

HB6793



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB6793

Introduced 2/9/2004, by Rep. George Scully, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2004 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB093 15492 EFG 41096 b

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT to revise the law by combining multiple enactments
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2004 General
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change
9 in the law. It consists of (i) combining revisories, which
10 reconcile conflicts that have arisen from multiple amendments
11 and enactments, and (ii) technical revisories, which make
12 technical corrections and revisions in the law. Some combining
13 revisories also include technical revisions.

14 (c) The Source reference at the end of each included
15 Section indicates the sources in the Session Laws of Illinois
16 that were used in the preparation of the text of that Section.
17 The text of the Section included in this Act is intended to
18 reconcile the different versions of the Section found in the
19 Public Acts included in the list of sources, but may not
20 include other versions of the Section to be found in Public
21 Acts not included in the list of sources. The list of sources
22 is not a part of the text of the Section.

23 (d) Public Acts 92-520 through 93-658 were considered in
24 the preparation of the combining revisories included in this
25 Act. In combining revisories, underscoring is used to indicate
26 material not included in any of the multiple amendments; it is
27 not usually used to indicate material added by one Public Act
28 but absent from another. Similarly, striking indicates
29 material not stricken by any of the multiple amendments;
30 material stricken in one Public Act but not in another is
31 simply deleted. Many combining revisories contain no striking
32 or underscoring because no additional changes are being made in
33 the material that is being combined.

1 Section 5. The Regulatory Sunset Act is amended by changing
2 Sections 4.22, 4.23, and 4.24 as follows:

3 (5 ILCS 80/4.22)

4 Sec. 4.22. Acts ~~Act~~ repealed on January 1, 2012. The
5 following Acts are ~~Act is~~ repealed on January 1, 2012:

6 The Detection of Deception Examiners Act.

7 The Home Inspector License Act.

8 The Interior Design Title Act.

9 The Massage Licensing Act.

10 The Petroleum Equipment Contractors Licensing Act.

11 The Professional Boxing Act.

12 The Real Estate Appraiser Licensing Act of 2002.

13 The Water Well and Pump Installation Contractor's License
14 Act.

15 (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;
16 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff. 1-1-02;
17 92-500, eff. 12-18-01; 92-618, eff. 7-11-02; 92-651, eff.
18 7-11-02; 92-860, eff. 6-1-03; revised 1-18-03.)

19 (5 ILCS 80/4.23)

20 Sec. 4.23. Acts and Sections ~~Act Section~~ repealed on
21 January 1, 2013. The following Acts and Sections of Acts are
22 ~~Act Section is~~ repealed on January 1, 2013:

23 The Dietetic and Nutrition Services Practice Act.

24 The Elevator Safety and Regulation Act.

25 The Funeral Directors and Embalmers Licensing Code.

26 The Naprapathic Practice Act.

27 The Professional Counselor and Clinical Professional
28 Counselor Licensing Act.

29 The Wholesale Drug Distribution Licensing Act.

30 Section 2.5 of the Illinois Plumbing License Law.

31 (Source: P.A. 92-586, eff. 6-26-02; 92-641, eff. 7-11-02;
32 92-642, eff. 7-11-02; 92-655, eff. 7-16-02; 92-719, eff.
33 7-25-02; 92-778, eff. 8-6-02; 92-873, eff. 6-1-03; revised

1 1-18-03.)

2 (5 ILCS 80/4.24)

3 (This Section may contain text from a Public Act with a
4 delayed effective date)

5 Sec. 4.24. Acts repealed on January 1, 2014. The following
6 Acts are repealed on January 1, 2014:

7 The Electrologist Licensing Act.

8 The Illinois Certified Shorthand Reporters Act of 1984.

9 The Illinois Occupational Therapy Practice Act.

10 The Illinois Public Accounting Act.

11 The Private Detective, Private Alarm, Private Security,
12 and Locksmith Act of 2004.

13 The Registered Surgical Assistant and Registered Surgical
14 Technologist Title Protection Act.

15 The Veterinary Medicine and Surgery Practice Act of 2004.

16 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03;
17 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff.
18 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised
19 9-23-03.)

20 Section 10. The Illinois Administrative Procedure Act is
21 amended by changing Sections 1-5 and 1-20 as follows:

22 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

23 Sec. 1-5. Applicability.

24 (a) This Act applies to every agency as defined in this
25 Act. Beginning January 1, 1978, in case of conflict between the
26 provisions of this Act and the Act creating or conferring power
27 on an agency, this Act shall control. If, however, an agency
28 (or its predecessor in the case of an agency that has been
29 consolidated or reorganized) has existing procedures on July 1,
30 1977, specifically for contested cases or licensing, those
31 existing provisions control, except that this exception
32 respecting contested cases and licensing does not apply if the
33 Act creating or conferring power on the agency adopts by

1 express reference the provisions of this Act. Where the Act
2 creating or conferring power on an agency establishes
3 administrative procedures not covered by this Act, those
4 procedures shall remain in effect.

5 (b) The provisions of this Act do not apply to (i)
6 preliminary hearings, investigations, or practices where no
7 final determinations affecting State funding are made by the
8 State Board of Education, (ii) legal opinions issued under
9 Section 2-3.7 of the School Code, (iii) as to State colleges
10 and universities, their disciplinary and grievance
11 proceedings, academic irregularity and capricious grading
12 proceedings, and admission standards and procedures, and (iv)
13 the class specifications for positions and individual position
14 descriptions prepared and maintained under the Personnel Code.
15 Those class specifications shall, however, be made reasonably
16 available to the public for inspection and copying. The
17 provisions of this Act do not apply to hearings under Section
18 20 of the Uniform Disposition of Unclaimed Property Act.

19 (c) Section 5-35 of this Act relating to procedures for
20 rulemaking does not apply to the following:

21 (1) Rules adopted by the Pollution Control Board that,
22 in accordance with Section 7.2 of the Environmental
23 Protection Act, are identical in substance to federal
24 regulations or amendments to those regulations
25 implementing the following: Sections 3001, 3002, 3003,
26 3004, 3005, and 9003 of the Solid Waste Disposal Act;
27 Section 105 of the Comprehensive Environmental Response,
28 Compensation, and Liability Act of 1980; Sections 307(b),
29 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
30 Water Pollution Control Act; and Sections 1412(b),
31 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
32 Water Act.

33 (2) Rules adopted by the Pollution Control Board that
34 establish or amend standards for the emission of
35 hydrocarbons and carbon monoxide from gasoline powered
36 motor vehicles subject to inspection under Section 13A-105

1 of the Vehicle Emissions Inspection Law and rules adopted
2 under Section 13B-20 of the Vehicle Emissions Inspection
3 Law of 1995.

4 (3) Procedural rules adopted by the Pollution Control
5 Board governing requests for exceptions under Section 14.2
6 of the Environmental Protection Act.

7 (4) The Pollution Control Board's grant, pursuant to an
8 adjudicatory determination, of an adjusted standard for
9 persons who can justify an adjustment consistent with
10 subsection (a) of Section 27 of the Environmental
11 Protection Act.

12 (5) Rules adopted by the Pollution Control Board that
13 are identical in substance to the regulations adopted by
14 the Office of the State Fire Marshal under clause (ii) of
15 paragraph (b) of subsection (3) of Section 2 of the
16 Gasoline Storage Act.

17 (d) Pay rates established under Section 8a of the Personnel
18 Code shall be amended or repealed pursuant to the process set
19 forth in Section 5-50 within 30 days after it becomes necessary
20 to do so due to a conflict between the rates and the terms of a
21 collective bargaining agreement covering the compensation of
22 an employee subject to that Code.

23 (e) Section 10-45 of this Act shall not apply to any
24 hearing, proceeding, or investigation conducted under Section
25 13-515 of the Public Utilities Act.

26 (f) Article 10 of this Act does not apply to any hearing,
27 proceeding, or investigation conducted by the State Council for
28 the State of Illinois created under Section 3-3-11.05 of the
29 Unified Code of Corrections or by the Interstate Commission
30 ~~Commission~~ for Adult Offender Supervision created under the
31 Interstate Compact for Adult Offender Supervision.

32 (Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

33 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

34 Sec. 1-20. "Agency" means each officer, board, commission,
35 and agency created by the Constitution, whether in the

1 executive, legislative, or judicial branch of State
2 government, but other than the circuit court; each officer,
3 department, board, commission, agency, institution, authority,
4 university, and body politic and corporate of the State; each
5 administrative unit or corporate outgrowth of the State
6 government that is created by or pursuant to statute, other
7 than units of local government and their officers, school
8 districts, and boards of election commissioners; and each
9 administrative unit or corporate outgrowth of the above and as
10 may be created by executive order of the Governor. "Agency",
11 however, does not include the following:

12 (1) The House of Representatives and Senate and their
13 respective standing and service committees, including
14 without limitation the Board of the Office of the Architect
15 of the Capitol and the Architect of the Capitol established
16 under the Legislative Commission Reorganization Act of
17 1984.

18 (2) The Governor.

19 (3) The justices and judges of the Supreme and
20 Appellate Courts.

21 (4) The Legislative Ethics Commission.

22 (Source: P.A. 93-617, eff. 12-9-03; 93-632, eff. 2-1-04;
23 revised 1-9-04.)

24 Section 15. The Open Meetings Act is amended by changing
25 Section 2 as follows:

26 (5 ILCS 120/2) (from Ch. 102, par. 42)

27 Sec. 2. Open meetings.

28 (a) Openness required. All meetings of public bodies shall
29 be open to the public unless excepted in subsection (c) and
30 closed in accordance with Section 2a.

31 (b) Construction of exceptions. The exceptions contained
32 in subsection (c) are in derogation of the requirement that
33 public bodies meet in the open, and therefore, the exceptions
34 are to be strictly construed, extending only to subjects

1 clearly within their scope. The exceptions authorize but do not
2 require the holding of a closed meeting to discuss a subject
3 included within an enumerated exception.

4 (c) Exceptions. A public body may hold closed meetings to
5 consider the following subjects:

6 (1) The appointment, employment, compensation,
7 discipline, performance, or dismissal of specific
8 employees of the public body or legal counsel for the
9 public body, including hearing testimony on a complaint
10 lodged against an employee of the public body or against
11 legal counsel for the public body to determine its
12 validity.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the public
22 body is given power to remove the occupant under law or
23 ordinance.

24 (4) Evidence or testimony presented in open hearing, or
25 in closed hearing where specifically authorized by law, to
26 a quasi-adjudicative body, as defined in this Act, provided
27 that the body prepares and makes available for public
28 inspection a written decision setting forth its
29 determinative reasoning.

30 (5) The purchase or lease of real property for the use
31 of the public body, including meetings held for the purpose
32 of discussing whether a particular parcel should be
33 acquired.

34 (6) The setting of a price for sale or lease of
35 property owned by the public body.

36 (7) The sale or purchase of securities, investments, or

1 investment contracts.

2 (8) Security procedures and the use of personnel and
3 equipment to respond to an actual, a threatened, or a
4 reasonably potential danger to the safety of employees,
5 students, staff, the public, or public property.

6 (9) Student disciplinary cases.

7 (10) The placement of individual students in special
8 education programs and other matters relating to
9 individual students.

10 (11) Litigation, when an action against, affecting or
11 on behalf of the particular public body has been filed and
12 is pending before a court or administrative tribunal, or
13 when the public body finds that an action is probable or
14 imminent, in which case the basis for the finding shall be
15 recorded and entered into the minutes of the closed
16 meeting.

17 (12) The establishment of reserves or settlement of
18 claims as provided in the Local Governmental and
19 Governmental Employees Tort Immunity Act, if otherwise the
20 disposition of a claim or potential claim might be
21 prejudiced, or the review or discussion of claims, loss or
22 risk management information, records, data, advice or
23 communications from or with respect to any insurer of the
24 public body or any intergovernmental risk management
25 association or self insurance pool of which the public body
26 is a member.

27 (13) Conciliation of complaints of discrimination in
28 the sale or rental of housing, when closed meetings are
29 authorized by the law or ordinance prescribing fair housing
30 practices and creating a commission or administrative
31 agency for their enforcement.

32 (14) Informant sources, the hiring or assignment of
33 undercover personnel or equipment, or ongoing, prior or
34 future criminal investigations, when discussed by a public
35 body with criminal investigatory responsibilities.

36 (15) Professional ethics or performance when

1 considered by an advisory body appointed to advise a
2 licensing or regulatory agency on matters germane to the
3 advisory body's field of competence.

4 (16) Self evaluation, practices and procedures or
5 professional ethics, when meeting with a representative of
6 a statewide association of which the public body is a
7 member.

8 (17) The recruitment, credentialing, discipline or
9 formal peer review of physicians or other health care
10 professionals for a hospital, or other institution
11 providing medical care, that is operated by the public
12 body.

13 (18) Deliberations for decisions of the Prisoner
14 Review Board.

15 (19) Review or discussion of applications received
16 under the Experimental Organ Transplantation Procedures
17 Act.

18 (20) The classification and discussion of matters
19 classified as confidential or continued confidential by
20 the State Employees Suggestion Award Board.

21 (21) Discussion of minutes of meetings lawfully closed
22 under this Act, whether for purposes of approval by the
23 body of the minutes or semi-annual review of the minutes as
24 mandated by Section 2.06.

25 (22) Deliberations for decisions of the State
26 Emergency Medical Services Disciplinary Review Board.

27 (23) The operation by a municipality of a municipal
28 utility or the operation of a municipal power agency or
29 municipal natural gas agency when the discussion involves
30 (i) contracts relating to the purchase, sale, or delivery
31 of electricity or natural gas or (ii) the results or
32 conclusions of load forecast studies.

33 (24) Meetings of a residential health care facility
34 resident sexual assault and death review team or the
35 Residential Health Care Facility Resident Sexual Assault
36 and Death Review Teams Executive Council under the

1 Residential Health Care Facility Resident Sexual Assault
2 and Death Review Team Act.

3 (d) Definitions. For purposes of this Section:

4 "Employee" means a person employed by a public body whose
5 relationship with the public body constitutes an
6 employer-employee relationship under the usual common law
7 rules, and who is not an independent contractor.

8 "Public office" means a position created by or under the
9 Constitution or laws of this State, the occupant of which is
10 charged with the exercise of some portion of the sovereign
11 power of this State. The term "public office" shall include
12 members of the public body, but it shall not include
13 organizational positions filled by members thereof, whether
14 established by law or by a public body itself, that exist to
15 assist the body in the conduct of its business.

16 "Quasi-adjudicative body" means an administrative body
17 charged by law or ordinance with the responsibility to conduct
18 hearings, receive evidence or testimony and make
19 determinations based thereon, but does not include local
20 electoral boards when such bodies are considering petition
21 challenges.

22 (e) Final action. No final action may be taken at a closed
23 meeting. Final action shall be preceded by a public recital of
24 the nature of the matter being considered and other information
25 that will inform the public of the business being conducted.

26 (Source: P.A. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422,
27 eff. 8-5-03; 93-577, eff. 8-21-03; revised 9-8-03)

28 Section 20. The Illinois Public Labor Relations Act is
29 amended by changing Section 9 as follows:

30 (5 ILCS 315/9) (from Ch. 48, par. 1609)

31 Sec. 9. Elections; recognition.

32 (a) Whenever in accordance with such regulations as may be
33 prescribed by the Board a petition has been filed:

34 (1) by a public employee or group of public employees

1 or any labor organization acting in their behalf
2 demonstrating that 30% of the public employees in an
3 appropriate unit (A) wish to be represented for the
4 purposes of collective bargaining by a labor organization
5 as exclusive representative, or (B) asserting that the
6 labor organization which has been certified or is currently
7 recognized by the public employer as bargaining
8 representative is no longer the representative of the
9 majority of public employees in the unit; or

10 (2) by a public employer alleging that one or more
11 labor organizations have presented to it a claim that they
12 be recognized as the representative of a majority of the
13 public employees in an appropriate unit,

14 the Board shall investigate such petition, and if it has
15 reasonable cause to believe that a question of representation
16 exists, shall provide for an appropriate hearing upon due
17 notice. Such hearing shall be held at the offices of the Board
18 or such other location as the Board deems appropriate. If it
19 finds upon the record of the hearing that a question of
20 representation exists, it shall direct an election in
21 accordance with subsection (d) of this Section, which election
22 shall be held not later than 120 days after the date the
23 petition was filed regardless of whether that petition was
24 filed before or after the effective date of this amendatory Act
25 of 1987; provided, however, the Board may extend the time for
26 holding an election by an additional 60 days if, upon motion by
27 a person who has filed a petition under this Section or is the
28 subject of a petition filed under this Section and is a party
29 to such hearing, or upon the Board's own motion, the Board
30 finds that good cause has been shown for extending the election
31 date; provided further, that nothing in this Section shall
32 prohibit the Board, in its discretion, from extending the time
33 for holding an election for so long as may be necessary under
34 the circumstances, where the purpose for such extension is to
35 permit resolution by the Board of an unfair labor practice
36 charge filed by one of the parties to a representational

1 proceeding against the other based upon conduct which may
2 either affect the existence of a question concerning
3 representation or have a tendency to interfere with a fair and
4 free election, where the party filing the charge has not filed
5 a request to proceed with the election; and provided further
6 that prior to the expiration of the total time allotted for
7 holding an election, a person who has filed a petition under
8 this Section or is the subject of a petition filed under this
9 Section and is a party to such hearing or the Board, may move
10 for and obtain the entry of an order in the circuit court of
11 the county in which the majority of the public employees sought
12 to be represented by such person reside, such order extending
13 the date upon which the election shall be held. Such order
14 shall be issued by the circuit court only upon a judicial
15 finding that there has been a sufficient showing that there is
16 good cause to extend the election date beyond such period and
17 shall require the Board to hold the election as soon as is
18 feasible given the totality of the circumstances. Such 120 day
19 period may be extended one or more times by the agreement of
20 all parties to the hearing to a date certain without the
21 necessity of obtaining a court order. Nothing in this Section
22 prohibits the waiving of hearings by stipulation for the
23 purpose of a consent election in conformity with the rules and
24 regulations of the Board or an election in a unit agreed upon
25 by the parties. Other interested employee organizations may
26 intervene in the proceedings in the manner and within the time
27 period specified by rules and regulations of the Board.
28 Interested parties who are necessary to the proceedings may
29 also intervene in the proceedings in the manner and within the
30 time period specified by the rules and regulations of the
31 Board.

32 (a-5) The Board shall designate an exclusive
33 representative for purposes of collective bargaining when the
34 representative demonstrates a showing of majority interest by
35 employees in the unit. If the parties to a dispute are without
36 agreement on the means to ascertain the choice, if any, of

1 employee organization as their representative, the Board shall
2 ascertain the employees' choice of employee organization, on
3 the basis of dues deduction authorization and other evidence,
4 or, if necessary, by conducting an election. If either party
5 provides to the Board, before the designation of a
6 representative, clear and convincing evidence that the dues
7 deduction authorizations, and other evidence upon which the
8 Board would otherwise rely to ascertain the employees' choice
9 of representative, are fraudulent or were obtained through
10 coercion, the Board shall promptly thereafter conduct an
11 election. The Board shall also investigate and consider a
12 party's allegations that the dues deduction authorizations and
13 other evidence submitted in support of a designation of
14 representative without an election were subsequently changed,
15 altered, withdrawn, or withheld as a result of employer fraud,
16 coercion, or any other unfair labor practice by the employer.
17 If the Board determines that a labor organization would have
18 had a majority interest but for an employer's fraud, coercion,
19 or unfair labor practice, it shall designate the labor
20 organization as an exclusive representative without conducting
21 an election.

22 (b) The Board shall decide in each case, in order to assure
23 public employees the fullest freedom in exercising the rights
24 guaranteed by this Act, a unit appropriate for the purpose of
25 collective bargaining, based upon but not limited to such
26 factors as: historical pattern of recognition; community of
27 interest including employee skills and functions; degree of
28 functional integration; interchangeability and contact among
29 employees; fragmentation of employee groups; common
30 supervision, wages, hours and other working conditions of the
31 employees involved; and the desires of the employees. For
32 purposes of this subsection, fragmentation shall not be the
33 sole or predominant factor used by the Board in determining an
34 appropriate bargaining unit. Except with respect to non-State
35 fire fighters and paramedics employed by fire departments and
36 fire protection districts, non-State peace officers and peace

1 officers in the State Department of State Police, a single
2 bargaining unit determined by the Board may not include both
3 supervisors and nonsupervisors, except for bargaining units in
4 existence on the effective date of this Act. With respect to
5 non-State fire fighters and paramedics employed by fire
6 departments and fire protection districts, non-State peace
7 officers and peace officers in the State Department of State
8 Police, a single bargaining unit determined by the Board may
9 not include both supervisors and nonsupervisors, except for
10 bargaining units in existence on the effective date of this
11 amendatory Act of 1985.

12 In cases involving an historical pattern of recognition,
13 and in cases where the employer has recognized the union as the
14 sole and exclusive bargaining agent for a specified existing
15 unit, the Board shall find the employees in the unit then
16 represented by the union pursuant to the recognition to be the
17 appropriate unit.

