minimum, when the proposed changes will
9 occur, a description of each such change, any
10 change in emissions, the permit requirements
11 with which the source will comply using the
12 emissions trading provisions of the applicable
13 implementation plan, and the pollutants emitted
14 subject to the emissions trade. The notice
15 shall also refer to the provisions in the
16 applicable implementation plan with which the
17 source will comply and provide for the
18 emissions trade.

19 B. The permit shield described in
20 paragraph 7(j) of this Section shall not apply
21 to any change made pursuant to this
22 subparagraph (a) (ii). Compliance with the
23 permit requirements that the source will meet
24 using the emissions trade shall be determined
25 according to the requirements of the applicable
26 implementation plan authorizing the emissions
27 trade.

28 iii. If requested within a CAAPP application,
29 the Agency shall issue a CAAPP permit which contains
30 terms and conditions, including all terms required
31 under subsection 7 of this Section to determine
32 compliance, allowing for the trading of emissions
33 increases and decreases at the CAAPP source solely
34 for the purpose of complying with a

1 federally-enforceable emissions cap that is
2 established in the permit independent of otherwise
3 applicable requirements. The owner or operator of a
4 CAAPP source shall include in its CAAPP application
5 proposed replicable procedures and permit terms that
6 ensure the emissions trades are quantifiable and
7 enforceable. The permit shall also require
8 compliance with all applicable requirements.

9 A. Under this subparagraph (a)(iii), the
10 written notification required above shall state
11 when the change will occur and shall describe
12 the changes in emissions that will result and
13 how these increases and decreases in emissions
14 will comply with the terms and conditions of
15 the permit.

16 B. The permit shield described in
17 paragraph 7(j) of this Section shall extend to
18 terms and conditions that allow such increases
19 and decreases in emissions.

20 b. An owner or operator of a CAAPP source may make
21 changes that are not addressed or prohibited by the
22 permit, other than those which are subject to any
23 requirements under Title IV of the Clean Air Act or are
24 modifications under any provisions of Title I of the
25 Clean Air Act, without a permit revision, in accordance
26 with the following requirements:

27 (i) Each such change shall meet all applicable
28 requirements and shall not violate any existing
29 permit term or condition;

30 (ii) Sources must provide contemporaneous
31 written notice to the Agency and USEPA of each such
32 change, except for changes that qualify as
33 insignificant under provisions adopted by the Agency
34 or the Board. Such written notice shall describe

1 each such change, including the date, any change in
2 emissions, pollutants emitted, and any applicable
3 requirement that would apply as a result of the
4 change;

5 (iii) The change shall not qualify for the
6 shield described in paragraph 7(j) of this Section;
7 and

8 (iv) The permittee shall keep a record
9 describing changes made at the source that result in
10 emissions of a regulated air pollutant subject to an
11 applicable Clean Air Act requirement, but not
12 otherwise regulated under the permit, and the
13 emissions resulting from those changes.

14 c. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary to implement this subsection.

18 13. Administrative Permit Amendments.

19 a. The Agency shall take final action on a request
20 for an administrative permit amendment within 60 days of
21 receipt of the request. Neither notice nor an
22 opportunity for public and affected State comment shall
23 be required for the Agency to incorporate such revisions,
24 provided it designates the permit revisions as having
25 been made pursuant to this subsection.

26 b. The Agency shall submit a copy of the revised
27 permit to USEPA.

28 c. For purposes of this Section the term
29 "administrative permit amendment" shall be defined as a
30 permit revision that can accomplish one or more of the
31 changes described below:

32 i. Corrects typographical errors;

33 ii. Identifies a change in the name, address,
34 or phone number of any person identified in the

1 permit, or provides a similar minor administrative
2 change at the source;

3 iii. Requires more frequent monitoring or
4 reporting by the permittee;

5 iv. Allows for a change in ownership or
6 operational control of a source where the Agency
7 determines that no other change in the permit is
8 necessary, provided that a written agreement
9 containing a specific date for transfer of permit
10 responsibility, coverage, and liability between the
11 current and new permittees has been submitted to the
12 Agency;

13 v. Incorporates into the CAAPP permit the
14 requirements from preconstruction review permits
15 authorized under a USEPA-approved program, provided
16 the program meets procedural and compliance
17 requirements substantially equivalent to those
18 contained in this Section;

19 vi. (Blank); or

20 vii. Any other type of change which USEPA has
21 determined as part of the approved CAAPP permit
22 program to be similar to those included in this
23 subsection.

24 d. The Agency shall, upon taking final action
25 granting a request for an administrative permit
26 amendment, allow coverage by the permit shield in
27 paragraph 7(j) of this Section for administrative permit
28 amendments made pursuant to subparagraph (c)(v) of this
29 subsection which meet the relevant requirements for
30 significant permit modifications.

31 e. Permit revisions and modifications, including
32 administrative amendments and automatic amendments
33 (pursuant to Sections 408(b) and 403(d) of the Clean Air
34 Act or regulations promulgated thereunder), for purposes

1 of the acid rain portion of the permit shall be governed
2 by the regulations promulgated under Title IV of the
3 Clean Air Act. Owners or operators of affected sources
4 for acid deposition shall have the flexibility to amend
5 their compliance plans as provided in the regulations
6 promulgated under Title IV of the Clean Air Act.

7 f. The CAAPP source may implement the changes
8 addressed in the request for an administrative permit
9 amendment immediately upon submittal of the request.

10 g. The Agency shall have the authority to adopt
11 procedural rules, in accordance with the Illinois
12 Administrative Procedure Act, as the Agency deems
13 necessary, to implement this subsection.

14 14. Permit Modifications.

15 a. Minor permit modification procedures.

16 i. The Agency shall review a permit
17 modification using the "minor permit" modification
18 procedures only for those permit modifications that:

19 A. Do not violate any applicable
20 requirement;

21 B. Do not involve significant changes to
22 existing monitoring, reporting, or
23 recordkeeping requirements in the permit;

24 C. Do not require a case-by-case
25 determination of an emission limitation or
26 other standard, or a source-specific
27 determination of ambient impacts, or a
28 visibility or increment analysis;

29 D. Do not seek to establish or change a
30 permit term or condition for which there is no
31 corresponding underlying requirement and which
32 avoids an applicable requirement to which the
33 source would otherwise be subject. Such terms
34 and conditions include:

1 1. A federally enforceable emissions
2 cap assumed to avoid classification as a
3 modification under any provision of Title
4 I of the Clean Air Act; and

5 2. An alternative emissions limit
6 approved pursuant to regulations
7 promulgated under Section 112(i)(5) of the
8 Clean Air Act;

9 E. Are not modifications under any
10 provision of Title I of the Clean Air Act; and

11 F. Are not required to be processed as a
12 significant modification.

13 ii. Notwithstanding subparagraphs (a)(i) and
14 (b)(ii) of this subsection, minor permit
15 modification procedures may be used for permit
16 modifications involving the use of economic
17 incentives, marketable permits, emissions trading,
18 and other similar approaches, to the extent that
19 such minor permit modification procedures are
20 explicitly provided for in an applicable
21 implementation plan or in applicable requirements
22 promulgated by USEPA.

23 iii. An applicant requesting the use of minor
24 permit modification procedures shall meet the
25 requirements of subsection 5 of this Section and
26 shall include the following in its application:

27 A. A description of the change, the
28 emissions resulting from the change, and any
29 new applicable requirements that will apply if
30 the change occurs;

31 B. The source's suggested draft permit;

32 C. Certification by a responsible
33 official, consistent with paragraph 5(e) of
34 this Section and applicable regulations, that

1 the proposed modification meets the criteria
2 for use of minor permit modification procedures
3 and a request that such procedures be used; and

4 D. Completed forms for the Agency to use
5 to notify USEPA and affected States as required
6 under subsections 8 and 9 of this Section.

7 iv. Within 5 working days of receipt of a
8 complete permit modification application, the Agency
9 shall notify USEPA and affected States of the
10 requested permit modification in accordance with
11 subsections 8 and 9 of this Section. The Agency
12 promptly shall send any notice required under
13 paragraph 8(d) of this Section to USEPA.

14 v. The Agency may not issue a final permit
15 modification until after the 45-day review period
16 for USEPA or until USEPA has notified the Agency
17 that USEPA will not object to the issuance of the
18 permit modification, whichever comes first, although
19 the Agency can approve the permit modification prior
20 to that time. Within 90 days of the Agency's
21 receipt of an application under the minor permit
22 modification procedures or 15 days after the end of
23 USEPA's 45-day review period under subsection 9 of
24 this Section, whichever is later, the Agency shall:

25 A. Issue the permit modification as
26 proposed;

27 B. Deny the permit modification
28 application;

29 C. Determine that the requested
30 modification does not meet the minor permit
31 modification criteria and should be reviewed
32 under the significant modification procedures;
33 or

34 D. Revise the draft permit modification

1 and transmit to USEPA the new proposed permit
2 modification as required by subsection 9 of
3 this Section.

4 vi. Any CAAPP source may make the change
5 proposed in its minor permit modification
6 application immediately after it files such
7 application. After the CAAPP source makes the
8 change allowed by the preceding sentence, and until
9 the Agency takes any of the actions specified in
10 subparagraphs (a)(v)(A) through (a)(v)(C) of this
11 subsection, the source must comply with both the
12 applicable requirements governing the change and the
13 proposed permit terms and conditions. During this
14 time period, the source need not comply with the
15 existing permit terms and conditions it seeks to
16 modify. If the source fails to comply with its
17 proposed permit terms and conditions during this
18 time period, the existing permit terms and
19 conditions which it seeks to modify may be enforced
20 against it.

21 vii. The permit shield under subparagraph 7(j)
22 of this Section may not extend to minor permit
23 modifications.

24 viii. If a construction permit is required,
25 pursuant to Section 39(a) of this Act and
26 regulations thereunder, for a change for which the
27 minor permit modification procedures are applicable,
28 the source may request that the processing of the
29 construction permit application be consolidated with
30 the processing of the application for the minor
31 permit modification. In such cases, the provisions
32 of this Section, including those within subsections
33 5, 8, and 9, shall apply and the Agency shall act on
34 such applications pursuant to subparagraph 14(a)(v).

1 The source may make the proposed change immediately
2 after filing its application for the minor permit
3 modification. Nothing in this subparagraph shall
4 otherwise affect the requirements and procedures
5 applicable to construction permits.

6 b. Group Processing of Minor Permit Modifications.

7 i. Where requested by an applicant within its
8 application, the Agency shall process groups of a
9 source's applications for certain modifications
10 eligible for minor permit modification processing
11 in accordance with the provisions of this paragraph
12 (b).

13 ii. Permit modifications may be processed in
14 accordance with the procedures for group processing,
15 for those modifications:

16 A. Which meet the criteria for minor
17 permit modification procedures under
18 subparagraph 14(a)(i) of this Section; and

19 B. That collectively are below 10 percent
20 of the emissions allowed by the permit for the
21 emissions unit for which change is requested,
22 20 percent of the applicable definition of
23 major source set forth in subsection 2 of this
24 Section, or 5 tons per year, whichever is
25 least.

26 iii. An applicant requesting the use of group
27 processing procedures shall meet the requirements of
28 subsection 5 of this Section and shall include the
29 following in its application:

30 A. A description of the change, the
31 emissions resulting from the change, and any
32 new applicable requirements that will apply if
33 the change occurs.

34 B. The source's suggested draft permit.

1 C. Certification by a responsible
2 official consistent with paragraph 5(e) of this
3 Section, that the proposed modification meets
4 the criteria for use of group processing
5 procedures and a request that such procedures
6 be used.

7 D. A list of the source's other pending
8 applications awaiting group processing, and a
9 determination of whether the requested
10 modification, aggregated with these other
11 applications, equals or exceeds the threshold
12 set under subparagraph (b)(ii)(B) of this
13 subsection.

14 E. Certification, consistent with
15 paragraph 5(e), that the source has notified
16 USEPA of the proposed modification. Such
17 notification need only contain a brief
18 description of the requested modification.

19 F. Completed forms for the Agency to use
20 to notify USEPA and affected states as required
21 under subsections 8 and 9 of this Section.

22 iv. On a quarterly basis or within 5 business
23 days of receipt of an application demonstrating that
24 the aggregate of a source's pending applications
25 equals or exceeds the threshold level set forth
26 within subparagraph (b)(ii)(B) of this subsection,
27 whichever is earlier, the Agency shall promptly
28 notify USEPA and affected States of the requested
29 permit modifications in accordance with subsections
30 8 and 9 of this Section. The Agency shall send any
31 notice required under paragraph 8(d) of this Section
32 to USEPA.

33 v. The provisions of subparagraph (a)(v) of
34 this subsection shall apply to modifications

1 eligible for group processing, except that the
2 Agency shall take one of the actions specified in
3 subparagraphs (a)(v)(A) through (a)(v)(D) of this
4 subsection within 180 days of receipt of the
5 application or 15 days after the end of USEPA's
6 45-day review period under subsection 9 of this
7 Section, whichever is later.

8 vi. The provisions of subparagraph (a)(vi) of
9 this subsection shall apply to modifications for
10 group processing.

11 vii. The provisions of paragraph 7(j) of this
12 Section shall not apply to modifications eligible
13 for group processing.

14 c. Significant Permit Modifications.

15 i. Significant modification procedures shall
16 be used for applications requesting significant
17 permit modifications and for those applications that
18 do not qualify as either minor permit modifications
19 or as administrative permit amendments.

20 ii. Every significant change in existing
21 monitoring permit terms or conditions and every
22 relaxation of reporting or recordkeeping
23 requirements shall be considered significant. A
24 modification shall also be considered significant if
25 in the judgment of the Agency action on an
26 application for modification would require decisions
27 to be made on technically complex issues. Nothing
28 herein shall be construed to preclude the permittee
29 from making changes consistent with this Section
30 that would render existing permit compliance terms
31 and conditions irrelevant.

32 iii. Significant permit modifications must
33 meet all the requirements of this Section, including
34 those for applications (including completeness

1 review), public participation, review by affected
2 States, and review by USEPA applicable to initial
3 permit issuance and permit renewal. The Agency
4 shall take final action on significant permit
5 modifications within 9 months after receipt of a
6 complete application.

7 d. The Agency shall have the authority to adopt
8 procedural rules, in accordance with the Illinois
9 Administrative Procedure Act, as the Agency deems
10 necessary, to implement this subsection.

11 15. Reopenings for Cause by the Agency.

12 a. Each issued CAAPP permit shall include
13 provisions specifying the conditions under which the
14 permit will be reopened prior to the expiration of the
15 permit. Such revisions shall be made as expeditiously as
16 practicable. A CAAPP permit shall be reopened and
17 revised under any of the following circumstances, in
18 accordance with procedures adopted by the Agency:

19 i. Additional requirements under the Clean Air
20 Act become applicable to a major CAAPP source for
21 which 3 or more years remain on the original term of
22 the permit. Such a reopening shall be completed not
23 later than 18 months after the promulgation of the
24 applicable requirement. No such revision is
25 required if the effective date of the requirement is
26 later than the date on which the permit is due to
27 expire.

28 ii. Additional requirements (including excess
29 emissions requirements) become applicable to an
30 affected source for acid deposition under the acid
31 rain program. Excess emissions offset plans shall
32 be deemed to be incorporated into the permit upon
33 approval by USEPA.

34 iii. The Agency or USEPA determines that the

1 permit contains a material mistake or that
2 inaccurate statements were made in establishing the
3 emissions standards, limitations, or other terms or
4 conditions of the permit.

5 iv. The Agency or USEPA determines that the
6 permit must be revised or revoked to assure
7 compliance with the applicable requirements.

8 b. In the event that the Agency determines that
9 there are grounds for revoking a CAAPP permit, for cause,
10 consistent with paragraph a of this subsection, it shall
11 file a petition before the Board setting forth the basis
12 for such revocation. In any such proceeding, the Agency
13 shall have the burden of establishing that the permit
14 should be revoked under the standards set forth in this
15 Act and the Clean Air Act. Any such proceeding shall be
16 conducted pursuant to the Board's procedures for
17 adjudicatory hearings and the Board shall render its
18 decision within 120 days of the filing of the petition.
19 The Agency shall take final action to revoke and reissue
20 a CAAPP permit consistent with the Board's order.

21 c. Proceedings regarding a reopened CAAPP permit
22 shall follow the same procedures as apply to initial
23 permit issuance and shall affect only those parts of the
24 permit for which cause to reopen exists.

25 d. Reopenings under paragraph (a) of this
26 subsection shall not be initiated before a notice of such
27 intent is provided to the CAAPP source by the Agency at
28 least 30 days in advance of the date that the permit is
29 to be reopened, except that the Agency may provide a
30 shorter time period in the case of an emergency.

31 e. The Agency shall have the authority to adopt
32 procedural rules, in accordance with the Illinois
33 Administrative Procedure Act, as the Agency deems
34 necessary, to implement this subsection.

1 16. Reopenings for Cause by USEPA.

2 a. When USEPA finds that cause exists to terminate,
3 modify, or revoke and reissue a CAAPP permit pursuant to
4 subsection 15 of this Section, and thereafter notifies
5 the Agency and the permittee of such finding in writing,
6 the Agency shall forward to USEPA and the permittee a
7 proposed determination of termination, modification, or
8 revocation and reissuance as appropriate, in accordance
9 with paragraph b of this subsection. The Agency's
10 proposed determination shall be in accordance with the
11 record, the Clean Air Act, regulations promulgated
12 thereunder, this Act and regulations promulgated
13 thereunder. Such proposed determination shall not affect
14 the permit or constitute a final permit action for
15 purposes of this Act or the Administrative Review Law.
16 The Agency shall forward to USEPA such proposed
17 determination within 90 days after receipt of the
18 notification from USEPA. If additional time is necessary
19 to submit the proposed determination, the Agency shall
20 request a 90-day extension from USEPA and shall submit
21 the proposed determination within 180 days of receipt of
22 notification from USEPA.

23 b. i. Prior to the Agency's submittal to USEPA
24 of a proposed determination to terminate or revoke
25 and reissue the permit, the Agency shall file a
26 petition before the Board setting forth USEPA's
27 objection, the permit record, the Agency's proposed
28 determination, and the justification for its
29 proposed determination. The Board shall conduct a
30 hearing pursuant to the rules prescribed by Section
31 32 of this Act, and the burden of proof shall be on
32 the Agency.

33 ii. After due consideration of the written and
34 oral statements, the testimony and arguments that

1 shall be submitted at hearing, the Board shall issue
2 and enter an interim order for the proposed
3 determination, which shall set forth all changes, if
4 any, required in the Agency's proposed
5 determination. The interim order shall comply with
6 the requirements for final orders as set forth in
7 Section 33 of this Act. Issuance of an interim order
8 by the Board under this paragraph, however, shall
9 not affect the permit status and does not constitute
10 a final action for purposes of this Act or the
11 Administrative Review Law.

12 iii. The Board shall cause a copy of its
13 interim order to be served upon all parties to the
14 proceeding as well as upon USEPA. The Agency shall
15 submit the proposed determination to USEPA in
16 accordance with the Board's Interim Order within 180
17 days after receipt of the notification from USEPA.

18 c. USEPA shall review the proposed determination to
19 terminate, modify, or revoke and reissue the permit
20 within 90 days of receipt.

21 i. When USEPA reviews the proposed
22 determination to terminate or revoke and reissue and
23 does not object, the Board shall, within 7 days of
24 receipt of USEPA's final approval, enter the interim
25 order as a final order. The final order may be
26 appealed as provided by Title XI of this Act. The
27 Agency shall take final action in accordance with
28 the Board's final order.

29 ii. When USEPA reviews such proposed
30 determination to terminate or revoke and reissue and
31 objects, the Agency shall submit USEPA's objection
32 and the Agency's comments and recommendation on the
33 objection to the Board and permittee. The Board
34 shall review its interim order in response to

1 USEPA's objection and the Agency's comments and
2 recommendation and issue a final order in accordance
3 with Sections 32 and 33 of this Act. The Agency
4 shall, within 90 days after receipt of such
5 objection, respond to USEPA's objection in
6 accordance with the Board's final order.

7 iii. When USEPA reviews such proposed
8 determination to modify and objects, the Agency
9 shall, within 90 days after receipt of the
10 objection, resolve the objection and modify the
11 permit in accordance with USEPA's objection, based
12 upon the record, the Clean Air Act, regulations
13 promulgated thereunder, this Act, and regulations
14 promulgated thereunder.

15 d. If the Agency fails to submit the proposed
16 determination pursuant to paragraph a of this subsection
17 or fails to resolve any USEPA objection pursuant to
18 paragraph c of this subsection, USEPA will terminate,
19 modify, or revoke and reissue the permit.

20 e. The Agency shall have the authority to adopt
21 procedural rules, in accordance with the Illinois
22 Administrative Procedure Act, as the Agency deems
23 necessary, to implement this subsection.

24 17. Title IV; Acid Rain Provisions.

25 a. The Agency shall act on initial CAAPP
26 applications for affected sources for acid deposition in
27 accordance with this Section and Title V of the Clean Air
28 Act and regulations promulgated thereunder, except as
29 modified by Title IV of the Clean Air Act and regulations
30 promulgated thereunder. The Agency shall issue initial
31 CAAPP permits to the affected sources for acid deposition
32 which shall become effective no earlier than January 1,
33 1995, and which shall terminate on December 31, 1999, in
34 accordance with this Section. Subsequent CAAPP permits

1 issued to affected sources for acid deposition shall be
2 issued for a fixed term of 5 years. Title IV of the Clean
3 Air Act and regulations promulgated thereunder, including
4 but not limited to 40 C.F.R. Part 72, as now or hereafter
5 amended, are applicable to and enforceable under this
6 Act.

