



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/05/04, by Maria Antonia Berrios

**SYNOPSIS AS INTRODUCED:**

205 ILCS 665/2

from Ch. 17, par. 5302

Amends the Debt Management Services Act. In language defining "debt management service" as the planning and management of the financial affairs of a debtor for a fee and the receiving of money from the debtor for the purpose of distributing it to the debtor's creditors in payment or partial payment of the debtor's obligations or soliciting financial contributions from creditors, adds language providing that the distribution may be made directly or indirectly. Effective immediately.

LRB093 18663 SAS 44390 b

1 AN ACT concerning financial regulation.

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

4 Section 5. The Debt Management Service Act is amended by  
5 changing Section 2 as follows:

6 (205 ILCS 665/2) (from Ch. 17, par. 5302)

7 Sec. 2. Definitions. As used in this Act:

8 "Debt management service" means the planning and  
9 management of the financial affairs of a debtor for a fee and  
10 the receiving of money from the debtor for the purpose of  
11 distributing it, directly or indirectly, to the debtor's  
12 creditors in payment or partial payment of the debtor's  
13 obligations or soliciting financial contributions from  
14 creditors. The business of debt management is conducted in this  
15 State if the debt management business, its employees, or its  
16 agents are located in this State or if the debt management  
17 business solicits or contracts with debtors located in this  
18 State.

19 This term shall not include the following when engaged in  
20 the regular course of their respective businesses and  
21 professions:

22 (a) Attorneys at law.

23 (b) Banks, fiduciaries, credit unions, savings and  
24 loan associations, and savings banks as duly authorized and  
25 admitted to transact business in the State of Illinois and  
26 performing credit and financial adjusting service in the  
27 regular course of their principal business.

28 (c) Title insurers and abstract companies, while doing  
29 an escrow business.

30 (d) Judicial officers or others acting pursuant to  
31 court order.

32 (e) Employers for their employees.

1 (f) Bill payment services, as defined in the  
2 Transmitters of Money Act.

3 "Director" means Director of Financial Institutions.

4 "Debtor" means the person or persons for whom the debt  
5 management service is performed.

6 "Person" means an individual, firm, partnership,  
7 association, limited liability company, corporation, or  
8 not-for-profit corporation.

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

10 "Director" means the Director of the Department of  
11 Financial Institutions.

12 (Source: P.A. 92-400, eff. 1-1-02.)

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