18 Notwithstanding the above factors, where the majority of
19 public employees of a craft so decide, the Board shall
20 designate such craft as a unit appropriate for the purposes of
21 collective bargaining.

22 The Board shall not decide that any unit is appropriate if
23 such unit includes both professional and nonprofessional
24 employees, unless a majority of each group votes for inclusion
25 in such unit.

26 (c) Nothing in this Act shall interfere with or negate the
27 current representation rights or patterns and practices of
28 labor organizations which have historically represented public
29 employees for the purpose of collective bargaining, including
30 but not limited to the negotiations of wages, hours and working
31 conditions, discussions of employees' grievances, resolution
32 of jurisdictional disputes, or the establishment and
33 maintenance of prevailing wage rates, unless a majority of
34 employees so represented express a contrary desire pursuant to
35 the procedures set forth in this Act.

36 (d) In instances where the employer does not voluntarily

1 recognize a labor organization as the exclusive bargaining
2 representative for a unit of employees, the Board shall
3 determine the majority representative of the public employees
4 in an appropriate collective bargaining unit by conducting a
5 secret ballot election, except as otherwise provided in
6 subsection (a-5). Within 7 days after the Board issues its
7 bargaining unit determination and direction of election or the
8 execution of a stipulation for the purpose of a consent
9 election, the public employer shall submit to the labor
10 organization the complete names and addresses of those
11 employees who are determined by the Board to be eligible to
12 participate in the election. When the Board has determined that
13 a labor organization has been fairly and freely chosen by a
14 majority of employees in an appropriate unit, it shall certify
15 such organization as the exclusive representative. If the Board
16 determines that a majority of employees in an appropriate unit
17 has fairly and freely chosen not to be represented by a labor
18 organization, it shall so certify. The Board may also revoke
19 the certification of the public employee organizations as
20 exclusive bargaining representatives which have been found by a
21 secret ballot election to be no longer the majority
22 representative.

23 (e) The Board shall not conduct an election in any
24 bargaining unit or any subdivision thereof within which a valid
25 election has been held in the preceding 12-month period. The
26 Board shall determine who is eligible to vote in an election
27 and shall establish rules governing the conduct of the election
28 or conduct affecting the results of the election. The Board
29 shall include on a ballot in a representation election a choice
30 of "no representation". A labor organization currently
31 representing the bargaining unit of employees shall be placed
32 on the ballot in any representation election. In any election
33 where none of the choices on the ballot receives a majority, a
34 runoff election shall be conducted between the 2 choices
35 receiving the largest number of valid votes cast in the
36 election. A labor organization which receives a majority of the

1 votes cast in an election shall be certified by the Board as
2 exclusive representative of all public employees in the unit.

3 (f) A labor organization shall be designated as the
4 exclusive representative by a public employer, provided that
5 the labor organization represents a majority of the public
6 employees in an appropriate unit. Any employee organization
7 which is designated or selected by the majority of public
8 employees, in a unit of the public employer having no other
9 recognized or certified representative, as their
10 representative for purposes of collective bargaining may
11 request recognition by the public employer in writing. The
12 public employer shall post such request for a period of at
13 least 20 days following its receipt thereof on bulletin boards
14 or other places used or reserved for employee notices.

15 (g) Within the 20-day period any other interested employee
16 organization may petition the Board in the manner specified by
17 rules and regulations of the Board, provided that such
18 interested employee organization has been designated by at
19 least 10% of the employees in an appropriate bargaining unit
20 which includes all or some of the employees in the unit
21 recognized by the employer. In such event, the Board shall
22 proceed with the petition in the same manner as provided by
23 paragraph (1) of subsection (a) of this Section.

24 (h) No election shall be directed by the Board in any
25 bargaining unit where there is in force a valid collective
26 bargaining agreement. The Board, however, may process an
27 election petition filed between 90 and 60 days prior to the
28 expiration of the date of an agreement, and may further refine,
29 by rule or decision, the implementation of this provision.
30 Where more than 4 years have elapsed since the effective date
31 of the agreement, the agreement shall continue to bar an
32 election, except that the Board may process an election
33 petition filed between 90 and 60 days prior to the end of the
34 fifth year of such an agreement, and between 90 and 60 days
35 prior to the end of each successive year of such agreement.

36 (i) An order of the Board dismissing a representation

1 petition, determining and certifying that a labor organization
2 has been fairly and freely chosen by a majority of employees in
3 an appropriate bargaining unit, determining and certifying
4 that a labor organization has not been fairly and freely chosen
5 by a majority of employees in the bargaining unit or certifying
6 a labor organization as the exclusive representative of
7 employees in an appropriate bargaining unit because of a
8 determination by the Board that the labor organization is the
9 historical bargaining representative of employees in the
10 bargaining unit, is a final order. Any person aggrieved by any
11 such order issued on or after the effective date of this
12 amendatory Act of 1987 may apply for and obtain judicial review
13 in accordance with provisions of the Administrative Review Law,
14 as now or hereafter amended, except that such review shall be
15 afforded directly in the Appellate Court for the district in
16 which the aggrieved party resides or transacts business. Any
17 direct appeal to the Appellate Court shall be filed within 35
18 days from the date that a copy of the decision sought to be
19 reviewed was served upon the party affected by the decision.

20 (Source: P.A. 93-427, eff. 8-5-03; 93-444, eff. 8-5-03; revised
21 9-10-03.)

22 Section 25. The Military Leave of Absence Act is amended by
23 changing Sections 1 and 1.1 as follows:

24 (5 ILCS 325/1) (from Ch. 129, par. 501)

25 Sec. 1. Leave of absence.

26 (a) Any full-time employee of the State of Illinois, a unit
27 of local government, or a school district, other than an
28 independent contractor, who is a member of any reserve
29 component of the United States Armed Forces or of any reserve
30 component of the Illinois State Militia, shall be granted leave
31 from his or her public employment for any period actively spent
32 in military service, including:

33 (1) basic training;

34 (2) special or advanced training, whether or not within the

1 State, and whether or not voluntary; and

2 (3) annual training.

3 During these leaves, the employee's seniority and other
4 benefits shall continue to accrue.

5 During leaves for annual training, the employee shall
6 continue to receive his or her regular compensation as a public
7 employee. During leaves for basic training and up to 60 days of
8 special or advanced training, if the employee's compensation
9 for military activities is less than his or her compensation as
10 a public employee, he or she shall receive his or her regular
11 compensation as a public employee minus the amount of his or
12 her base pay for military activities.

13 (b) Any full-time employee of the State of Illinois, other
14 than an independent contractor, who is a member of the Illinois
15 National Guard or a reserve component of the United States
16 Armed Forces or the Illinois State Militia and who is mobilized
17 to active duty shall continue during the period of active duty
18 to receive his or her benefits and regular compensation as a
19 State employee, minus an amount equal to his or her military
20 active duty base pay. The Department of Central Management
21 Services and the State Comptroller shall coordinate in the
22 development of procedures for the implementation of this
23 Section.

24 (Source: P.A. 93-409, eff. 8-4-03; 93-537, eff. 1-1-04; revised
25 9-11-03.)

26 (5 ILCS 325/1.1)

27 Sec. 1.1. Home rule. A home rule unit may not regulate its
28 employees in a manner that is inconsistent with this Act. This
29 Section is a limitation under subsection (i) of Section 6~~7~~ of
30 Article VII of the Illinois Constitution on the concurrent
31 exercise by home rule units of powers and functions exercised
32 by the State.

33 (Source: P.A. 93-409, eff. 8-4-03; revised 10-9-03.)

34 Section 30. The State Employees Group Insurance Act of 1971

1 is amended by changing Section 6.5 as follows:

2 (5 ILCS 375/6.5)

3 (Section scheduled to be repealed on July 1, 2004)

4 Sec. 6.5. Health benefits for TRS benefit recipients and
5 TRS dependent beneficiaries.

6 (a) Purpose. It is the purpose of this amendatory Act of
7 1995 to transfer the administration of the program of health
8 benefits established for benefit recipients and their
9 dependent beneficiaries under Article 16 of the Illinois
10 Pension Code to the Department of Central Management Services.

11 (b) Transition provisions. The Board of Trustees of the
12 Teachers' Retirement System shall continue to administer the
13 health benefit program established under Article 16 of the
14 Illinois Pension Code through December 31, 1995. Beginning
15 January 1, 1996, the Department of Central Management Services
16 shall be responsible for administering a program of health
17 benefits for TRS benefit recipients and TRS dependent
18 beneficiaries under this Section. The Department of Central
19 Management Services and the Teachers' Retirement System shall
20 cooperate in this endeavor and shall coordinate their
21 activities so as to ensure a smooth transition and
22 uninterrupted health benefit coverage.

23 (c) Eligibility. All persons who were enrolled in the
24 Article 16 program at the time of the transfer shall be
25 eligible to participate in the program established under this
26 Section without any interruption or delay in coverage or
27 limitation as to pre-existing medical conditions. Eligibility
28 to participate shall be determined by the Teachers' Retirement
29 System. Eligibility information shall be communicated to the
30 Department of Central Management Services in a format
31 acceptable to the Department.

32 A TRS dependent beneficiary who is an unmarried child age
33 19 or over and mentally or physically handicapped does not
34 become ineligible to participate by reason of (i) becoming
35 ineligible to be claimed as a dependent for Illinois or federal

1 income tax purposes or (ii) receiving earned income, so long as
2 those earnings are insufficient for the child to be fully
3 self-sufficient.

4 (d) Coverage. The level of health benefits provided under
5 this Section shall be similar to the level of benefits provided
6 by the program previously established under Article 16 of the
7 Illinois Pension Code.

8 Group life insurance benefits are not included in the
9 benefits to be provided to TRS benefit recipients and TRS
10 dependent beneficiaries under this Act.

11 The program of health benefits under this Section may
12 include any or all of the benefit limitations, including but
13 not limited to a reduction in benefits based on eligibility for
14 federal medicare benefits, that are provided under subsection
15 (a) of Section 6 of this Act for other health benefit programs
16 under this Act.

17 (e) Insurance rates and premiums. The Director shall
18 determine the insurance rates and premiums for TRS benefit
19 recipients and TRS dependent beneficiaries, and shall present
20 to the Teachers' Retirement System of the State of Illinois, by
21 April 15 of each calendar year, the rate-setting methodology
22 (including but not limited to utilization levels and costs)
23 used to determine the amount of the health care premiums.

24 For Fiscal Year 1996, the premium shall be equal to the
25 premium actually charged in Fiscal Year 1995; in subsequent
26 years, the premium shall never be lower than the premium
27 charged in Fiscal Year 1995. For Fiscal Year 2003, the premium
28 shall not exceed 110% of the premium actually charged in Fiscal
29 Year 2002. For Fiscal Year 2004, the premium shall not exceed
30 112% of the premium actually charged in Fiscal Year 2003.

31 Rates and premiums may be based in part on age and
32 eligibility for federal medicare coverage. However, the cost of
33 participation for a TRS dependent beneficiary who is an
34 unmarried child age 19 or over and mentally or physically
35 handicapped shall not exceed the cost for a TRS dependent
36 beneficiary who is an unmarried child under age 19 and

1 participates in the same major medical or managed care program.

2 The cost of health benefits under the program shall be paid
3 as follows:

4 (1) For a TRS benefit recipient selecting a managed
5 care program, up to 75% of the total insurance rate shall
6 be paid from the Teacher Health Insurance Security Fund.

7 (2) For a TRS benefit recipient selecting the major
8 medical coverage program, up to 50% of the total insurance
9 rate shall be paid from the Teacher Health Insurance
10 Security Fund if a managed care program is accessible, as
11 determined by the Teachers' Retirement System.

12 (3) For a TRS benefit recipient selecting the major
13 medical coverage program, up to 75% of the total insurance
14 rate shall be paid from the Teacher Health Insurance
15 Security Fund if a managed care program is not accessible,
16 as determined by the Teachers' Retirement System.

17 (4) The balance of the rate of insurance, including the
18 entire premium of any coverage for TRS dependent
19 beneficiaries that has been elected, shall be paid by
20 deductions authorized by the TRS benefit recipient to be
21 withheld from his or her monthly annuity or benefit payment
22 from the Teachers' Retirement System; except that (i) if
23 the balance of the cost of coverage exceeds the amount of
24 the monthly annuity or benefit payment, the difference
25 shall be paid directly to the Teachers' Retirement System
26 by the TRS benefit recipient, and (ii) all or part of the
27 balance of the cost of coverage may, at the school board's
28 option, be paid to the Teachers' Retirement System by the
29 school board of the school district from which the TRS
30 benefit recipient retired, in accordance with Section
31 10-22.3b of the School Code. The Teachers' Retirement
32 System shall promptly deposit all moneys withheld by or
33 paid to it under this subdivision (e)(4) into the Teacher
34 Health Insurance Security Fund. These moneys shall not be
35 considered assets of the Retirement System.

36 (f) Financing. Beginning July 1, 1995, all revenues arising

1 from the administration of the health benefit programs
2 established under Article 16 of the Illinois Pension Code or
3 this Section shall be deposited into the Teacher Health
4 Insurance Security Fund, which is hereby created as a
5 nonappropriated trust fund to be held outside the State
6 Treasury, with the State Treasurer as custodian. Any interest
7 earned on moneys in the Teacher Health Insurance Security Fund
8 shall be deposited into the Fund.

9 Moneys in the Teacher Health Insurance Security Fund shall
10 be used only to pay the costs of the health benefit program
11 established under this Section, including associated
12 administrative costs, and the costs associated with the health
13 benefit program established under Article 16 of the Illinois
14 Pension Code, as authorized in this Section. Beginning July 1,
15 1995, the Department of Central Management Services may make
16 expenditures from the Teacher Health Insurance Security Fund
17 for those costs.

18 After other funds authorized for the payment of the costs
19 of the health benefit program established under Article 16 of
20 the Illinois Pension Code are exhausted and until January 1,
21 1996 (or such later date as may be agreed upon by the Director
22 of Central Management Services and the Secretary of the
23 Teachers' Retirement System), the Secretary of the Teachers'
24 Retirement System may make expenditures from the Teacher Health
25 Insurance Security Fund as necessary to pay up to 75% of the
26 cost of providing health coverage to eligible benefit
27 recipients (as defined in Sections 16-153.1 and 16-153.3 of the
28 Illinois Pension Code) who are enrolled in the Article 16
29 health benefit program and to facilitate the transfer of
30 administration of the health benefit program to the Department
31 of Central Management Services.

32 (g) Contract for benefits. The Director shall by contract,
33 self-insurance, or otherwise make available the program of
34 health benefits for TRS benefit recipients and their TRS
35 dependent beneficiaries that is provided for in this Section.
36 The contract or other arrangement for the provision of these

1 health benefits shall be on terms deemed by the Director to be
2 in the best interest of the State of Illinois and the TRS
3 benefit recipients based on, but not limited to, such criteria
4 as administrative cost, service capabilities of the carrier or
5 other contractor, and the costs of the benefits.

6 (h) Continuation and termination of program. It is the
7 intention of the General Assembly that the program of health
8 benefits provided under this Section be maintained on an
9 ongoing, affordable basis through June 30, 2004. The program of
10 health benefits provided under this Section is terminated on
11 July 1, 2004.

12 The program of health benefits provided under this Section
13 may be amended by the State and is not intended to be a pension
14 or retirement benefit subject to protection under Article XIII,
15 Section 5 of the Illinois Constitution.

16 (i) Repeal. This Section is repealed on July 1, 2004.
17 (Source: P.A. 92-505, eff. 12-20-01; 92-862, eff. 1-3-03;
18 revised 1-10-03.)

19 Section 35. The Election Code is amended by changing
20 Sections 7-7, 7-8, 9-1.14, 9-10, and 24B-9.1 as follows:

21 (10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

22 Sec. 7-7. For the purpose of making nominations in certain
23 instances as provided in this Article and this Act, the
24 following committees are authorized and shall constitute the
25 central or managing committees of each political party, viz: A
26 State central committee, a congressional committee for each
27 congressional district, a county central committee for each
28 county, a municipal central committee for each city,
29 incorporated town or village, a ward committeeman for each ward
30 in cities containing a population of 500,000 or more; a
31 township committeeman for each township or part of a township
32 that lies outside of cities having a population of 200,000 or
33 more, in counties having a population of 2,000,000 or more; a
34 precinct committeeman for each precinct in counties having a

1 population of less than 2,000,000; a county board district
2 committee for each county board district created under Division
3 2-3 of the Counties Code; a State's Attorney committee for each
4 group of 2 or more counties which jointly elect a State's
5 Attorney; a Superintendent of Multi-County Educational Service
6 Region committee for each group of 2 or more counties which
7 jointly elect a Superintendent of a Multi-County Educational
8 Service Region; a judicial subcircuit committee in a judicial
9 circuit divided into subcircuits for each judicial subcircuit
10 in that circuit; and a board of review election district
11 committee for each Cook County Board of Review election
12 district.

13 (Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03;
14 revised 9-22-03.)

15 (10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

16 Sec. 7-8. The State central committee shall be composed of
17 one or two members from each congressional district in the
18 State and shall be elected as follows:

19 State Central Committee

20 (a) Within 30 days after the effective date of this
21 amendatory Act of 1983 the State central committee of each
22 political party shall certify to the State Board of Elections
23 which of the following alternatives it wishes to apply to the
24 State central committee of that party.

25 Alternative A. At the primary held on the third Tuesday in
26 March 1970, and at the primary held every 4 years thereafter,
27 each primary elector may vote for one candidate of his party
28 for member of the State central committee for the congressional
29 district in which he resides. The candidate receiving the
30 highest number of votes shall be declared elected State central
31 committeeman from the district. A political party may, in lieu
32 of the foregoing, by a majority vote of delegates at any State
33 convention of such party, determine to thereafter elect the
34 State central committeemen in the manner following:

35 At the county convention held by such political party State

1 central committeemen shall be elected in the same manner as
2 provided in this Article for the election of officers of the
3 county central committee, and such election shall follow the
4 election of officers of the county central committee. Each
5 elected ward, township or precinct committeeman shall cast as
6 his vote one vote for each ballot voted in his ward, township,
7 part of a township or precinct in the last preceding primary
8 election of his political party. In the case of a county lying
9 partially within one congressional district and partially
10 within another congressional district, each ward, township or
11 precinct committeeman shall vote only with respect to the
12 congressional district in which his ward, township, part of a
13 township or precinct is located. In the case of a congressional
14 district which encompasses more than one county, each ward,
15 township or precinct committeeman residing within the
16 congressional district shall cast as his vote one vote for each
17 ballot voted in his ward, township, part of a township or
18 precinct in the last preceding primary election of his
19 political party for one candidate of his party for member of
20 the State central committee for the congressional district in
21 which he resides and the Chairman of the county central
22 committee shall report the results of the election to the State
23 Board of Elections. The State Board of Elections shall certify
24 the candidate receiving the highest number of votes elected
25 State central committeeman for that congressional district.

26 The State central committee shall adopt rules to provide
27 for and govern the procedures to be followed in the election of
28 members of the State central committee.

29 After the effective date of this amendatory Act of the 91st
30 General Assembly, whenever a vacancy occurs in the office of
31 Chairman of a State central committee, or at the end of the
32 term of office of Chairman, the State central committee of each
33 political party that has selected Alternative A shall elect a
34 Chairman who shall not be required to be a member of the State
35 Central Committee. The Chairman shall be a registered voter in
36 this State and of the same political party as the State central

1 committee.

2 Alternative B. Each congressional committee shall, within
3 30 days after the adoption of this alternative, appoint a
4 person of the sex opposite that of the incumbent member for
5 that congressional district to serve as an additional member of
6 the State central committee until his or her successor is
7 elected at the general primary election in 1986. Each
8 congressional committee shall make this appointment by voting
9 on the basis set forth in paragraph (e) of this Section. In
10 each congressional district at the general primary election
11 held in 1986 and every 4 years thereafter, the male candidate
12 receiving the highest number of votes of the party's male
13 candidates for State central committeeman, and the female
14 candidate receiving the highest number of votes of the party's
15 female candidates for State central committeewoman, shall be
16 declared elected State central committeeman and State central
17 committeewoman from the district. At the general primary
18 election held in 1986 and every 4 years thereafter, if all a
19 party's candidates for State central committeemen or State
20 central committeewomen from a congressional district are of the
21 same sex, the candidate receiving the highest number of votes
22 shall be declared elected a State central committeeman or State
23 central committeewoman from the district, and, because of a
24 failure to elect one male and one female to the committee, a
25 vacancy shall be declared to exist in the office of the second
26 member of the State central committee from the district. This
27 vacancy shall be filled by appointment by the congressional
28 committee of the political party, and the person appointed to
29 fill the vacancy shall be a resident of the congressional
30 district and of the sex opposite that of the committeeman or
31 committeewoman elected at the general primary election. Each
32 congressional committee shall make this appointment by voting
33 on the basis set forth in paragraph (e) of this Section.

34 The Chairman of a State central committee composed as
35 provided in this Alternative B must be selected from the
36 committee's members.