7 b. A designated representative of an affected
8 source for acid deposition shall submit a timely and
9 complete Phase II acid rain permit application and
10 compliance plan to the Agency, not later than January 1,
11 1996, that meets the requirements of Titles IV and V of
12 the Clean Air Act and regulations. The Agency shall act
13 on the Phase II acid rain permit application and
14 compliance plan in accordance with this Section and Title
15 V of the Clean Air Act and regulations promulgated
16 thereunder, except as modified by Title IV of the Clean
17 Air Act and regulations promulgated thereunder. The
18 Agency shall issue the Phase II acid rain permit to an
19 affected source for acid deposition no later than
20 December 31, 1997, which shall become effective on
21 January 1, 2000, in accordance with this Section, except
22 as modified by Title IV and regulations promulgated
23 thereunder; provided that the designated representative
24 of the source submitted a timely and complete Phase II
25 permit application and compliance plan to the Agency that
26 meets the requirements of Title IV and V of the Clean Air
27 Act and regulations.

28 c. Each Phase II acid rain permit issued in
29 accordance with this subsection shall have a fixed term
30 of 5 years. Except as provided in paragraph b above, the
31 Agency shall issue or deny a Phase II acid rain permit
32 within 18 months of receiving a complete Phase II permit
33 application and compliance plan.

34 d. A designated representative of a new unit, as

1 defined in Section 402 of the Clean Air Act, shall submit
2 a timely and complete Phase II acid rain permit
3 application and compliance plan that meets the
4 requirements of Titles IV and V of the Clean Air Act and
5 its regulations. The Agency shall act on the new unit's
6 Phase II acid rain permit application and compliance plan
7 in accordance with this Section and Title V of the Clean
8 Air Act and its regulations, except as modified by Title
9 IV of the Clean Air Act and its regulations. The Agency
10 shall reopen the new unit's CAAPP permit for cause to
11 incorporate the approved Phase II acid rain permit in
12 accordance with this Section. The Phase II acid rain
13 permit for the new unit shall become effective no later
14 than the date required under Title IV of the Clean Air
15 Act and its regulations.

16 e. A designated representative of an affected
17 source for acid deposition shall submit a timely and
18 complete Title IV NOx permit application to the Agency,
19 not later than January 1, 1998, that meets the
20 requirements of Titles IV and V of the Clean Air Act and
21 its regulations. The Agency shall reopen the Phase II
22 acid rain permit for cause and incorporate the approved
23 NOx provisions into the Phase II acid rain permit not
24 later than January 1, 1999, in accordance with this
25 Section, except as modified by Title IV of the Clean Air
26 Act and regulations promulgated thereunder. Such
27 reopening shall not affect the term of the Phase II acid
28 rain permit.

29 f. The designated representative of the affected
30 source for acid deposition shall renew the initial CAAPP
31 permit and Phase II acid rain permit in accordance with
32 this Section and Title V of the Clean Air Act and
33 regulations promulgated thereunder, except as modified by
34 Title IV of the Clean Air Act and regulations promulgated

1 thereunder.

2 g. In the case of an affected source for acid
3 deposition for which a complete Phase II acid rain permit
4 application and compliance plan are timely received under
5 this subsection, the complete permit application and
6 compliance plan, including amendments thereto, shall be
7 binding on the owner, operator and designated
8 representative, all affected units for acid deposition at
9 the affected source, and any other unit, as defined in
10 Section 402 of the Clean Air Act, governed by the Phase
11 II acid rain permit application and shall be enforceable
12 as an acid rain permit for purposes of Titles IV and V of
13 the Clean Air Act, from the date of submission of the
14 acid rain permit application until a Phase II acid rain
15 permit is issued or denied by the Agency.

16 h. The Agency shall not include or implement any
17 measure which would interfere with or modify the
18 requirements of Title IV of the Clean Air Act or
19 regulations promulgated thereunder.

20 i. Nothing in this Section shall be construed as
21 affecting allowances or USEPA's decision regarding an
22 excess emissions offset plan, as set forth in Title IV of
23 the Clean Air Act or regulations promulgated thereunder.

24 i. No permit revision shall be required for
25 increases in emissions that are authorized by
26 allowances acquired pursuant to the acid rain
27 program, provided that such increases do not require
28 a permit revision under any other applicable
29 requirement.

30 ii. No limit shall be placed on the number of
31 allowances held by the source. The source may not,
32 however, use allowances as a defense to
33 noncompliance with any other applicable requirement.

34 iii. Any such allowance shall be accounted for

1 according to the procedures established in
2 regulations promulgated under Title IV of the Clean
3 Air Act.

4 j. To the extent that the federal regulations
5 promulgated under Title IV, including but not limited to
6 40 C.F.R. Part 72, as now or hereafter amended, are
7 inconsistent with the federal regulations promulgated
8 under Title V, the federal regulations promulgated under
9 Title IV shall take precedence.

10 k. The USEPA may intervene as a matter of right in
11 any permit appeal involving a Phase II acid rain permit
12 provision or denial of a Phase II acid rain permit.

13 l. It is unlawful for any owner or operator to
14 violate any terms or conditions of a Phase II acid rain
15 permit issued under this subsection, to operate any
16 affected source for acid deposition except in compliance
17 with a Phase II acid rain permit issued by the Agency
18 under this subsection, or to violate any other applicable
19 requirements.

20 m. The designated representative of an affected
21 source for acid deposition shall submit to the Agency the
22 data and information submitted quarterly to USEPA,
23 pursuant to 40 CFR 75.64, concurrently with the
24 submission to USEPA. The submission shall be in the same
25 electronic format as specified by USEPA.

26 n. The Agency shall act on any petition for
27 exemption of a new unit or retired unit, as those terms
28 are defined in Section 402 of the Clean Air Act, from the
29 requirements of the acid rain program in accordance with
30 Title IV of the Clean Air Act and its regulations.

31 o. The Agency shall have the authority to adopt
32 procedural rules, in accordance with the Illinois
33 Administrative Procedure Act, as the Agency deems
34 necessary to implement this subsection.

1 18. Fee Provisions.

2 a. For each 12 month period after the date on which
3 the USEPA approves or conditionally approves the CAAPP,
4 but in no event prior to January 1, 1994, a source
5 subject to this Section or excluded under subsection 1.1
6 or paragraph 3(c) of this Section, shall pay a fee as
7 provided in this part (a) of this subsection 18.
8 However, a source that has been excluded from the
9 provisions of this Section under subsection 1.1 or
10 paragraph 3(c) of this Section because the source emits
11 less than 25 tons per year of any combination of
12 regulated air pollutants shall pay fees in accordance
13 with paragraph (1) of subsection (b) of Section 9.6.

14 i. The fee for a source allowed to emit less
15 than 100 tons per year of any combination of
16 regulated air pollutants shall be \$1,000 ~~\$1,800~~ per
17 year.

18 ii. The fee for a source allowed to emit 100
19 tons or more per year of any combination of
20 regulated air pollutants, except for those regulated
21 air pollutants excluded in paragraph 18(f) of this
22 subsection, shall be as follows:

23 A. The Agency shall assess an annual fee
24 of \$13.50 ~~\$18.00~~ per ton for the allowable
25 emissions of all regulated air pollutants at
26 that source during the term of the permit.
27 These fees shall be used by the Agency and the
28 Board to fund the activities required by Title
29 V of the Clean Air Act including such
30 activities as may be carried out by other State
31 or local agencies pursuant to paragraph (d) of
32 this subsection. The amount of such fee shall
33 be based on the information supplied by the
34 applicant in its complete CAAPP permit

1 application or in the CAAPP permit if the
2 permit has been granted and shall be determined
3 by the amount of emissions that the source is
4 allowed to emit annually, provided however,
5 that no source shall be required to pay an
6 annual fee in excess of \$100,000 ~~\$250,000~~. The
7 Agency shall provide as part of the permit
8 application form required under subsection 5 of
9 this Section a separate fee calculation form
10 which will allow the applicant to identify the
11 allowable emissions and calculate the fee for
12 the term of the permit. In no event shall the
13 Agency raise the amount of allowable emissions
14 requested by the applicant unless such
15 increases are required to demonstrate
16 compliance with terms of a CAAPP permit.

17 Notwithstanding the above, any applicant
18 may seek a change in its permit which would
19 result in increases in allowable emissions due
20 to an increase in the hours of operation or
21 production rates of an emission unit or units
22 and such a change shall be consistent with the
23 construction permit requirements of the
24 existing State permit program, under Section
25 39(a) of this Act and applicable provisions of
26 this Section. Where a construction permit is
27 required, the Agency shall expeditiously grant
28 such construction permit and shall, if
29 necessary, modify the CAAPP permit based on the
30 same application.

31 B. The applicant or permittee may pay the
32 fee annually or semiannually for those fees
33 greater than \$5,000. However, any applicant
34 paying a fee equal to or greater than \$100,000

1 shall pay the full amount on July 1, for the
2 subsequent fiscal year, or pay 50% of the fee
3 on July 1 and the remaining 50% by the next
4 January 1. The Agency may change any annual
5 billing date upon reasonable notice, but shall
6 prorate the new bill so that the permittee or
7 applicant does not pay more than its required
8 fees for the fee period for which payment is
9 made.

10 b. (Blank).

11 c. (Blank).

12 d. There is hereby created in the State Treasury a
13 special fund to be known as the "CAA Permit Fund". All
14 Funds collected by the Agency pursuant to this subsection
15 shall be deposited into the Fund. The General Assembly
16 shall appropriate monies from this Fund to the Agency and
17 to the Board to carry out their obligations under this
18 Section. The General Assembly may also authorize monies
19 to be granted by the Agency from this Fund to other State
20 and local agencies which perform duties related to the
21 CAAPP. Interest generated on the monies deposited in this
22 Fund shall be returned to the Fund.

23 e. The Agency shall have the authority to adopt
24 procedural rules, in accordance with the Illinois
25 Administrative Procedure Act, as the Agency deems
26 necessary to implement this subsection.

27 f. For purposes of this subsection, the term
28 "regulated air pollutant" shall have the meaning given to
29 it under subsection 1 of this Section but shall exclude
30 the following:

31 i. carbon monoxide;

32 ii. any Class I or II substance which is a
33 regulated air pollutant solely because it is listed
34 pursuant to Section 602 of the Clean Air Act; and

1 iii. any pollutant that is a regulated air
2 pollutant solely because it is subject to a standard
3 or regulation under Section 112(r) of the Clean Air
4 Act based on the emissions allowed in the permit
5 effective in that calendar year, at the time the
6 applicable bill is generated.

7 19. Air Toxics Provisions.

8 a. In the event that the USEPA fails to promulgate
9 in a timely manner a standard pursuant to Section 112(d)
10 of the Clean Air Act, the Agency shall have the authority
11 to issue permits, pursuant to Section 112(j) of the Clean
12 Air Act and regulations promulgated thereunder, which
13 contain emission limitations which are equivalent to the
14 emission limitations that would apply to a source if an
15 emission standard had been promulgated in a timely manner
16 by USEPA pursuant to Section 112(d). Provided, however,
17 that the owner or operator of a source shall have the
18 opportunity to submit to the Agency a proposed emission
19 limitation which it determines to be equivalent to the
20 emission limitations that would apply to such source if
21 an emission standard had been promulgated in a timely
22 manner by USEPA. If the Agency refuses to include the
23 emission limitation proposed by the owner or operator in
24 a CAAPP permit, the owner or operator may petition the
25 Board to establish whether the emission limitation
26 proposal submitted by the owner or operator provides for
27 emission limitations which are equivalent to the emission
28 limitations that would apply to the source if the
29 emission standard had been promulgated by USEPA in a
30 timely manner. The Board shall determine whether the
31 emission limitation proposed by the owner or operator or
32 an alternative emission limitation proposed by the Agency
33 provides for the level of control required under Section
34 112 of the Clean Air Act, or shall otherwise establish an

1 appropriate emission limitation, pursuant to Section 112
2 of the Clean Air Act.

3 b. Any Board proceeding brought under paragraph (a)
4 or (e) of this subsection shall be conducted according to
5 the Board's procedures for adjudicatory hearings and the
6 Board shall render its decision within 120 days of the
7 filing of the petition. Any such decision shall be
8 subject to review pursuant to Section 41 of this Act.
9 Where USEPA promulgates an applicable emission standard
10 prior to the issuance of the CAAPP permit, the Agency
11 shall include in the permit the promulgated standard,
12 provided that the source shall have the compliance period
13 provided under Section 112(i) of the Clean Air Act. Where
14 USEPA promulgates an applicable standard subsequent to
15 the issuance of the CAAPP permit, the Agency shall revise
16 such permit upon the next renewal to reflect the
17 promulgated standard, providing a reasonable time for the
18 applicable source to comply with the standard, but no
19 longer than 8 years after the date on which the source is
20 first required to comply with the emissions limitation
21 established under this subsection.

22 c. The Agency shall have the authority to implement
23 and enforce complete or partial emission standards
24 promulgated by USEPA pursuant to Section 112(d), and
25 standards promulgated by USEPA pursuant to Sections
26 112(f), 112(h), 112(m), and 112(n), and may accept
27 delegation of authority from USEPA to implement and
28 enforce Section 112(l) and requirements for the
29 prevention and detection of accidental releases pursuant
30 to Section 112(r) of the Clean Air Act.

31 d. The Agency shall have the authority to issue
32 permits pursuant to Section 112(i)(5) of the Clean Air
33 Act.

34 e. The Agency has the authority to implement

1 Section 112(g) of the Clean Air Act consistent with the
2 Clean Air Act and federal regulations promulgated
3 thereunder. If the Agency refuses to include the emission
4 limitations proposed in an application submitted by an
5 owner or operator for a case-by-case maximum achievable
6 control technology (MACT) determination, the owner or
7 operator may petition the Board to determine whether the
8 emission limitation proposed by the owner or operator or
9 an alternative emission limitation proposed by the Agency
10 provides for a level of control required by Section 112
11 of the Clean Air Act, or to otherwise establish an
12 appropriate emission limitation under Section 112 of the
13 Clean Air Act.

14 20. Small Business.

15 a. For purposes of this subsection:

16 "Program" is the Small Business Stationary Source
17 Technical and Environmental Compliance Assistance Program
18 created within this State pursuant to Section 507 of the
19 Clean Air Act and guidance promulgated thereunder, to
20 provide technical assistance and compliance information
21 to small business stationary sources;

22 "Small Business Assistance Program" is a component
23 of the Program responsible for providing sufficient
24 communications with small businesses through the
25 collection and dissemination of information to small
26 business stationary sources; and

27 "Small Business Stationary Source" means a
28 stationary source that:

29 1. is owned or operated by a person that
30 employs 100 or fewer individuals;

31 2. is a small business concern as defined in
32 the "Small Business Act";

33 3. is not a major source as that term is
34 defined in subsection 2 of this Section;

1 4. does not emit 50 tons or more per year of
2 any regulated air pollutant; and

3 5. emits less than 75 tons per year of all
4 regulated pollutants.

5 b. The Agency shall adopt and submit to USEPA,
6 after reasonable notice and opportunity for public
7 comment, as a revision to the Illinois state
8 implementation plan, plans for establishing the Program.

9 c. The Agency shall have the authority to enter
10 into such contracts and agreements as the Agency deems
11 necessary to carry out the purposes of this subsection.

12 d. The Agency may establish such procedures as it
13 may deem necessary for the purposes of implementing and
14 executing its responsibilities under this subsection.

15 e. There shall be appointed a Small Business
16 Ombudsman (hereinafter in this subsection referred to as
17 "Ombudsman") to monitor the Small Business Assistance
18 Program. The Ombudsman shall be a nonpartisan designated
19 official, with the ability to independently assess
20 whether the goals of the Program are being met.

21 f. The State Ombudsman Office shall be located in
22 an existing Ombudsman office within the State or in any
23 State Department.

24 g. There is hereby created a State Compliance
25 Advisory Panel (hereinafter in this subsection referred
26 to as "Panel") for determining the overall effectiveness
27 of the Small Business Assistance Program within this
28 State.

29 h. The selection of Panel members shall be by the
30 following method:

31 1. The Governor shall select two members who
32 are not owners or representatives of owners of small
33 business stationary sources to represent the general
34 public;

1 2. The Director of the Agency shall select one
2 member to represent the Agency; and

3 3. The State Legislature shall select four
4 members who are owners or representatives of owners
5 of small business stationary sources. Both the
6 majority and minority leadership in both Houses of
7 the Legislature shall appoint one member of the
8 panel.

9 i. Panel members should serve without compensation
10 but will receive full reimbursement for expenses
11 including travel and per diem as authorized within this
12 State.

13 j. The Panel shall select its own Chair by a
14 majority vote. The Chair may meet and consult with the
15 Ombudsman and the head of the Small Business Assistance
16 Program in planning the activities for the Panel.

17 21. Temporary Sources.

18 a. The Agency may issue a single permit authorizing
19 emissions from similar operations by the same source
20 owner or operator at multiple temporary locations, except
21 for sources which are affected sources for acid
22 deposition under Title IV of the Clean Air Act.

23 b. The applicant must demonstrate that the
24 operation is temporary and will involve at least one
25 change of location during the term of the permit.

26 c. Any such permit shall meet all applicable
27 requirements of this Section and applicable regulations,
28 and include conditions assuring compliance with all
29 applicable requirements at all authorized locations and
30 requirements that the owner or operator notify the Agency
31 at least 10 days in advance of each change in location.

32 22. Solid Waste Incineration Units.

33 a. A CAAPP permit for a solid waste incineration

1 unit combusting municipal waste subject to standards
2 promulgated under Section 129(e) of the Clean Air Act
3 shall be issued for a period of 12 years and shall be
4 reviewed every 5 years, unless the Agency requires more
5 frequent review through Agency procedures.

6 b. During the review in paragraph (a) of this
7 subsection, the Agency shall fully review the previously
8 submitted CAAPP permit application and corresponding
9 reports subsequently submitted to determine whether the
10 source is in compliance with all applicable requirements.

11 c. If the Agency determines that the source is not
12 in compliance with all applicable requirements it shall
13 revise the CAAPP permit as appropriate.

14 d. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary, to implement this subsection.

18 (Source: P.A. 92-24, eff. 7-1-01; 93-32, eff. 7-1-03.)

19 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

20 Sec. 55.8. Tire retailers.

21 (a) ~~Beginning July 17, 1992,~~ Any person selling new or
22 used tires at retail or offering new or used tires for retail
23 sale in this State shall:

24 (1) beginning on the effective date of this
25 amendatory Act of the 93rd General Assembly, collect from
26 retail customers a fee of \$1 \$2 per new or and used tire
27 sold and delivered in this State, to be paid to the
28 Department of Revenue and deposited into the Used Tire
29 Management Fund, less a collection allowance of 10 cents
30 per tire to be retained by the retail seller and a
31 collection allowance of 10 cents per tire to be retained
32 by the Department of Revenue and paid into the General
33 Revenue Fund;

1 (1.5) beginning on July 1, 2003, collect from
2 retail customers an additional 50 cents per new or used
3 tire sold and delivered in this State. The money
4 collected from this fee shall be deposited into the
5 Emergency Public Health Fund. This fee shall no longer
6 be collected beginning on the effective date of this
7 amendatory Act of the 93rd General Assembly; January--17,
8 2008.

9 (2) accept for recycling used tires from customers,
10 at the point of transfer, in a quantity equal to the
11 number of new tires purchased; and

12 (3) post in a conspicuous place a written notice at
13 least 8.5 by 11 inches in size that includes the
14 universal recycling symbol and the following statements:
15 "DO NOT put used tires in the trash."; "Recycle your used
16 tires."; and "State law requires us to accept used tires
17 for recycling, in exchange for new tires purchased."

18 (b) A person who accepts used tires for recycling under
19 subsection (a) shall not allow the tires to accumulate for
20 periods of more than 90 days.

21 (c) The requirements of subsection (a) of this Section
22 do not apply to mail order sales nor shall the retail sale of
23 a motor vehicle be considered to be the sale of tires at
24 retail or offering of tires for retail sale. Instead of
25 filing returns, retailers of tires may remit the tire user
26 fee of \$1.00 per tire to their suppliers of tires if the
27 supplier of tires is a registered retailer of tires and
28 agrees or otherwise arranges to collect and remit the tire
29 fee to the Department of Revenue, notwithstanding the fact
30 that the sale of the tire is a sale for resale and not a sale
31 at retail. A tire supplier who enters into such an
32 arrangement with a tire retailer shall be liable for the tax
33 on all tires sold to the tire retailer and must (i) provide
34 the tire retailer with a receipt that separately reflects the

1 tire tax collected from the retailer on each transaction and
2 (ii) accept used tires for recycling from the retailer's
3 customers. The tire supplier shall be entitled to the
4 collection allowance of 10 cents per tire.

5 The retailer of the tires must maintain in its books and
6 records evidence that the appropriate fee was paid to the
7 tire supplier and that the tire supplier has agreed to remit
8 the fee to the Department of Revenue for each tire sold by
9 the retailer. Otherwise, the tire retailer shall be directly
10 liable for the fee on all tires sold at retail. Tire
11 retailers paying the fee to their suppliers are not entitled
12 to the collection allowance of 10 cents per tire.

13 (d) The requirements of subsection (a) of this Section
14 shall apply exclusively to tires to be used for vehicles
15 defined in Section 1-217 of the Illinois Vehicle Code,
16 aircraft tires, special mobile equipment, and implements of
17 husbandry.

18 (e) The requirements of paragraph (1) of subsection (a)
19 do not apply to the sale of reprocessed tires. For purposes
20 of this Section, "reprocessed tire" means a used tire that
21 has been recapped, retreaded, or regrooved and that has not
22 been placed on a vehicle wheel rim.