1 Except as provided for in Alternative A with respect to the
2 selection of the Chairman of the State central committee, under
3 both of the foregoing alternatives, the State central committee
4 of each political party shall be composed of members elected or
5 appointed from the several congressional districts of the
6 State, and of no other person or persons whomsoever. The
7 members of the State central committee shall, within 30 days
8 after each quadrennial election of the full committee, meet in
9 the city of Springfield and organize by electing a chairman,
10 and may at such time elect such officers from among their own
11 number (or otherwise), as they may deem necessary or expedient.
12 The outgoing chairman of the State central committee of the
13 party shall, 10 days before the meeting, notify each member of
14 the State central committee elected at the primary of the time
15 and place of such meeting. In the organization and proceedings
16 of the State central committee, each State central committeeman
17 and State central committeewoman shall have one vote for each
18 ballot voted in his or her congressional district by the
19 primary electors of his or her party at the primary election
20 immediately preceding the meeting of the State central
21 committee. Whenever a vacancy occurs in the State central
22 committee of any political party, the vacancy shall be filled
23 by appointment of the chairmen of the county central committees
24 of the political party of the counties located within the
25 congressional district in which the vacancy occurs and, if
26 applicable, the ward and township committeemen of the political
27 party in counties of 2,000,000 or more inhabitants located
28 within the congressional district. If the congressional
29 district in which the vacancy occurs lies wholly within a
30 county of 2,000,000 or more inhabitants, the ward and township
31 committeemen of the political party in that congressional
32 district shall vote to fill the vacancy. In voting to fill the
33 vacancy, each chairman of a county central committee and each
34 ward and township committeeman in counties of 2,000,000 or more
35 inhabitants shall have one vote for each ballot voted in each
36 precinct of the congressional district in which the vacancy

1 exists of his or her county, township, or ward cast by the
2 primary electors of his or her party at the primary election
3 immediately preceding the meeting to fill the vacancy in the
4 State central committee. The person appointed to fill the
5 vacancy shall be a resident of the congressional district in
6 which the vacancy occurs, shall be a qualified voter, and, in a
7 committee composed as provided in Alternative B, shall be of
8 the same sex as his or her predecessor. A political party may,
9 by a majority vote of the delegates of any State convention of
10 such party, determine to return to the election of State
11 central committeeman and State central committeewoman by the
12 vote of primary electors. Any action taken by a political party
13 at a State convention in accordance with this Section shall be
14 reported to the State Board of Elections by the chairman and
15 secretary of such convention within 10 days after such action.

16 Ward, Township and Precinct Committeemen

17 (b) At the primary held on the third Tuesday in March,
18 1972, and every 4 years thereafter, each primary elector in
19 cities having a population of 200,000 or over may vote for one
20 candidate of his party in his ward for ward committeeman. Each
21 candidate for ward committeeman must be a resident of and in
22 the ward where he seeks to be elected ward committeeman. The
23 one having the highest number of votes shall be such ward
24 committeeman of such party for such ward. At the primary
25 election held on the third Tuesday in March, 1970, and every 4
26 years thereafter, each primary elector in counties containing a
27 population of 2,000,000 or more, outside of cities containing a
28 population of 200,000 or more, may vote for one candidate of
29 his party for township committeeman. Each candidate for
30 township committeeman must be a resident of and in the township
31 or part of a township (which lies outside of a city having a
32 population of 200,000 or more, in counties containing a
33 population of 2,000,000 or more), and in which township or part
34 of a township he seeks to be elected township committeeman. The
35 one having the highest number of votes shall be such township
36 committeeman of such party for such township or part of a

1 township. At the primary held on the third Tuesday in March,
2 1970 and every 2 years thereafter, each primary elector, except
3 in counties having a population of 2,000,000 or over, may vote
4 for one candidate of his party in his precinct for precinct
5 committeeman. Each candidate for precinct committeeman must be
6 a bona fide resident of the precinct where he seeks to be
7 elected precinct committeeman. The one having the highest
8 number of votes shall be such precinct committeeman of such
9 party for such precinct. The official returns of the primary
10 shall show the name of the committeeman of each political
11 party.

12 Terms of Committeemen. All precinct committeemen elected
13 under the provisions of this Article shall continue as such
14 committeemen until the date of the primary to be held in the
15 second year after their election. Except as otherwise provided
16 in this Section for certain State central committeemen who have
17 2 year terms, all State central committeemen, township
18 committeemen and ward committeemen shall continue as such
19 committeemen until the date of primary to be held in the fourth
20 year after their election. However, a vacancy exists in the
21 office of precinct committeeman when a precinct committeeman
22 ceases to reside in the precinct in which he was elected and
23 such precinct committeeman shall thereafter neither have nor
24 exercise any rights, powers or duties as committeeman in that
25 precinct, even if a successor has not been elected or
26 appointed.

27 (c) The Multi-Township Central Committee shall consist of
28 the precinct committeemen of such party, in the multi-township
29 assessing district formed pursuant to Section 2-10 of the
30 Property Tax Code and shall be organized for the purposes set
31 forth in Section 45-25 of the Township Code. In the
32 organization and proceedings of the Multi-Township Central
33 Committee each precinct committeeman shall have one vote for
34 each ballot voted in his precinct by the primary electors of
35 his party at the primary at which he was elected.

36

County Central Committee

1 (d) The county central committee of each political party in
2 each county shall consist of the various township committeemen,
3 precinct committeemen and ward committeemen, if any, of such
4 party in the county. In the organization and proceedings of the
5 county central committee, each precinct committeeman shall
6 have one vote for each ballot voted in his precinct by the
7 primary electors of his party at the primary at which he was
8 elected; each township committeeman shall have one vote for
9 each ballot voted in his township or part of a township as the
10 case may be by the primary electors of his party at the primary
11 election for the nomination of candidates for election to the
12 General Assembly immediately preceding the meeting of the
13 county central committee; and in the organization and
14 proceedings of the county central committee, each ward
15 committeeman shall have one vote for each ballot voted in his
16 ward by the primary electors of his party at the primary
17 election for the nomination of candidates for election to the
18 General Assembly immediately preceding the meeting of the
19 county central committee.

20 Cook County Board of Review Election District Committee

21 (d-1) Each board of review election district committee of
22 each political party in Cook County shall consist of the
23 various township committeemen and ward committeemen, if any, of
24 that party in the portions of the county composing the board of
25 review election district. In the organization and proceedings
26 of each of the 3 election district committees, each township
27 committeeman shall have one vote for each ballot voted in his
28 or her township or part of a township, as the case may be, by
29 the primary electors of his or her party at the primary
30 election immediately preceding the meeting of the board of
31 review election district committee; and in the organization and
32 proceedings of each of the 3 election district committees, each
33 ward committeeman shall have one vote for each ballot voted in
34 his or her ward or part of that ward, as the case may be, by the
35 primary electors of his or her party at the primary election
36 immediately preceding the meeting of the board of review

1 election district committee.

2 Congressional Committee

3 (e) The congressional committee of each party in each
4 congressional district shall be composed of the chairmen of the
5 county central committees of the counties composing the
6 congressional district, except that in congressional districts
7 wholly within the territorial limits of one county, or partly
8 within 2 or more counties, but not coterminous with the county
9 lines of all of such counties, the precinct committeemen,
10 township committeemen and ward committeemen, if any, of the
11 party representing the precincts within the limits of the
12 congressional district, shall compose the congressional
13 committee. A State central committeeman in each district shall
14 be a member and the chairman or, when a district has 2 State
15 central committeemen, a co-chairman of the congressional
16 committee, but shall not have the right to vote except in case
17 of a tie.

18 In the organization and proceedings of congressional
19 committees composed of precinct committeemen or township
20 committeemen or ward committeemen, or any combination thereof,
21 each precinct committeeman shall have one vote for each ballot
22 voted in his precinct by the primary electors of his party at
23 the primary at which he was elected, each township committeeman
24 shall have one vote for each ballot voted in his township or
25 part of a township as the case may be by the primary electors
26 of his party at the primary election immediately preceding the
27 meeting of the congressional committee, and each ward
28 committeeman shall have one vote for each ballot voted in each
29 precinct of his ward located in such congressional district by
30 the primary electors of his party at the primary election
31 immediately preceding the meeting of the congressional
32 committee; and in the organization and proceedings of
33 congressional committees composed of the chairmen of the county
34 central committees of the counties within such district, each
35 chairman of such county central committee shall have one vote
36 for each ballot voted in his county by the primary electors of

1 his party at the primary election immediately preceding the
2 meeting of the congressional committee.

3 Judicial District Committee

4 (f) The judicial district committee of each political party
5 in each judicial district shall be composed of the chairman of
6 the county central committees of the counties composing the
7 judicial district.

8 In the organization and proceedings of judicial district
9 committees composed of the chairmen of the county central
10 committees of the counties within such district, each chairman
11 of such county central committee shall have one vote for each
12 ballot voted in his county by the primary electors of his party
13 at the primary election immediately preceding the meeting of
14 the judicial district committee.

15 Circuit Court Committee

16 (g) The circuit court committee of each political party in
17 each judicial circuit outside Cook County shall be composed of
18 the chairmen of the county central committees of the counties
19 composing the judicial circuit.

20 In the organization and proceedings of circuit court
21 committees, each chairman of a county central committee shall
22 have one vote for each ballot voted in his county by the
23 primary electors of his party at the primary election
24 immediately preceding the meeting of the circuit court
25 committee.

26 Judicial Subcircuit Committee

27 (g-1) The judicial subcircuit committee of each political
28 party in each judicial subcircuit in a judicial circuit divided
29 into subcircuits shall be composed of (i) the ward and township
30 committeemen of the townships and wards composing the judicial
31 subcircuit in Cook County and (ii) the precinct committeemen of
32 the precincts composing the judicial subcircuit in any county
33 other than Cook County.

34 In the organization and proceedings of each judicial
35 subcircuit committee, each township committeeman shall have
36 one vote for each ballot voted in his township or part of a

1 township, as the case may be, in the judicial subcircuit by the
2 primary electors of his party at the primary election
3 immediately preceding the meeting of the judicial subcircuit
4 committee; each precinct committeeman shall have one vote for
5 each ballot voted in his precinct or part of a precinct, as the
6 case may be, in the judicial subcircuit by the primary electors
7 of his party at the primary election immediately preceding the
8 meeting of the judicial subcircuit committee; and each ward
9 committeeman shall have one vote for each ballot voted in his
10 ward or part of a ward, as the case may be, in the judicial
11 subcircuit by the primary electors of his party at the primary
12 election immediately preceding the meeting of the judicial
13 subcircuit committee.

14 Municipal Central Committee

15 (h) The municipal central committee of each political party
16 shall be composed of the precinct, township or ward
17 committeemen, as the case may be, of such party representing
18 the precincts or wards, embraced in such city, incorporated
19 town or village. The voting strength of each precinct, township
20 or ward committeeman on the municipal central committee shall
21 be the same as his voting strength on the county central
22 committee.

23 For political parties, other than a statewide political
24 party, established only within a municipality or township, the
25 municipal or township managing committee shall be composed of
26 the party officers of the local established party. The party
27 officers of a local established party shall be as follows: the
28 chairman and secretary of the caucus for those municipalities
29 and townships authorized by statute to nominate candidates by
30 caucus shall serve as party officers for the purpose of filling
31 vacancies in nomination under Section 7-61; for municipalities
32 and townships authorized by statute or ordinance to nominate
33 candidates by petition and primary election, the party officers
34 shall be the party's candidates who are nominated at the
35 primary. If no party primary was held because of the provisions
36 of Section 7-5, vacancies in nomination shall be filled by the

1 party's remaining candidates who shall serve as the party's
2 officers.

3 Powers

4 (i) Each committee and its officers shall have the powers
5 usually exercised by such committees and by the officers
6 thereof, not inconsistent with the provisions of this Article.
7 The several committees herein provided for shall not have power
8 to delegate any of their powers, or functions to any other
9 person, officer or committee, but this shall not be construed
10 to prevent a committee from appointing from its own membership
11 proper and necessary subcommittees.

12 (j) The State central committee of a political party which
13 elects its members by Alternative B under paragraph (a) of this
14 Section shall adopt a plan to give effect to the delegate
15 selection rules of the national political party and file a copy
16 of such plan with the State Board of Elections when approved by
17 a national political party.

18 (k) For the purpose of the designation of a proxy by a
19 Congressional Committee to vote in place of an absent State
20 central committeeman or committeewoman at meetings of the State
21 central committee of a political party which elects its members
22 by Alternative B under paragraph (a) of this Section, the proxy
23 shall be appointed by the vote of the ward and township
24 committeemen, if any, of the wards and townships which lie
25 entirely or partially within the Congressional District from
26 which the absent State central committeeman or committeewoman
27 was elected and the vote of the chairmen of the county central
28 committees of those counties which lie entirely or partially
29 within that Congressional District and in which there are no
30 ward or township committeemen. When voting for such proxy the
31 county chairman, ward committeeman or township committeeman,
32 as the case may be shall have one vote for each ballot voted in
33 his county, ward or township, or portion thereof within the
34 Congressional District, by the primary electors of his party at
35 the primary at which he was elected. However, the absent State
36 central committeeman or committeewoman may designate a proxy

1 when permitted by the rules of a political party which elects
2 its members by Alternative B under paragraph (a) of this
3 Section.

4 (Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03;
5 revised 9-22-03.)

6 (10 ILCS 5/9-1.14)

7 Sec. 9-1.14. Electioneering communication defined.

8 (a) "Electioneering communication" means, for the purposes
9 of this Article, any form of communication, in whatever medium,
10 including but not limited to a~~7~~ newspaper, radio, television,
11 or Internet communication ~~and newspaper communications~~, that
12 refers to a clearly identified candidate, candidates, or
13 political party and is made within (i) 60 days before a general
14 election for the office sought by the candidate or (ii) 30 days
15 before a general primary election for the office sought by the
16 candidate.

17 (b) "Electioneering communication" does not include:

18 (1) A communication, other than an advertisement
19 ~~advertisements~~, appearing in a news story, commentary, or
20 editorial distributed through the facilities of any
21 legitimate news organization, unless the facilities are
22 owned or controlled by any political party, political
23 committee, or candidate.

24 (2) A communication made solely to promote a candidate
25 debate or forum that is made by or on behalf of the person
26 sponsoring the debate or forum.

27 (3) A communication made as part of a non-partisan
28 activity designed to encourage individuals to vote or to
29 register to vote.

30 (4) A communication by an organization operating and
31 remaining in good standing under Section 501(c)(3) of the
32 Internal Revenue Code of 1986.

33 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
34 revised 1-5-04.)

1 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

2 Sec. 9-10. Financial reports.

3 (a) The treasurer of every state political committee and
4 the treasurer of every local political committee shall file
5 with the Board, and the treasurer of every local political
6 committee shall file with the county clerk, reports of campaign
7 contributions, and semi-annual reports of campaign
8 contributions and expenditures on forms to be prescribed or
9 approved by the Board. The treasurer of every political
10 committee that acts as both a state political committee and a
11 local political committee shall file a copy of each report with
12 the State Board of Elections and the county clerk. Entities
13 subject to Section 9-7.5 shall file reports required by that
14 Section at times provided in this Section and are subject to
15 the penalties provided in this Section.

16 (b) Reports of campaign contributions shall be filed no
17 later than the 15th day next preceding each election including
18 a primary election in connection with which the political
19 committee has accepted or is accepting contributions or has
20 made or is making expenditures. Such reports shall be complete
21 as of the 30th day next preceding each election including a
22 primary election. The Board shall assess a civil penalty not to
23 exceed \$5,000 for a violation of this subsection, except that
24 for State officers and candidates and political committees
25 formed for statewide office, the civil penalty may not exceed
26 \$10,000. The fine, however, shall not exceed \$500 for a first
27 filing violation for filing less than 10 days after the
28 deadline. There shall be no fine if the report is mailed and
29 postmarked at least 72 hours prior to the filing deadline. For
30 the purpose of this subsection, "statewide office" and "State
31 officer" means the Governor, Lieutenant Governor, Attorney
32 General, Secretary of State, Comptroller, and Treasurer.
33 However, a continuing political committee that neither accepts
34 contributions nor makes expenditures on behalf of or in
35 opposition to any candidate or public question on the ballot at
36 an election shall not be required to file the reports

1 heretofore prescribed but may file in lieu thereof a Statement
2 of Nonparticipation in the Election with the Board or the Board
3 and the county clerk.

4 (b-5) Notwithstanding the provisions of subsection (b) and
5 Section 1.25 of the Statute on Statutes, any contribution of
6 more than \$500 received in the interim between the last date of
7 the period covered by the last report filed under subsection
8 (b) prior to the election and the date of the election shall be
9 filed with and must actually be received by the State Board of
10 Elections within 2 business days after receipt of such
11 contribution. The State Board shall allow filings of reports of
12 contributions of more than \$500 under this subsection (b-5) by
13 political committees that are not required to file
14 electronically to be made by facsimile transmission. For the
15 purpose of this subsection, a contribution is considered
16 received on the date the public official, candidate, or
17 political committee (or equivalent person in the case of a
18 reporting entity other than a political committee) actually
19 receives it or, in the case of goods or services, 2 business
20 days after the date the public official, candidate, committee,
21 or other reporting entity receives the certification required
22 under subsection (b) of Section 9-6. Failure to report each
23 contribution is a separate violation of this subsection. In the
24 final disposition of any matter by the Board on or after the
25 effective date of this amendatory Act of the 93rd General
26 Assembly, the Board may impose fines for violations of this
27 subsection not to exceed 100% of the total amount of the
28 contributions that were untimely reported, but in no case when
29 a fine is imposed shall it be less than 10% of the total amount
30 of the contributions that were untimely reported. When
31 considering the amount of the fine to be imposed, the Board
32 shall consider, but is not limited to, the following factors:

33 (1) whether in the Board's opinion the violation was
34 committed inadvertently, negligently, knowingly, or
35 intentionally;

36 (2) the number of days the contribution was reported

1 late; and

2 (3) past violations of Sections 9-3 and 9-10 of this
3 Article by the committee.

4 (c) In addition to such reports the treasurer of every
5 political committee shall file semi-annual reports of campaign
6 contributions and expenditures no later than July 31st,
7 covering the period from January 1st through June 30th
8 immediately preceding, and no later than January 31st, covering
9 the period from July 1st through December 31st of the preceding
10 calendar year. Reports of contributions and expenditures must
11 be filed to cover the prescribed time periods even though no
12 contributions or expenditures may have been received or made
13 during the period. The Board shall assess a civil penalty not
14 to exceed \$5,000 for a violation of this subsection, except
15 that for State officers and candidates and political committees
16 formed for statewide office, the civil penalty may not exceed
17 \$10,000. The fine, however, shall not exceed \$500 for a first
18 filing violation for filing less than 10 days after the
19 deadline. There shall be no fine if the report is mailed and
20 postmarked at least 72 hours prior to the filing deadline. For
21 the purpose of this subsection, "statewide office" and "State
22 officer" means the Governor, Lieutenant Governor, Attorney
23 General, Secretary of State, Comptroller, and Treasurer.

24 (c-5) A political committee that acts as either (i) a State
25 and local political committee or (ii) a local political
26 committee and that files reports electronically under Section
27 9-28 is not required to file copies of the reports with the
28 appropriate county clerk if the county clerk has a system that
29 permits access to, and duplication of, reports that are filed
30 with the State Board of Elections. A State and local political
31 committee or a local political committee shall file with the
32 county clerk a copy of its statement of organization pursuant
33 to Section 9-3.

34 (d) A copy of each report or statement filed under this
35 Article shall be preserved by the person filing it for a period
36 of two years from the date of filing.

1 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
2 revised 12-17-03.)

3 (10 ILCS 5/24B-9.1)

4 Sec. 24B-9.1. Examination of Votes by Electronic Precinct
5 Tabulation Optical Scan Technology Scanning Process or other
6 authorized electronic process; definition of a vote.

7 (a) Examination of Votes by Electronic Precinct Tabulation
8 Optical Scan Technology Scanning Process. Whenever a Precinct
9 Tabulation Optical Scan Technology process is used to
10 automatically examine and count the votes on ballot sheets, the
11 provisions of this Section shall apply. A voter shall cast a
12 proper vote on a ballot sheet by making a mark, or causing a
13 mark to be made, in the designated area for the casting of a
14 vote for any party or candidate or for or against any
15 proposition. For this purpose, a mark is an intentional
16 darkening of the designated area on the ballot, and not an
17 identifying mark.

18 (b) For any ballot sheet that does not register a vote for
19 one or more ballot positions on the ballot sheet on a
20 Electronic Precinct Tabulation Optical Scan Technology
21 Scanning Process, the following shall constitute a vote on the
22 ballot sheet:

23 (1) the designated area for casting a vote for a
24 particular ballot position on the ballot sheet is fully
25 darkened or shaded in;

26 (2) the designated area for casting a vote for a
27 particular ballot position on the ballot sheet is partially
28 darkened or shaded in;

29 (3) the designated area for casting a vote for a
30 particular ballot position on the ballot sheet contains a
31 dot or ".", a check, or a plus or "+"; ~~or~~

32 (4) the designated area for casting a vote for a
33 particular ballot position on the ballot sheet contains
34 some other type of mark that indicates the clearly
35 ascertainable intent of the voter to vote based on the

1 totality of the circumstances, including but not limited to
2 any pattern or frequency of marks on other ballot positions
3 from the same ballot sheet; or-

4 (5) the designated area for casting a vote for a
5 particular ballot position on the ballot sheet is not
6 marked, but the ballot sheet contains other markings
7 associated with a particular ballot position, such as
8 circling a candidate's name, that indicates the clearly
9 ascertainable intent of the voter to vote, based on the
10 totality of the circumstances, including but not limited
11 to, any pattern or frequency of markings on other ballot
12 positions from the same ballot sheet.

13 (c) For other electronic voting systems that use a computer
14 as the marking device to mark a ballot sheet, the bar code
15 found on the ballot sheet shall constitute the votes found on
16 the ballot. If, however, the county clerk or board of election
17 commissioners determines that the votes represented by the
18 tally on the bar code for one or more ballot positions is
19 inconsistent with the votes represented by numerical ballot
20 positions identified on the ballot sheet produced using a
21 computer as the marking device, then the numerical ballot
22 positions identified on the ballot sheet shall constitute the
23 votes for purposes of any official canvass or recount
24 proceeding. An electronic voting system that uses a computer as
25 the marking device to mark a ballot sheet shall be capable of
26 producing a ballot sheet that contains all numerical ballot
27 positions selected by the voter, and provides a place for the
28 voter to cast a write-in vote for a candidate for a particular
29 numerical ballot position.

30 (d) The election authority shall provide an envelope,
31 sleeve or other device to each voter so the voter can deliver
32 the voted ballot sheet to the counting equipment and ballot box
33 without the votes indicated on the ballot sheet being visible
34 to other persons in the polling place.

35 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

1 Section 40. The Secretary of State Act is amended by
2 changing Section 10 as follows:

3 (15 ILCS 305/10) (from Ch. 124, par. 10)

4 Sec. 10. Whenever any bill which has passed both houses of
5 the General Assembly, and is not approved, or vetoed and
6 returned by the Governor, or filed with his objection in the
7 office of the Secretary of State, as required by Section 9, of
8 Article IV, of the Constitution, it shall be the duty of the
9 Secretary of State to authenticate the same by a certificate
10 thereon, to the following effect, as the case may be:

11 "This bill having remained with the Governor 60
12 calendar days after it was presented to him, the General
13 Assembly being in session, ~~for~~ the Governor having failed
14 to return this bill to the General Assembly during its
15 session, and having failed to file it in my office, with
16 his objections, within such 60 calendar days, it has
17 thereby become a law.

18 Dated 19

19 Signature, Secretary of State".

20 (Source: P.A. 84-550; revised 9-24-03.)

21 Section 45. The Secretary of State Merit Employment Code is
22 amended by changing Section 10b.1 as follows:

23 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

24 Sec. 10b.1. ~~(a)~~ Competitive examinations.

25 (a) For open competitive examinations to test the relative
26 fitness of applicants for the respective positions. Tests shall
27 be designed to eliminate those who are not qualified for
28 entrance into the Office of the Secretary of State and to
29 discover the relative fitness of those who are qualified. The
30 Director may use any one of or any combination of the following
31 examination methods which in his judgment best serves this end:
32 investigation of education and experience; test of cultural
33 knowledge; test of capacity; test of knowledge; test of manual

1 skill; test of linguistic ability; test of character; test of
2 physical skill; test of psychological fitness. No person with a
3 record of misdemeanor convictions except those under Sections
4 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2,
5 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
6 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and
7 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
8 1961, or arrested for any cause but not convicted thereon shall
9 be disqualified from taking such examinations or subsequent
10 appointment unless the person is attempting to qualify for a
11 position which would give him the powers of a peace officer, in
12 which case the person's conviction or arrest record may be
13 considered as a factor in determining the person's fitness for
14 the position. All examinations shall be announced publicly at
15 least 2 weeks in advance of the date of examinations and may be
16 advertised through the press, radio or other media.

17 The Director may, at his discretion, accept the results of
18 competitive examinations conducted by any merit system
19 established by Federal law or by the law of any State, and may
20 compile eligible lists therefrom or may add the names of
21 successful candidates in examinations conducted by those merit
22 systems to existing eligible lists in accordance with their
23 respective ratings. No person who is a non-resident of the
24 State of Illinois may be appointed from those eligible lists,
25 however, unless the requirement that applicants be residents of
26 the State of Illinois is waived by the Director of Personnel
27 and unless there are less than 3 Illinois residents available
28 for appointment from the appropriate eligible list. The results
29 of the examinations conducted by other merit systems may not be
30 used unless they are comparable in difficulty and
31 comprehensiveness to examinations conducted by the Department
32 of Personnel for similar positions. Special linguistic options
33 may also be established where deemed appropriate.

34 (b) The Director of Personnel may require that each person
35 seeking employment with the Secretary of State, as part of the
36 application process, authorize an investigation to determine

1 if the applicant has ever been convicted of a crime and if so,
2 the disposition of those convictions; this authorization shall
3 indicate the scope of the inquiry and the agencies which may be
4 contacted. Upon this authorization, the Director of Personnel
5 may request and receive information and assistance from any
6 federal, state or local governmental agency as part of the
7 authorized investigation. The investigation shall be
8 undertaken after the fingerprinting of an applicant in the form
9 and manner prescribed by the Department of State Police. The
10 investigation shall consist of a criminal history records check
11 performed by the Department of State Police and the Federal
12 Bureau of Investigation, or some other entity that has the
13 ability to check the applicant's fingerprints against the
14 fingerprint records now and hereafter filed in the Department
15 of State Police and Federal Bureau of Investigation criminal
16 history records databases. If the Department of State Police
17 and the Federal Bureau of Investigation conduct an
18 investigation directly for the Secretary of State's Office,
19 then the Department of State Police shall charge a fee for
20 conducting the criminal history records check, which shall be
21 deposited in the State Police Services Fund and shall not
22 exceed the actual cost of the records check. The Department of
23 State Police shall provide information concerning any criminal
24 convictions, and their disposition, brought against the
25 applicant or prospective employee of the Secretary of State
26 upon request of the Department of Personnel when the request is
27 made in the form and manner required by the Department of State
28 Police. The information derived from this investigation,
29 including the source of this information, and any conclusions
30 or recommendations derived from this information by the
31 Director of Personnel shall be provided to the applicant or
32 prospective employee, or his designee, upon request to the
33 Director of Personnel prior to any final action by the Director
34 of Personnel on the application. No information obtained from
35 such investigation may be placed in any automated information
36 system. Any criminal convictions and their disposition

1 information obtained by the Director of Personnel shall be
2 confidential and may not be transmitted outside the Office of
3 the Secretary of State, except as required herein, and may not
4 be transmitted to anyone within the Office of the Secretary of
5 State except as needed for the purpose of evaluating the
6 application. The only physical identity materials which the
7 applicant or prospective employee can be required to provide
8 the Director of Personnel are photographs or fingerprints;
9 these shall be returned to the applicant or prospective
10 employee upon request to the Director of Personnel, after the
11 investigation has been completed and no copy of these materials
12 may be kept by the Director of Personnel or any agency to which
13 such identity materials were transmitted. Only information and
14 standards which bear a reasonable and rational relation to the
15 performance of an employee shall be used by the Director of
16 Personnel. The Secretary of State shall adopt rules and
17 regulations for the administration of this Section. Any
18 employee of the Secretary of State who gives or causes to be
19 given away any confidential information concerning any
20 criminal convictions and their disposition of an applicant or
21 prospective employee shall be guilty of a Class A misdemeanor
22 unless release of such information is authorized by this
23 Section.

24 (Source: P.A. 93-418, eff. 1-1-04; revised 10-9-03.)

25 Section 50. The Deposit of State Moneys Act is amended by
26 changing Section 22.5 as follows:

27 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

28 Sec. 22.5. Permitted investments. The State Treasurer may,
29 with the approval of the Governor, invest and reinvest any
30 State money in the treasury which is not needed for current
31 expenditures due or about to become due, in obligations of the
32 United States government or its agencies or of National
33 Mortgage Associations established by or under the National
34 Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage

1 participation certificates representing undivided interests in
 2 specified, first-lien conventional residential Illinois
 3 mortgages that are underwritten, insured, guaranteed, or
 4 purchased by the Federal Home Loan Mortgage Corporation or in
 5 Affordable Housing Program Trust Fund Bonds or Notes as defined
 6 in and issued pursuant to the Illinois Housing Development Act.
 7 All such obligations shall be considered as cash and may be
 8 delivered over as cash by a State Treasurer to his successor.

9 The State Treasurer may, with the approval of the Governor,
 10 purchase any state bonds with any money in the State Treasury
 11 that has been set aside and held for the payment of the
 12 principal of and interest on the bonds. The bonds shall be
 13 considered as cash and may be delivered over as cash by the
 14 State Treasurer to his successor.

15 The State Treasurer may, with the approval of the Governor,
 16 invest or reinvest any State money in the treasury that is not
 17 needed for current expenditure due or about to become due, or
 18 any money in the State Treasury that has been set aside and
 19 held for the payment of the principal of and the interest on
 20 any State bonds, in shares, withdrawable accounts, and
 21 investment certificates of savings and building and loan
 22 associations, incorporated under the laws of this State or any
 23 other state or under the laws of the United States; provided,
 24 however, that investments may be made only in those savings and
 25 loan or building and loan associations the shares and
 26 withdrawable accounts or other forms of investment securities
 27 of which are insured by the Federal Deposit Insurance
 28 Corporation.

29 The State Treasurer may not invest State money in any
 30 savings and loan or building and loan association unless a
 31 commitment by the savings and loan (or building and loan)
 32 association, executed by the president or chief executive
 33 officer of that association, is submitted in the following
 34 form:

35 The Savings and Loan (or Building
 36 and Loan) Association pledges not to reject arbitrarily

1 mortgage loans for residential properties within any
2 specific part of the community served by the savings and
3 loan (or building and loan) association because of the
4 location of the property. The savings and loan (or building
5 and loan) association also pledges to make loans available
6 on low and moderate income residential property throughout
7 the community within the limits of its legal restrictions
8 and prudent financial practices.

9 The State Treasurer may, with the approval of the Governor,
10 invest or reinvest, at a price not to exceed par, any State
11 money in the treasury that is not needed for current
12 expenditures due or about to become due, or any money in the
13 State Treasury that has been set aside and held for the payment
14 of the principal of and interest on any State bonds, in bonds
15 issued by counties or municipal corporations of the State of
16 Illinois.

17 The State Treasurer may, with the approval of the Governor,
18 invest or reinvest any State money in the Treasury which is not
19 needed for current expenditure, due or about to become due, or
20 any money in the State Treasury which has been set aside and
21 held for the payment of the principal of and the interest on
22 any State bonds, in participations in loans, the principal of
23 which participation is fully guaranteed by an agency or
24 instrumentality of the United States government; provided,
25 however, that such loan participations are represented by
26 certificates issued only by banks which are incorporated under
27 the laws of this State or any other state or under the laws of
28 the United States, and such banks, but not the loan
29 participation certificates, are insured by the Federal Deposit
30 Insurance Corporation.

31 The State Treasurer may, with the approval of the Governor,
32 invest or reinvest any State money in the Treasury that is not
33 needed for current expenditure, due or about to become due, or
34 any money in the State Treasury that has been set aside and
35 held for the payment of the principal of and the interest on
36 any State bonds, in any of the following:

1 (1) Bonds, notes, certificates of indebtedness,
2 Treasury bills, or other securities now or hereafter issued
3 that are guaranteed by the full faith and credit of the
4 United States of America as to principal and interest.

5 (2) Bonds, notes, debentures, or other similar
6 obligations of the United States of America, its agencies,
7 and instrumentalities.

8 (2.5) Bonds, notes, debentures, or other similar
9 obligations of a foreign government that are guaranteed by
10 the full faith and credit of that government as to
11 principal and interest, but only if the foreign government
12 has not defaulted and has met its payment obligations in a
13 timely manner on all similar obligations for a period of at
14 least 25 years immediately before the time of acquiring
15 those obligations.

16 (3) Interest-bearing savings accounts,
17 interest-bearing certificates of deposit, interest-bearing
18 time deposits, or any other investments constituting
19 direct obligations of any bank as defined by the Illinois
20 Banking Act.

21 (4) Interest-bearing accounts, certificates of
22 deposit, or any other investments constituting direct
23 obligations of any savings and loan associations
24 incorporated under the laws of this State or any other
25 state or under the laws of the United States.

26 (5) Dividend-bearing share accounts, share certificate
27 accounts, or class of share accounts of a credit union
28 chartered under the laws of this State or the laws of the
29 United States; provided, however, the principal office of
30 the credit union must be located within the State of
31 Illinois.

32 (6) Bankers' acceptances of banks whose senior
33 obligations are rated in the top 2 rating categories by 2
34 national rating agencies and maintain that rating during
35 the term of the investment.

36 (7) Short-term obligations of corporations organized

1 in the United States with assets exceeding \$500,000,000 if
2 (i) the obligations are rated at the time of purchase at
3 one of the 3 highest classifications established by at
4 least 2 standard rating services and mature not later than
5 180 days from the date of purchase, (ii) the purchases do
6 not exceed 10% of the corporation's outstanding
7 obligations, and (iii) no more than one-third of the public
8 agency's funds are invested in short-term obligations of
9 corporations.

10 (8) Money market mutual funds registered under the
11 Investment Company Act of 1940, provided that the portfolio
12 of the money market mutual fund is limited to obligations
13 described in this Section and to agreements to repurchase
14 such obligations.

15 (9) The Public Treasurers' Investment Pool created
16 under Section 17 of the State Treasurer Act or in a fund
17 managed, operated, and administered by a bank.

18 (10) Repurchase agreements of government securities
19 having the meaning set out in the Government Securities Act
20 of 1986 subject to the provisions of that Act and the
21 regulations issued thereunder.

22 (11) Investments made in accordance with the
23 Technology Development Act.

24 For purposes of this Section, "agencies" of the United
25 States Government includes:

26 (i) the federal land banks, federal intermediate
27 credit banks, banks for cooperatives, federal farm credit
28 banks, or any other entity authorized to issue debt
29 obligations under the Farm Credit Act of 1971 (12 U.S.C.
30 2001 et seq.) and Acts amendatory thereto;

31 (ii) the federal home loan banks and the federal home
32 loan mortgage corporation;

33 (iii) the Commodity Credit Corporation; and

34 (iv) any other agency created by Act of Congress.

35 The Treasurer may, with the approval of the Governor, lend
36 any securities acquired under this Act. However, securities may

1 be lent under this Section only in accordance with Federal
2 Financial Institution Examination Council guidelines and only
3 if the securities are collateralized at a level sufficient to
4 assure the safety of the securities, taking into account market
5 value fluctuation. The securities may be collateralized by cash
6 or collateral acceptable under Sections 11 and 11.1.

7 (Source: P.A. 92-546, eff. 1-1-03; 92-851, eff. 8-26-02;
8 revised 9-19-02.)

9 Section 55. The Department of Central Management Services
10 Law of the Civil Administrative Code of Illinois is amended by
11 changing Section 405-292 as follows:

12 (20 ILCS 405/405-292)

13 Sec. 405-292. Business processing reengineering; planning
14 for a more efficient government.

15 (a) The Department shall be responsible for recommending to
16 the Governor efficiency initiatives to reorganize,
17 restructure, and reengineer the business processes of the
18 State. In performing this responsibility the Department shall
19 have the power and duty to do the following:

20 (1) propose the transfer, consolidation,
21 reorganization, restructuring, reengineering, or
22 elimination of programs, processes, or functions in order
23 to attain efficiency in operations and cost savings through
24 the efficiency initiatives; ~~and~~

25 (2) control the procurement of contracted services in
26 connection with the efficiency initiatives to assist in the
27 analysis, design, planning, and implementation of
28 proposals approved by the Governor to attain efficiency in
29 operations and cost savings; and

30 (3) establish the amount of cost savings to be realized
31 by State agencies from implementing the efficiency
32 initiatives, which shall be paid to the Department for
33 deposit into the Efficiency Initiatives Revolving Fund.

34 (b) For the purposes of this Section, "State agencies"

1 means all departments, boards, commissions, and agencies of the
2 State of Illinois subject to the Governor.

3 (Source: P.A. 93-25, eff. 6-20-03; revised 10-9-03.)

4 Section 60. The Children and Family Services Act is amended
5 by changing Section 7 as follows:

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

8 (a) In placing any child under this Act, the Department
9 shall place such child, as far as possible, in the care and
10 custody of some individual holding the same religious belief as
11 the parents of the child, or with some child care facility
12 which is operated by persons of like religious faith as the
13 parents of such child.

14 (b) In placing a child under this Act, the Department may
15 place a child with a relative if the Department has reason to
16 believe that the relative will be able to adequately provide
17 for the child's safety and welfare. The Department may not
18 place a child with a relative, with the exception of certain
19 circumstances which may be waived as defined by the Department
20 in rules, if the results of a check of the Law Enforcement
21 Agencies ~~Agency~~ Data System (LEADS) identifies a prior criminal
22 conviction of the relative or any adult member of the
23 relative's household for any of the following offenses under
24 the Criminal Code of 1961:

25 (1) murder;

26 (1.1) solicitation of murder;

27 (1.2) solicitation of murder for hire;

28 (1.3) intentional homicide of an unborn child;

29 (1.4) voluntary manslaughter of an unborn child;

30 (1.5) involuntary manslaughter;

31 (1.6) reckless homicide;

32 (1.7) concealment of a homicidal death;

33 (1.8) involuntary manslaughter of an unborn child;

34 (1.9) reckless homicide of an unborn child;

- 1 (1.10) drug-induced homicide;
- 2 (2) a sex offense under Article 11, except offenses
- 3 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 4 (3) kidnapping;
- 5 (3.1) aggravated unlawful restraint;
- 6 (3.2) forcible detention;
- 7 (3.3) aiding and abetting child abduction;
- 8 (4) aggravated kidnapping;
- 9 (5) child abduction;
- 10 (6) aggravated battery of a child;
- 11 (7) criminal sexual assault;
- 12 (8) aggravated criminal sexual assault;
- 13 (8.1) predatory criminal sexual assault of a child;
- 14 (9) criminal sexual abuse;
- 15 (10) aggravated sexual abuse;
- 16 (11) heinous battery;
- 17 (12) aggravated battery with a firearm;
- 18 (13) tampering with food, drugs, or cosmetics;
- 19 (14) drug-induced infliction of great bodily harm;
- 20 (15) aggravated stalking;
- 21 (16) home invasion;
- 22 (17) vehicular invasion;
- 23 (18) criminal transmission of HIV;
- 24 (19) criminal abuse or neglect of an elderly or
- 25 disabled person;
- 26 (20) child abandonment;
- 27 (21) endangering the life or health of a child;
- 28 (22) ritual mutilation;
- 29 (23) ritualized abuse of a child;
- 30 (24) an offense in any other state the elements of
- 31 which are similar and bear a substantial relationship to
- 32 any of the foregoing offenses.

33 For the purpose of this subsection, "relative" shall include
34 any person, 21 years of age or over, other than the parent, who
35 (i) is currently related to the child in any of the following
36 ways by blood or adoption: grandparent, sibling,

1 great-grandparent, uncle, aunt, nephew, niece, first cousin,
2 second cousin, godparent, great-uncle, or great-aunt; or (ii)
3 is the spouse of such a relative; or (iii) is the child's
4 step-father, step-mother, or adult step-brother or
5 step-sister; "relative" also includes a person related in any
6 of the foregoing ways to a sibling of a child, even though the
7 person is not related to the child, when the child and its
8 sibling are placed together with that person. A relative with
9 whom a child is placed pursuant to this subsection may, but is
10 not required to, apply for licensure as a foster family home
11 pursuant to the Child Care Act of 1969; provided, however, that
12 as of July 1, 1995, foster care payments shall be made only to
13 licensed foster family homes pursuant to the terms of Section 5
14 of this Act.

15 (c) In placing a child under this Act, the Department shall
16 ensure that the child's health, safety, and best interests are
17 met in making a family foster care placement. The Department
18 shall consider the individual needs of the child and the
19 capacity of the prospective foster or adoptive parents to meet
20 the needs of the child. When a child must be placed outside his
21 or her home and cannot be immediately returned to his or her
22 parents or guardian, a comprehensive, individualized
23 assessment shall be performed of that child at which time the
24 needs of the child shall be determined. Only if race, color, or
25 national origin is identified as a legitimate factor in
26 advancing the child's best interests shall it be considered.
27 Race, color, or national origin shall not be routinely
28 considered in making a placement decision. The Department shall
29 make special efforts for the diligent recruitment of potential
30 foster and adoptive families that reflect the ethnic and racial
31 diversity of the children for whom foster and adoptive homes
32 are needed. "Special efforts" shall include contacting and
33 working with community organizations and religious
34 organizations and may include contracting with those
35 organizations, utilizing local media and other local
36 resources, and conducting outreach activities.

1 (c-1) At the time of placement, the Department shall
2 consider concurrent planning, as described in subsection (1-1)
3 of Section 5, so that permanency may occur at the earliest
4 opportunity. Consideration should be given so that if
5 reunification fails or is delayed, the placement made is the
6 best available placement to provide permanency for the child.