23 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03;
24 revised 10-13-03.)

25 (415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)

26 Sec. 56.4. Medical waste manifests.

27 (a) Manifests for potentially infectious medical waste
28 shall consist of an original (the first page of the form) and
29 3 copies. Upon delivery of potentially infectious medical
30 waste by a generator to a transporter, the transporter shall
31 deliver one copy of the completed manifest to the generator.
32 Upon delivery of potentially infectious medical waste by a
33 transporter to a treatment or disposal facility, the

1 transporter shall keep one copy of the completed manifest,
2 and the transporter shall deliver the original and one copy
3 of the completed manifest to the treatment or disposal
4 facility. The treatment or disposal facility shall keep one
5 copy of the completed manifest and return the original to the
6 generator within 35 days. The manifest, as provided for in
7 this Section, shall not terminate while being transferred
8 between the generator, transporter, transfer station, or
9 storage facility, unless transfer activities are conducted at
10 the treatment or disposal facility. The manifest shall
11 terminate at the treatment or disposal facility.

12 (b) Potentially infectious medical waste manifests shall
13 be in a form prescribed and provided by the Agency.
14 Generators and transporters of potentially infectious medical
15 waste and facilities accepting potentially infectious medical
16 waste are not required to submit copies of such manifests to
17 the Agency. The manifest described in this Section shall be
18 used for the transportation of potentially infectious medical
19 waste instead of the manifest described in Section 22.01 of
20 this Act. Copies of each manifest shall be retained for 3
21 years by generators, transporters, and facilities, and shall
22 be available for inspection and copying by the Agency.

23 (c) The Agency shall assess a fee of \$2 ~~\$4.00~~ for each
24 potentially infectious medical waste manifest provided by the
25 Agency.

26 (d) All fees collected by the Agency under this Section
27 shall be deposited into the Environmental Protection Permit
28 and Inspection Fund. The Agency may establish procedures
29 relating to the collection of fees under this Section. The
30 Agency shall not refund any fee paid to it under this
31 Section.

32 (Source: P.A. 93-32, eff. 7-1-03.)

33 (415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

1 Sec. 56.5. Medical waste hauling fees.

2 (a) The Agency shall annually collect a \$1,000 ~~\$2000~~ fee
3 for each potentially infectious medical waste hauling permit
4 application and, in addition, shall collect a fee of \$250 for
5 each potentially infectious medical waste hauling vehicle
6 identified in the annual permit application and for each
7 vehicle that is added to the permit during the annual period.
8 Each applicant required to pay a fee under this Section shall
9 submit the fee along with the permit application. The Agency
10 shall deny any permit application for which a fee is required
11 under this Section that does not contain the appropriate fee.

12 (b) All fees collected by the Agency under this Section
13 shall be deposited into the Environmental Protection Permit
14 and Inspection Fund. The Agency may establish procedures
15 relating to the collection of fees under this Section. The
16 Agency shall not refund any fee paid to it under this
17 Section.

18 (c) The Agency shall not collect a fee under this
19 Section from any hospital that transports only potentially
20 infectious medical waste generated by its own activities or
21 by members of its medical staff.

22 (Source: P.A. 93-32, eff. 7-1-03.)

23 (415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

24 Sec. 56.6. Medical waste transportation fees.

25 (a) The Agency shall collect from each transporter of
26 potentially infectious medical waste required to have a
27 permit under Section 56.1(f) of this Act a fee in the amount
28 of 1.5 ~~3~~ cents per pound of potentially infectious medical
29 waste transported. The Agency shall collect from each
30 transporter of potentially infectious medical waste not
31 required to have a permit under Section 56.1(f)(1)(A) of this
32 Act a fee in the amount of 1.5 ~~3~~ cents per pound of
33 potentially infectious medical waste transported to a site or

1 facility not owned, controlled, or operated by the
2 transporter. The Agency shall deny any permit required under
3 Section 56.1(f) of this Act from any applicant who has not
4 paid to the Agency all fees due under this Section.

5 A fee in the amount of 1.5 3 cents per pound of
6 potentially infectious medical waste shall be collected by
7 the Agency from a potentially infectious medical waste
8 storage site or treatment facility receiving potentially
9 infectious medical waste, unless the fee has been previously
10 paid by a transporter.

11 (b) The Agency shall establish procedures, not later
12 than January 1, 1992, relating to the collection of the fees
13 authorized by this Section. These procedures shall include,
14 but not be limited to: (i) necessary records identifying the
15 quantities of potentially infectious medical waste
16 transported; (ii) the form and submission of reports to
17 accompany the payment of fees to the Agency; and (iii) the
18 time and manner of payment of fees to the Agency, which
19 payments shall be not more often than quarterly.

20 (c) All fees collected by the Agency under this Section
21 shall be deposited into the Environmental Protection Permit
22 and Inspection Fund. The Agency may establish procedures
23 relating to the collection of fees under this Section. The
24 Agency shall not refund any fee paid to it under this
25 Section.

26 (d) The Agency shall not collect a fee under this
27 Section from a person transporting potentially infectious
28 medical waste to a hospital when the person is a member of
29 the hospital's medical staff.

30 (Source: P.A. 93-32, eff. 7-1-03.)

31 Section 110. The Illinois Pesticide Act is amended by
32 changing Sections 6 and 22.1 as follows:

1 (415 ILCS 60/6) (from Ch. 5, par. 806)

2 Sec. 6. Registration.

3 1. Every pesticide which is distributed, sold, offered
4 for sale within this State, delivered for transportation or
5 transported in interstate commerce or between points within
6 the State through any point outside the State, shall be
7 registered with the Director or his designated agent, subject
8 to provisions of this Act. Such registration shall be
9 renewed annually with registrations expiring December 31 each
10 year. Registration is not required if a pesticide is shipped
11 from one plant or warehouse to another plant or warehouse by
12 the same person and is used solely at such plant or warehouse
13 as a constituent part to make a pesticide which is registered
14 under provisions of this Act and FIFRA.

15 2. Registration applicant shall file a statement with
16 the Director which shall include:

17 A. The name and address of the applicant and the
18 name and address of the person whose name will appear on
19 the label if different from the applicant's.

20 B. The name of the pesticide.

21 C. A copy of the labeling accompanying the
22 pesticide under customary conditions of distribution,
23 sale and use, including ingredient statement, direction
24 for use, use classification, and precautionary or warning
25 statements.

26 3. The Director may require the submission of complete
27 formula data.

28 4. The Director may require a full description of tests
29 made and the results thereof, upon which the claims are
30 based, for any pesticide not registered pursuant to FIFRA, or
31 on any pesticide under consideration to be classified for
32 restricted use.

33 A. The Director will not consider data he required
34 of the initial registrant of a pesticide in support of

1 another applicants' registration unless the subsequent
2 applicant has obtained written permission to use such
3 data.

4 B. In the case of renewal registration, the
5 Director may accept a statement only with respect to
6 information which is different from that furnished
7 previously.

8 5. The Director may prescribe other requirements to
9 support a pesticide registration by regulation.

10 6. For the years preceding the year 2004, any registrant
11 desiring to register a pesticide product at any time during
12 one year shall pay the annual registration fee of \$100 per
13 product registered for that applicant. For the years 2004 and
14 thereafter, the annual product registration fee is \$130 \$200
15 per product.

16 In addition, for the years preceding the year 2004 any
17 business registering a pesticide product at any time during
18 one year shall pay the annual business registration fee of
19 \$250. For the years 2004 and thereafter, the annual business
20 registration fee shall be \$300 \$400. Each legal entity of
21 the business shall pay the annual business registration fee.

22 For the years preceding the year 2004, any applicant
23 requesting an experimental use permit shall pay the annual
24 fee of \$100 per permit and all special local need pesticide
25 registration applicants shall pay an annual fee of \$100 per
26 product. For the years 2004 and thereafter, the annual
27 experimental use permit fee and special local need pesticide
28 registration fee is \$130 \$200 per permit. Subsequent SLN
29 registrations for a pesticide already registered shall be
30 exempted from the registration fee.

31 A. All registration accepted and approved by the
32 Director shall expire on the 31st day of December in any
33 one year unless cancelled. Registration for a special
34 local need may be granted for a specific period of time

1 with the approval date and expiration date specified.

2 B. If a registration for special local need granted
3 by the Director does not receive approval of the
4 Administrator of USEPA, the registration shall expire on
5 the date of the Administrator's disapproval.

6 7. Registrations approved and accepted by the Director
7 and in effect on the 31st day of December, for which renewal
8 application is made, shall continue in full force and effect
9 until the Director notifies the registrant that the renewal
10 has been approved and accepted or the registration is denied
11 under this Act. Renewal registration forms will be provided
12 to applicants by the Director.

13 8. If the renewal of a pesticide registration is not
14 filed within 30 days of the date of expiration, a penalty
15 late registration assessment of \$200 \$300 per product shall
16 apply in lieu of the normal annual product registration fee.
17 The late registration assessment shall not apply if the
18 applicant furnishes an affidavit certifying that no
19 unregulated pesticide was distributed or sold during the
20 period of registration. The late assessment is not a bar to
21 prosecution for doing business without proper registry.

22 9. The Director may prescribe by regulation to allow
23 pesticide use for a special local need, pursuant to FIFRA.

24 10. The Director may prescribe by regulation the
25 provisions for and requirements of registering a pesticide
26 intended for experimental use.

27 11. The Director shall not make any lack of essentiality
28 a criterion for denial of registration of any pesticide.
29 Where 2 pesticides meet the requirements, one should not be
30 registered in preference to the other.

31 12. It shall be the duty of the pesticide registrant to
32 properly dispose of any pesticide the registration of which
33 has been suspended, revoked or cancelled or which is
34 otherwise not properly registered in the State.

1 (Source: P.A. 93-32, eff. 7-1-03.)

2 (415 ILCS 60/22.1) (from Ch. 5, par. 822.1)

3 Sec. 22.1. Pesticide Control Fund. There is hereby
4 created in the State Treasury a special fund to be known as
5 the Pesticide Control Fund. All registration, penalty and
6 license fees collected by the Department pursuant to this Act
7 shall be deposited into the Fund. The amount annually
8 collected as fees shall be appropriated by the General
9 Assembly to the Department for the purposes of conducting a
10 public educational program on the proper use of pesticides,
11 for other activities related to the enforcement of this Act,
12 and for administration of the Insect Pest and Plant Disease
13 Act. However, the increase in fees in Sections 6, 10, and 13
14 of this Act resulting from this amendatory Act of 1990 shall
15 be used by the Department for the purpose of carrying out the
16 Department's powers and duties as set forth in paragraph 8 of
17 Section 19 of this Act. The monies collected under Section
18 13.1 of this Act shall be deposited in the Agrichemical
19 Incident Response Fund. In addition, for the year years 2004
20 only and--thereafter, \$125 of each pesticide annual business
21 registration fee and \$50 of each pesticide product annual
22 registration fee collected by the Department pursuant to
23 Section 6, paragraph 6 of this Act shall be deposited by the
24 Department directly into the State's General Revenue Fund.

25 (Source: P.A. 93-32, eff. 7-1-03.)

26 Section 115. The Illinois Commercial Feed Act of 1961 is
27 amended by changing Sections 6 and 14.3 as follows:

28 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

29 Sec. 6. Inspection fees and reports.

30 (a) An inspection fee at the rate of 16 20 cents per ton
31 shall be paid to the Director on commercial feed distributed

1 in this State by the person who first distributes the
2 commercial feed subject to the following:

3 (1) The inspection fee is not required on the first
4 distribution, if made to an Exempt Buyer, who with
5 approval from the Director, will become responsible for
6 the fee.

7 (2) Customer-formula feeds are hereby exempted if
8 the inspection fee is paid on the commercial feeds which
9 they contain.

10 (3) A fee shall not be paid on a commercial feed if
11 the payment has been made by a previous distributor.

12 (4) In the case of pet food and specialty pet food
13 which are distributed in the State in packages of 10
14 pounds or less, an annual fee of \$50 \$75 shall be paid in
15 lieu of an inspection fee. The inspection fee required by
16 subsection (a) shall apply to pet food and specialty pet
17 food distribution in packages exceeding 10 pounds. All
18 fees collected pursuant to this Section shall be paid
19 into the Feed Control Fund in the State Treasury.

20 (b) The minimum inspection fee shall be \$25 every 6
21 months.

22 (c) Each person who is liable for the payment of the
23 inspection fee shall:

24 (1) File, not later than the last day of January
25 and July of each year, a statement setting forth the
26 number of net tons of commercial feeds distributed in
27 this State during the preceding calendar 6 months period;
28 and upon filing such statement shall pay the inspection
29 fee at the rate stated in paragraph (a) of this Section.
30 This report shall be made on a summary form provided by
31 the Director or on other forms as approved by the
32 Director. If the tonnage report is not filed and the
33 inspection fee is not paid within 15 days after the end
34 of the filing date a collection fee amounting to 10% of

1 the inspection fee that is due or \$50 whichever is
2 greater, shall be assessed against the person who is
3 liable for the payment of the inspection fee in addition
4 to the inspection fee that is due.

5 (2) Keep such records as may be necessary or
6 required by the Director to indicate accurately the
7 tonnage of commercial feed distributed in this State, and
8 the Director shall have the right to examine such records
9 to verify statements of tonnage. Failure to make an
10 accurate statement of tonnage or to pay the inspection
11 fee or comply as provided herein shall constitute
12 sufficient cause for the cancellation of all
13 registrations or firm licenses on file for the
14 manufacturer or distributor.

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 (505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

17 Sec. 14.3. Feed Control Fund. There is created in the
18 State Treasury a special fund to be known as the Feed Control
19 Fund. All firm license, inspection, and penalty fees
20 collected by the Department under this Act shall be deposited
21 in the Feed Control Fund. In addition, for the year years
22 2004 only ~~and-thereafter~~, \$22 of each annual fee collected by
23 the Department pursuant to Section 6, paragraph 4 of this Act
24 shall be deposited by the Department directly into the
25 State's General Revenue Fund. The amount annually collected
26 as fees shall be appropriated by the General Assembly to the
27 Department for activities related to the enforcement of this
28 Act.

29 (Source: P.A. 93-32, eff. 7-1-03.)

30 Section 120. The Illinois Fertilizer Act of 1961 is
31 amended by changing Sections 4 and 6 as follows:

1 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

2 Sec. 4. Registration.

3 (a) Each brand and grade of commercial fertilizer shall
4 be registered before being distributed in this State. The
5 application for registration shall be submitted with a label
6 or facsimile of same to the Director on form furnished by the
7 Director, and shall be accompanied by a fee of \$5 ~~\$10~~ per
8 grade within a brand. Upon approval by the Director a copy of
9 the registration shall be furnished to the applicant. All
10 registrations expire on December 31 of each year.

11 The application shall include the following information:

- 12 (1) The net weight
- 13 (2) The brand and grade
- 14 (3) The guaranteed analysis
- 15 (4) The name and address of the registrant.

16 (b) A distributor shall not be required to register any
17 brand of commercial fertilizer or custom mix which is already
18 registered under this Act by another person.

19 (c) The plant nutrient content of each and every
20 commercial fertilizer must remain uniform for the period of
21 registration and, in no case, shall the percentage of any
22 guaranteed plant nutrient element be changed in such a manner
23 that the crop-producing quality of the commercial fertilizer
24 is lowered.

25 (d) Each custom mixer shall register annually with the
26 Director on forms furnished by the Director. The application
27 for registration shall be accompanied by a fee of \$50 ~~\$25~~,
28 unless the custom mixer elects to register each mixture,
29 paying a fee of \$5 ~~\$10~~ per mixture. Upon approval by the
30 Director, a copy of the registration shall be furnished to
31 the applicant. All registrations expire on December 31 of
32 each year.

33 (e) A custom mix as defined in section 3(f), prepared
34 for one consumer shall not be co-mingled with the custom

1 mixed fertilizer prepared for another consumer.

2 (f) All fees collected pursuant to this Section shall be
3 paid into the State treasury.

4 (Source: P.A. 93-32, eff. 7-1-03.)

5 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

6 Sec. 6. Inspection fees.

7 (a) There shall be paid to the Director for all
8 commercial fertilizers or custom mix distributed in this
9 State an inspection fee at the rate of 20¢ 25¢ per ton. Sales
10 to manufacturers or exchanges between them are hereby
11 exempted from the inspection fee.

12 On individual packages of commercial or custom mix or
13 specialty fertilizers containing 5 pounds or less, or if in
14 liquid form containers of 4,000 cubic centimeters or less,
15 there shall be paid instead of the 20¢ 25¢ per ton inspection
16 fee, an annual inspection fee of \$25 for each grade within a
17 brand sold or distributed. Where a person sells commercial or
18 custom mix or specialty fertilizers in packages of 5 pounds
19 or less, or 4,000 cubic centimeters or less if in liquid
20 form, and also sells in larger packages than 5 pounds or
21 liquid containers larger than 4,000 cubic centimeters, this
22 annual inspection fee of \$25 applies only to that portion
23 sold in packages of 5 pounds or less or 4,000 cubic
24 centimeters or less, and that portion sold in larger packages
25 or containers shall be subject to the same inspection fee of
26 20¢ 25¢ per ton as provided in this Act. The increased fees
27 shall be effective after June 30, 1989.

28 (b) Every person who distributes a commercial fertilizer
29 or custom mix in this State shall file with the Director, on
30 forms furnished by the Director, a semi-annual statement for
31 the periods ending June 30 and December 31, setting forth the
32 number of net tons of each grade of commercial fertilizers
33 within a brand or the net tons of custom mix distributed. The

1 report shall be due on or before the 15th day of the month
2 following the close of each semi-annual period and upon the
3 statement shall pay the inspection fee at the rate stated in
4 paragraph (a) of this Section.

5 One half of the ~~20¢~~ 25¢ per ton inspection fee shall be
6 paid into the Fertilizer Control Fund and all other fees
7 collected under this Section shall be paid into the State
8 treasury.

9 If the tonnage report is not filed and the payment of
10 inspection fee is not made within 30 days after the end of
11 the semi-annual period, a collection fee amounting to 10%
12 (minimum \$10) of the amount shall be assessed against the
13 registrant. The amount of fees due shall constitute a debt
14 and become the basis of a judgment against the registrant.
15 Upon the written request to the Director additional time may
16 be granted past the normal date of filing the semi-annual
17 statement.

18 When more than one person is involved in the distribution
19 of a commercial fertilizer, the last registrant who
20 distributes to the non-registrant (dealer or consumer) is
21 responsible for reporting the tonnage and paying the
22 inspection fee.

23 (Source: P.A. 93-32, eff. 7-1-03.)

24 Section 125. The Illinois Vehicle Code is amended by
25 changing Sections 2-123, 2-124, 3-403, 3-405.1, 3-806.5,
26 3-811, 5-101, 5-102, 6-118, 7-707, 18c-1501, 18c-1502.05, and
27 18c-1502.10 as follows:

28 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

29 Sec. 2-123. Sale and Distribution of Information.

30 (a) Except as otherwise provided in this Section, the
31 Secretary may make the driver's license, vehicle and title
32 registration lists, in part or in whole, and any statistical

1 information derived from these lists available to local
2 governments, elected state officials, state educational
3 institutions, and all other governmental units of the State
4 and Federal Government requesting them for governmental
5 purposes. The Secretary shall require any such applicant for
6 services to pay for the costs of furnishing such services and
7 the use of the equipment involved, and in addition is
8 empowered to establish prices and charges for the services so
9 furnished and for the use of the electronic equipment
10 utilized.

11 (b) The Secretary is further empowered to and he may, in
12 his discretion, furnish to any applicant, other than listed
13 in subsection (a) of this Section, vehicle or driver data on
14 a computer tape, disk, other electronic format or computer
15 processable medium, or printout at a fixed fee of \$250 for
16 orders received before October 1, 2003, and \$500 for orders
17 received on or after October 1, 2003 and before the effective
18 date of this amendatory Act of the 93rd General Assembly, and
19 \$250 for orders received on or after the effective date of
20 this amendatory Act of the 93rd General Assembly, in advance,
21 and require in addition a further sufficient deposit based
22 upon the Secretary of State's estimate of the total cost of
23 the information requested and a charge of \$25 for orders
24 received before October 1, 2003, and \$50 for orders received
25 on or after October 1, 2003 and before the effective date of
26 this amendatory Act of the 93rd General Assembly, and \$25 for
27 orders received on or after the effective date of this
28 amendatory Act of the 93rd General Assembly, per 1,000 units
29 or part thereof identified or the actual cost, whichever is
30 greater. The Secretary is authorized to refund any difference
31 between the additional deposit and the actual cost of the
32 request. This service shall not be in lieu of an abstract of
33 a driver's record nor of a title or registration search.
34 This service may be limited to entities purchasing a minimum

1 number of records as required by administrative rule. The
2 information sold pursuant to this subsection shall be the
3 entire vehicle or driver data list, or part thereof. The
4 information sold pursuant to this subsection shall not
5 contain personally identifying information unless the
6 information is to be used for one of the purposes identified
7 in subsection (f-5) of this Section. Commercial purchasers
8 of driver and vehicle record databases shall enter into a
9 written agreement with the Secretary of State that includes
10 disclosure of the commercial use of the information to be
11 purchased.

12 (c) Secretary of State may issue registration lists.
13 The Secretary of State shall compile and publish, at least
14 annually, a list of all registered vehicles. Each list of
15 registered vehicles shall be arranged serially according to
16 the registration numbers assigned to registered vehicles and
17 shall contain in addition the names and addresses of
18 registered owners and a brief description of each vehicle
19 including the serial or other identifying number thereof.
20 Such compilation may be in such form as in the discretion of
21 the Secretary of State may seem best for the purposes
22 intended.

23 (d) The Secretary of State shall furnish no more than 2
24 current available lists of such registrations to the sheriffs
25 of all counties and to the chiefs of police of all cities and
26 villages and towns of 2,000 population and over in this State
27 at no cost. Additional copies may be purchased by the
28 sheriffs or chiefs of police at the fee of \$500 each or at
29 the cost of producing the list as determined by the Secretary
30 of State. Such lists are to be used for governmental
31 purposes only.

32 (e) (Blank).

33 (e-1) (Blank).

34 (f) The Secretary of State shall make a title or

1 registration search of the records of his office and a
2 written report on the same for any person, upon written
3 application of such person, accompanied by a fee of \$5 for
4 each registration or title search. The written application
5 shall set forth the intended use of the requested
6 information. No fee shall be charged for a title or
7 registration search, or for the certification thereof
8 requested by a government agency. The report of the title or
9 registration search shall not contain personally identifying
10 information unless the request for a search was made for one
11 of the purposes identified in subsection (f-5) of this
12 Section.

13 The Secretary of State shall certify a title or
14 registration record upon written request. The fee for
15 certification shall be \$5 in addition to the fee required for
16 a title or registration search. Certification shall be made
17 under the signature of the Secretary of State and shall be
18 authenticated by Seal of the Secretary of State.

19 The Secretary of State may notify the vehicle owner or
20 registrant of the request for purchase of his title or
21 registration information as the Secretary deems appropriate.

22 No information shall be released to the requestor until
23 expiration of a 10 day period. This 10 day period shall not
24 apply to requests for information made by law enforcement
25 officials, government agencies, financial institutions,
26 attorneys, insurers, employers, automobile associated
27 businesses, persons licensed as a private detective or firms
28 licensed as a private detective agency under the Private
29 Detective, Private Alarm, Private Security, and Locksmith Act
30 of 2004, who are employed by or are acting on behalf of law
31 enforcement officials, government agencies, financial
32 institutions, attorneys, insurers, employers, automobile
33 associated businesses, and other business entities for
34 purposes consistent with the Illinois Vehicle Code, the

1 vehicle owner or registrant or other entities as the
2 Secretary may exempt by rule and regulation.

3 Any misrepresentation made by a requestor of title or
4 vehicle information shall be punishable as a petty offense,
5 except in the case of persons licensed as a private detective
6 or firms licensed as a private detective agency which shall
7 be subject to disciplinary sanctions under Section 40-10 of
8 the Private Detective, Private Alarm, Private Security, and
9 Locksmith Act of 2004.

10 (f-5) The Secretary of State shall not disclose or
11 otherwise make available to any person or entity any
12 personally identifying information obtained by the Secretary
13 of State in connection with a driver's license, vehicle, or
14 title registration record unless the information is disclosed
15 for one of the following purposes:

16 (1) For use by any government agency, including any
17 court or law enforcement agency, in carrying out its
18 functions, or any private person or entity acting on
19 behalf of a federal, State, or local agency in carrying
20 out its functions.

21 (2) For use in connection with matters of motor
22 vehicle or driver safety and theft; motor vehicle
23 emissions; motor vehicle product alterations, recalls, or
24 advisories; performance monitoring of motor vehicles,
25 motor vehicle parts, and dealers; and removal of
26 non-owner records from the original owner records of
27 motor vehicle manufacturers.

28 (3) For use in the normal course of business by a
29 legitimate business or its agents, employees, or
30 contractors, but only:

31 (A) to verify the accuracy of personal
32 information submitted by an individual to the
33 business or its agents, employees, or contractors;
34 and

1 (B) if such information as so submitted is not
2 correct or is no longer correct, to obtain the
3 correct information, but only for the purposes of
4 preventing fraud by, pursuing legal remedies
5 against, or recovering on a debt or security
6 interest against, the individual.

7 (4) For use in research activities and for use in
8 producing statistical reports, if the personally
9 identifying information is not published, redisclosed, or
10 used to contact individuals.

11 (5) For use in connection with any civil, criminal,
12 administrative, or arbitral proceeding in any federal,
13 State, or local court or agency or before any
14 self-regulatory body, including the service of process,
15 investigation in anticipation of litigation, and the
16 execution or enforcement of judgments and orders, or
17 pursuant to an order of a federal, State, or local court.

18 (6) For use by any insurer or insurance support
19 organization or by a self-insured entity or its agents,
20 employees, or contractors in connection with claims
21 investigation activities, antifraud activities, rating,
22 or underwriting.

23 (7) For use in providing notice to the owners of
24 towed or impounded vehicles.

25 (8) For use by any private investigative agency or
26 security service licensed in Illinois for any purpose
27 permitted under this subsection.

28 (9) For use by an employer or its agent or insurer
29 to obtain or verify information relating to a holder of a
30 commercial driver's license that is required under
31 chapter 313 of title 49 of the United States Code.

32 (10) For use in connection with the operation of
33 private toll transportation facilities.

34 (11) For use by any requester, if the requester

1 demonstrates it has obtained the written consent of the
2 individual to whom the information pertains.

3 (12) For use by members of the news media, as
4 defined in Section 1-148.5, for the purpose of
5 newsgathering when the request relates to the operation
6 of a motor vehicle or public safety.

7 (13) For any other use specifically authorized by
8 law, if that use is related to the operation of a motor
9 vehicle or public safety.

10 (g) 1. The Secretary of State may, upon receipt of a
11 written request and a fee of \$6 before October 1, 2003,
12 and a fee of \$12 on and after October 1, 2003 and before
13 the effective date of this amendatory Act of the 93rd
14 General Assembly, and a fee of \$6 on and after the
15 effective date of this amendatory Act of the 93rd General
16 Assembly, furnish to the person or agency so requesting a
17 driver's record. Such document may include a record of:
18 current driver's license issuance information, except
19 that the information on judicial driving permits shall be
20 available only as otherwise provided by this Code;
21 convictions; orders entered revoking, suspending or
22 cancelling a driver's license or privilege; and notations
23 of accident involvement. All other information, unless
24 otherwise permitted by this Code, shall remain
25 confidential. Information released pursuant to a request
26 for a driver's record shall not contain personally
27 identifying information, unless the request for the
28 driver's record was made for one of the purposes set
29 forth in subsection (f-5) of this Section.

30 2. The Secretary of State may certify an abstract
31 of a driver's record upon written request therefor.
32 Such certification shall be made under the signature of
33 the Secretary of State and shall be authenticated by the
34 Seal of his office.

1 3. All requests for driving record information
2 shall be made in a manner prescribed by the Secretary and
3 shall set forth the intended use of the requested
4 information.

5 The Secretary of State may notify the affected
6 driver of the request for purchase of his driver's record
7 as the Secretary deems appropriate.

8 No information shall be released to the requester
9 until expiration of a 10 day period. This 10 day period
10 shall not apply to requests for information made by law
11 enforcement officials, government agencies, financial
12 institutions, attorneys, insurers, employers, automobile
13 associated businesses, persons licensed as a private
14 detective or firms licensed as a private detective agency
15 under the Private Detective, Private Alarm, Private
16 Security, and Locksmith Act of 2004, who are employed by
17 or are acting on behalf of law enforcement officials,
18 government agencies, financial institutions, attorneys,
19 insurers, employers, automobile associated businesses,
20 and other business entities for purposes consistent with
21 the Illinois Vehicle Code, the affected driver or other
22 entities as the Secretary may exempt by rule and
23 regulation.

24 Any misrepresentation made by a requestor of driver
25 information shall be punishable as a petty offense,
26 except in the case of persons licensed as a private
27 detective or firms licensed as a private detective agency
28 which shall be subject to disciplinary sanctions under
29 Section 40-10 of the Private Detective, Private Alarm,
30 Private Security, and Locksmith Act of 2004.

31 4. The Secretary of State may furnish without fee,
32 upon the written request of a law enforcement agency, any
33 information from a driver's record on file with the
34 Secretary of State when such information is required in

1 the enforcement of this Code or any other law relating to
2 the operation of motor vehicles, including records of
3 dispositions; documented information involving the use of
4 a motor vehicle; whether such individual has, or
5 previously had, a driver's license; and the address and
6 personal description as reflected on said driver's
7 record.

8 5. Except as otherwise provided in this Section,
9 the Secretary of State may furnish, without fee,
10 information from an individual driver's record on file,
11 if a written request therefor is submitted by any public
12 transit system or authority, public defender, law
13 enforcement agency, a state or federal agency, or an
14 Illinois local intergovernmental association, if the
15 request is for the purpose of a background check of
16 applicants for employment with the requesting agency, or
17 for the purpose of an official investigation conducted by
18 the agency, or to determine a current address for the
19 driver so public funds can be recovered or paid to the
20 driver, or for any other purpose set forth in subsection
21 (f-5) of this Section.

22 The Secretary may also furnish the courts a copy of
23 an abstract of a driver's record, without fee, subsequent
24 to an arrest for a violation of Section 11-501 or a
25 similar provision of a local ordinance. Such abstract
26 may include records of dispositions; documented
27 information involving the use of a motor vehicle as
28 contained in the current file; whether such individual
29 has, or previously had, a driver's license; and the
30 address and personal description as reflected on said
31 driver's record.

32 6. Any certified abstract issued by the Secretary
33 of State or transmitted electronically by the Secretary
34 of State pursuant to this Section, to a court or on

1 request of a law enforcement agency, for the record of a
2 named person as to the status of the person's driver's
3 license shall be prima facie evidence of the facts
4 therein stated and if the name appearing in such abstract
5 is the same as that of a person named in an information
6 or warrant, such abstract shall be prima facie evidence
7 that the person named in such information or warrant is
8 the same person as the person named in such abstract and
9 shall be admissible for any prosecution under this Code
10 and be admitted as proof of any prior conviction or proof
11 of records, notices, or orders recorded on individual
12 driving records maintained by the Secretary of State.

13 7. Subject to any restrictions contained in the
14 Juvenile Court Act of 1987, and upon receipt of a proper
15 request and a fee of \$6 before October 1, 2003, and a fee
16 of \$12 on or after October 1, 2003 and before the
17 effective date of this amendatory Act of the 93rd General
18 Assembly, and a fee of \$6 on and after the effective date
19 of this amendatory Act of the 93rd General Assembly, the
20 Secretary of State shall provide a driver's record to the
21 affected driver, or the affected driver's attorney, upon
22 verification. Such record shall contain all the
23 information referred to in paragraph 1 of this subsection
24 (g) plus: any recorded accident involvement as a driver;
25 information recorded pursuant to subsection (e) of
26 Section 6-117 and paragraph (4) of subsection (a) of
27 Section 6-204 of this Code. All other information,
28 unless otherwise permitted by this Code, shall remain
29 confidential.

30 (h) The Secretary shall not disclose social security
31 numbers except pursuant to a written request by, or with the
32 prior written consent of, the individual except: (1) to
33 officers and employees of the Secretary who have a need to
34 know the social security numbers in performance of their

1 official duties, (2) to law enforcement officials for a
2 lawful, civil or criminal law enforcement investigation, and
3 if the head of the law enforcement agency has made a written
4 request to the Secretary specifying the law enforcement
5 investigation for which the social security numbers are being
6 sought, (3) to the United States Department of
7 Transportation, or any other State, pursuant to the
8 administration and enforcement of the Commercial Motor
9 Vehicle Safety Act of 1986, (4) pursuant to the order of a
10 court of competent jurisdiction, or (5) to the Department of
11 Public Aid for utilization in the child support enforcement
12 duties assigned to that Department under provisions of the
13 Public Aid Code after the individual has received advanced
14 meaningful notification of what redisclosure is sought by the
15 Secretary in accordance with the federal Privacy Act.

16 (i) (Blank).

17 (j) Medical statements or medical reports received in
18 the Secretary of State's Office shall be confidential. No
19 confidential information may be open to public inspection or
20 the contents disclosed to anyone, except officers and
21 employees of the Secretary who have a need to know the
22 information contained in the medical reports and the Driver
23 License Medical Advisory Board, unless so directed by an
24 order of a court of competent jurisdiction.

25 (k) All fees collected under this Section shall be paid
26 into the Road Fund of the State Treasury, except that (i) for
27 fees collected before October 1, 2003, \$3 of the \$6 fee for a
28 driver's record shall be paid into the Secretary of State
29 Special Services Fund, (ii) for fees collected on and after
30 October 1, 2003 and through the effective date of this
31 amendatory Act of the 93rd General Assembly, of the \$12 fee
32 for a driver's record, \$3 shall be paid into the Secretary of
33 State Special Services Fund and \$6 shall be paid into the
34 General Revenue Fund, and (iii) for fees collected on and

1 after October 1, 2003 and through the effective date of this
2 amendatory Act of the 93rd General Assembly, 50% of the
3 amounts collected pursuant to subsection (b) shall be paid
4 into the General Revenue Fund.

5 (l) (Blank).

6 (m) Notations of accident involvement that may be
7 disclosed under this Section shall not include notations
8 relating to damage to a vehicle or other property being
9 transported by a tow truck. This information shall remain
10 confidential, provided that nothing in this subsection (m)
11 shall limit disclosure of any notification of accident
12 involvement to any law enforcement agency or official.

13 (n) Requests made by the news media for driver's
14 license, vehicle, or title registration information may be
15 furnished without charge or at a reduced charge, as
16 determined by the Secretary, when the specific purpose for
17 requesting the documents is deemed to be in the public
18 interest. Waiver or reduction of the fee is in the public
19 interest if the principal purpose of the request is to access
20 and disseminate information regarding the health, safety, and
21 welfare or the legal rights of the general public and is not
22 for the principal purpose of gaining a personal or commercial
23 benefit. The information provided pursuant to this subsection
24 shall not contain personally identifying information unless
25 the information is to be used for one of the purposes
26 identified in subsection (f-5) of this Section.

27 (o) The redisclosure of personally identifying
28 information obtained pursuant to this Section is prohibited,
29 except to the extent necessary to effectuate the purpose for
30 which the original disclosure of the information was
31 permitted.

32 (p) The Secretary of State is empowered to adopt rules
33 to effectuate this Section.

34 (Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02;

1 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; revised 9-23-03.)

2 (625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)

3 Sec. 2-124. Audits, interest and penalties.

4 (a) Audits. The Secretary of State or employees and
5 agents designated by him, may audit the books, records, tax
6 returns, reports, and any and all other pertinent records or
7 documents of any person licensed or registered, or required
8 to be licensed or registered, under any provisions of this
9 Act, for the purpose of determining whether such person has
10 not paid any fees or taxes required to be paid to the
11 Secretary of State and due to the State of Illinois. For
12 purposes of this Section, "person" means an individual,
13 corporation, or partnership, or an officer or an employee of
14 any corporation, including a dissolved corporation, or a
15 member or an employee of any partnership, who as an officer,
16 employee, or member under a duty to perform the act in
17 respect to which the violation occurs.

18 (b) Joint Audits. The Secretary of State may enter into
19 reciprocal audit agreements with officers, agents or agencies
20 of another State or States, for joint audits of any person
21 subject to audit under this Act.

22 (c) Special Audits. If the Secretary of State is not
23 satisfied with the books, records and documents made
24 available for an audit, or if the Secretary of State is
25 unable to determine therefrom whether any fees or taxes are
26 due to the State of Illinois, or if there is cause to believe
27 that the person audited has declined or refused to supply the
28 books, records and documents necessary to determine whether a
29 deficiency exists, the Secretary of State may either seek a
30 court order for production of any and all books, records and
31 documents he deems relevant and material, or, in his
32 discretion, the Secretary of State may instead give written
33 notice to such person requiring him to produce any and all

1 books, records and documents necessary to properly audit and
2 determine whether any fees or taxes are due to the State of
3 Illinois. If such person fails, refuses or declines to comply
4 with either the court order or written notice within the time
5 specified, the Secretary of State shall then order a special
6 audit at the expense of the person affected. Upon completion
7 of the special audit, the Secretary of State shall determine
8 if any fees or taxes required to be paid under this Act have
9 not been paid, and make an assessment of any deficiency based
10 upon the books, records and documents available to him, and
11 in an assessment, he may rely upon records of other persons
12 having an operation similar to that of the person audited
13 specially. A person audited specially and subject to a court
14 order and in default thereof, shall in addition, be subject
15 to any penalty or punishment imposed by the court entering
16 the order.

17 (d) Deficiency; Audit Costs. When a deficiency is found
18 and any fees or taxes required to be paid under this Act have
19 not been paid to the State of Illinois, the Secretary of
20 State may impose an audit fee of \$50 ~~\$100~~ per day, or \$25 ~~\$50~~
21 per half-day, per auditor, plus in the case of out-of-state
22 travel, transportation expenses incurred by the auditor or
23 auditors. Where more than one person is audited on the same
24 out-of-state trip, the additional transportation expenses may
25 be apportioned. The actual costs of a special audit shall be
26 imposed upon the person audited.

27 (e) Interest. When a deficiency is found and any fees or
28 taxes required to be paid under this Act have not been paid
29 to the State of Illinois, the amount of the deficiency, if
30 greater than \$100 for all registration years examined, shall
31 also bear interest at the rate of 1/2 of 1% per month or
32 fraction thereof, from the date when the fee or tax due
33 should have been paid under the provisions of this Act,
34 subject to a maximum of 6% per annum.

1 (f) Willful Negligence. When a deficiency is determined
2 by the Secretary to be caused by the willful neglect or
3 negligence of the person audited, an additional 10% penalty,
4 that is 10% of the amount of the deficiency or assessment,
5 shall be imposed, and the 10% penalty shall bear interest at
6 the rate of 1/2 of 1% on and after the 30th day after the
7 penalty is imposed until paid in full.

8 (g) Fraud or Evasion. When a deficiency is determined by
9 the Secretary to be caused by fraud or willful evasion of the
10 provisions of this Act, an additional penalty, that is 20% of
11 the amount of the deficiency or assessment, shall be imposed,
12 and the 20% penalty shall bear interest at the rate of 1/2 of
13 1% on and after the 30th day after the penalty is imposed
14 until paid in full.

15 (h) Notice. The Secretary of State shall give written
16 notice to any person audited, of the amount of any deficiency
17 found or assessment made, of the costs of an audit or special
18 audit, and of the penalty imposed, and payment shall be made
19 within 30 days of the date of the notice unless such person
20 petitions for a hearing.

21 However, except in the case of fraud or willful evasion,
22 or the inaccessibility of books and records for audit or with
23 the express consent of the person audited, no notice of a
24 deficiency or assessment shall be issued by the Secretary for
25 more than 3 registration years. This limitation shall
26 commence on any January 1 as to calendar year registrations
27 and on any July 1 as to fiscal year registrations. This
28 limitation shall not apply for any period during which the
29 person affected has declined or refuses to make his books and
30 records available for audit, nor during any period of time in
31 which an Order of any Court has the effect of enjoining or
32 restraining the Secretary from making an audit or issuing a
33 notice. Notwithstanding, each person licensed under the
34 International Registration Plan and audited by this State or

1 any member jurisdiction shall follow the assessment and
2 refund procedures as adopted and amended by the International
3 Registration Plan members. The Secretary of State shall have
4 the final decision as to which registrants may be subject to
5 the netting of audit fees as outlined in the International
6 Registration Plan. Persons audited may be subject to a
7 review process to determine the final outcome of the audit
8 finding. This process shall follow the adopted procedure as
9 outlined in the International Registration Plan. All
10 decisions by the IRP designated tribunal shall be binding.

11 (i) Every person subject to licensing or registration
12 and audit under the provisions of this Chapter shall retain
13 all pertinent licensing and registration documents, books,
14 records, tax returns, reports and all supporting records and
15 documents for a period of 4 years.

16 (j) Hearings. Any person receiving written notice of a
17 deficiency or assessment may, within 30 days after the date
18 of the notice, petition for a hearing before the Secretary of
19 State or his duly appointed hearing officer to contest the
20 audit in whole or in part, and the petitioner shall
21 simultaneously file a certified check or money order, or
22 certificate of deposit, or a surety bond approved by the
23 Secretary in the amount of the deficiency or assessment.
24 Hearings shall be held pursuant to the provisions of Section
25 2-118 of this Act.

26 (k) Judgments. The Secretary of State may enforce any
27 notice of deficiency or assessment pursuant to the provisions
28 of Section 3-831 of this Act.

29 (Source: P.A. 92-69, eff. 7-12-01; 93-32, eff. 7-1-03.)

30 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

31 Sec. 3-403. Trip and Short-term permits.

32 (a) The Secretary of State may issue a short-term permit
33 to operate a nonregistered first or second division vehicle

1 within the State of Illinois for a period of not more than 7
2 days. Any second division vehicle operating on such permit
3 may operate only on empty weight. The fee for the short-term
4 permit shall be \$6 for permits purchased on or before June
5 30, 2003, and \$10 for permits purchased on or after July 1,
6 2003 and before the effective date of this amendatory Act of
7 the 93rd General Assembly, and \$6 for permits purchased on or
8 after the effective date of this amendatory Act of the 93rd
9 General Assembly. For short-term permits purchased on or
10 after July 1, 2003 and before the effective date of this
11 amendatory Act of the 93rd General Assembly, \$4 of the fee
12 collected for the purchase of each permit shall be deposited
13 into the General Revenue Fund.

14 This permit may also be issued to operate an unladen
15 registered vehicle which is suspended under the Vehicle
16 Emissions Inspection Law and allow it to be driven on the
17 roads and highways of the State in order to be repaired or
18 when travelling to and from an emissions inspection station.