7 (d) The Department may accept gifts, grants, offers of
8 services, and other contributions to use in making special
9 recruitment efforts.

10 (e) The Department in placing children in adoptive or
11 foster care homes may not, in any policy or practice relating
12 to the placement of children for adoption or foster care,
13 discriminate against any child or prospective adoptive or
14 foster parent on the basis of race.

15 (Source: P.A. 92-192, eff. 1-1-02; 92-328, eff. 1-1-02; 92-334,
16 eff. 8-10-01; 92-651, eff. 7-11-02; revised 2-17-03.)

17 Section 65. The Illinois Enterprise Zone Act is amended by
18 changing Section 5.5 as follows:

19 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

20 Sec. 5.5. High Impact Business.

21 (a) In order to respond to unique opportunities to assist
22 in the encouragement, development, growth and expansion of the
23 private sector through large scale investment and development
24 projects, the Department is authorized to receive and approve
25 applications for the designation of "High Impact Businesses" in
26 Illinois subject to the following conditions:

27 (1) such applications may be submitted at any time
28 during the year;

29 (2) such business is not located, at the time of
30 designation, in an enterprise zone designated pursuant to
31 this Act;

32 (3) (A) the business intends to make a minimum
33 investment of \$12,000,000 which will be placed in
34 service in qualified property and intends to create 500

1 full-time equivalent jobs at a designated location in
2 Illinois or intends to make a minimum investment of
3 \$30,000,000 which will be placed in service in
4 qualified property and intends to retain 1,500
5 full-time jobs at a designated location in Illinois.
6 The business must certify in writing that the
7 investments would not be placed in service in qualified
8 property and the job creation or job retention would
9 not occur without the tax credits and exemptions set
10 forth in subsection (b) of this Section. The terms
11 "placed in service" and "qualified property" have the
12 same meanings as described in subsection (h) of Section
13 201 of the Illinois Income Tax Act; or

14 (B) the business intends to establish a new
15 electric generating facility at a designated location
16 in Illinois. "New electric generating facility" for
17 purposes of this Section means a newly-constructed
18 electric generation plant or a newly-constructed
19 generation capacity expansion at an existing electric
20 generation plant, including the transmission lines and
21 associated equipment that transfers electricity from
22 points of supply to points of delivery, and for which
23 such new foundation construction commenced not sooner
24 than July 1, 2001. Such facility shall be designed to
25 provide baseload electric generation and shall operate
26 on a continuous basis throughout the year; and shall
27 have an aggregate rated generating capacity of at least
28 1,000 megawatts for all new units at one site if it
29 uses natural gas as its primary fuel and foundation
30 construction of the facility is commenced on or before
31 December 31, 2004, or shall have an aggregate rated
32 generating capacity of at least 400 megawatts for all
33 new units at one site if it uses coal or gases derived
34 from coal as its primary fuel and shall support the
35 creation of at least 150 new Illinois coal mining jobs.
36 The business must certify in writing that the

1 investments necessary to establish a new electric
2 generating facility would not be placed in service and
3 the job creation in the case of a coal-fueled plant
4 would not occur without the tax credits and exemptions
5 set forth in subsection (b-5) of this Section. The term
6 "placed in service" has the same meaning as described
7 in subsection (h) of Section 201 of the Illinois Income
8 Tax Act; or

9 (C) the business intends to establish production
10 operations at a new coal mine, re-establish production
11 operations at a closed coal mine, or expand production
12 at an existing coal mine at a designated location in
13 Illinois not sooner than July 1, 2001; provided that
14 the production operations result in the creation of 150
15 new Illinois coal mining jobs as described in
16 subdivision (a)(3)(B) of this Section, and further
17 provided that the coal extracted from such mine is
18 utilized as the predominant source for a new electric
19 generating facility. The business must certify in
20 writing that the investments necessary to establish a
21 new, expanded, or reopened coal mine would not be
22 placed in service and the job creation would not occur
23 without the tax credits and exemptions set forth in
24 subsection (b-5) of this Section. The term "placed in
25 service" has the same meaning as described in
26 subsection (h) of Section 201 of the Illinois Income
27 Tax Act; or

28 (D) the business intends to construct new
29 transmission facilities or upgrade existing
30 transmission facilities at designated locations in
31 Illinois, for which construction commenced not sooner
32 than July 1, 2001. For the purposes of this Section,
33 "transmission facilities" means transmission lines
34 with a voltage rating of 115 kilovolts or above,
35 including associated equipment, that transfer
36 electricity from points of supply to points of delivery

1 and that transmit a majority of the electricity
2 generated by a new electric generating facility
3 designated as a High Impact Business in accordance with
4 this Section. The business must certify in writing that
5 the investments necessary to construct new
6 transmission facilities or upgrade existing
7 transmission facilities would not be placed in service
8 without the tax credits and exemptions set forth in
9 subsection (b-5) of this Section. The term "placed in
10 service" has the same meaning as described in
11 subsection (h) of Section 201 of the Illinois Income
12 Tax Act; and

13 (4) no later than 90 days after an application is
14 submitted, the Department shall notify the applicant of the
15 Department's determination of the qualification of the
16 proposed High Impact Business under this Section.

17 (b) Businesses designated as High Impact Businesses
18 pursuant to subdivision (a) (3) (A) of this Section shall qualify
19 for the credits and exemptions described in the following Acts:
20 Section 9-222 and Section 9-222.1A of the Public Utilities Act,
21 subsection (h) of Section 201 of the Illinois Income Tax Act,~~†~~
22 and~~†~~ Section 1d of the Retailers' Occupation Tax Act;~~†~~ provided
23 that these credits and exemptions described in these Acts shall
24 not be authorized until the minimum investments set forth in
25 subdivision (a) (3) (A) of this Section have been placed in
26 service in qualified properties and, in the case of the
27 exemptions described in the Public Utilities Act and Section 1d
28 of the Retailers' Occupation Tax Act, the minimum full-time
29 equivalent jobs or full-time jobs set forth in subdivision
30 (a) (3) (A) of this Section have been created or retained.
31 Businesses designated as High Impact Businesses under this
32 Section shall also qualify for the exemption described in
33 Section 51 of the Retailers' Occupation Tax Act. The credit
34 provided in subsection (h) of Section 201 of the Illinois
35 Income Tax Act shall be applicable to investments in qualified
36 property as set forth in subdivision (a) (3) (A) of this Section.

1 (b-5) Businesses designated as High Impact Businesses
2 pursuant to subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D)
3 of this Section shall qualify for the credits and exemptions
4 described in the following Acts: Section 51 of the Retailers'
5 Occupation Tax Act, Section 9-222 and Section 9-222.1A of the
6 Public Utilities Act, and subsection (h) of Section 201 of the
7 Illinois Income Tax Act; however, the credits and exemptions
8 authorized under Section 9-222 and Section 9-222.1A of the
9 Public Utilities Act, and subsection (h) of Section 201 of the
10 Illinois Income Tax Act shall not be authorized until the new
11 electric generating facility, the new transmission facility,
12 or the new, expanded, or reopened coal mine is operational,
13 except that a new electric generating facility whose primary
14 fuel source is natural gas is eligible only for the exemption
15 under Section 51 of the Retailers' Occupation Tax Act.

16 (c) High Impact Businesses located in federally designated
17 foreign trade zones or sub-zones are also eligible for
18 additional credits, exemptions and deductions as described in
19 the following Acts: Section 9-221 and Section 9-222.1 of the
20 Public Utilities Act; and subsection (g) of Section 201, and
21 Section 203 of the Illinois Income Tax Act.

22 (d) Existing Illinois businesses which apply for
23 designation as a High Impact Business must provide the
24 Department with the prospective plan for which 1,500 full-time
25 jobs would be eliminated in the event that the business is not
26 designated.

27 (e) New proposed facilities which apply for designation as
28 High Impact Business must provide the Department with proof of
29 alternative non-Illinois sites which would receive the
30 proposed investment and job creation in the event that the
31 business is not designated as a High Impact Business.

32 (f) In the event that a business is designated a High
33 Impact Business and it is later determined after reasonable
34 notice and an opportunity for a hearing as provided under the
35 Illinois Administrative Procedure Act, that the business would
36 have placed in service in qualified property the investments

1 and created or retained the requisite number of jobs without
2 the benefits of the High Impact Business designation, the
3 Department shall be required to immediately revoke the
4 designation and notify the Director of the Department of
5 Revenue who shall begin proceedings to recover all wrongfully
6 exempted State taxes with interest. The business shall also be
7 ineligible for all State funded Department programs for a
8 period of 10 years.

9 (g) The Department shall revoke a High Impact Business
10 designation if the participating business fails to comply with
11 the terms and conditions of the designation.

12 (h) Prior to designating a business, the Department shall
13 provide the members of the General Assembly and Illinois
14 Economic and Fiscal Commission with a report setting forth the
15 terms and conditions of the designation and guarantees that
16 have been received by the Department in relation to the
17 proposed business being designated.

18 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised
19 3-7-02.)

20 Section 70. The Illinois Renewable Fuels Development
21 Program Act is amended by renumbering Section 905 as follows:

22 (20 ILCS 689/95) (was 20 ILCS 689/905)

23 Sec. 95. ~~905.~~ (Amendatory provisions; text omitted).

24 (Source: P.A. 93-15, eff. 6-11-03; text omitted; revised
25 8-1-03.)

26 Section 75. The Department of Natural Resources Act is
27 amended by setting forth and renumbering multiple versions of
28 Section 1-30 as follows:

29 (20 ILCS 801/1-30)

30 Sec. 1-30. Badges. The Director must authorize to each
31 Conservation Police Officer and to any other employee of the
32 Department exercising the powers of a peace officer a distinct

1 badge that, on its face, (i) clearly states that the badge is
2 authorized by the Department and (ii) contains a unique
3 identifying number. No other badge shall be authorized by the
4 Department. Nothing in this Section prohibits the Director from
5 issuing shields or other distinctive identification to
6 employees not exercising the powers of a peace officer if the
7 Director determines that a shield or distinctive
8 identification is needed by the employee to carry out his or
9 her responsibilities.

10 (Source: P.A. 93-423, eff. 8-5-03.)

11 (20 ILCS 801/1-35)

12 Sec. 1-35. ~~1-30.~~ Aquifer study. The Department shall
13 conduct a study to (i) develop an understanding of the geology
14 of each aquifer in the State; (ii) determine the groundwater
15 flow through the geologic units and the interaction of the
16 groundwater with surface waters; (iii) analyze current
17 groundwater withdrawals; and (iv) determine the chemistry of
18 the geologic units and the groundwater in those units. Based
19 upon information obtained from the study, the Department shall
20 develop geologic and groundwater flow models for each
21 underground aquifer in the State showing the impact of adding
22 future wells or of future groundwater withdrawals.

23 (Source: P.A. 93-608, eff. 11-20-03; revised 1-10-04.)

24 Section 80. The Energy Conservation and Coal Development
25 Act is amended by changing Section 15 as follows:

26 (20 ILCS 1105/15) (from Ch. 96 1/2, par. 7415)

27 Sec. 15. (a) The Department, in cooperation with the
28 Illinois Finance Authority, shall establish a program to assist
29 units of local government, as defined in the Illinois Finance
30 Authority Act, to identify and arrange financing for energy
31 conservation projects for buildings and facilities owned or
32 leased by those units of local government.

33 (b) The Department, in cooperation with the Illinois

1 Finance Authority, shall establish a program to assist health
2 facilities to identify and arrange financing for energy
3 conservation projects for buildings and facilities owned or
4 leased by those health facilities.

5 (Source: P.A. 93-205 (Sections 890-4 and 890-39), eff. 1-1-04;
6 revised 9-23-03.)

7 Section 85. The Department of Human Services Act is amended
8 by setting forth and renumbering multiple versions of Section
9 10-35 as follows:

10 (20 ILCS 1305/10-35)

11 Sec. 10-35. Folic acid; public information campaign. The
12 Department, in consultation with the Department of Public
13 Health, shall conduct a public information campaign to (i)
14 educate women about the benefits of consuming folic acid before
15 and during pregnancy to improve their chances of having a
16 healthy baby and (ii) increase the consumption of folic acid by
17 women of child-bearing age. The campaign must include
18 information about the sources of folic acid.

19 (Source: P.A. 93-84, eff. 1-1-04.)

20 (20 ILCS 1305/10-40)

21 Sec. 10-40 ~~10-35~~. Recreational programs; handicapped;
22 grants. The Department of Human Services, subject to
23 appropriation, may make grants to special recreation
24 associations for the operation of recreational programs for the
25 handicapped, including both physically and mentally
26 handicapped, and transportation to and from those programs. The
27 grants should target unserved or underserved populations, such
28 as persons with brain injuries, persons who are medically
29 fragile, and adults who have acquired disabling conditions. The
30 Department must adopt rules to implement the grant program.

31 (Source: P.A. 93-107, eff. 7-8-03; revised 9-24-03.)

32 (20 ILCS 1305/10-45)

1 Sec. 10-45 ~~10-35~~. Hispanic/Latino Teen Pregnancy
2 Prevention and Intervention Initiative.

3 (a) The Department is authorized to establish a
4 Hispanic/Latino Teen Pregnancy Prevention and Intervention
5 Initiative program.

6 (b) As a part of the program established under subsection
7 (a), the Department is authorized to award a grant to a
8 qualified entity for the purpose of conducting research,
9 education, and prevention activities to reduce pregnancy among
10 Hispanic teenagers.

11 (Source: P.A. 93-515, eff. 1-1-04; revised 9-24-03.)

12 Section 90. The Criminal Identification Act is amended by
13 changing Section 5 as follows:

14 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

15 Sec. 5. Arrest reports; expungement.

16 (a) All policing bodies of this State shall furnish to the
17 Department, daily, in the form and detail the Department
18 requires, fingerprints and descriptions of all persons who are
19 arrested on charges of violating any penal statute of this
20 State for offenses that are classified as felonies and Class A
21 or B misdemeanors and of all minors of the age of 10 and over
22 who have been arrested for an offense which would be a felony
23 if committed by an adult, and may forward such fingerprints and
24 descriptions for minors arrested for Class A or B misdemeanors.
25 Moving or nonmoving traffic violations under the Illinois
26 Vehicle Code shall not be reported except for violations of
27 Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In
28 addition, conservation offenses, as defined in the Supreme
29 Court Rule 501(c), that are classified as Class B misdemeanors
30 shall not be reported.

31 Whenever an adult or minor prosecuted as an adult, not
32 having previously been convicted of any criminal offense or
33 municipal ordinance violation, charged with a violation of a
34 municipal ordinance or a felony or misdemeanor, is acquitted or

1 released without being convicted, whether the acquittal or
2 release occurred before, on, or after the effective date of
3 this amendatory Act of 1991, the Chief Judge of the circuit
4 wherein the charge was brought, any judge of that circuit
5 designated by the Chief Judge, or in counties of less than
6 3,000,000 inhabitants, the presiding trial judge at the
7 defendant's trial may upon verified petition of the defendant
8 order the record of arrest expunged from the official records
9 of the arresting authority and the Department and order that
10 the records of the clerk of the circuit court be sealed until
11 further order of the court upon good cause shown and the name
12 of the defendant obliterated on the official index required to
13 be kept by the circuit court clerk under Section 16 of the
14 Clerks of Courts Act, but the order shall not affect any index
15 issued by the circuit court clerk before the entry of the
16 order. The Department may charge the petitioner a fee
17 equivalent to the cost of processing any order to expunge or
18 seal the records, and the fee shall be deposited into the State
19 Police Services Fund. The records of those arrests, however,
20 that result in a disposition of supervision for any offense
21 shall not be expunged from the records of the arresting
22 authority or the Department nor impounded by the court until 2
23 years after discharge and dismissal of supervision. Those
24 records that result from a supervision for a violation of
25 Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
26 Vehicle Code or a similar provision of a local ordinance, or
27 for a violation of Section 12-3.2, 12-15 or 16A-3 of the
28 Criminal Code of 1961, or probation under Section 10 of the
29 Cannabis Control Act, Section 410 of the Illinois Controlled
30 Substances Act, Section 12-4.3(b)(1) and (2) of the Criminal
31 Code of 1961 (as those provisions existed before their deletion
32 by Public Act 89-313), Section 10-102 of the Illinois
33 Alcoholism and Other Drug Dependency Act when the judgment of
34 conviction has been vacated, Section 40-10 of the Alcoholism
35 and Other Drug Abuse and Dependency Act when the judgment of
36 conviction has been vacated, or Section 10 of the Steroid

1 Control Act shall not be expunged from the records of the
2 arresting authority nor impounded by the court until 5 years
3 after termination of probation or supervision. Those records
4 that result from a supervision for a violation of Section
5 11-501 of the Illinois Vehicle Code or a similar provision of a
6 local ordinance, shall not be expunged. All records set out
7 above may be ordered by the court to be expunged from the
8 records of the arresting authority and impounded by the court
9 after 5 years, but shall not be expunged by the Department, but
10 shall, on court order be sealed by the Department and may be
11 disseminated by the Department only as required by law or to
12 the arresting authority, the State's Attorney, and the court
13 upon a later arrest for the same or a similar offense or for
14 the purpose of sentencing for any subsequent felony. Upon
15 conviction for any offense, the Department of Corrections shall
16 have access to all sealed records of the Department pertaining
17 to that individual.

18 (a-5) Those records maintained by the Department for
19 persons arrested prior to their 17th birthday shall be expunged
20 as provided in Section 5-915 of the Juvenile Court Act of 1987.

21 (b) Whenever a person has been convicted of a crime or of
22 the violation of a municipal ordinance, in the name of a person
23 whose identity he has stolen or otherwise come into possession
24 of, the aggrieved person from whom the identity was stolen or
25 otherwise obtained without authorization, upon learning of the
26 person having been arrested using his identity, may, upon
27 verified petition to the chief judge of the circuit wherein the
28 arrest was made, have a court order entered nunc pro tunc by
29 the chief judge to correct the arrest record, conviction
30 record, if any, and all official records of the arresting
31 authority, the Department, other criminal justice agencies,
32 the prosecutor, and the trial court concerning such arrest, if
33 any, by removing his name from all such records in connection
34 with the arrest and conviction, if any, and by inserting in the
35 records the name of the offender, if known or ascertainable, in
36 lieu of the aggrieved's name. The records of the clerk of the

1 circuit court clerk shall be sealed until further order of the
2 court upon good cause shown and the name of the aggrieved
3 person obliterated on the official index required to be kept by
4 the circuit court clerk under Section 16 of the Clerks of
5 Courts Act, but the order shall not affect any index issued by
6 the circuit court clerk before the entry of the order. Nothing
7 in this Section shall limit the Department of State Police or
8 other criminal justice agencies or prosecutors from listing
9 under an offender's name the false names he or she has used.
10 For purposes of this Section, convictions for moving and
11 nonmoving traffic violations other than convictions for
12 violations of Chapter 4, Section 11-204.1 or Section 11-501 of
13 the Illinois Vehicle Code shall not be a bar to expunging the
14 record of arrest and court records for violation of a
15 misdemeanor or municipal ordinance.

16 (c) Whenever a person who has been convicted of an offense
17 is granted a pardon by the Governor which specifically
18 authorizes expungement, he may, upon verified petition to the
19 chief judge of the circuit where the person had been convicted,
20 any judge of the circuit designated by the Chief Judge, or in
21 counties of less than 3,000,000 inhabitants, the presiding
22 trial judge at the defendant's trial, may have a court order
23 entered expunging the record of arrest from the official
24 records of the arresting authority and order that the records
25 of the clerk of the circuit court and the Department be sealed
26 until further order of the court upon good cause shown or as
27 otherwise provided herein, and the name of the defendant
28 obliterated from the official index requested to be kept by the
29 circuit court clerk under Section 16 of the Clerks of Courts
30 Act in connection with the arrest and conviction for the
31 offense for which he had been pardoned but the order shall not
32 affect any index issued by the circuit court clerk before the
33 entry of the order. All records sealed by the Department may be
34 disseminated by the Department only as required by law or to
35 the arresting authority, the State's Attorney, and the court
36 upon a later arrest for the same or similar offense or for the

1 purpose of sentencing for any subsequent felony. Upon
2 conviction for any subsequent offense, the Department of
3 Corrections shall have access to all sealed records of the
4 Department pertaining to that individual. Upon entry of the
5 order of expungement, the clerk of the circuit court shall
6 promptly mail a copy of the order to the person who was
7 pardoned.

8 (c-5) Whenever a person has been convicted of criminal
9 sexual assault, aggravated criminal sexual assault, predatory
10 criminal sexual assault of a child, criminal sexual abuse, or
11 aggravated criminal sexual abuse, the victim of that offense
12 may request that the State's Attorney of the county in which
13 the conviction occurred file a verified petition with the
14 presiding trial judge at the defendant's trial to have a court
15 order entered to seal the records of the clerk of the circuit
16 court in connection with the proceedings of the trial court
17 concerning that offense. However, the records of the arresting
18 authority and the Department of State Police concerning the
19 offense shall not be sealed. The court, upon good cause shown,
20 shall make the records of the clerk of the circuit court in
21 connection with the proceedings of the trial court concerning
22 the offense available for public inspection.