19 (b) The Secretary of State may, subject to reciprocal
20 agreements, arrangements or declarations made or entered into
21 pursuant to Section 3-402, 3-402.4 or by rule, provide for
22 and issue registration permits for the use of Illinois
23 highways by vehicles of the second division on an occasional
24 basis or for a specific and special short-term use, in
25 compliance with rules and regulations promulgated by the
26 Secretary of State, and upon payment of the prescribed fee as
27 follows:

28 One-trip permits. A registration permit for one trip, or
29 one round-trip into and out of Illinois, for a period not to
30 exceed 72 consecutive hours or 3 calendar days may be
31 provided, for a fee as prescribed in Section 3-811.

32 One-Month permits. A registration permit for 30 days may
33 be provided for a fee of \$13 for registration plus 1/10 of
34 the flat weight tax. The minimum fee for such permit shall

1 be \$31.

2 In-transit permits. A registration permit for one trip
3 may be provided for vehicles in transit by the driveaway or
4 towaway method and operated by a transporter in compliance
5 with the Illinois Motor Carrier of Property Law, for a fee as
6 prescribed in Section 3-811.

7 Illinois Temporary Apportionment Authorization Permits.
8 An apportionment authorization permit for forty-five days for
9 the immediate operation of a vehicle upon application for and
10 prior to receiving apportioned credentials or interstate
11 credentials from the State of Illinois. The fee for such
12 permit shall be \$3.

13 Illinois Temporary Prorate Authorization Permit. A
14 prorate authorization permit for forty-five days for the
15 immediate operation of a vehicle upon application for and
16 prior to receiving prorate credentials or interstate
17 credentials from the State of Illinois. The fee for such
18 permit shall be \$3.

19 (c) The Secretary of State shall promulgate by such rule
20 or regulation, schedules of fees and taxes for such permits
21 and in computing the amount or amounts due, may round off
22 such amount to the nearest full dollar amount.

23 (d) The Secretary of State shall further prescribe the
24 form of application and permit and may require such
25 information and data as necessary and proper, including
26 confirming the status or identity of the applicant and the
27 vehicle in question.

28 (e) Rules or regulations promulgated by the Secretary of
29 State under this Section shall provide for reasonable and
30 proper limitations and restrictions governing the application
31 for and issuance and use of permits, and shall provide for
32 the number of permits per vehicle or per applicant, so as to
33 preclude evasion of annual registration requirements as may
34 be required by this Act.

1 (f) Any permit under this Section is subject to
2 suspension or revocation under this Act, and in addition, any
3 such permit is subject to suspension or revocation should the
4 Secretary of State determine that the vehicle identified in
5 any permit should be properly registered in Illinois. In the
6 event any such permit is suspended or revoked, the permit is
7 then null and void, may not be re-instated, nor is a refund
8 therefor available. The vehicle identified in such permit
9 may not thereafter be operated in Illinois without being
10 properly registered as provided in this Chapter.

11 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

12 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

13 Sec. 3-405.1. Application for vanity and personalized
14 license plates.

15 (a) Vanity license plates mean any license plates,
16 assigned to a passenger motor vehicle of the first division,
17 to a motor vehicle of the second division registered at not
18 more than 8,000 pounds or to a recreational vehicle, which
19 display a registration number containing 4 1 to 7 letters and
20 ~~no numbers or 1, 2, or 3 numbers and no letters~~ as requested
21 by the owner of the vehicle and license plates issued to
22 retired members of Congress under Section 3-610.1 or to
23 retired members of the General Assembly as provided in
24 Section 3-606.1. A license plate consisting of 3 letters and
25 no numbers or of 1, 2, or 3 numbers, upon its becoming
26 available, is a vanity license plate. Personalized license
27 plates mean any license plates, assigned to a passenger motor
28 vehicle of the first division, to a motor vehicle of the
29 second division ~~registered at not more than 8,000 pounds,~~ or
30 to a recreational vehicle, which display a registration
31 number containing a combination ~~one of the following~~
32 ~~combinations~~ of letters and numbers as prescribed by rule, as
33 requested by the owner of the vehicle.†

1 Standard-Passenger-Plates

2 First-Division-Vehicles

3 1-letter-plus-0-99

4 2-letters-plus-0-99

5 3-letters-plus-0-99

6 4-letters-plus-0-99

7 5-letters-plus-0-99

8 6-letters-plus-0-9

9 Second-Division-Vehicles

10 8,000-pounds-or-less-and-Recreation-Vehicles

11 0-999-plus-1-letter

12 0-999-plus-2-letters

13 0-999-plus-3-letters

14 0-99-plus-4-letters

15 0-9-plus-5-letters

16 (b) For any registration period commencing after the
17 effective date of this amendatory Act of the 93rd General
18 Assembly December-31, 2003, any person who is the registered
19 owner of a passenger motor vehicle of the first division, of
20 a motor vehicle of the second division registered at not more
21 than 8,000 pounds or of a recreational vehicle registered
22 with the Secretary of State or who makes application for an
23 original registration of such a motor vehicle or renewal
24 registration of such a motor vehicle may, upon payment of a
25 fee prescribed in Section 3-806.1 or Section 3-806.5, apply
26 to the Secretary of State for vanity or personalized license
27 plates.

28 (c) Except as otherwise provided in this Chapter 3,
29 vanity and personalized license plates as issued under this
30 Section shall be the same color and design as other passenger
31 vehicle license plates and shall not in any manner conflict
32 with any other existing passenger, commercial, trailer,

1 motorcycle, or special license plate series. However,
2 special registration plates issued under Sections 3-611 and
3 3-616 for vehicles operated by or for persons with
4 disabilities may also be vanity or personalized license
5 plates.

6 (d) Vanity and personalized license plates shall be
7 issued only to the registered owner of the vehicle on which
8 they are to be displayed, except as provided in Sections
9 3-611 and 3-616 for special registration plates for vehicles
10 operated by or for persons with disabilities.

11 (e) An applicant for the issuance of vanity or
12 personalized license plates or subsequent renewal thereof
13 shall file an application in such form and manner and by such
14 date as the Secretary of State may, in his discretion,
15 require.

16 No vanity nor personalized license plates shall be
17 approved, manufactured, or distributed that contain any
18 characters, symbols other than the international
19 accessibility symbol for vehicles operated by or for persons
20 with disabilities, foreign words, or letters of punctuation.

21 (f) Vanity and personalized license plates as issued
22 pursuant to this Act may be subject to the Staggered
23 Registration System as prescribed by the Secretary of State.

24 (Source: P.A. 92-651, eff. 7-11-02; 93-32, eff. 7-1-03.)

25 (625 ILCS 5/3-806.5)

26 Sec. 3-806.5. Additional fees for personalized license
27 plates. No fee shall be imposed under this Section for
28 registration periods commencing after the effective date of
29 this amendatory Act of the 93rd General Assembly. For
30 registration periods commencing after December 31, 2003, in
31 addition to the regular registration fee, an applicant shall
32 be charged \$47 for each set of personalized license plates
33 issued to a motor vehicle of the first division or a motor

1 vehicle of the second division registered at not more than
2 8,000 pounds or to a recreational vehicle and \$25 for each
3 set of personalized plates issued to a motorcycle. In
4 addition to the regular renewal fee, an applicant shall be
5 charged \$7 for the renewal of each set of personalized
6 license plates. Of the money received by the Secretary of
7 State as additional fees for personalized license plates, 50%
8 shall be deposited into the Secretary of State Special
9 License Plate Fund and 50% shall be deposited into the
10 General Revenue Fund.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)

13 Sec. 3-811. Drive-away and other permits - Fees.

14 (a) Dealers may obtain drive-away permits for use as
15 provided in this Code, for a fee of \$6 per permit for permits
16 purchased on or before June 30, 2003, and \$10 for permits
17 purchased on or after July 1, 2003 and before the effective
18 date of this amendatory Act of the 93rd General Assembly, and
19 \$6 for permits purchased on or after the effective date of
20 this amendatory Act of the 93rd General Assembly. For
21 drive-away permits purchased on or after July 1, 2003 and
22 before the effective date of this amendatory Act of the 93rd
23 General Assembly, \$4 of the fee collected for the purchase of
24 each permit shall be deposited into the General Revenue Fund.

25 (b) Transporters may obtain one-trip permits for
26 vehicles in transit for use as provided in this Code, for a
27 fee of \$6 per permit for permits purchased on or before June
28 30, 2003, and \$10 for permits purchased on or after July 1,
29 2003 and before the effective date of this amendatory Act of
30 the 93rd General Assembly, and \$6 for permits purchased on or
31 after the effective date of this amendatory Act of the 93rd
32 General Assembly. For one-trip permits purchased on or after
33 July 1, 2003 and before the effective date of this amendatory

1 Act of the 93rd General Assembly, \$4 of the fee collected
2 from the purchase of each permit shall be deposited into the
3 General Revenue Fund.

4 (c) Non-residents may likewise obtain a drive-away
5 permit from the Secretary of State to export a motor vehicle
6 purchased in Illinois, for a fee of \$6 per permit for permits
7 purchased on or before June 30, 2003, and \$10 for permits
8 purchased on or after July 1, 2003 and before the effective
9 date of this amendatory Act of the 93rd General Assembly, and
10 \$6 for permits purchased on or after the effective date of
11 this amendatory Act of the 93rd General Assembly. For
12 drive-away permits purchased on or after July 1, 2003 and
13 before the effective date of this amendatory Act of the 93rd
14 General Assembly, \$4 of the fee collected for the purchase of
15 each permit shall be deposited into the General Revenue Fund.

16 (d) One-trip permits may be obtained for an occasional
17 single trip by a vehicle as provided in this Code, upon
18 payment of a fee of \$19.

19 (e) One month permits may likewise be obtained for the
20 fees and taxes prescribed in this Code and as promulgated by
21 the Secretary of State.

22 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

23 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

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

25 (a) No person shall engage in this State in the business
26 of selling or dealing in, on consignment or otherwise, new
27 vehicles of any make, or act as an intermediary or agent or
28 broker for any licensed dealer or vehicle purchaser other
29 than as a salesperson, or represent or advertise that he is
30 so engaged or intends to so engage in such business unless
31 licensed to do so in writing by the Secretary of State under
32 the provisions of this Section.

33 (b) An application for a new vehicle dealer's license

1 shall be filed with the Secretary of State, duly verified by
2 oath, on such form as the Secretary of State may by rule or
3 regulation prescribe and shall contain:

4 1. The name and type of business organization of
5 the applicant and his established and additional places
6 of business, if any, in this State.

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

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

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

32 5. A statement that the applicant has been approved
33 for registration under the Retailers' Occupation Tax Act
34 by the Department of Revenue: Provided that this

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

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

26 If the permitted user has a liability insurance
27 policy that provides automobile liability insurance
28 coverage of at least \$100,000 for bodily injury to or the
29 death of any person, \$300,000 for bodily injury to or the
30 death of any 2 or more persons in any one accident, and
31 \$50,000 for damage to property, then the permitted user's
32 insurer shall be the primary insurer and the dealer's
33 insurer shall be the secondary insurer. If the permitted
34 user does not have a liability insurance policy that

1 provides automobile liability insurance coverage of at
2 least \$100,000 for bodily injury to or the death of any
3 person, \$300,000 for bodily injury to or the death of any
4 2 or more persons in any one accident, and \$50,000 for
5 damage to property, or does not have any insurance at
6 all, then the dealer's insurer shall be the primary
7 insurer and the permitted user's insurer shall be the
8 secondary insurer.

9 When a permitted user is "test driving" a new
10 vehicle dealer's automobile, the new vehicle dealer's
11 insurance shall be primary and the permitted user's
12 insurance shall be secondary.

13 As used in this paragraph 6, a "permitted user" is a
14 person who, with the permission of the new vehicle dealer
15 or an employee of the new vehicle dealer, drives a
16 vehicle owned and held for sale or lease by the new
17 vehicle dealer which the person is considering to
18 purchase or lease, in order to evaluate the performance,
19 reliability, or condition of the vehicle. The term
20 "permitted user" also includes a person who, with the
21 permission of the new vehicle dealer, drives a vehicle
22 owned or held for sale or lease by the new vehicle dealer
23 for loaner purposes while the user's vehicle is being
24 repaired or evaluated.

25 As used in this paragraph 6, "test driving" occurs
26 when a permitted user who, with the permission of the new
27 vehicle dealer or an employee of the new vehicle dealer,
28 drives a vehicle owned and held for sale or lease by a
29 new vehicle dealer that the person is considering to
30 purchase or lease, in order to evaluate the performance,
31 reliability, or condition of the vehicle.

32 As used in this paragraph 6, "loaner purposes" means
33 when a person who, with the permission of the new vehicle
34 dealer, drives a vehicle owned or held for sale or lease

1 by the new vehicle dealer while the user's vehicle is
2 being repaired or evaluated.

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

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

31 (B) An application for a new vehicle dealer's
32 license, other than for a new motor vehicle dealer's
33 license, shall be accompanied by the following
34 license fees:

1 \$50 ~~\$1,000~~ for applicant's established place of
2 business, and \$25 ~~\$50~~ for each additional place of
3 business, if any, to which the application pertains;
4 but if the application is made after June 15 of any
5 year, the license fee shall be \$25 ~~\$500~~ for
6 applicant's established place of business plus
7 \$12.50 ~~\$25~~ for each additional place of business, if
8 any, to which the application pertains. License
9 fees shall be returnable only in the event that the
10 application is denied by the Secretary of State. Of
11 the money received by the Secretary of State as
12 license fees under this subsection for the 2004
13 licensing year only and--thereafter, 95% shall be
14 deposited into the General Revenue Fund.

15 8. A statement that the applicant's officers,
16 directors, shareholders having a 10% or greater ownership
17 interest therein, proprietor, a partner, member, officer,
18 director, trustee, manager or other principals in the
19 business have not committed in the past 3 years any one
20 violation as determined in any civil, criminal or
21 administrative proceedings of any one of the following
22 Acts:

23 (A) The Anti Theft Laws of the Illinois
24 Vehicle Code;

25 (B) The Certificate of Title Laws of the
26 Illinois Vehicle Code;

27 (C) The Offenses against Registration and
28 Certificates of Title Laws of the Illinois Vehicle
29 Code;

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

32 (E) Section 21-2 of the Criminal Code of 1961,
33 Criminal Trespass to Vehicles; or

34 (F) The Retailers' Occupation Tax Act.

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

9 (A) The Consumer Finance Act;

10 (B) The Consumer Installment Loan Act;

11 (C) The Retail Installment Sales Act;

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

14 (E) The Interest Act;

15 (F) The Illinois Wage Assignment Act;

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

18 (H) The Consumer Fraud Act.

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

32 11. Such other information concerning the business
33 of the applicant as the Secretary of State may by rule or
34 regulation prescribe.

1 12. A statement that the applicant understands
2 Chapter One through Chapter Five of this Code.

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

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

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

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

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

29 1. The name of the person licensed;

30 2. If a corporation, the name and address of its
31 officers or if a sole proprietorship, a partnership, an
32 unincorporated association or any similar form of
33 business organization, the name and address of the
34 proprietor or of each partner, member, officer, director,

1 trustee or manager;

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

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

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

10 (f) The appropriate instrument evidencing the license or
11 a certified copy thereof, provided by the Secretary of State,
12 shall be kept posted conspicuously in the established place
13 of business of the licensee and in each additional place of
14 business, if any, maintained by such licensee.

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

21 (h) A new vehicle dealer's license may be renewed upon
22 application and payment of the fee required herein, and
23 submission of proof of coverage under an approved bond under
24 the "Retailers' Occupation Tax Act" or proof that applicant
25 is not subject to such bonding requirements, as in the case
26 of an original license, but in case an application for the
27 renewal of an effective license is made during the month of
28 December, the effective license shall remain in force until
29 the application is granted or denied by the Secretary of
30 State.

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

33 1. In the case of a new vehicle a manufacturer's
34 statement of origin and in the case of a used motor

1 vehicle a certificate of title, in either case properly
2 assigned to the purchaser;

3 2. A statement verified under oath that all
4 identifying numbers on the vehicle agree with those on
5 the certificate of title or manufacturer's statement of
6 origin;

7 3. A bill of sale properly executed on behalf of
8 such person;

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

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

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

15 (j) Except at the time of sale or repossession of the
16 vehicle, no person licensed as a new vehicle dealer may issue
17 any other person a newly created key to a vehicle unless the
18 new vehicle dealer makes a copy of the driver's license or
19 State identification card of the person requesting or
20 obtaining the newly created key. The new vehicle dealer must
21 retain the copy for 30 days.

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

26 This amendatory Act of 1983 shall be applicable to the
27 1984 registration year and thereafter.

28 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03;
29 93-32, eff. 7-1-03.)

30 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

31 Sec. 5-102. Used vehicle dealers must be licensed.

32 (a) No person, other than a licensed new vehicle dealer,
33 shall engage in the business of selling or dealing in, on

1 consignment or otherwise, 5 or more used vehicles of any make
2 during the year (except house trailers as authorized by
3 paragraph (j) of this Section and rebuilt salvage vehicles
4 sold by their rebuilders to persons licensed under this
5 Chapter), or act as an intermediary, agent or broker for any
6 licensed dealer or vehicle purchaser (other than as a
7 salesperson) or represent or advertise that he is so engaged
8 or intends to so engage in such business unless licensed to
9 do so by the Secretary of State under the provisions of this
10 Section.

11 (b) An application for a used vehicle dealer's license
12 shall be filed with the Secretary of State, duly verified by
13 oath, in such form as the Secretary of State may by rule or
14 regulation prescribe and shall contain:

15 1. The name and type of business organization
16 established and additional places of business, if any, in
17 this State.

18 2. If the applicant is a corporation, a list of its
19 officers, directors, and shareholders having a ten
20 percent or greater ownership interest in the corporation,
21 setting forth the residence address of each; if the
22 applicant is a sole proprietorship, a partnership, an
23 unincorporated association, a trust, or any similar form
24 of business organization, the names and residence address
25 of the proprietor or of each partner, member, officer,
26 director, trustee or manager.

27 3. A statement that the applicant has been approved
28 for registration under the Retailers' Occupation Tax Act
29 by the Department of Revenue. However, this requirement
30 does not apply to a dealer who is already licensed
31 hereunder with the Secretary of State, and who is merely
32 applying for a renewal of his license. As evidence of
33 this fact, the application shall be accompanied by a
34 certification from the Department of Revenue showing that

1 the Department has approved the applicant for
2 registration under the Retailers' Occupation Tax Act.

3 4. A statement that the applicant has complied with
4 the appropriate liability insurance requirement. A
5 Certificate of Insurance in a solvent company authorized
6 to do business in the State of Illinois shall be included
7 with each application covering each location at which he
8 proposes to act as a used vehicle dealer. The policy
9 must provide liability coverage in the minimum amounts of
10 \$100,000 for bodily injury to, or death of, any person,
11 \$300,000 for bodily injury to, or death of, two or more
12 persons in any one accident, and \$50,000 for damage to
13 property. Such policy shall expire not sooner than
14 December 31 of the year for which the license was issued
15 or renewed. The expiration of the insurance policy shall
16 not terminate the liability under the policy arising
17 during the period for which the policy was filed.
18 Trailer and mobile home dealers are exempt from this
19 requirement.

20 If the permitted user has a liability insurance
21 policy that provides automobile liability insurance
22 coverage of at least \$100,000 for bodily injury to or the
23 death of any person, \$300,000 for bodily injury to or the
24 death of any 2 or more persons in any one accident, and
25 \$50,000 for damage to property, then the permitted user's
26 insurer shall be the primary insurer and the dealer's
27 insurer shall be the secondary insurer. If the permitted
28 user does not have a liability insurance policy that
29 provides automobile liability insurance coverage of at
30 least \$100,000 for bodily injury to or the death of any
31 person, \$300,000 for bodily injury to or the death of any
32 2 or more persons in any one accident, and \$50,000 for
33 damage to property, or does not have any insurance at
34 all, then the dealer's insurer shall be the primary

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

3 When a permitted user is "test driving" a used
4 vehicle dealer's automobile, the used vehicle dealer's
5 insurance shall be primary and the permitted user's
6 insurance shall be secondary.

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

19 As used in this paragraph 4, "test driving" occurs
20 when a permitted user who, with the permission of the
21 used vehicle dealer or an employee of the used vehicle
22 dealer, drives a vehicle owned and held for sale or lease
23 by a used vehicle dealer that the person is considering
24 to purchase or lease, in order to evaluate the
25 performance, reliability, or condition of the vehicle.

26 As used in this paragraph 4, "loaner purposes" means
27 when a person who, with the permission of the used
28 vehicle dealer, drives a vehicle owned or held for sale
29 or lease by the used vehicle dealer while the user's
30 vehicle is being repaired or evaluated.

31 5. An application for a used vehicle dealer's
32 license shall be accompanied by the following license
33 fees:

34 \$50 ~~\$17,000~~ for applicant's established place of

1 business, and \$25 \$50 for each additional place of
2 business, if any, to which the application pertains;
3 however, if the application is made after June 15 of any
4 year, the license fee shall be \$25 \$500 for applicant's
5 established place of business plus \$12.50 \$25 for each
6 additional place of business, if any, to which the
7 application pertains. License fees shall be returnable
8 only in the event that the application is denied by the
9 Secretary of State. Of the money received by the
10 Secretary of State as license fees under this Section for
11 the 2004 licensing year only ~~and-thereafter~~, 95% shall be
12 deposited into the General Revenue Fund.

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

21 (A) The Anti Theft Laws of the Illinois
22 Vehicle Code;

23 (B) The Certificate of Title Laws of the
24 Illinois Vehicle Code;

25 (C) The Offenses against Registration and
26 Certificates of Title Laws of the Illinois Vehicle
27 Code;

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

30 (E) Section 21-2 of the Illinois Criminal Code
31 of 1961, Criminal Trespass to Vehicles; or

32 (F) The Retailers' Occupation Tax Act.