23 (c-6) If a conviction has been set aside on direct review
24 or on collateral attack and the court determines by clear and
25 convincing evidence that the defendant was factually innocent
26 of the charge, the court shall enter an expungement order as
27 provided in subsection (b) of Section 5-5-4 of the Unified Code
28 of Corrections.

29 (d) Notice of the petition for subsections (a), (b), and
30 (c) shall be served upon the State's Attorney or prosecutor
31 charged with the duty of prosecuting the offense, the
32 Department of State Police, the arresting agency and the chief
33 legal officer of the unit of local government affecting the
34 arrest. Unless the State's Attorney or prosecutor, the
35 Department of State Police, the arresting agency or such chief
36 legal officer objects to the petition within 30 days from the

1 date of the notice, the court shall enter an order granting or
2 denying the petition. The clerk of the court shall promptly
3 mail a copy of the order to the person, the arresting agency,
4 the prosecutor, the Department of State Police and such other
5 criminal justice agencies as may be ordered by the judge.

6 (e) Nothing herein shall prevent the Department of State
7 Police from maintaining all records of any person who is
8 admitted to probation upon terms and conditions and who
9 fulfills those terms and conditions pursuant to Section 10 of
10 the Cannabis Control Act, Section 410 of the Illinois
11 Controlled Substances Act, Section 12-4.3 of the Criminal Code
12 of 1961, Section 10-102 of the Illinois Alcoholism and Other
13 Drug Dependency Act, Section 40-10 of the Alcoholism and Other
14 Drug Abuse and Dependency Act, or Section 10 of the Steroid
15 Control Act.

16 (f) No court order issued pursuant to the expungement
17 provisions of this Section shall become final for purposes of
18 appeal until 30 days after notice is received by the
19 Department. Any court order contrary to the provisions of this
20 Section is void.

21 (g) Except as otherwise provided in subsection (c-5) of
22 this Section, the court shall not order the sealing or
23 expungement of the arrest records and records of the circuit
24 court clerk of any person granted supervision for or convicted
25 of any sexual offense committed against a minor under 18 years
26 of age. For the purposes of this Section, "sexual offense
27 committed against a minor" includes but is not limited to the
28 offenses of indecent solicitation of a child or criminal sexual
29 abuse when the victim of such offense is under 18 years of age.

30 (h) (1) Notwithstanding any other provision of this Act to
31 the contrary and cumulative with any rights to expungement of
32 criminal records, whenever an adult or minor prosecuted as an
33 adult charged with a violation of a municipal ordinance or a
34 misdemeanor is acquitted or released without being convicted,
35 or if the person is convicted but the conviction is reversed,
36 or if the person has been placed on supervision for a

1 misdemeanor and has not been convicted of a felony or
2 misdemeanor or placed on supervision for a misdemeanor within 3
3 years after the acquittal or release or reversal of conviction,
4 or the completion of the terms and conditions of the
5 supervision, if the acquittal, release, finding of not guilty,
6 or reversal of conviction occurred on or after the effective
7 date of this amendatory Act of the 93rd General Assembly, the
8 Chief Judge of the circuit in which the charge was brought may
9 have the official records of the arresting authority, the
10 Department, and the clerk of the circuit court sealed 3 years
11 after the dismissal of the charge, the finding of not guilty,
12 the reversal of conviction, or the completion of the terms and
13 conditions of the supervision, except those records are subject
14 to inspection and use by the court for the purposes of
15 subsequent sentencing for misdemeanor and felony violations
16 and inspection and use by law enforcement agencies and State's
17 Attorneys or other prosecutors in carrying out the duties of
18 their offices. This subsection (h) does not apply to persons
19 placed on supervision for: (1) a violation of Section 11-501 of
20 the Illinois Vehicle Code or a similar provision of a local
21 ordinance; (2) a misdemeanor violation of Article 11 of the
22 Criminal Code of 1961 or a similar provision of a local
23 ordinance; (3) a misdemeanor violation of Section 12-15, 12-30,
24 or 26-5 of the Criminal Code of 1961 or a similar provision of
25 a local ordinance; (4) a misdemeanor violation that is a crime
26 of violence as defined in Section 2 of the Crime Victims
27 Compensation Act or a similar provision of a local ordinance;
28 (5) a Class A misdemeanor violation of the Humane Care for
29 Animals Act; or (6) any offense or attempted offense that would
30 subject a person to registration under the Sex Offender
31 Registration Act.

32 (2) Upon acquittal, release without conviction, or being
33 placed on supervision, the person charged with the offense
34 shall be informed by the court of the right to have the records
35 sealed and the procedures for the sealing of the records. Three
36 years after the dismissal of the charge, the finding of not

1 guilty, the reversal of conviction, or the completion of the
2 terms and conditions of the supervision, the defendant shall
3 provide the clerk of the court with a notice of request for
4 sealing of records and payment of the applicable fee and a
5 current address and shall promptly notify the clerk of the
6 court of any change of address. The clerk shall promptly serve
7 notice that the person's records are to be sealed on the
8 State's Attorney or prosecutor charged with the duty of
9 prosecuting the offense, the Department of State Police, the
10 arresting agency and the chief legal officer of the unit of
11 local government effecting the arrest. Unless the State's
12 Attorney or prosecutor, the Department of State Police, the
13 arresting agency or such chief legal officer objects to sealing
14 of the records within 90 days of notice the court shall enter
15 an order sealing the defendant's records 3 years after the
16 dismissal of the charge, the finding of not guilty, the
17 reversal of conviction, or the completion of the terms and
18 conditions of the supervision. The clerk of the court shall
19 promptly serve by mail or in person a copy of the order to the
20 person, the arresting agency, the prosecutor, the Department of
21 State Police and such other criminal justice agencies as may be
22 ordered by the judge. If an objection is filed, the court shall
23 set a date for hearing. At the hearing the court shall hear
24 evidence on whether the sealing of the records should or should
25 not be granted.

26 (3) The clerk may charge a fee equivalent to the cost
27 associated with the sealing of records by the clerk and the
28 Department of State Police. The clerk shall forward the
29 Department of State Police portion of the fee to the Department
30 and it shall be deposited into the State Police Services Fund.

31 (4) Whenever sealing of records is required under this
32 subsection (h), the notification of the sealing must be given
33 by the circuit court where the arrest occurred to the
34 Department in a form and manner prescribed by the Department.

35 (5) An adult or a minor prosecuted as an adult who was
36 charged with a violation of a municipal ordinance or a

1 misdemeanor who was acquitted, released without being
2 convicted, convicted and the conviction was reversed, or placed
3 on supervision for a misdemeanor before the date of this
4 amendatory Act of the 93rd General Assembly and was not
5 convicted of a felony or misdemeanor or placed on supervision
6 for a misdemeanor for 3 years after the acquittal or release or
7 reversal of conviction, or completion of the terms and
8 conditions of the supervision may petition the Chief Judge of
9 the circuit in which the charge was brought, any judge of that
10 circuit in which the charge was brought, any judge of the
11 circuit designated by the Chief Judge, or, in counties of less
12 than 3,000,000 inhabitants, the presiding trial judge at that
13 defendant's trial, to seal the official records of the
14 arresting authority, the Department, and the clerk of the
15 court, except those records are subject to inspection and use
16 by the court for the purposes of subsequent sentencing for
17 misdemeanor and felony violations and inspection and use by law
18 enforcement agencies, the Department of Corrections, and
19 State's Attorneys and other prosecutors in carrying out the
20 duties of their offices. This subsection (h) does not apply to
21 persons placed on supervision for: (1) a violation of Section
22 11-501 of the Illinois Vehicle Code or a similar provision of a
23 local ordinance; (2) a misdemeanor violation of Article 11 of
24 the Criminal Code of 1961 or a similar provision of a local
25 ordinance; (3) a misdemeanor violation of Section 12-15, 12-30,
26 or 26-5 of the Criminal Code of 1961 or a similar provision of
27 a local ordinance; (4) a misdemeanor violation that is a crime
28 of violence as defined in Section 2 of the Crime Victims
29 Compensation Act or a similar provision of a local ordinance;
30 (5) a Class A misdemeanor violation of the Humane Care for
31 Animals Act; or (6) any offense or attempted offense that would
32 subject a person to registration under the Sex Offender
33 Registration Act. The State's Attorney or prosecutor charged
34 with the duty of prosecuting the offense, the Department of
35 State Police, the arresting agency and the chief legal officer
36 of the unit of local government effecting the arrest shall be

1 served with a copy of the verified petition and shall have 90
2 days to object. If an objection is filed, the court shall set a
3 date for hearing. At the hearing the court shall hear evidence
4 on whether the sealing of the records should or should not be
5 granted. The person whose records are sealed under the
6 provisions of this Act shall pay to the clerk of the court and
7 the Department of State Police a fee equivalent to the cost
8 associated with the sealing of records. The fees shall be paid
9 to the clerk of the court who shall forward the appropriate
10 portion to the Department at the time the court order to seal
11 the defendant's record is forwarded to the Department for
12 processing. The Department of State Police portion of the fee
13 shall be deposited into the State Police Services Fund.

14 (i) (1) Notwithstanding any other provision of this Act to
15 the contrary and cumulative with any rights to expungement of
16 criminal records, whenever an adult or minor prosecuted as an
17 adult charged with a violation of a municipal ordinance or a
18 misdemeanor is convicted of a misdemeanor and has not been
19 convicted of a felony or misdemeanor or placed on supervision
20 for a misdemeanor within 4 years after the completion of the
21 sentence, if the conviction occurred on or after the effective
22 date of this amendatory Act of the 93rd General Assembly, the
23 Chief Judge of the circuit in which the charge was brought may
24 have the official records of the arresting authority, the
25 Department, and the clerk of the circuit court sealed 4 years
26 after the completion of the sentence, except those records are
27 subject to inspection and use by the court for the purposes of
28 subsequent sentencing for misdemeanor and felony violations
29 and inspection and use by law enforcement agencies and State's
30 Attorneys or other prosecutors in carrying out the duties of
31 their offices. This subsection (i) does not apply to persons
32 convicted of: (1) a violation of Section 11-501 of the Illinois
33 Vehicle Code or a similar provision of a local ordinance; (2) a
34 misdemeanor violation of Article 11 of the Criminal Code of
35 1961 or a similar provision of a local ordinance; (3) a
36 misdemeanor violation of Section 12-15, 12-30, or 26-5 of the

1 Criminal Code of 1961 or a similar provision of a local
2 ordinance; (4) a misdemeanor violation that is a crime of
3 violence as defined in Section 2 of the Crime Victims
4 Compensation Act or a similar provision of a local ordinance;
5 (5) a Class A misdemeanor violation of the Humane Care for
6 Animals Act; or (6) any offense or attempted offense that would
7 subject a person to registration under the Sex Offender
8 Registration Act.

9 (2) Upon the conviction of such offense, the person charged
10 with the offense shall be informed by the court of the right to
11 have the records sealed and the procedures for the sealing of
12 the records. Four years after the completion of the sentence,
13 the defendant shall provide the clerk of the court with a
14 notice of request for sealing of records and payment of the
15 applicable fee and a current address and shall promptly notify
16 the clerk of the court of any change of address. The clerk
17 shall promptly serve notice that the person's records are to be
18 sealed on the State's Attorney or prosecutor charged with the
19 duty of prosecuting the offense, the Department of State
20 Police, the arresting agency and the chief legal officer of the
21 unit of local government effecting the arrest. Unless the
22 State's Attorney or prosecutor, the Department of State Police,
23 the arresting agency or such chief legal officer objects to
24 sealing of the records within 90 days of notice the court shall
25 enter an order sealing the defendant's records 4 years after
26 the completion of the sentence. The clerk of the court shall
27 promptly serve by mail or in person a copy of the order to the
28 person, the arresting agency, the prosecutor, the Department of
29 State Police and such other criminal justice agencies as may be
30 ordered by the judge. If an objection is filed, the court shall
31 set a date for hearing. At the hearing the court shall hear
32 evidence on whether the sealing of the records should or should
33 not be granted.

34 (3) The clerk may charge a fee equivalent to the cost
35 associated with the sealing of records by the clerk and the
36 Department of State Police. The clerk shall forward the

1 Department of State Police portion of the fee to the Department
2 and it shall be deposited into the State Police Services Fund.

3 (4) Whenever sealing of records is required under this
4 subsection (i), the notification of the sealing must be given
5 by the circuit court where the arrest occurred to the
6 Department in a form and manner prescribed by the Department.

7 (5) An adult or a minor prosecuted as an adult who was
8 charged with a violation of a municipal ordinance or a
9 misdemeanor who was convicted of a misdemeanor before the date
10 of this amendatory Act of the 93rd General Assembly and was not
11 convicted of a felony or misdemeanor or placed on supervision
12 for a misdemeanor for 4 years after the completion of the
13 sentence may petition the Chief Judge of the circuit in which
14 the charge was brought, any judge of that circuit in which the
15 charge was brought, any judge of the circuit designated by the
16 Chief Judge, or, in counties of less than 3,000,000
17 inhabitants, the presiding trial judge at that defendant's
18 trial, to seal the official records of the arresting authority,
19 the Department, and the clerk of the court, except those
20 records are subject to inspection and use by the court for the
21 purposes of subsequent sentencing for misdemeanor and felony
22 violations and inspection and use by law enforcement agencies,
23 the Department of Corrections, and State's Attorneys and other
24 prosecutors in carrying out the duties of their offices. This
25 subsection (i) does not apply to persons convicted of: (1) a
26 violation of Section 11-501 of the Illinois Vehicle Code or a
27 similar provision of a local ordinance; (2) a misdemeanor
28 violation of Article 11 of the Criminal Code of 1961 or a
29 similar provision of a local ordinance; (3) a misdemeanor
30 violation of Section 12-15, 12-30, or 26-5 of the Criminal Code
31 of 1961 or a similar provision of a local ordinance; (4) a
32 misdemeanor violation that is a crime of violence as defined in
33 Section 2 of the Crime Victims Compensation Act or a similar
34 provision of a local ordinance; (5) a Class A misdemeanor
35 violation of the Humane Care for Animals Act; or (6) any
36 offense or attempted offense that would subject a person to

1 registration under the Sex Offender Registration Act. The
2 State's Attorney or prosecutor charged with the duty of
3 prosecuting the offense, the Department of State Police, the
4 arresting agency and the chief legal officer of the unit of
5 local government effecting the arrest shall be served with a
6 copy of the verified petition and shall have 90 days to object.
7 If an objection is filed, the court shall set a date for
8 hearing. At the hearing the court shall hear evidence on
9 whether the sealing of the records should or should not be
10 granted. The person whose records are sealed under the
11 provisions of this Act shall pay to the clerk of the court and
12 the Department of State Police a fee equivalent to the cost
13 associated with the sealing of records. The fees shall be paid
14 to the clerk of the court who shall forward the appropriate
15 portion to the Department at the time the court order to seal
16 the defendant's record is forwarded to the Department for
17 processing. The Department of State Police portion of the fee
18 shall be deposited into the State Police Services Fund.

19 (Source: P.A. 92-651, eff. 7-11-02; 93-210, eff. 7-18-03;
20 93-211, eff. 1-1-04; revised 8-25-03.)

21 Section 95. The Department of Veterans Affairs Act is
22 amended by setting forth and renumbering multiple versions of
23 Section 2e as follows:

24 (20 ILCS 2805/2e)

25 Sec. 2e. The World War II Illinois Veterans Memorial Fund.
26 There is created in the State treasury the World War II
27 Illinois Veterans Memorial Fund. The Department must make
28 grants from the Fund for the construction of a World War II
29 Illinois Veterans Memorial in Springfield, Illinois.

30 (Source: P.A. 93-131, eff. 7-10-03.)

31 (20 ILCS 2805/2f)

32 Sec. 2f ~~2e~~. LaSalle Veterans Home capacity.

33 (a) The Department finds that the Illinois Veterans Home at

1 LaSalle requires an increase in capacity to better serve the
2 north central region of Illinois and to accommodate the
3 increasing number of Illinois veterans eligible for care.

4 (b) Subject to appropriation, the Department shall
5 increase by at least 80 beds the capacity of the Illinois
6 Veterans Home at LaSalle and shall request and expend federal
7 grants for this Veterans Home addition.

8 (Source: P.A. 93-142, eff. 7-10-03; revised 9-24-03.)

9 Section 100. The Illinois Emergency Management Agency Act
10 is amended by changing Section 5 as follows:

11 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

12 Sec. 5. Illinois Emergency Management Agency.

13 (a) There is created within the executive branch of the
14 State Government an Illinois Emergency Management Agency and a
15 Director of the Illinois Emergency Management Agency, herein
16 called the "Director" who shall be the head thereof. The
17 Director shall be appointed by the Governor, with the advice
18 and consent of the Senate, and shall serve for a term of 2
19 years beginning on the third Monday in January of the
20 odd-numbered year, and until a successor is appointed and has
21 qualified; except that the term of the first Director appointed
22 under this Act shall expire on the third Monday in January,
23 1989. The Director shall not hold any other remunerative public
24 office. The Director shall receive an annual salary as set by
25 the Governor from time to time or the amount set by the
26 Compensation Review Board, whichever is higher. If set by the
27 Governor, the Director's annual salary may not exceed 85% of
28 the Governor's annual salary.

29 (b) The Illinois Emergency Management Agency shall obtain,
30 under the provisions of the Personnel Code, technical,
31 clerical, stenographic and other administrative personnel, and
32 may make expenditures within the appropriation therefor as may
33 be necessary to carry out the purpose of this Act. The agency
34 created by this Act is intended to be a successor to the agency

1 created under the Illinois Emergency Services and Disaster
2 Agency Act of 1975 and the personnel, equipment, records, and
3 appropriations of that agency are transferred to the successor
4 agency as of the effective date of this Act.

5 (c) The Director, subject to the direction and control of
6 the Governor, shall be the executive head of the Illinois
7 Emergency Management Agency and the State Emergency Response
8 Commission and shall be responsible under the direction of the
9 Governor, for carrying out the program for emergency management
10 of this State. The Director shall also maintain liaison and
11 cooperate with the emergency management organizations of this
12 State and other states and of the federal government.

13 (d) The Illinois Emergency Management Agency shall take an
14 integral part in the development and revision of political
15 subdivision emergency operations plans prepared under
16 paragraph (f) of Section 10. To this end it shall employ or
17 otherwise secure the services of professional and technical
18 personnel capable of providing expert assistance to the
19 emergency services and disaster agencies. These personnel
20 shall consult with emergency services and disaster agencies on
21 a regular basis and shall make field examinations of the areas,
22 circumstances, and conditions that particular political
23 subdivision emergency operations plans are intended to apply.

24 (e) The Illinois Emergency Management Agency and political
25 subdivisions shall be encouraged to form an emergency
26 management advisory committee composed of private and public
27 personnel representing the emergency management phases of
28 mitigation, preparedness, response, and recovery. The Local
29 Emergency Planning Committee, as created under the Illinois
30 Emergency Planning and Community Right to Know Act, shall serve
31 as an advisory committee to the emergency services and disaster
32 agency or agencies serving within the boundaries of that Local
33 Emergency Planning Committee planning district for:

34 (1) the development of emergency operations plan
35 provisions for hazardous chemical emergencies; and

36 (2) the assessment of emergency response capabilities

1 related to hazardous chemical emergencies.

2 (f) The Illinois Emergency Management Agency shall:

3 (1) Coordinate the overall emergency management
4 program of the State.

5 (2) Cooperate with local governments, the federal
6 government and any public or private agency or entity in
7 achieving any purpose of this Act and in implementing
8 emergency management programs for mitigation,
9 preparedness, response, and recovery.

10 (2.5) Cooperate with the Department of Nuclear Safety
11 in development of the comprehensive emergency preparedness
12 and response plan for any nuclear accident in accordance
13 with Section 2005-65 of the Department of Nuclear Safety
14 Law of the Civil Administrative Code of Illinois and in
15 development of the Illinois Nuclear Safety Preparedness
16 program in accordance with Section 8 of the Illinois
17 Nuclear Safety Preparedness Act.

18 (2.6) Coordinate with the Department of Public Health
19 with respect to planning for and responding to public
20 health emergencies.

21 (3) Prepare, for issuance by the Governor, executive
22 orders, proclamations, and regulations as necessary or
23 appropriate in coping with disasters.

24 (4) Promulgate rules and requirements for political
25 subdivision emergency operations plans that are not
26 inconsistent with and are at least as stringent as
27 applicable federal laws and regulations.

28 (5) Review and approve, in accordance with Illinois
29 Emergency Management Agency rules, emergency operations
30 plans for those political subdivisions required to have an
31 emergency services and disaster agency pursuant to this
32 Act.

33 (5.5) Promulgate rules and requirements for the
34 political subdivision emergency management exercises,
35 including, but not limited to, exercises of the emergency
36 operations plans.

1 (5.10) Review, evaluate, and approve, in accordance
2 with Illinois Emergency Management Agency rules, political
3 subdivision emergency management exercises for those
4 political subdivisions required to have an emergency
5 services and disaster agency pursuant to this Act.