33 7. A statement that the applicant's officers,
34 directors, shareholders having a 10% or greater ownership

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

7 (A) The Consumer Finance Act;

8 (B) The Consumer Installment Loan Act;

9 (C) The Retail Installment Sales Act;

10 (D) The Motor Vehicle Retail Installment Sales
11 Act;

12 (E) The Interest Act;

13 (F) The Illinois Wage Assignment Act;

14 (G) Part 8 of Article XII of the Code of Civil
15 Procedure; or

16 (H) The Consumer Fraud Act.

17 8. A bond or Certificate of Deposit in the amount
18 of \$20,000 for each location at which the applicant
19 intends to act as a used vehicle dealer. The bond shall
20 be for the term of the license, or its renewal, for which
21 application is made, and shall expire not sooner than
22 December 31 of the year for which the license was issued
23 or renewed. The bond shall run to the People of the
24 State of Illinois, with surety by a bonding or insurance
25 company authorized to do business in this State. It
26 shall be conditioned upon the proper transmittal of all
27 title and registration fees and taxes (excluding taxes
28 under the Retailers' Occupation Tax Act) accepted by the
29 applicant as a used vehicle dealer.

30 9. Such other information concerning the business
31 of the applicant as the Secretary of State may by rule or
32 regulation prescribe.

33 10. A statement that the applicant understands
34 Chapter 1 through Chapter 5 of this Code.

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

7 (d) Anything in this Chapter to the contrary
8 notwithstanding, no person shall be licensed as a used
9 vehicle dealer unless such person maintains an established
10 place of business as defined in this Chapter.

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

22 1. The name of the person licensed;

23 2. If a corporation, the name and address of its
24 officers or if a sole proprietorship, a partnership, an
25 unincorporated association or any similar form of
26 business organization, the name and address of the
27 proprietor or of each partner, member, officer, director,
28 trustee or manager;

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

31 4. In the case of a supplemental license, the
32 established place of business of the licensee and the
33 additional place of business to which such supplemental
34 license pertains.

1 (f) The appropriate instrument evidencing the license or
2 a certified copy thereof, provided by the Secretary of State
3 shall be kept posted, conspicuously, in the established place
4 of business of the licensee and in each additional place of
5 business, if any, maintained by such licensee.

6 (g) Except as provided in subsection (h) of this
7 Section, all used vehicle dealer's licenses granted under
8 this Section expire by operation of law on December 31 of the
9 calendar year for which they are granted unless sooner
10 revoked or cancelled under Section 5-501 of this Chapter.

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

21 (i) All persons licensed as a used vehicle dealer are
22 required to furnish each purchaser of a motor vehicle:

23 1. A certificate of title properly assigned to the
24 purchaser;

25 2. A statement verified under oath that all
26 identifying numbers on the vehicle agree with those on
27 the certificate of title;

28 3. A bill of sale properly executed on behalf of
29 such person;

30 4. A copy of the Uniform Invoice-transaction
31 reporting return referred to in Section 5-402 of this
32 Chapter;

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

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

3 (j) A real estate broker holding a valid certificate of
4 registration issued pursuant to "The Real Estate Brokers and
5 Salesmen License Act" may engage in the business of selling
6 or dealing in house trailers not his own without being
7 licensed as a used vehicle dealer under this Section; however
8 such broker shall maintain a record of the transaction
9 including the following:

- 10 (1) the name and address of the buyer and seller,
11 (2) the date of sale,
12 (3) a description of the mobile home, including the
13 vehicle identification number, make, model, and year, and
14 (4) the Illinois certificate of title number.

15 The foregoing records shall be available for inspection
16 by any officer of the Secretary of State's Office at any
17 reasonable hour.

18 (k) Except at the time of sale or repossession of the
19 vehicle, no person licensed as a used vehicle dealer may
20 issue any other person a newly created key to a vehicle
21 unless the used vehicle dealer makes a copy of the driver's
22 license or State identification card of the person requesting
23 or obtaining the newly created key. The used vehicle dealer
24 must retain the copy for 30 days.

25 A used vehicle dealer who violates this subsection (k) is
26 guilty of a petty offense. Violation of this subsection (k)
27 is not cause to suspend, revoke, cancel, or deny renewal of
28 the used vehicle dealer's license.

29 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03;
30 93-32, eff. 7-1-03.)

31 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
32 Sec. 6-118. Fees.

33 (a) The fee for licenses and permits under this Article

1 is as follows:

2	Original driver's license.....	\$10
3	Original or renewal driver's license	
4	issued to 18, 19 and 20 year olds.....	5
5	All driver's licenses for persons	
6	age 69 through age 80.....	5
7	All driver's licenses for persons	
8	age 81 through age 86.....	2
9	All driver's licenses for persons	
10	age 87 or older.....	0
11	Renewal driver's license (except for	
12	applicants ages 18, 19 and 20 or	
13	age 69 and older).....	10
14	Original instruction permit issued to	
15	persons (except those age 69 and older)	
16	who do not hold or have not previously	
17	held an Illinois instruction permit or	
18	driver's license.....	20
19	Instruction permit issued to any person	
20	holding an Illinois driver's license	
21	who wishes a change in classifications,	
22	other than at the time of renewal.....	5
23	Any instruction permit issued to a person	
24	age 69 and older.....	5
25	Instruction permit issued to any person,	
26	under age 69, not currently holding a	
27	valid Illinois driver's license or	
28	instruction permit but who has	
29	previously been issued either document	
30	in Illinois.....	10
31	Restricted driving permit.....	8
32	Duplicate or corrected driver's license	
33	or permit.....	5
34	Duplicate or corrected restricted	

1 driving permit.....5
2 Original or renewal M or L endorsement.....5

3 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

4 The fees for commercial driver licenses and permits
5 under Article V shall be as follows:

6 Commercial driver's license:

7 \$6 for the CDLIS/AAMVAnet Fund
8 (Commercial Driver's License Information
9 System/American Association of Motor Vehicle
10 Administrators network Trust Fund);
11 \$20 for the Motor Carrier Safety Inspection Fund;
12 \$10 for the driver's license;
13 and \$24 for the CDL:.....\$60

14 Renewal commercial driver's license:

15 \$6 for the CDLIS/AAMVAnet Trust Fund;
16 \$20 for the Motor Carrier Safety Inspection Fund;
17 \$10 for the driver's license; and
18 \$24 for the CDL:.....\$60

19 Commercial driver instruction permit

20 issued to any person holding a valid
21 Illinois driver's license for the
22 purpose of changing to a
23 CDL classification: \$6 for the
24 CDLIS/AAMVAnet Trust Fund;
25 \$20 for the Motor Carrier
26 Safety Inspection Fund; and
27 \$24 for the CDL classification.....\$50

28 Commercial driver instruction permit

29 issued to any person holding a valid
30 Illinois CDL for the purpose of
31 making a change in a classification,
32 endorsement or restriction.....\$5

33 CDL duplicate or corrected license.....\$5

34 In order to ensure the proper implementation of the

1 Uniform Commercial Driver License Act, Article V of this
2 Chapter, the Secretary of State is empowered to pro-rate the
3 \$24 fee for the commercial driver's license proportionate to
4 the expiration date of the applicant's Illinois driver's
5 license.

6 The fee for any duplicate license or permit shall be
7 waived for any person age 60 or older who presents the
8 Secretary of State's office with a police report showing that
9 his license or permit was stolen.

10 No additional fee shall be charged for a driver's
11 license, or for a commercial driver's license, when issued to
12 the holder of an instruction permit for the same
13 classification or type of license who becomes eligible for
14 such license.

15 (b) Any person whose license or privilege to operate a
16 motor vehicle in this State has been suspended or revoked
17 under any provision of Chapter 6, Chapter 11, or Section
18 7-205~~7~~-7-303~~7~~-~~or~~ 7-702 of the Family Financial Responsibility
19 Law of this Code, shall in addition to any other fees
20 required by this Code, pay a reinstatement fee as follows:

- 21 Summary suspension under Section 11-501.1.....\$60 \$250
- 22 Other suspension.....\$30 \$70
- 23 Revocation.....\$60 \$500

24 However, any person whose license or privilege to operate
25 a motor vehicle in this State has been suspended or revoked
26 for a second or subsequent time for a violation of Section
27 11-501 or 11-501.1 of this Code or a similar provision of a
28 local ordinance or a similar out-of-state offense or Section
29 9-3 of the Criminal Code of 1961 and each suspension or
30 revocation was for a violation of Section 11-501 or 11-501.1
31 of this Code or a similar provision of a local ordinance or a
32 similar out-of-state offense or Section 9-3 of the Criminal
33 Code of 1961 shall pay, in addition to any other fees
34 required by this Code, a reinstatement fee as follows:

1 Summary suspension under Section 11-501.1.....\$250 \$500
2 Revocation.....\$250 \$500

3 (c) All fees collected under the provisions of this
4 Chapter 6 shall be paid into the Road Fund in the State
5 Treasury except as follows:

6 1. The following amounts shall be paid into the
7 Driver Education Fund:

8 (A) \$16 of the \$20 fee for an original
9 driver's instruction permit;

10 (B) \$5 of the \$10 \$20 fee for an original
11 driver's license;

12 (C) \$5 of the \$10 \$20 fee for a 4 year renewal
13 driver's license; and

14 (D) \$4 of the \$8 fee for a restricted driving
15 permit.

16 2. \$30 of the \$60 \$250 fee for reinstatement of a
17 license summarily suspended under Section 11-501.1 shall
18 be deposited into the Drunk and Drugged Driving
19 Prevention Fund. However, for a person whose license or
20 privilege to operate a motor vehicle in this State has
21 been suspended or revoked for a second or subsequent time
22 for a violation of Section 11-501 or 11-501.1 of this
23 Code or Section 9-3 of the Criminal Code of 1961, \$190 of
24 the \$250 \$500 fee for reinstatement of a license
25 summarily suspended under Section 11-501.1, and \$190 of
26 the \$250 \$500 fee for reinstatement of a revoked license
27 shall be deposited into the Drunk and Drugged Driving
28 Prevention Fund.

29 3. \$6 of such original or renewal fee for a
30 commercial driver's license and \$6 of the commercial
31 driver instruction permit fee when such permit is issued
32 to any person holding a valid Illinois driver's license,
33 shall be paid into the CDLIS/AAMVAnet Trust Fund.

34 4. \$30--of The \$70 fee for reinstatement of a

1 license suspended under the Family Financial
2 Responsibility Law shall be paid into the Family
3 Responsibility Fund.

4 5. The \$5 fee for each original or renewal M or L
5 endorsement shall be deposited into the Cycle Rider
6 Safety Training Fund.

7 6. \$20 of any original or renewal fee for a
8 commercial driver's license or commercial driver
9 instruction permit shall be paid into the Motor Carrier
10 Safety Inspection Fund.

11 7. (Blank). ~~The following amounts shall be paid~~
12 ~~into the General Revenue Fund:~~

13 ~~(A) \$190 of the \$250 reinstatement fee for a~~
14 ~~summary suspension under Section 11-501.1;~~

15 ~~(B) \$40 of the \$70 reinstatement fee for any~~
16 ~~other suspension provided in subsection (b) of this~~
17 ~~Section; and~~

18 ~~(C) \$440 of the \$500 reinstatement fee for a~~
19 ~~first offense revocation and \$310 of the \$500~~
20 ~~reinstatement fee for a second or subsequent~~
21 ~~revocation.~~

22 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04.)

23 (625 ILCS 5/7-707)

24 Sec. 7-707. Payment of reinstatement fee. When an
25 obligor receives notice from the Secretary of State that the
26 suspension of driving privileges has been terminated based
27 upon receipt of notification from the circuit clerk of the
28 obligor's compliance with a court order of support, the
29 obligor shall pay a \$30 \$70 reinstatement fee to the
30 Secretary of State as set forth in Section 6-118 of this
31 Code. ~~\$30 of~~ The \$70 fee shall be deposited into the Family
32 Responsibility Fund. In accordance with subsection (e) of
33 Section 6-115 of this Code, the Secretary of State may

1 decline to process a renewal of a driver's license of a
2 person who has not paid this fee.

3 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 1-1-04.)

4 (625 ILCS 5/18c-1501) (from Ch. 95 1/2, par. 18c-1501)

5 Sec. 18c-1501. Franchise, Franchise Renewal, Filing and
6 Other Fees for Motor Carriers of Property.

7 (1) Franchise, Franchise Renewal, Filing, and Other Fee
8 Levels in Effect Absent Commission Regulations Prescribing
9 Different Fee Levels. The levels of franchise, franchise
10 renewal, filing, and other fees for motor carriers of
11 property in effect, absent Commission regulations prescribing
12 different fee levels, shall be:

13 (a) Franchise and franchise renewal fees: \$19 for
14 each motor vehicle operated by a motor carrier of
15 property in intrastate commerce, and \$2 for each motor
16 vehicle operated by a motor carrier of property in
17 interstate commerce.

18 (b) Filing fees: \$100 for each application seeking
19 a Commission license or other authority, the
20 reinstatement of a cancelled license or authority, or
21 authority to establish a rate, other than by special
22 permission, excluding both released rate applications and
23 rate filings which may be investigated or suspended but
24 which require no prior authorization for filing; \$25 for
25 each released rate application and each application to
26 register as an interstate carrier; \$15 for each
27 application seeking special permission in regard to
28 rates; and \$15 for each equipment lease.

29 (2) Adjustment of Fee Levels. The Commission may, by
30 rulemaking in accordance with provisions of The Illinois
31 Administrative Procedure Act, adjust franchise, franchise
32 renewal, filing, and other fees for motor carriers of
33 property by increasing or decreasing them from levels in

1 effect absent Commission regulations prescribing different
2 fee levels. Franchise and franchise renewal fees prescribed
3 by the Commission for motor carriers of property shall not
4 exceed:

5 (a) \$50 for each motor vehicle operated by a
6 household goods carrier in intrastate commerce;

7 (a-5) \$5 \$15 for each motor vehicle operated by a
8 public carrier in intrastate commerce; and

9 (b) \$7 for each motor vehicle operated by a motor
10 carrier of property in interstate commerce.

11 (3) Late-Filing Fees.

12 (a) Commission to Prescribe Late-Filing Fees. The
13 Commission may prescribe fees for the late filing of
14 proof of insurance, operating reports, franchise or
15 franchise renewal fee applications, or other documents
16 required to be filed on a periodic basis with the
17 Commission.

18 (b) Late-filing Fees to Accrue Automatically.
19 Late-filing fees shall accrue automatically from the
20 filing deadline set forth in Commission regulations, and
21 all persons or entities required to make such filings
22 shall be on notice of such deadlines.

23 (c) Maximum Fees. Late-filing fees prescribed by
24 the Commission shall not exceed \$100 for an initial
25 period, plus \$10 for each day after the expiration of the
26 initial period. The Commission may provide for waiver of
27 all or part of late-filing fees accrued under this
28 subsection on a showing of good cause.

29 (d) Effect of Failure to Make Timely Filings and
30 Pay Late-Filing Fees. Failure of a person to file proof
31 of continuous insurance coverage or to make other
32 periodic filings required under Commission regulations
33 shall make licenses and registrations held by the person
34 subject to revocation or suspension. The licenses or

1 registrations cannot thereafter be returned to good
2 standing until after payment of all late-filing fees
3 accrued and not waived under this subsection.

4 (4) Payment of Fees.

5 (a) Franchise and Franchise Renewal Fees. Franchise
6 and franchise renewal fees for motor carriers of property
7 shall be due and payable on or before the 31st day of
8 December of the calendar year preceding the calendar year
9 for which the fees are owing, unless otherwise provided
10 in Commission regulations.

11 (b) Filing and Other Fees. Filing and other fees
12 (including late-filing fees) shall be due and payable on
13 the date of filing, or on such other date as is set forth
14 in Commission regulations.

15 (5) When Fees Returnable.

16 (a) Whenever an application to the Illinois
17 Commerce Commission is accompanied by any fee as required
18 by law and such application is refused or rejected, said
19 fee shall be returned to said applicant.

20 (b) The Illinois Commerce Commission may reduce by
21 interlineation the amount of any personal check or
22 corporate check or company check drawn on the account of
23 and delivered by any person for payment of a fee required
24 by the Illinois Commerce Commission.

25 (c) Any check altered pursuant to above shall be
26 endorsed by the Illinois Commerce Commission as follows:
27 "This check is warranted to subsequent holders and to the
28 drawee to be in the amount \$."

29 (d) All applications to the Illinois Commerce
30 Commission requiring fee payment upon reprinting shall
31 contain the following authorization statement: "My
32 signature authorizes the Illinois Commerce Commission to
33 lower the amount of check if fee submitted exceeds
34 correct amount."

1 (Source: P.A. 93-32, eff. 7-1-03.)

2 (625 ILCS 5/18c-1502.05)

3 Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers.
4 Beginning with calendar year 2005 2004, every rail carrier
5 shall pay to the Commission for each calendar year a route
6 mileage fee of \$37 \$45 for each route mile of railroad right
7 of way owned by the rail carrier in Illinois. The fee shall
8 be based on the number of route miles as of January 1 of the
9 year for which the fee is due, and the payment of the route
10 mileage fee shall be due by February 1 of each calendar year.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (625 ILCS 5/18c-1502.10)

13 Sec. 18c-1502.10. Railroad-Highway Grade Crossing and
14 Grade Separation Fee. Beginning with calendar year 2005
15 2004, every rail carrier shall pay to the Commission for each
16 calendar year a fee of \$23 \$28 for each location at which the
17 rail carrier's track crosses a public road, highway, or
18 street, whether the crossing be at grade, by overhead
19 structure, or by subway. The fee shall be based on the
20 number of the crossings as of January 1 of each calendar
21 year, and the fee shall be due by February 1 of each calendar
22 year.

23 (Source: P.A. 93-32, eff. 7-1-03.)

24 Section 130. The Boat Registration and Safety Act is
25 amended by changing Sections 3-2 and 3-7 as follows:

26 (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

27 Sec. 3-2. Identification number application. The owner of
28 each watercraft requiring numbering by this State shall file
29 an application for number with the Department on forms
30 approved by it. The application shall be signed by the owner

1 of the watercraft and shall be accompanied by a fee as
2 follows:

- 3 A. Class A (all canoes and kayaks)..... \$6
- 4 B. Class 1 (all watercraft less
5 than 16 feet in length, except
6 canoes and kayaks)..... \$15
- 7 C. Class 2 (all watercraft 16
8 feet or more but less than 26 feet in length
9 except canoes and kayaks)..... \$20 \$45
- 10 D. Class 3 (all watercraft 26 feet or more
11 but less than 40 feet in length)..... \$25 \$75
- 12 E. Class 4 (all watercraft 40 feet in length
13 or more)..... \$30 \$100

14 Upon receipt of the application in approved form, and
15 when satisfied that no tax imposed pursuant to the "Municipal
16 Use Tax Act" or the "County Use Tax Act" is owed, or that
17 such tax has been paid, the Department shall enter the same
18 upon the records of its office and issue to the applicant a
19 certificate of number stating the number awarded to the
20 watercraft and the name and address of the owner.

21 (Source: P.A. 93-32, eff. 7-1-03.)

22 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

23 Sec. 3-7. Loss of certificate. Should a certificate of
24 number or registration expiration decal become lost,
25 destroyed, or mutilated beyond legibility, the owner of the
26 watercraft shall make application to the Department for the
27 replacement of the certificate or decal, giving his name,
28 address, and the number of his boat and shall at the same
29 time pay to the Department a fee of \$1 \$5.

30 (Source: P.A. 93-32, eff. 7-1-03.)

31 Section 135. The Unified Code of Corrections is amended
32 by changing Section 5-9-1 as follows:

1 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

2 Sec. 5-9-1. Authorized fines.

3 (a) An offender may be sentenced to pay a fine which
4 shall not exceed for each offense:

5 (1) for a felony, \$25,000 or the amount specified
6 in the offense, whichever is greater, or where the
7 offender is a corporation, \$50,000 or the amount
8 specified in the offense, whichever is greater;

9 (2) for a Class A misdemeanor, \$2,500 or the amount
10 specified in the offense, whichever is greater;

11 (3) for a Class B or Class C misdemeanor, \$1,500;

12 (4) for a petty offense, \$1,000 or the amount
13 specified in the offense, whichever is less;

14 (5) for a business offense, the amount specified in
15 the statute defining that offense.

16 (b) A fine may be imposed in addition to a sentence of
17 conditional discharge, probation, periodic imprisonment, or
18 imprisonment.

19 (c) There shall be added to every fine imposed in
20 sentencing for a criminal or traffic offense, except an
21 offense relating to parking or registration, or offense by a
22 pedestrian, an additional penalty of \$5 for each \$40, or
23 fraction thereof, of fine imposed. The additional penalty of
24 \$5 for each \$40, or fraction thereof, of fine imposed, if not
25 otherwise assessed, shall also be added to every fine imposed
26 upon a plea of guilty, stipulation of facts or findings of
27 guilty, resulting in a judgment of conviction, or order of
28 supervision in criminal, traffic, local ordinance, county
29 ordinance, and conservation cases (except parking,
30 registration, or pedestrian violations), or upon a sentence
31 of probation without entry of judgment under Section 10 of
32 the Cannabis Control Act or Section 410 of the Controlled
33 Substances Act.

34 Such additional amounts shall be assessed by the court

1 imposing the fine and shall be collected by the Circuit Clerk
2 in addition to the fine and costs in the case. Each such
3 additional penalty shall be remitted by the Circuit Clerk
4 within one month after receipt to the State Treasurer. The
5 State Treasurer shall deposit \$1 for each \$40, or fraction
6 thereof, of fine imposed into the LEADS Maintenance Fund.
7 The remaining surcharge amount shall be deposited into the
8 Traffic and Criminal Conviction Surcharge Fund, unless the
9 fine, costs or additional amounts are subject to disbursement
10 by the circuit clerk under Section 27.5 of the Clerks of
11 Courts Act. Such additional penalty shall not be considered
12 a part of the fine for purposes of any reduction in the fine
13 for time served either before or after sentencing. Not
14 later than March 1 of each year the Circuit Clerk shall
15 submit a report of the amount of funds remitted to the State
16 Treasurer under this subsection (c) during the preceding
17 calendar year. Except as otherwise provided by Supreme Court
18 Rules, if a court in imposing a fine against an offender
19 levies a gross amount for fine, costs, fees and penalties,
20 the amount of the additional penalty provided for herein
21 shall be computed on the amount remaining after deducting
22 from the gross amount levied all fees of the Circuit Clerk,
23 the State's Attorney and the Sheriff. After deducting from
24 the gross amount levied the fees and additional penalty
25 provided for herein, less any other additional penalties
26 provided by law, the clerk shall remit the net balance
27 remaining to the entity authorized by law to receive the fine
28 imposed in the case. For purposes of this Section "fees of
29 the Circuit Clerk" shall include, if applicable, the fee
30 provided for under Section 27.3a of the Clerks of Courts Act
31 and the fee, if applicable, payable to the county in which
32 the violation occurred pursuant to Section 5-1101 of the
33 Counties Code.

34 (c-5) In addition to the fines imposed by subsection

1 (c), any person convicted or receiving an order of
2 supervision for driving under the influence of alcohol or
3 drugs shall pay an additional \$100 fee to the clerk. This
4 additional fee, less 2 1/2% that shall be used to defray
5 administrative costs incurred by the clerk, shall be remitted
6 by the clerk to the Treasurer within 60 days after receipt
7 for deposit into the Trauma Center Fund. This additional fee
8 of \$100 shall not be considered a part of the fine for
9 purposes of any reduction in the fine for time served either
10 before or after sentencing. Not later than March 1 of each
11 year the Circuit Clerk shall submit a report of the amount of
12 funds remitted to the State Treasurer under this subsection
13 (c-5) during the preceding calendar year.

14 The Circuit Clerk may accept payment of fines and costs
15 by credit card from an offender who has been convicted of a
16 traffic offense, petty offense or misdemeanor and may charge
17 the service fee permitted where fines and costs are paid by
18 credit card provided for in Section 27.3b of the Clerks of
19 Courts Act.

20 (c-7) In addition to the fines imposed by subsection
21 (c), any person convicted or receiving an order of
22 supervision for driving under the influence of alcohol or
23 drugs shall pay an additional \$5 fee to the clerk. This
24 additional fee, less 2 1/2% that shall be used to defray
25 administrative costs incurred by the clerk, shall be remitted
26 by the clerk to the Treasurer within 60 days after receipt
27 for deposit into the Spinal Cord Injury Paralysis Cure
28 Research Trust Fund. This additional fee of \$5 shall not be
29 considered a part of the fine for purposes of any reduction
30 in the fine for time served either before or after
31 sentencing. Not later than March 1 of each year the Circuit
32 Clerk shall submit a report of the amount of funds remitted
33 to the State Treasurer under this subsection (c-7) during the
34 preceding calendar year.

1 (c-9) Until the effective date of this amendatory Act of
2 the 93rd General Assembly there shall be added to every fine
3 imposed in sentencing for a criminal or traffic offense,
4 except an offense relating to parking or registration, or
5 offense by a pedestrian, an additional penalty of \$4 imposed.
6 The additional penalty of \$4 shall also be added to every
7 fine imposed upon a plea of guilty, stipulation of facts or
8 findings of guilty, resulting in a judgment of conviction, or
9 order of supervision in criminal, traffic, local ordinance,
10 county ordinance, or conservation cases (except parking,
11 registration, or pedestrian violations), or upon a sentence
12 of probation without entry of judgment under Section 10 of
13 the Cannabis Control Act or Section 410 of the Controlled
14 Substances Act. Such additional penalty of \$4 shall be
15 assessed by the court imposing the fine and shall be
16 collected by the circuit clerk in addition to any other fine,
17 costs, fees, and penalties in the case. Each such additional
18 penalty of \$4 shall be remitted to the State Treasurer by the
19 circuit clerk within one month after receipt. The State
20 Treasurer shall deposit the additional penalty of \$4 into the
21 Traffic and Criminal Conviction Surcharge Fund. The
22 additional penalty of \$4 shall be in addition to any other
23 fine, costs, fees, and penalties and shall not reduce or
24 affect the distribution of any other fine, costs, fees, and
25 penalties.

26 (d) In determining the amount and method of payment of a
27 fine, except for those fines established for violations of
28 Chapter 15 of the Illinois Vehicle Code, the court shall
29 consider:

30 (1) the financial resources and future ability of
31 the offender to pay the fine; and

32 (2) whether the fine will prevent the offender from
33 making court ordered restitution or reparation to the
34 victim of the offense; and

1 (3) in a case where the accused is a dissolved
2 corporation and the court has appointed counsel to
3 represent the corporation, the costs incurred either by
4 the county or the State for such representation.

5 (e) The court may order the fine to be paid forthwith or
6 within a specified period of time or in installments.

7 (f) All fines, costs and additional amounts imposed
8 under this Section for any violation of Chapters 3, 4, 6, and
9 11 of the Illinois Vehicle Code, or a similar provision of a
10 local ordinance, and any violation of the Child Passenger
11 Protection Act, or a similar provision of a local ordinance,
12 shall be collected and disbursed by the circuit clerk as
13 provided under Section 27.5 of the Clerks of Courts Act.

14 (Source: P.A. 92-431, eff. 1-1-02; 93-32, eff. 6-20-03.)

15 Section 140. The Business Corporation Act of 1983 is
16 amended by changing Sections 15.10, 15.12, 15.15, 15.45, and
17 15.75 as follows:

18 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

19 Sec. 15.10. Fees for filing documents. The Secretary of
20 State shall charge and collect for:

21 (a) Filing articles of incorporation, \$75 ~~\$150~~.

22 (b) Filing articles of amendment, \$25 ~~\$50~~, unless the
23 amendment is a restatement of the articles of incorporation,
24 in which case the fee shall be \$100 ~~\$150~~.

25 (c) Filing articles of merger or consolidation, \$100,
26 but if the merger or consolidation involves more than 2
27 corporations, \$50 for each additional corporation.

28 (d) Filing articles of share exchange, \$100.

29 (e) Filing articles of dissolution, \$5.

30 (f) Filing application to reserve a corporate name, \$25.

31 (g) Filing a notice of transfer of a reserved corporate
32 name, \$25.

1 (h) Filing statement of change of address of registered
2 office or change of registered agent, or both, \$5 \$25.

3 (i) Filing statement of the establishment of a series of
4 shares, \$25.

5 (j) Filing an application of a foreign corporation for
6 authority to transact business in this State, \$75 \$150.

7 (k) Filing an application of a foreign corporation for
8 amended authority to transact business in this State, \$25.

9 (l) Filing a copy of amendment to the articles of
10 incorporation of a foreign corporation holding authority to
11 transact business in this State, \$25 \$50, unless the
12 amendment is a restatement of the articles of incorporation,
13 in which case the fee shall be \$100 \$150.

14 (m) Filing a copy of articles of merger of a foreign
15 corporation holding a certificate of authority to transact
16 business in this State, \$100, but if the merger involves more
17 than 2 corporations, \$50 for each additional corporation.

18 (n) Filing an application for withdrawal and final
19 report or a copy of articles of dissolution of a foreign
20 corporation, \$25.

21 (o) Filing an annual report, interim annual report, or
22 final transition annual report of a domestic or foreign
23 corporation, \$25 \$75.

24 (p) Filing an application for reinstatement of a
25 domestic or a foreign corporation, \$100 \$200.

26 (q) Filing an application for use of an assumed
27 corporate name, \$150 for each year or part thereof ending in
28 0 or 5, \$120 for each year or part thereof ending in 1 or 6,
29 \$90 for each year or part thereof ending in 2 or 7, \$60 for
30 each year or part thereof ending in 3 or 8, \$30 for each year
31 or part thereof ending in 4 or 9, between the date of filing
32 the application and the date of the renewal of the assumed
33 corporate name; and a renewal fee for each assumed corporate
34 name, \$150.

1 (r) To change an assumed corporate name for the period
2 remaining until the renewal date of the original assumed
3 name, \$25.

4 (s) Filing an application for cancellation of an assumed
5 corporate name, \$5.

6 (t) Filing an application to register the corporate name
7 of a foreign corporation, \$50; and an annual renewal fee for
8 the registered name, \$50.

9 (u) Filing an application for cancellation of a
10 registered name of a foreign corporation, \$25.

11 (v) Filing a statement of correction, \$25 \$50.

12 (w) Filing a petition for refund or adjustment, \$5.

13 (x) Filing a statement of election of an extended filing
14 month, \$25.

15 (y) Filing any other statement or report, \$5.

16 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
17 eff. 7-1-03; revised 9-5-03.)

18 (805 ILCS 5/15.12)

19 Sec. 15.12. Disposition of fees. Of the total money
20 collected for the filing of an annual report under this Act,
21 \$10 ~~\$15~~ of the filing fee shall be paid into the Secretary of
22 State Special Services Fund. The remaining \$15 ~~\$60~~ shall be
23 deposited into the General Revenue Fund in the State
24 Treasury.

25 (Source: P.A. 93-32, eff. 12-1-03.)

26 (805 ILCS 5/15.15) (from Ch. 32, par. 15.15)

27 Sec. 15.15. Miscellaneous charges. The Secretary of
28 State shall charge and collect;

29 (a) For furnishing a copy or certified copy of any
30 document, instrument, or paper relating to a corporation, 50¢
31 per page, but not less than \$5 and \$5 for the certificate and
32 for affixing the seal thereto or for a certificate, --\$25.

1 (b) At the time of any service of process, notice or
2 demand on him or her as resident agent of a corporation, \$10,
3 which amount may be recovered as taxable costs by the party
4 to the suit or action causing such service to be made if such
5 party prevails in the suit or action.

6 (Source: P.A. 93-32, eff. 12-1-03.)

7 (805 ILCS 5/15.45) (from Ch. 32, par. 15.45)

8 Sec. 15.45. Rate of franchise taxes payable by domestic
9 corporations.

10 (a) The annual franchise tax payable by each domestic
11 corporation shall be computed at the rate of 1/12 of 1/10 of
12 1% for each calendar month or fraction thereof for the period
13 commencing on the first day of July 1983 to the first day of
14 the anniversary month in 1984, but in no event shall the
15 amount of the annual franchise tax be less than \$2.08333 per
16 month assessed on a minimum of \$25 per annum or more than
17 \$83,333.333333 per month; commencing on January 1, 1984 to
18 the first day of the anniversary month in 2004 and commencing
19 again with the first anniversary month that occurs in 2005,
20 the annual franchise tax payable by each domestic corporation
21 shall be computed at the rate of 1/10 of 1% for the
22 12-months' period commencing on the first day of the
23 anniversary month or, in cases where a corporation has
24 established an extended filing month, the extended filing
25 month of the corporation, but in no event shall the amount of
26 the annual franchise tax be less than \$25 nor more than
27 \$1,000,000 per annum; commencing with the first anniversary
28 month that occurs after December, 2003 to the first day of
29 the anniversary month in 2005, the annual franchise tax
30 payable by each domestic corporation shall be computed at the
31 rate of 1/10 of 1% for the 12-months' period commencing on
32 the first day of the anniversary month or, in cases where a
33 corporation has established an extended filing month, the

1 extended filing month of the corporation, but in no event
2 shall the amount of the annual franchise tax be less than \$25
3 nor more than \$2,000,000 per annum.

4 (b) The annual franchise tax payable by each domestic
5 corporation at the time of filing a statement of election and
6 interim annual report in connection with an anniversary month
7 prior to January, 2004 or commencing in or after January,
8 2005 shall be computed at the rate of 1/10 of 1% for the 12
9 month period commencing on the first day of the anniversary
10 month of the corporation next following such filing, but in
11 no event shall the amount of the annual franchise tax be less
12 than \$25 nor more than \$1,000,000 per annum; commencing with
13 the first anniversary month that occurs after December, 2003
14 to the first day of the anniversary month in 2005, the annual
15 franchise tax payable by each domestic corporation at the
16 time of filing a statement of election and interim annual
17 report shall be computed at the rate of 1/10 of 1% for the
18 12-month period commencing on the first day of the
19 anniversary month of the corporation next following such
20 filing, but in no event shall the amount of the annual
21 franchise tax be less than \$25 nor more than \$2,000,000 per
22 annum.

23 (c) The annual franchise tax payable at the time of
24 filing the final transition annual report in connection with
25 an anniversary month prior to January, 2004 or commencing in
26 or after January, 2005 shall be an amount equal to (i) 1/12
27 of 1/10 of 1% per month of the proportion of paid-in capital
28 represented in this State as shown in the final transition
29 annual report multiplied by (ii) the number of months
30 commencing with the anniversary month next following the
31 filing of the statement of election until, but excluding, the
32 second extended filing month, less the annual franchise tax
33 theretofore paid at the time of filing the statement of
34 election, but in no event shall the amount of the annual

1 franchise tax be less than \$2.08333 per month assessed on a
2 minimum of \$25 per annum or more than \$83,333.333333 per
3 month; commencing with the first anniversary month that
4 occurs after December, 2003 to the first day of the
5 anniversary month in 2005, the annual franchise tax payable
6 at the time of filing the final transition annual report
7 shall be an amount equal to (i) 1/12 of 1/10 of 1% per month
8 of the proportion of paid-in capital represented in this
9 State as shown in the final transition annual report
10 multiplied by (ii) the number of months commencing with the
11 anniversary month next following the filing of the statement
12 of election until, but excluding, the second extended filing
13 month, less the annual franchise tax theretofore paid at the
14 time of filing the statement of election, but in no event
15 shall the amount of the annual franchise tax be less than
16 \$2.08333 per month assessed on a minimum of \$25 per annum or
17 more than \$166,666.666666 per month.

18 (d) The initial franchise tax payable after January 1,
19 1983, but prior to January 1, 1991, by each domestic
20 corporation shall be computed at the rate of 1/10 of 1% for
21 the 12 months' period commencing on the first day of the
22 anniversary month in which the certificate of incorporation
23 is issued to the corporation under Section 2.10 of this Act,
24 but in no event shall the franchise tax be less than \$25 nor
25 more than \$1,000,000 per annum. The initial franchise tax
26 payable on or after January 1, 1991, but prior to January 1,
27 2004, and on or after January 1, 2005, by each domestic
28 corporation shall be computed at the rate of 15/100 of 1% for
29 the 12 month period commencing on the first day of the
30 anniversary month in which the articles of incorporation are
31 filed in accordance with Section 2.10 of this Act, but in no
32 event shall the initial franchise tax be less than \$25 nor
33 more than \$1,000,000 per annum plus 1/20th of 1% of the basis
34 therefor. The initial franchise tax payable on or after

1 January 1, 2004 but prior to January 1, 2005, by each
2 domestic corporation shall be computed at the rate of 15/100
3 of 1% for the 12-month period commencing on the first day of
4 the anniversary month in which the articles of incorporation
5 are filed in accordance with Section 2.10 of this Act, but in
6 no event shall the initial franchise tax be less than \$25 nor
7 more than \$2,000,000 per annum plus 1/10th of 1% of the basis
8 therefor.

9 (e) Each additional franchise tax payable by each
10 domestic corporation for the period beginning January 1, 1983
11 through December 31, 1983 shall be computed at the rate of
12 1/12 of 1/10 of 1% for each calendar month or fraction
13 thereof, between the date of each respective increase in its
14 paid-in capital and its anniversary month in 1984; thereafter
15 until the last day of the month that is both after December
16 31, 1990 and the third month immediately preceding the
17 anniversary month in 1991, each additional franchise tax
18 payable by each domestic corporation shall be computed at the
19 rate of 1/12 of 1/10 of 1% for each calendar month, or
20 fraction thereof, between the date of each respective
21 increase in its paid-in capital and its next anniversary
22 month; however, if the increase occurs within the 2 month
23 period immediately preceding the anniversary month, the tax
24 shall be computed to the anniversary month of the next
25 succeeding calendar year. Commencing with increases in
26 paid-in capital that occur subsequent to both December 31,
27 1990 and the last day of the third month immediately
28 preceding the anniversary month in 1991, the additional
29 franchise tax payable by a domestic corporation shall be
30 computed at the rate of 15/100 of 1%.

31 (Source: P.A. 93-32, eff. 12-1-03.)

32 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

33 Sec. 15.75. Rate of franchise taxes payable by foreign

1 corporations.

2 (a) The annual franchise tax payable by each foreign
3 corporation shall be computed at the rate of 1/12 of 1/10 of
4 1% for each calendar month or fraction thereof for the period
5 commencing on the first day of July 1983 to the first day of
6 the anniversary month in 1984, but in no event shall the
7 amount of the annual franchise tax be less than \$2.083333 per
8 month based on a minimum of \$25 per annum or more than
9 \$83,333.333333 per month; commencing on January 1, 1984 to
10 the first day of the anniversary month in 2004 and commencing
11 again with the first anniversary month that occurs in 2005,
12 the annual franchise tax payable by each foreign corporation
13 shall be computed at the rate of 1/10 of 1% for the
14 12-months' period commencing on the first day of the
15 anniversary month or, in the case of a corporation that has
16 established an extended filing month, the extended filing
17 month of the corporation, but in no event shall the amount of
18 the annual franchise tax be less than \$25 nor more than
19 \$1,000,000 per annum; commencing on January 1, 2004 to the
20 first day of the anniversary month in 2005, the annual
21 franchise tax payable by each foreign corporation shall be
22 computed at the rate of 1/10 of 1% for the 12-month period
23 commencing on the first day of the anniversary month or, in
24 the case of a corporation that has established an extended
25 filing month, the extended filing month of the corporation,
26 but in no event shall the amount of the annual franchise tax
27 be less than \$25 nor more then \$2,000,000 per annum.

28 (b) The annual franchise tax payable by each foreign
29 corporation at the time of filing a statement of election and
30 interim annual report in connection with an anniversary month
31 prior to January, 2004 or commencing in or after January,
32 2005 shall be computed at the rate of 1/10 of 1% for the 12
33 month period commencing on the first day of the anniversary
34 month of the corporation next following the filing, but in no

1 event shall the amount of the annual franchise tax be less
2 than \$25 nor more than \$1,000,000 per annum; commencing with
3 the first anniversary month that occurs after December, 2003
4 to the first day of the anniversary month in 2005, the annual
5 franchise tax payable by each foreign corporation at the time
6 of filing a statement of election and interim annual report
7 shall be computed at the rate of 1/10 of 1% for the 12-month
8 period commencing on the first day of the anniversary month
9 of the corporation next following such filing, but in no
10 event shall the amount of the annual franchise tax be less
11 than \$25 nor more than \$2,000,000 per annum.

12 (c) The annual franchise tax payable at the time of
13 filing the final transition annual report in connection with
14 an anniversary month prior to January, 2004 or commencing in
15 or after January, 2005 shall be an amount equal to (i) 1/12
16 of 1/10 of 1% per month of the proportion of paid-in capital
17 represented in this State as shown in the final transition
18 annual report multiplied by (ii) the number of months
19 commencing with the anniversary month next following the
20 filing of the statement of election until, but excluding, the
21 second extended filing month, less the annual franchise tax
22 theretofore paid at the time of filing the statement of
23 election, but in no event shall the amount of the annual
24 franchise tax be less than \$2.083333 per month based on a
25 minimum of \$25 per annum or more than \$83,333.333333 per
26 month; commencing with the first anniversary month that
27 occurs after December, 2003 to the first day of the
28 anniversary month in 2005, the annual franchise tax payable
29 at the time of filing the final transition annual report
30 shall be an amount equal to (i) 1/12 of 1/10 of 1% per month
31 of the proportion of paid-in capital represented in this
32 State as shown in the final transition annual report
33 multiplied by (ii) the number of months commencing with the
34 anniversary month next following the filing of the statement

1 of election until, but excluding, the second extended filing
2 month, less the annual franchise tax theretofore paid at the
3 time of filing the statement of election, but in no event
4 shall the amount of the annual franchise tax be less than
5 \$2.083333 per month based on a minimum of \$25 per annum or
6 more than \$166,666.666666 per month.

7 (d) The initial franchise tax payable after January 1,
8 1983, but prior to January 1, 1991, by each foreign
9 corporation shall be computed at the rate of 1/10 of 1% for
10 the 12 months' period commencing on the first day of the
11 anniversary month in which the application for authority is
12 filed by the corporation under Section 13.15 of this Act, but
13 in no event shall the franchise tax be less than \$25 nor more
14 than \$1,000,000 per annum. Except in the case of a foreign
15 corporation that has begun transacting business in Illinois
16 prior to January 1, 1991, the initial franchise tax payable
17 on or after January 1, 1991, by each foreign corporation,
18 shall be computed at the rate of 15/100 of 1% for the
19 12-month period commencing on the first day of the
20 anniversary month in which the application for authority is
21 filed by the corporation under Section 13.15 of this Act, but
22 in no event shall the franchise tax for a taxable year
23 commencing prior to January 1, 2004 or commencing in or after
24 January, 2005 be less than \$25 nor more than \$1,000,000 per
25 annum plus 1/20 of 1% of the basis therefor and in no event
26 shall the franchise tax for a taxable year commencing on or
27 after January 1, 2004 to the first day of the anniversary
28 month in 2005 be less than \$25 or more than \$2,000,000 per
29 annum plus 1/20 of 1% of the basis therefor.