6 (6) Determine requirements of the State and its
7 political subdivisions for food, clothing, and other
8 necessities in event of a disaster.

9 (7) Establish a register of persons with types of
10 emergency management training and skills in mitigation,
11 preparedness, response, and recovery.

12 (8) Establish a register of government and private
13 response resources available for use in a disaster.

14 (9) Expand the Earthquake Awareness Program and its
15 efforts to distribute earthquake preparedness materials to
16 schools, political subdivisions, community groups, civic
17 organizations, and the media. Emphasis will be placed on
18 those areas of the State most at risk from an earthquake.
19 Maintain the list of all school districts, hospitals,
20 airports, power plants, including nuclear power plants,
21 lakes, dams, emergency response facilities of all types,
22 and all other major public or private structures which are
23 at the greatest risk of damage from earthquakes under
24 circumstances where the damage would cause subsequent harm
25 to the surrounding communities and residents.

26 (10) Disseminate all information, completely and
27 without delay, on water levels for rivers and streams and
28 any other data pertaining to potential flooding supplied by
29 the Division of Water Resources within the Department of
30 Natural Resources to all political subdivisions to the
31 maximum extent possible.

32 (11) Develop agreements, if feasible, with medical
33 supply and equipment firms to supply resources as are
34 necessary to respond to an earthquake or any other disaster
35 as defined in this Act. These resources will be made
36 available upon notifying the vendor of the disaster.

1 Payment for the resources will be in accordance with
2 Section 7 of this Act. The Illinois Department of Public
3 Health shall determine which resources will be required and
4 requested.

5 (11.5) In coordination with the Department of State
6 Police, develop and implement a community outreach program
7 to promote awareness among the State's parents and children
8 of child abduction prevention and response.

9 (12) Out of funds appropriated for these purposes,
10 award capital and non-capital grants to Illinois hospitals
11 or health care facilities located outside of a city with a
12 population in excess of 1,000,000 to be used for purposes
13 that include, but are not limited to, preparing to respond
14 to mass casualties and disasters, maintaining and
15 improving patient safety and quality of care, and
16 protecting the confidentiality of patient information. No
17 single grant for a capital expenditure shall exceed
18 \$300,000. No single grant for a non-capital expenditure
19 shall exceed \$100,000. In awarding such grants, preference
20 shall be given to hospitals that serve a significant number
21 of Medicaid recipients, but do not qualify for
22 disproportionate share hospital adjustment payments under
23 the Illinois Public Aid Code. To receive such a grant, a
24 hospital or health care facility must provide funding of at
25 least 50% of the cost of the project for which the grant is
26 being requested. In awarding such grants the Illinois
27 Emergency Management Agency shall consider the
28 recommendations of the Illinois Hospital Association.

29 (13) Do all other things necessary, incidental or
30 appropriate for the implementation of this Act.

31 (Source: P.A. 92-73, eff. 1-1-02; 92-597, eff. 6-28-02; 93-249,
32 eff. 7-22-03; 93-310, eff. 7-23-03; revised 9-11-03.)

33 Section 105. The Illinois Finance Authority Act is amended
34 by changing Sections 801-1 and 815-10 as follows:

1 (20 ILCS 3501/801-1)

2 Sec. 801-1. Short Title. Articles 801 ~~80~~ through 845 of
3 this Act may be cited as the Illinois Finance Authority Act.
4 References to "this Act" in Articles 801 through 845 are
5 references to the Illinois Finance Authority Act.

6 (Source: P.A. 93-205, eff. 1-1-04; revised 9-16-03.)

7 (20 ILCS 3501/815-10)

8 Sec. 815-10. Definitions. The following terms, whenever
9 used or referred to in this Article, shall have the following
10 meanings ascribed to them, except where the context clearly
11 requires otherwise:

12 (a) "Property" means land, parcels or combination of
13 parcels, structures, and all improvements, easements and
14 franchises.†

15 (b) "Redevelopment area" means any property which is a
16 contiguous area of at least 2 acres but less than 160 acres in
17 the aggregate located within one and one-half miles of the
18 corporate limits of a municipality and not included within any
19 municipality, where, (1) if improved, a substantial proportion
20 of the industrial, commercial and residential buildings or
21 improvements are detrimental to the public safety, health,
22 morals or welfare because of a combination of any of the
23 following factors: age; physical configuration; dilapidation;
24 structural or economic obsolescence; deterioration; illegal
25 use of individual structures; presence of structures below
26 minimum code standards; excessive and sustained vacancies;
27 overcrowding of structures and community facilities;
28 inadequate ventilation, light, sewer, water, transportation
29 and other infrastructure facilities; inadequate utilities;
30 excessive land coverage; deleterious land use or layout;
31 depreciation or lack of physical maintenance; and lack of
32 community planning; or (2) if vacant, the sound utilization of
33 land for industrial projects is impaired by a combination of 2
34 or more of the following factors: obsolete platting of the
35 vacant land; diversity of ownership of such land; tax and

1 special assessment delinquencies on such land; and
2 deterioration of structures or site improvements in
3 neighboring areas to the vacant land, or the area immediately
4 prior to becoming vacant qualified as a redevelopment improved
5 area; or (3) if an improved area within the boundaries of a
6 development project is located within the corporate limits of
7 the municipality in which 50% or more of the structures in the
8 area have an age of 35 years or more, such area does not
9 qualify under clause (1) but is detrimental to the public
10 safety, health, morals or welfare and such area may become a
11 redevelopment area pursuant to clause (1) because of a
12 combination of 3 or more of the factors specified in clause
13 (1).

14 (c) "Enterprise" means an individual, corporation,
15 partnership, joint venture, trust, estate, or unincorporated
16 association.

17 (d) "Development plan" means the comprehensive program of
18 the Authority and the participating entity to reduce or
19 eliminate those conditions the existence of which qualified the
20 project area as a redevelopment area. Each development plan
21 shall set forth in writing the program to be undertaken to
22 accomplish such objectives and shall include, without
23 limitation, estimated development project costs, the sources
24 of funds to pay costs, the nature and term of any obligations
25 to be issued, the most recent equalized assessed valuation of
26 the project area, an estimate as to the equalized assessed
27 valuation after development and the general land uses to apply
28 in the project area.

29 (e) "Development project" means any project in furtherance
30 of the objectives of a development plan, including any building
31 or buildings or building addition or other structures to be
32 newly constructed, renovated or improved and suitable for use
33 by an enterprise as an industrial project, and includes the
34 sites and other rights in the property on which such buildings
35 or structures are located.

36 (f) "Participating entity" means a municipality, a local

1 industrial development agency or an enterprise or any
2 combination thereof.

3 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

4 Section 110. The Council on Responsible Fatherhood Act is
5 amended by changing Section 10 as follows:

6 (20 ILCS 3927/10)

7 (Section scheduled to be repealed on July 1, 2005)

8 Sec. 10. Fatherhood initiative.

9 (a) The purpose of this Act shall be implemented through a
10 fatherhood initiative to be directed by the Council on
11 Responsible Fatherhood created by this Act.

12 (b) The goals of the fatherhood initiative are to increase
13 the awareness of the problems created when a child grows up
14 without the presence of a responsible father; to identify
15 obstacles that impede or prevent the involvement of responsible
16 fathers in the lives of their children; to identify strategies
17 that are successful in overcoming identified obstacles and in
18 encouraging responsible fatherhood; and to facilitate the
19 transition from current policies, perceptions, and practices
20 that adversely affect the participation of fathers in their
21 children's lives to policies, perceptions, and practices that
22 promote the contributions of responsible fathers. The
23 fatherhood initiative must promote positive interaction
24 between fathers and their children. While the emphasis of the
25 program must be on the population of children whose families
26 have received or are receiving public assistance, the program
27 may not exclude other populations of children for which the
28 program is appropriate.

29 (c) ~~(b)~~ The fatherhood initiative must include, but is not
30 limited to, the following:

31 (1) The promotion of public education concerning the
32 financial and emotional responsibilities of fatherhood.

33 (2) The provision of assistance to men in preparing for
34 the legal, financial, and emotional responsibilities of

1 fatherhood.

2 (3) The promotion of the establishment of paternity
3 upon the birth of a child.

4 (4) The encouragement of fathers in fostering an
5 emotional connection to children and providing financial
6 support to children.

7 (5) The establishment of support mechanisms for
8 fathers developing and maintaining relationships with
9 their children.

10 (6) The identification and promotion of methods that
11 reduce the negative outcomes experienced by children
12 affected by divorce, separation, and disputes concerning
13 custody and visitation.

14 (7) The integration of State and local services
15 available to families.

16 (Source: P.A. 93-437, eff. 8-5-03; revised 10-9-03.)

17 Section 115. The Illinois State Auditing Act is amended by
18 changing Section 3-1 as follows:

19 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

20 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
21 General has jurisdiction over all State agencies to make post
22 audits and investigations authorized by or under this Act or
23 the Constitution.

24 The Auditor General has jurisdiction over local government
25 agencies and private agencies only:

26 (a) to make such post audits authorized by or under
27 this Act as are necessary and incidental to a post audit of
28 a State agency or of a program administered by a State
29 agency involving public funds of the State, but this
30 jurisdiction does not include any authority to review local
31 governmental agencies in the obligation, receipt,
32 expenditure or use of public funds of the State that are
33 granted without limitation or condition imposed by law,
34 other than the general limitation that such funds be used

1 for public purposes;

2 (b) to make investigations authorized by or under this
3 Act or the Constitution; and

4 (c) to make audits of the records of local government
5 agencies to verify actual costs of state-mandated programs
6 when directed to do so by the Legislative Audit Commission
7 at the request of the State Board of Appeals under the
8 State Mandates Act.

9 In addition to the foregoing, the Auditor General may
10 conduct an audit of the Metropolitan Pier and Exposition
11 Authority, the Regional Transportation Authority, the Suburban
12 Bus Division, the Commuter Rail Division and the Chicago
13 Transit Authority and any other subsidized carrier when
14 authorized by the Legislative Audit Commission. Such audit may
15 be a financial, management or program audit, or any combination
16 thereof.

17 The audit shall determine whether they are operating in
18 accordance with all applicable laws and regulations. Subject to
19 the limitations of this Act, the Legislative Audit Commission
20 may by resolution specify additional determinations to be
21 included in the scope of the audit.

22 In addition to the foregoing, the Auditor General must also
23 conduct a financial audit of the Illinois Sports Facilities
24 Authority's expenditures of public funds in connection with the
25 reconstruction, renovation, remodeling, extension, or
26 improvement of all or substantially all of any existing
27 "facility", as that term is defined in the Illinois Sports
28 Facilities Authority Act.

29 The Auditor General may also conduct an audit, when
30 authorized by the Legislative Audit Commission, of any hospital
31 which receives 10% or more of its gross revenues from payments
32 from the State of Illinois, Department of Public Aid, Medical
33 Assistance Program.

34 The Auditor General is authorized to conduct financial and
35 compliance audits of the Illinois Distance Learning Foundation
36 and the Illinois Conservation Foundation.

1 As soon as practical after the effective date of this
2 amendatory Act of 1995, the Auditor General shall conduct a
3 compliance and management audit of the City of Chicago and any
4 other entity with regard to the operation of Chicago O'Hare
5 International Airport, Chicago Midway Airport and Merrill C.
6 Meigs Field. The audit shall include, but not be limited to, an
7 examination of revenues, expenses, and transfers of funds;
8 purchasing and contracting policies and practices; staffing
9 levels; and hiring practices and procedures. When completed,
10 the audit required by this paragraph shall be distributed in
11 accordance with Section 3-14.

12 The Auditor General shall conduct a financial and
13 compliance and program audit of distributions from the
14 Municipal Economic Development Fund during the immediately
15 preceding calendar year pursuant to Section 8-403.1 of the
16 Public Utilities Act at no cost to the city, village, or
17 incorporated town that received the distributions.

18 The Auditor General must conduct an audit of the Health
19 Facilities Planning Board pursuant to Section 19.5 of the
20 Illinois Health Facilities Planning Act.

21 The Auditor General of the State of Illinois shall annually
22 conduct or cause to be conducted a financial and compliance
23 audit of the books and records of any county water commission
24 organized pursuant to the Water Commission Act of 1985 and
25 shall file a copy of the report of that audit with the Governor
26 and the Legislative Audit Commission. The filed audit shall be
27 open to the public for inspection. The cost of the audit shall
28 be charged to the county water commission in accordance with
29 Section 6z-27 of the State Finance Act. The county water
30 commission shall make available to the Auditor General its
31 books and records and any other documentation, whether in the
32 possession of its trustees or other parties, necessary to
33 conduct the audit required. These audit requirements apply only
34 through July 1, 2007.

35 The Auditor General must conduct audits of the Rend Lake
36 Conservancy District as provided in Section 25.5 of the River

1 Conservancy Districts Act.

2 (Source: P.A. 93-226, eff. 7-22-03; 93-259, eff. 7-22-03;
3 93-275, eff. 7-22-03; revised 8-25-03.)

4 Section 120. The State Finance Act is amended by changing,
5 setting forth, and renumbering multiple versions of Sections
6 5.545, 5.552, 5.567, 5.570, 5.571, 5.595, 5.596, and 8h and
7 changing Sections 6z-43 and 8j as follows:

8 (30 ILCS 105/5.545)

9 Sec. 5.545. The Digital Divide Elimination Fund.

10 (Source: P.A. 92-22, eff. 6-30-01; 92-651, eff. 7-11-02.)

11 (30 ILCS 105/5.552)

12 Sec. 5.552. The ICCB Adult Education Fund.

13 (Source: P.A. 92-49, eff. 7-9-01; 92-651, eff. 7-11-02.)

14 (30 ILCS 105/5.567)

15 Sec. 5.567. The Secretary of State Police Services Fund.

16 (Source: P.A. 92-501, eff. 12-19-01; 92-651, eff. 7-11-02.)

17 (30 ILCS 105/5.569)

18 Sec. 5.569 ~~5.570~~. The National Guard Grant Fund.

19 (Source: P.A. 92-589, eff. 7-1-02; revised 8-27-02.)

20 (30 ILCS 105/5.570)

21 Sec. 5.570. The Illinois Student Assistance Commission
22 Contracts and Grants Fund.

23 (Source: P.A. 92-597, eff. 6-28-02.)

24 (30 ILCS 105/5.571)

25 Sec. 5.571. The Career and Technical Education Fund.

26 (Source: P.A. 92-597, eff. 6-28-02.)

27 (30 ILCS 105/5.572)

28 Sec. 5.572 ~~5.570~~. The Presidential Library and Museum

1 Operating Fund.

2 (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

3 (30 ILCS 105/5.573)

4 Sec. 5.573 ~~5.571~~. The Family Care Fund.

5 (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

6 (30 ILCS 105/5.574)

7 Sec. 5.574 ~~5.570~~. The Transportation Safety Highway
8 Hire-back Fund.

9 (Source: P.A. 92-619, eff. 1-1-03; revised 8-27-02.)

10 (30 ILCS 105/5.575)

11 Sec. 5.575 ~~5.570~~. The McKinley Bridge Fund.

12 (Source: P.A. 92-679, eff. 7-16-02; revised 8-27-02.)

13 (30 ILCS 105/5.576)

14 Sec. 5.576 ~~5.570~~. The Illinois Century Network Special
15 Purposes Fund.

16 (Source: P.A. 92-691, eff. 7-18-02; revised 8-27-02.)

17 (30 ILCS 105/5.577)

18 Sec. 5.577 ~~5.545~~. The Hospice Fund.

19 (Source: P.A. 92-693, eff. 1-1-03; revised 8-27-02.)

20 (30 ILCS 105/5.578)

21 Sec. 5.578 ~~5.552~~. Lewis and Clark Bicentennial Fund.

22 (Source: P.A. 92-694, eff. 1-1-03; revised 8-27-02.)

23 (30 ILCS 105/5.579)

24 Sec. 5.579 ~~5.570~~. The Public Broadcasting Fund.

25 (Source: P.A. 92-695, eff. 1-1-03; revised 8-27-02.)

26 (30 ILCS 105/5.580)

27 Sec. 5.580 ~~5.570~~. The Park District Youth Program Fund.

28 (Source: P.A. 92-697, eff. 7-19-02; revised 8-27-02.)

1 (30 ILCS 105/5.581)

2 Sec. 5.581 ~~5.570~~. The Professional Sports Teams Education
3 Fund.

4 (Source: P.A. 92-699, eff. 1-1-03; revised 8-27-02.)

5 (30 ILCS 105/5.582)

6 Sec. 5.582 ~~5.570~~. The Illinois Pan Hellenic Trust Fund.

7 (Source: P.A. 92-702, eff. 1-1-03; revised 8-27-02.)

8 (30 ILCS 105/5.583)

9 Sec. 5.583 ~~5.567~~. The September 11th Fund.

10 (Source: P.A. 92-704, eff. 7-19-02; revised 8-27-02.)

11 (30 ILCS 105/5.584)

12 Sec. 5.584 ~~5.570~~. The Illinois Route 66 Heritage Project
13 Fund.

14 (Source: P.A. 92-706, eff. 1-1-03; revised 8-27-02.)

15 (30 ILCS 105/5.585)

16 Sec. 5.585 ~~5.570~~. The Stop Neuroblastoma Fund.

17 (Source: P.A. 92-711, eff. 7-19-02; revised 8-27-02.)

18 (30 ILCS 105/5.586)

19 Sec. 5.586 ~~5.570~~. The Lawyers' Assistance Program Fund.

20 (Source: P.A. 92-747, eff. 7-31-02; revised 8-27-02.)

21 (30 ILCS 105/5.587)

22 Sec. 5.587 ~~5.570~~. The Local Planning Fund.

23 (Source: P.A. 92-768, eff. 8-6-02; revised 8-27-02.)

24 (30 ILCS 105/5.588)

25 Sec. 5.588 ~~5.570~~. The Multiple Sclerosis Assistance Fund.

26 (Source: P.A. 92-772, eff. 8-6-02; revised 8-27-02.)

27 (30 ILCS 105/5.589)

1 Sec. 5.589 ~~5.570~~. The Innovations in Long-term Care Quality
2 Demonstration Grants Fund.

3 (Source: P.A. 92-784, eff. 8-6-02; revised 8-27-02.)

4 (30 ILCS 105/5.590)

5 Sec. 5.590 ~~5.570~~. The End Stage Renal Disease Facility
6 Licensing Fund.

7 (Source: P.A. 92-794, eff. 7-1-03; revised 9-27-03.)

8 (30 ILCS 105/5.591)

9 Sec. 5.591 ~~5.570~~. The Restricted Call Registry Fund.

10 (Source: P.A. 92-795, eff. 8-9-02; revised 8-27-02.)

11 (30 ILCS 105/5.592)

12 Sec. 5.592 ~~5.570~~. The Illinois Military Family Relief Fund.

13 (Source: P.A. 92-886, eff. 2-7-03; revised 2-17-03.)

14 (30 ILCS 105/5.593)

15 Sec. 5.593 ~~5.595~~. The Illinois Medical District at
16 Springfield Income Fund.

17 (Source: P.A. 92-870, eff. 1-3-03; revised 4-14-03.)

18 (30 ILCS 105/5.594)

19 Sec. 5.594 ~~5.595~~. The Pension Contribution Fund.

20 (Source: P.A. 93-2, eff. 4-7-03; revised 4-14-03.)

21 (30 ILCS 105/5.595)

22 Sec. 5.595. The Senior Citizens and Disabled Persons
23 Prescription Drug Discount Program Fund.

24 (Source: P.A. 93-18, eff. 7-1-03.)

25 (30 ILCS 105/5.596)

26 Sec. 5.596 ~~5.595~~. The Emergency Public Health Fund.

27 (Source: P.A. 93-32, eff. 6-20-03; revised 10-9-03.)

28 (30 ILCS 105/5.597)

1 Sec. 5.597 ~~5.596~~. The Illinois Clean Water Fund.
2 (Source: P.A. 93-32, eff. 7-1-03; revised 10-9-03.)

3 (30 ILCS 105/5.598)

4 Sec. 5.598 ~~5.595~~. The Fire Truck Revolving Loan Fund.
5 (Source: P.A. 93-35, eff. 6-24-03; revised 10-9-03.)

6 (30 ILCS 105/5.599)

7 Sec. 5.599 ~~5.595~~. The Lou Gehrig's Disease (ALS) Research
8 Fund.
9 (Source: P.A. 93-36, eff. 6-24-03; revised 10-9-03.)

10 (30 ILCS 105/5.600)

11 Sec. 5.600 ~~5.595~~. The Emergency Public Health Fund.
12 (Source: P.A. 93-52, eff. 6-30-03; revised 10-9-03.)

13 (30 ILCS 105/5.601)

14 Sec. 5.601 ~~5.595~~. The Obesity Study and Prevention Fund.
15 (Source: P.A. 93-60, eff. 7-1-03; revised 10-9-03.)

16 (30 ILCS 105/5.602)

17 Sec. 5.602 ~~5.595~~. The World War II Illinois Veterans
18 Memorial Fund.
19 (Source: P.A. 93-131, eff. 7-10-03; revised 10-9-03.)