30 (e) Whenever the application for authority indicates
31 that the corporation commenced transacting business:

- 32 (1) prior to January 1, 1991, the initial franchise
33 tax shall be computed at the rate of 1/12 of 1/10 of 1%
34 for each calendar month; or

1 (2) after December 31, 1990, the initial franchise
2 tax shall be computed at the rate of 1/12 of 15/100 of 1%
3 for each calendar month.

4 (f) Each additional franchise tax payable by each
5 foreign corporation for the period beginning January 1, 1983
6 through December 31, 1983 shall be computed at the rate of
7 1/12 of 1/10 of 1% for each calendar month or fraction
8 thereof between the date of each respective increase in its
9 paid-in capital and its anniversary month in 1984; thereafter
10 until the last day of the month that is both after December
11 31, 1990 and the third month immediately preceding the
12 anniversary month in 1991, each additional franchise tax
13 payable by each foreign corporation shall be computed at the
14 rate of 1/12 of 1/10 of 1% for each calendar month, or
15 fraction thereof, between the date of each respective
16 increase in its paid-in capital and its next anniversary
17 month; however, if the increase occurs within the 2 month
18 period immediately preceding the anniversary month, the tax
19 shall be computed to the anniversary month of the next
20 succeeding calendar year. Commencing with increases in
21 paid-in capital that occur subsequent to both December 31,
22 1990 and the last day of the third month immediately
23 preceding the anniversary month in 1991, the additional
24 franchise tax payable by a foreign corporation shall be
25 computed at the rate of 15/100 of 1%.

26 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03.)

27 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

28 Sec. 15.95. Department of Business Services Special
29 Operations Fund.

30 (a) A special fund in the State treasury known as the
31 Division of Corporations Special Operations Fund is renamed
32 the Department of Business Services Special Operations Fund.
33 Moneys deposited into the Fund shall, subject to

1 appropriation, be used by the Department of Business Services
2 of the Office of the Secretary of State, hereinafter
3 "Department", to create and maintain the capability to
4 perform expedited services in response to special requests
5 made by the public for same day or 24 hour service. Moneys
6 deposited into the Fund shall be used for, but not limited
7 to, expenditures for personal services, retirement, social
8 security, contractual services, equipment, electronic data
9 processing, and telecommunications.

10 (b) The balance in the Fund at the end of any fiscal
11 year shall not exceed \$600,000 and any amount in excess
12 thereof shall be transferred to the General Revenue Fund.

13 (c) All fees payable to the Secretary of State under
14 this Section shall be deposited into the Fund. No other fees
15 or taxes collected under this Act shall be deposited into the
16 Fund.

17 (d) "Expedited services" means services rendered within
18 the same day, or within 24 hours from the time, the request
19 therefor is submitted by the filer, law firm, service
20 company, or messenger physically in person or, at the
21 Secretary of State's discretion, by electronic means, to the
22 Department's Springfield Office and includes requests for
23 certified copies, photocopies, and certificates of good
24 standing or fact made to the Department's Springfield Office
25 in person or by telephone, or requests for certificates of
26 good standing or fact made in person or by telephone to the
27 Department's Chicago Office.

28 (e) Fees for expedited services shall be as follows:

29 Restatement of articles, \$100 \$200;

30 Merger, consolidation or exchange, \$100 \$200;

31 Articles of incorporation, \$50 \$100;

32 Articles of amendment, \$50 \$100;

33 Revocation of dissolution, \$50 \$100;

34 Reinstatement, \$50 \$100;

- 1 Application for authority, \$50 \$100;
- 2 Cumulative report of changes in issued shares or paid-in
- 3 capital, \$50 \$100;
- 4 Report following merger or consolidation, \$50 \$100;
- 5 Certificate of good standing or fact, \$10 \$20;
- 6 All other filings, copies of documents, annual reports
- 7 filed on or after January 1, 1984, and copies of documents of
- 8 dissolved or revoked corporations having a file number over
- 9 5199, \$25 \$50.

10 (f) Expedited services shall not be available for a
11 statement of correction, a petition for refund or adjustment,
12 or a request involving annual reports filed before January 1,
13 1984 or involving dissolved corporations with a file number
14 below 5200.

15 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,
16 eff. 7-1-03; revised 9-5-03.)

17 Section 145. The Limited Liability Company Act is
18 amended by changing Sections 45-45, 50-10, 50-15, and 50-50
19 as follows:

20 (805 ILCS 180/45-45)

21 Sec. 45-45. Transaction of business without admission.

22 (a) A foreign limited liability company transacting
23 business in this State may not maintain a civil action in any
24 court of this State until the limited liability company is
25 admitted to transact business in this State.

26 (b) The failure of a foreign limited liability company
27 to be admitted to transact business in this State does not
28 impair the validity of any contract or act of the foreign
29 limited liability company or prevent the foreign limited
30 liability company from defending any civil action in any
31 court of this State.

32 (c) A foreign limited liability company, by transacting

1 business in this State without being admitted to do so,
2 appoints the Secretary of State as its agent upon whom any
3 notice, process, or demand may be served.

4 (d) A foreign limited liability company that transacts
5 business in this State without being admitted to do so shall
6 be liable to the State for the years or parts thereof during
7 which it transacted business in this State without being
8 admitted in an amount equal to all fees that would have been
9 imposed by this Article upon that limited liability company
10 had it been duly admitted, filed all reports required by this
11 Article, and paid all penalties imposed by this Article. If
12 a limited liability company fails to be admitted to do
13 business in this State within 60 days after it commences
14 transacting business in Illinois, it is liable for a penalty
15 of \$1,000 ~~\$2,000~~ plus \$50 ~~\$100~~ for each month or fraction
16 thereof in which it has continued to transact business in
17 this State without being admitted to do so. The Attorney
18 General shall bring proceedings to recover all amounts due
19 this State under this Article.

20 (e) A member of a foreign limited liability company is
21 not liable for the debts and obligations of the limited
22 liability company solely by reason of the company's having
23 transacted business in this State without being admitted to
24 do so.

25 (Source: P.A. 93-32, eff. 12-1-03.)

26 (805 ILCS 180/50-10)

27 Sec. 50-10. Fees.

28 (a) The Secretary of State shall charge and collect in
29 accordance with the provisions of this Act and rules
30 promulgated under its authority all of the following:

- 31 (1) Fees for filing documents.
- 32 (2) Miscellaneous charges.
- 33 (3) Fees for the sale of lists of filings and for

1 copies of any documents.

2 (b) The Secretary of State shall charge and collect for
3 all of the following:

4 (1) Filing articles of organization of limited
5 liability companies (domestic), application for admission
6 (foreign), and restated articles of organization
7 (domestic), \$400 ~~\$500~~.

8 (2) Filing amendments:

9 (A) For other than change of registered agent
10 name or registered office, or both, \$100 ~~\$150~~.

11 (B) For the purpose of changing the registered
12 agent name or registered office, or both, \$25 ~~\$35~~.

13 (3) Filing articles of dissolution or application
14 for withdrawal, \$100.

15 (4) Filing an application to reserve a name, \$300.

16 (5) (Blank).

17 (6) Filing a notice of a transfer of a reserved
18 name, \$100.

19 (7) Registration of a name, \$300.

20 (8) Renewal of registration of a name, \$100.

21 (9) Filing an application for use of an assumed
22 name under Section 1-20 of this Act, \$150 for each year
23 or part thereof ending in 0 or 5, \$120 for each year or
24 part thereof ending in 1 or 6, \$90 for each year or part
25 thereof ending in 2 or 7, \$60 for each year or part
26 thereof ending in 3 or 8, \$30 for each year or part
27 thereof ending in 4 or 9, and a renewal for each assumed
28 name, \$150.

29 (10) Filing an application for change of an assumed
30 name, \$100.

31 (11) Filing an annual report of a limited liability
32 company or foreign limited liability company, \$200 ~~\$250~~,
33 if filed as required by this Act, plus a penalty if
34 delinquent.

1 (12) Filing an application for reinstatement of a
2 limited liability company or foreign limited liability
3 company \$500.

4 (13) Filing Articles of Merger, \$100 plus \$50 for
5 each party to the merger in excess of the first 2
6 parties.

7 (14) Filing an Agreement of Conversion or Statement
8 of Conversion, \$100.

9 (15) Filing a statement of correction, \$25.

10 (16) Filing a petition for refund, \$15.

11 (17) Filing any other document, \$100.

12 (c) The Secretary of State shall charge and collect all
13 of the following:

14 (1) For furnishing a copy or certified copy of any
15 document, instrument, or paper relating to a limited
16 liability company or foreign limited liability company,
17 \$1 per page, but not less than \$25, and \$25 for the
18 certificate and for affixing the seal thereto.

19 (2) For the transfer of information by computer
20 process media to any purchaser, fees established by rule.
21 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
22 eff. 7-1-03; revised 9-5-03.)

23 (805 ILCS 180/50-15)

24 Sec. 50-15. Penalty.

25 (a) The Secretary of State shall declare any limited
26 liability company or foreign limited liability company to be
27 delinquent and not in good standing if any of the following
28 occur:

29 (1) It has failed to file its annual report and pay
30 the requisite fee as required by this Act before the
31 first day of the anniversary month in the year in which
32 it is due.

33 (2) It has failed to appoint and maintain a

1 registered agent in Illinois within 60 days of
2 notification of the Secretary of State by the resigning
3 registered agent.

4 (3) (Blank).

5 (b) If the limited liability company or foreign limited
6 liability company has not corrected the default within the
7 time periods prescribed by this Act, the Secretary of State
8 shall be empowered to invoke any of the following penalties:

9 (1) For failure or refusal to comply with
10 subsection (a) of this Section within 60 days after the
11 due date, a penalty of \$100 plus \$50 for each month or
12 fraction thereof until returned to good standing or until
13 administratively dissolved by the Secretary of State
14 \$300.

15 (2) The Secretary of State shall not file any
16 additional documents, amendments, reports, or other
17 papers relating to any limited liability company or
18 foreign limited liability company organized under or
19 subject to the provisions of this Act until any
20 delinquency under subsection (a) is satisfied.

21 (3) In response to inquiries received in the Office
22 of the Secretary of State from any party regarding a
23 limited liability company that is delinquent, the
24 Secretary of State may show the limited liability company
25 as not in good standing.

26 (Source: P.A. 93-32, eff. 12-1-03.)

27 (805 ILCS 180/50-50)

28 Sec. 50-50. Department of Business Services Special
29 Operations Fund.

30 (a) A special fund in the State treasury is created and
31 shall be known as the Department of Business Services Special
32 Operations Fund. Moneys deposited into the Fund shall,
33 subject to appropriation, be used by the Department of

1 Business Services of the Office of the Secretary of State,
2 hereinafter "Department", to create and maintain the
3 capability to perform expedited services in response to
4 special requests made by the public for same-day or 24-hour
5 service. Moneys deposited into the Fund shall be used for,
6 but not limited to, expenditures for personal services,
7 retirement, Social Security, contractual services, equipment,
8 electronic data processing, and telecommunications.

9 (b) The balance in the Fund at the end of any fiscal
10 year shall not exceed \$600,000, and any amount in excess
11 thereof shall be transferred to the General Revenue Fund.

12 (c) All fees payable to the Secretary of State under
13 this Section shall be deposited into the Fund. No other fees
14 or charges collected under this Act shall be deposited into
15 the Fund.

16 (d) "Expedited services" means services rendered within
17 the same day, or within 24 hours from the time, the request
18 therefor is submitted by the filer, law firm, service
19 company, or messenger physically in person or, at the
20 Secretary of State's discretion, by electronic means, to the
21 Department's Springfield Office and includes requests for
22 certified copies, photocopies, and certificates of good
23 standing made to the Department's Springfield Office in
24 person or by telephone, or requests for certificates of good
25 standing made in person or by telephone to the Department's
26 Chicago Office.

27 (e) Fees for expedited services shall be as follows:

- 28 Restated articles of organization, \$100 \$200;
- 29 Merger or conversion, \$100 \$200;
- 30 Articles of organization, \$50 \$100;
- 31 Articles of amendment, \$50 \$100;
- 32 Reinstatement, \$50 \$100;
- 33 Application for admission to transact business, \$50 \$100;
- 34 Certificate of good standing or abstract of computer

1 record, \$10 \$20;

2 All other filings, copies of documents, annual reports,
3 and copies of documents of dissolved or revoked limited
4 liability companies, \$25 \$50.

5 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03.)

6 Section 150. The Revised Uniform Limited Partnership Act
7 is amended by changing Sections 1102 and 1111 as follows:

8 (805 ILCS 210/1102) (from Ch. 106 1/2, par. 161-2)
9 Sec. 1102. Fees.

10 (a) The Secretary of State shall charge and collect in
11 accordance with the provisions of this Act and rules
12 promulgated pursuant to its authority:

13 (1) fees for filing documents;

14 (2) miscellaneous charges;

15 (3) fees for the sale of lists of filings, copies
16 of any documents, and for the sale or release of any
17 information.

18 (b) The Secretary of State shall charge and collect for:

19 (1) filing certificates of limited partnership
20 (domestic), certificates of admission (foreign), restated
21 certificates of limited partnership (domestic), and
22 restated certificates of admission (foreign), \$75 \$150;

23 (2) filing certificates to be governed by this Act,
24 \$25 \$50;

25 (3) filing amendments and certificates of
26 amendment, \$25 \$50;

27 (4) filing certificates of cancellation, \$25;

28 (5) filing an application for use of an assumed
29 name pursuant to Section 108 of this Act, \$150 for each
30 year or part thereof ending in 0 or 5, \$120 for each year
31 or part thereof ending in 1 or 6, \$90 for each year or
32 part thereof ending in 2 or 7, \$60 for each year or part

1 thereof ending in 3 or 8, \$30 for each year or part
2 thereof ending in 4 or 9, and a renewal fee for each
3 assumed name, \$150;

4 (6) filing a renewal report of a domestic or
5 foreign limited partnership, \$15 ~~\$150~~ if filed as
6 required by this Act, plus \$100 penalty if delinquent;

7 (7) filing an application for reinstatement of a
8 domestic or foreign limited partnership, and for issuing
9 a certificate of reinstatement, \$100 ~~\$200~~;

10 (8) filing any other document, \$5 ~~\$50~~.

11 (c) The Secretary of State shall charge and collect:

12 (1) for furnishing a copy or certified copy of any
13 document, instrument or paper relating to a domestic
14 limited partnership or foreign limited partnership, \$0.50
15 per page, but not less than \$5, and \$5 for the
16 certificate and for affixing the seal thereto \$25; and

17 (2) for the transfer of information by computer
18 process media to any purchaser, fees established by rule.

19 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 7-1-03.)

20 (805 ILCS 210/1111)

21 Sec. 1111. Department of Business Services Special
22 Operations Fund.

23 (a) A special fund in the State Treasury is created and
24 shall be known as the Department of Business Services Special
25 Operations Fund. Moneys deposited into the Fund shall,
26 subject to appropriation, be used by the Department of
27 Business Services of the Office of the Secretary of State,
28 hereinafter "Department", to create and maintain the
29 capability to perform expedited services in response to
30 special requests made by the public for same day or 24 hour
31 service. Moneys deposited into the Fund shall be used for,
32 but not limited to, expenditures for personal services,
33 retirement, social security contractual services, equipment,

1 electronic data processing, and telecommunications.

2 (b) The balance in the Fund at the end of any fiscal
3 year shall not exceed \$600,000 and any amount in excess
4 thereof shall be transferred to the General Revenue Fund.

5 (c) All fees payable to the Secretary of State under
6 this Section shall be deposited into the Fund. No other fees
7 or charges collected under this Act shall be deposited into
8 the Fund.

9 (d) "Expedited services" means services rendered within
10 the same day, or within 24 hours from the time, the request
11 therefor is submitted by the filer, law firm, service
12 company, or messenger physically in person, or at the
13 Secretary of State's discretion, by electronic means, to the
14 Department's Springfield Office or Chicago Office and
15 includes requests for certified copies, photocopies, and
16 certificates of existence or abstracts of computer record
17 made to the Department's Springfield Office in person or by
18 telephone, or requests for certificates of existence or
19 abstracts of computer record made in person or by telephone
20 to the Department's Chicago Office.

21 (e) Fees for expedited services shall be as follows:

22 Merger or conversion, \$100 \$200;

23 Certificate of limited partnership, \$50 \$100;

24 Certificate of amendment, \$50 \$100;

25 Reinstatement, \$50 \$100;

26 Application for admission to transact business, \$50 \$100;

27 Certificate of cancellation of admission, \$50 \$100;

28 Certificate of existence or abstract of computer record,
29 \$10 \$20.

30 All other filings, copies of documents, biennial renewal
31 reports, and copies of documents of canceled limited
32 partnerships, \$25 \$50.

33 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 7-1-03.)

1 Section 155. The Illinois Securities Law of 1953 is
2 amended by changing Section 18.1 as follows:

3 (815 ILCS 5/18.1)

4 Sec. 18.1. Additional fees. Beginning on the effective
5 date of this amendatory Act of the 93rd General Assembly, no
6 fees shall be imposed under this Section. In addition to any
7 other fee that the Secretary of State may impose and collect
8 pursuant to the authority contained in Sections 4, 8, and 11a
9 of this Act, beginning on July 1, 2003 the Secretary of State
10 shall also collect the following additional fees:

11 Securities offered or sold under the Uniform	
12 Limited Offering Exemption Pursuant to	
13 Section 4.D of the Act.....	\$100
14 Registration and renewal of a dealer.....	\$300
15 Registration and renewal of an investment adviser.	\$200
16 Federal covered investment adviser notification	
17 filing and annual notification filing.....	\$200
18 Registration and renewal of a salesperson.....	\$75
19 Registration and renewal of an investment adviser	
20 representative and a federal covered	
21 investment adviser representative.....	\$75

22 Investment fund shares notification filing and annual
23 notification filing: \$800 plus \$80 for each series, class, or
24 portfolio.

25 All fees collected by the Secretary of State pursuant to
26 this amendatory Act of the 93rd General Assembly shall be
27 deposited into the General Revenue Fund in the State
28 treasury.

29 (Source: P.A. 93-32, eff. 7-1-03.)

30 Section 160. The Workers' Compensation Act is amended by
31 changing Section 4d as follows:

1 (820 ILCS 305/4d)

2 Sec. 4d. Industrial Commission Operations Fund Fee.
3 Beginning on the effective date of this amendatory Act of the
4 93rd General Assembly, no fees shall be imposed under this
5 Section.

6 (a) As of the effective date of this amendatory Act of
7 the 93rd General Assembly, each employer that self-insures
8 its liabilities arising under this Act or Workers'
9 Occupational Diseases Act shall pay a fee measured by the
10 annual actual wages paid in this State of such an employer in
11 the manner provided in this Section. Such proceeds shall be
12 deposited in the Industrial Commission Operations Fund. If an
13 employer survives or was formed by a merger, consolidation,
14 reorganization, or reincorporation, the actual wages paid in
15 this State of all employers party to the merger,
16 consolidation, reorganization, or reincorporation shall, for
17 purposes of determining the amount of the fee imposed by this
18 Section, be regarded as those of the surviving or new
19 employer.

20 (b) Beginning on the effective date of this amendatory
21 Act of the 93rd General Assembly and on July 1 of each year
22 thereafter, the Chairman shall charge and collect an annual
23 Industrial Commission Operations Fund Fee from every employer
24 subject to subsection (a) of this Section equal to 0.045% of
25 its annual actual wages paid in this State as reported in
26 each employer's annual self-insurance renewal filed for the
27 previous year as required by Section 4 of this Act and
28 Section 4 of the Workers' Occupational Diseases Act. All sums
29 collected by the Commission under the provisions of this
30 Section shall be paid promptly after the receipt of the same,
31 accompanied by a detailed statement thereof, into the
32 Industrial Commission Operations Fund.

33 (c) In addition to the authority specifically granted
34 under Section 16, the Chairman shall have such authority to

1 adopt rules or establish forms as may be reasonably necessary
2 for purposes of enforcing this Section. The Commission shall
3 have authority to defer, waive, or abate the fee or any
4 penalties imposed by this Section if in the Commission's
5 opinion the employer's solvency and ability to meet its
6 obligations to pay workers' compensation benefits would be
7 immediately threatened by payment of the fee due.

8 (d) When an employer fails to pay the full amount of any
9 annual Industrial Commission Operations Fund Fee of \$100 or
10 more due under this Section, there shall be added to the
11 amount due as a penalty the greater of \$1,000 or an amount
12 equal to 5% of the deficiency for each month or part of a
13 month that the deficiency remains unpaid.

14 (e) The Commission may enforce the collection of any
15 delinquent payment, penalty or portion thereof by legal
16 action or in any other manner by which the collection of
17 debts due the State of Illinois may be enforced under the
18 laws of this State.

19 (f) Whenever it appears to the satisfaction of the
20 Chairman that an employer has paid pursuant to this Act an
21 Industrial Commission Operations Fund Fee in an amount in
22 excess of the amount legally collectable from the employer,
23 the Chairman shall issue a credit memorandum for an amount
24 equal to the amount of such overpayment. A credit memorandum
25 may be applied for the 2-year period from the date of
26 issuance against the payment of any amount due during that
27 period under the fee imposed by this Section or, subject to
28 reasonable rule of the Commission including requirement of
29 notification, may be assigned to any other employer subject
30 to regulation under this Act. Any application of credit
31 memoranda after the period provided for in this Section is
32 void.

33 (Source: P.A. 93-32, eff. 6-20-03.)

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.

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- 35 ILCS 510/1 from Ch. 120, par. 481b.1
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