20 (30 ILCS 105/5.603)

21 Sec. 5.603 ~~5.595~~. The Oil Spill Response Fund.
22 (Source: P.A. 93-152, eff. 7-10-03; revised 10-9-03.)

23 (30 ILCS 105/5.604)

24 Sec. 5.604 ~~5.595~~. The Community Senior Services and
25 Resources Fund.
26 (Source: P.A. 93-246, eff. 7-22-03; revised 10-9-03.)

27 (30 ILCS 105/5.605)

28 Sec. 5.605 ~~5.595~~. The Good Samaritan Energy Trust Fund.

1 (Source: P.A. 93-285, eff. 7-22-03; revised 10-9-03.)

2 (30 ILCS 105/5.606)

3 Sec. 5.606 ~~5.595~~. The Leukemia Treatment and Education
4 Fund.

5 (Source: P.A. 93-324, eff. 7-23-03; revised 10-9-03.)

6 (30 ILCS 105/5.607)

7 Sec. 5.607 ~~5.595~~. The State Library Fund.

8 (Source: P.A. 93-397, eff. 1-1-04; revised 10-9-03.)

9 (30 ILCS 105/5.608)

10 Sec. 5.608 ~~5.595~~. The Responsible Fatherhood Fund.

11 (Source: P.A. 93-437, eff. 8-5-03; revised 10-9-03.)

12 (30 ILCS 105/5.609)

13 Sec. 5.609 ~~5.595~~. The Corporate Crime Fund.

14 (Source: P.A. 93-496, eff. 1-1-04; revised 10-9-03.)

15 (30 ILCS 105/5.610)

16 Sec. 5.610 ~~5.595~~. The TOMA Consumer Protection Fund.

17 (Source: P.A. 93-535, eff. 1-1-04; revised 10-9-03.)

18 (30 ILCS 105/5.611)

19 Sec. 5.611 ~~5.595~~. The Debt Collection Fund.

20 (Source: P.A. 93-570, eff. 8-20-03; revised 10-9-03.)

21 (30 ILCS 105/5.612)

22 Sec. 5.612 ~~5.595~~. The Help Illinois Vote Fund.

23 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

24 (30 ILCS 105/5.613)

25 Sec. 5.613 ~~5.595~~. The Secretary of State Police DUI Fund.

26 (Source: P.A. 93-584, eff. 8-22-03; revised 10-9-03.)

27 (30 ILCS 105/5.614)

1 Sec. 5.614 ~~5.595~~. The I-FLY Fund.

2 (Source: P.A. 93-585, eff. 8-22-03; revised 10-9-03.)

3 (30 ILCS 105/5.615)

4 Sec. 5.615 ~~5.596~~. The Efficiency Initiatives Revolving
5 Fund.

6 (Source: P.A. 93-25, eff. 6-20-03; revised 10-9-03.)

7 (30 ILCS 105/5.616)

8 Sec. 5.616 ~~5.596~~. ICCB Federal Trust Fund.

9 (Source: P.A. 93-153, eff. 7-10-03; revised 10-9-03.)

10 (30 ILCS 105/5.617)

11 Sec. 5.617. ~~5.595~~. The Illinois Law Enforcement Training
12 Standards Board Costs and Attorney Fees Fund.

13 (Source: P.A. 93-605, eff. 11-19-03; revised 1-10-04.)

14 (30 ILCS 105/5.618)

15 Sec. 5.618 ~~5.595~~. The Tax Recovery Fund.

16 (Source: P.A. 93-658, eff. 1-22-04; revised 1-22-04.)

17 (30 ILCS 105/6z-43)

18 Sec. 6z-43. Tobacco Settlement Recovery Fund.

19 (a) There is created in the State Treasury a special fund
20 to be known as the Tobacco Settlement Recovery Fund, into which
21 shall be deposited all monies paid to the State pursuant to (1)
22 the Master Settlement Agreement entered in the case of People
23 of the State of Illinois v. Philip Morris, et al. (Circuit
24 Court of Cook County, No. 96-L13146) and (2) any settlement
25 with or judgment against any tobacco product manufacturer other
26 than one participating in the Master Settlement Agreement in
27 satisfaction of any released claim as defined in the Master
28 Settlement Agreement, as well as any other monies as provided
29 by law. All earnings on Fund investments shall be deposited
30 into the Fund. Upon the creation of the Fund, the State
31 Comptroller shall order the State Treasurer to transfer into

1 the Fund any monies paid to the State as described in item (1)
2 or (2) of this Section before the creation of the Fund plus any
3 interest earned on the investment of those monies. The
4 Treasurer may invest the moneys in the Fund in the same manner,
5 in the same types of investments, and subject to the same
6 limitations provided in the Illinois Pension Code for the
7 investment of pension funds other than those established under
8 Article 3 or 4 of the Code.

9 (b) As soon as may be practical after June 30, 2001, upon
10 notification from and at the direction of the Governor, the
11 State Comptroller shall direct and the State Treasurer shall
12 transfer the unencumbered balance in the Tobacco Settlement
13 Recovery Fund as of June 30, 2001, as determined by the
14 Governor, into the Budget Stabilization Fund. The Treasurer may
15 invest the moneys in the Budget Stabilization Fund in the same
16 manner, in the same types of investments, and subject to the
17 same limitations provided in the Illinois Pension Code for the
18 investment of pension funds other than those established under
19 Article 3 or 4 of the Code.

20 (c) In addition to any other deposits authorized by law,
21 after any delivery of any bonds as authorized by Section 7.5 of
22 the General Obligation Bond Act for deposits to the General
23 Revenue Fund and the Budget Stabilization Fund (referred to as
24 "tobacco securitization general obligation bonds"), the
25 Governor shall certify, on or before June 30, 2003 and June 30
26 of each year thereafter, to the State Comptroller and State
27 Treasurer the total amount of principal of, interest on, and
28 premium, if any, due on those bonds in the next fiscal year
29 beginning with amounts due in fiscal year 2004. As soon as
30 practical after the annual payment of tobacco settlement moneys
31 to the Tobacco Settlement Recovery Fund as described in item
32 (1) of subsection (a), the State Treasurer and State
33 Comptroller shall transfer from the Tobacco Settlement
34 Recovery Fund to the General Obligation Bond Retirement and
35 Interest Fund the amount certified by the Governor, plus any
36 cumulative deficiency in those transfers for prior years.

1 (d) ~~(e)~~ All federal financial participation moneys
2 received pursuant to expenditures from the Fund shall be
3 deposited into the Fund.

4 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;
5 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01;
6 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised 9-3-02.)

7 (30 ILCS 105/8h)

8 Sec. 8h. Transfers to General Revenue Fund.
9 Notwithstanding any other State law to the contrary, the
10 Director of the Governor's Office of Management and Budget
11 ~~Bureau of the Budget~~ may from time to time direct the State
12 Treasurer and Comptroller to transfer a specified sum from any
13 fund held by the State Treasurer to the General Revenue Fund in
14 order to help defray the State's operating costs for the fiscal
15 year. The total transfer under this Section from any fund in
16 any fiscal year shall not exceed the lesser of 8% of the
17 revenues to be deposited into the fund during that year or 25%
18 of the beginning balance in the fund. No transfer may be made
19 from a fund under this Section that would have the effect of
20 reducing the available balance in the fund to an amount less
21 than the amount remaining unexpended and unreserved from the
22 total appropriation from that fund for that fiscal year. This
23 Section does not apply to any funds that are restricted by
24 federal law to a specific use or to any funds in the Motor Fuel
25 Tax Fund. Notwithstanding any other provision of this Section,
26 the total transfer under this Section from the Road Fund or the
27 State Construction Account Fund shall not exceed 5% of the
28 revenues to be deposited into the fund during that year.

29 In determining the available balance in a fund, the
30 Director of the Governor's Office of Management and Budget
31 ~~Bureau of the Budget~~ may include receipts, transfers into the
32 fund, and other resources anticipated to be available in the
33 fund in that fiscal year.

34 The State Treasurer and Comptroller shall transfer the
35 amounts designated under this Section as soon as may be

1 practicable after receiving the direction to transfer from the
2 Director of the Governor's Office of Management and Budget
3 ~~Bureau of the Budget~~.

4 (Source: P.A. 93-32, eff. 6-20-03; revised 8-21-03.)

5 (30 ILCS 105/8i)

6 Sec. ~~8i~~ 8h. Transfers between the Communications Revolving
7 Fund and the Illinois Military Family Relief Fund. The State
8 Comptroller shall order transferred and the Treasurer shall
9 transfer, on March 31, 2003 or as soon as practicable
10 thereafter, the amount of \$300,000 from the Communications
11 Revolving Fund to the Illinois Military Family Relief Fund.
12 Beginning on July 1, 2004, the State Comptroller shall order
13 transferred and the Treasurer shall transfer, on the last day
14 of each month, an amount equal to 50% of that day's beginning
15 balance in the Illinois Military Family Relief Fund from the
16 Illinois Military Family Relief Fund to the Communications
17 Revolving Fund. These transfers shall continue until the
18 cumulative total of transfers executed from the Illinois
19 Military Family Relief Fund to the Communications Revolving
20 Fund equals \$300,000.

21 (Source: P.A. 93-506, eff. 8-11-03; revised 8-21-03.)

22 (30 ILCS 105/8j)

23 Sec. 8j. Allocation and transfer of fee receipts to General
24 Revenue Fund. ~~If and only if any one or more of Senate Bills~~
25 ~~774, 841, 842, and 1903 of the 93rd General Assembly become~~
26 ~~law,~~ Notwithstanding any other law to the contrary, additional
27 amounts generated by the new and increased fees created or
28 authorized by Public Acts 93-22, 93-23, 93-24, and 93-32 ~~these~~
29 ~~amendatory Acts of the 93rd General Assembly this amendatory~~
30 ~~Act of the 93rd General Assembly and by Senate Bill 774, Senate~~
31 ~~Bill 841, and Senate Bill 842 of the 93rd General Assembly, if~~
32 ~~those bills become law,~~ shall be allocated between the fund
33 otherwise entitled to receive the fee and the General Revenue
34 Fund by the Governor's Office of Management and Budget ~~Bureau~~

1 ~~of the Budget~~. In determining the amount of the allocation to
2 the General Revenue Fund, the Director of the Governor's Office
3 of Management and Budget ~~Bureau of the Budget~~ shall calculate
4 whether the available resources in the fund are sufficient to
5 satisfy the unexpended and unreserved appropriations from the
6 fund for the fiscal year.

7 In calculating the available resources in a fund, the
8 Director of the Governor's Office of Management and Budget
9 ~~Bureau of the Budget~~ may include receipts, transfers into the
10 fund, and other resources anticipated to be available in the
11 fund in that fiscal year.

12 Upon determining the amount of an allocation to the General
13 Revenue Fund under this Section, the Director of the Governor's
14 Office of Management and Budget ~~Bureau of the Budget~~ may direct
15 the State Treasurer and Comptroller to transfer the amount of
16 that allocation from the fund in which the fee amounts have
17 been deposited to the General Revenue Fund; provided, however,
18 that the Director shall not direct the transfer of any amount
19 that would have the effect of reducing the available resources
20 in the fund to an amount less than the amount remaining
21 unexpended and unreserved from the total appropriation from
22 that fund for that fiscal year.

23 The State Treasurer and Comptroller shall transfer the
24 amounts designated under this Section as soon as may be
25 practicable after receiving the direction to transfer from the
26 Director of the Governor's Office of Management and Budget
27 ~~Bureau of the Budget~~.

28 (Source: P.A. 93-25, eff. 6-20-03; 93-32, eff. 6-20-03; revised
29 8-21-03.)

30 Section 125. The Illinois Procurement Code is amended by
31 setting forth and renumbering multiple versions of Section
32 50-12 as follows:

33 (30 ILCS 500/50-12)

34 Sec. 50-12. Collection and remittance of Illinois Use Tax.

1 (a) No person shall enter into a contract with a State
2 agency under this Code unless the person and all affiliates of
3 the person collect and remit Illinois Use Tax on all sales of
4 tangible personal property into the State of Illinois in
5 accordance with the provisions of the Illinois Use Tax Act
6 regardless of whether the person or affiliate is a "retailer
7 maintaining a place of business within this State" as defined
8 in Section 2 of the Use Tax Act. For purposes of this Section,
9 the term "affiliate" means any entity that (1) directly,
10 indirectly, or constructively controls another entity, (2) is
11 directly, indirectly, or constructively controlled by another
12 entity, or (3) is subject to the control of a common entity.
13 For purposes of this subsection (a), an entity controls another
14 entity if it owns, directly or individually, more than 10% of
15 the voting securities of that entity. As used in this
16 subsection (a), the term "voting security" means a security
17 that (1) confers upon the holder the right to vote for the
18 election of members of the board of directors or similar
19 governing body of the business or (2) is convertible into, or
20 entitles the holder to receive upon its exercise, a security
21 that confers such a right to vote. A general partnership
22 interest is a voting security.

23 (b) Every bid submitted and contract executed by the State
24 shall contain a certification by the bidder or contractor that
25 the bidder or contractor is not barred from bidding for or
26 entering into a contract under subsection (a) of this Section
27 and that the bidder or contractor acknowledges that the
28 contracting State agency may declare the contract void if the
29 certification completed pursuant to this subsection (b) is
30 false.

31 (Source: P.A. 93-25, eff. 6-20-03.)

32 (30 ILCS 500/50-14)

33 Sec. 50-14 ~~50-12~~. Environmental Protection Act violations.

34 (a) Unless otherwise provided, no person or business found
35 by a court or the Pollution Control Board to have committed a

1 willful or knowing violation of Section 42 of the Environmental
2 Protection Act shall do business with the State of Illinois or
3 any State agency from the date of the order containing the
4 finding of violation until 5 years after that date, unless the
5 person or business can show that no person involved in the
6 violation continues to have any involvement with the business.

7 (b) A person or business otherwise barred from doing
8 business with the State of Illinois or any State agency under
9 subsection (a) may be allowed to do business with the State of
10 Illinois or any State agency if it is shown that there is no
11 practicable alternative to the State to contracting with that
12 person or business.

13 (c) Every bid submitted to and contract executed by the
14 State shall contain a certification by the bidder or contractor
15 that the bidder or contractor is not barred from being awarded
16 a contract under this Section and that the contractor
17 acknowledges that the contracting State agency may declare the
18 contract void if the certification completed pursuant to this
19 subsection (c) is false.

20 (Source: P.A. 93-575, eff. 1-1-04; revised 9-24-03.)

21 Section 130. The Build Illinois Act is amended by changing
22 Section 8-3 as follows:

23 (30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

24 Sec. 8-3. Powers of the Department. The Department has the
25 power to:

26 (a) provide business development public infrastructure
27 loans or grants from appropriations from the Build Illinois
28 Bond Fund, the Build Illinois Purposes Fund, the Fund for
29 Illinois' Future, and the Public Infrastructure Construction
30 Loan Fund to local governments to provide or improve a
31 community's public infrastructure so as to create or retain
32 private sector jobs pursuant to the provisions of this Article;

33 (b) provide affordable financing of public infrastructure
34 loans and grants to, or on behalf of, local governments, local

1 public entities, medical facilities, and public health clinics
2 from appropriations from the Public Infrastructure
3 Construction Loan Fund for the purpose of assisting with the
4 financing, or application and access to financing, of a
5 community's public infrastructure necessary to health, safety,
6 and economic development;

7 (c) enter into agreements, accept funds or grants, and
8 engage in cooperation with agencies of the federal government,
9 or state or local governments to carry out the purposes of this
10 Article, and to use funds appropriated pursuant to this Article
11 to participate in federal infrastructure loan and grant
12 programs upon such terms and conditions as may be established
13 by the federal government;

14 (d) establish application, notification, contract, and
15 other procedures, rules, or regulations deemed necessary and
16 appropriate to carry out the provisions of this Article;

17 (e) coordinate assistance under this program with
18 activities of the Illinois Finance Authority in order to
19 maximize the effectiveness and efficiency of State development
20 programs;

21 (f) coordinate assistance under the Affordable Financing
22 of Public Infrastructure Loan and Grant Program with the
23 activities of the Illinois Finance Authority, ~~Illinois Finance~~
24 ~~Authority, Illinois Finance Authority,~~ Illinois Housing
25 Development Authority, Illinois Environmental Protection
26 Agency, and other federal and State programs and entities
27 providing financing assistance to communities for public
28 health, safety, and economic development infrastructure;

29 (f-5) provide staff, administration, and related support
30 required to manage the programs authorized under this Article
31 and pay for the staffing, administration, and related support
32 from the Public Infrastructure Construction Loan Revolving
33 Fund;

34 (g) exercise such other powers as are necessary or
35 incidental to the foregoing.

36 (Source: P.A. 93-205 (Sections 890-10, 890-34, and 890-43),

1 eff. 1-1-04; revised 10-3-03.)

2 Section 135. The Illinois Income Tax Act is amended by
3 setting forth and renumbering multiple versions of Sections
4 507X and 507Y and changing Sections 509 and 510 as follows:

5 (35 ILCS 5/507X)

6 Sec. 507X. The Multiple Sclerosis Assistance Fund
7 checkoff. Beginning with taxable years ending on or after
8 December 31, 2002, the Department shall print on its standard
9 individual income tax form a provision indicating that if the
10 taxpayer wishes to contribute to the Multiple Sclerosis
11 Assistance Fund, as authorized by this amendatory Act of the
12 92nd General Assembly, he or she may do so by stating the
13 amount of the contribution (not less than \$1) on the return and
14 that the contribution will reduce the taxpayer's refund or
15 increase the amount of payment to accompany the return. Failure
16 to remit any amount of increased payment shall reduce the
17 contribution accordingly. This Section shall not apply to any
18 amended return.

19 (Source: P.A. 92-772, eff. 8-6-02.)

20 (35 ILCS 5/507Y)

21 Sec. 507Y ~~507X~~. The Illinois Military Family Relief
22 checkoff. Beginning with taxable years ending on or after
23 December 31, 2003, the Department shall print on its standard
24 individual income tax form a provision indicating that if the
25 taxpayer wishes to contribute to the Illinois Military Family
26 Relief Fund, as authorized by this amendatory Act of the 92nd
27 General Assembly, he or she may do so by stating the amount of
28 the contribution (not less than \$1) on the return and that the
29 contribution will reduce the taxpayer's refund or increase the
30 amount of payment to accompany the return. Failure to remit any
31 amount of increased payment shall reduce the contribution
32 accordingly. This Section shall not apply to any amended
33 return.

1 (Source: P.A. 92-886, eff. 2-7-03; revised 3-11-03.)

2 (35 ILCS 5/507AA)

3 Sec. 507AA ~~507Y~~. The Lou Gehrig's Disease (ALS) Research
4 Fund checkoff. Beginning with the taxable year ending on
5 December 31, 2003, the Department shall print on its standard
6 individual income tax form a provision indicating that if the
7 taxpayer wishes to contribute to the Lou Gehrig's Disease (ALS)
8 Research Fund, as authorized by this amendatory Act of the 93rd
9 General Assembly, he or she may do so by stating the amount of
10 the contribution (not less than \$1) on the return and that the
11 contribution will reduce the taxpayer's refund or increase the
12 amount of payment to accompany the return. Failure to remit any
13 amount of increased payment shall reduce the contribution
14 accordingly. This Section shall not apply to any amended
15 return.

16 (Source: P.A. 93-36, eff. 6-24-03; revised 9-24-03.)

17 (35 ILCS 5/507BB)

18 Sec. 507BB ~~507Y~~. Asthma and Lung Research checkoff. The
19 Department must print on its standard individual income tax
20 form a provision indicating that if the taxpayer wishes to
21 contribute to the Asthma and Lung Research Fund, as authorized
22 by this amendatory Act of the 93rd General Assembly, he or she
23 may do so by stating the amount of the contribution (not less
24 than \$1) on the return and that the contribution will reduce
25 the taxpayer's refund or increase the amount of payment to
26 accompany the return. Failure to remit any amount of increased
27 payment reduces the contribution accordingly. This Section
28 does not apply to an amended return.

29 (Source: P.A. 93-292, eff. 7-22-03; revised 9-24-03.)

30 (35 ILCS 5/507CC)

31 Sec. 507CC ~~507Y~~. The Leukemia Treatment and Education
32 checkoff. The Department shall print on its standard individual
33 income tax form a provision indicating that if the taxpayer

1 wishes to contribute to the Leukemia Treatment and Education
2 Fund, as authorized by this amendatory Act of the 93rd General
3 Assembly, he or she may do so by stating the amount of the
4 contribution (not less than \$1) on the return and that the
5 contribution will reduce the taxpayer's refund or increase the
6 amount of payment to accompany the return. Failure to remit any
7 amount of increased payment shall reduce the contribution
8 accordingly. This Section shall not apply to any amended
9 return.

10 (Source: P.A. 93-324, eff. 7-23-03; revised 9-24-03.)

11 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

12 Sec. 509. Tax checkoff explanations. All individual income
13 tax return forms shall contain appropriate explanations and
14 spaces to enable the taxpayers to designate contributions to
15 the following funds: the Child Abuse Prevention Fund, the
16 Illinois Wildlife Preservation Fund (as required by the
17 Illinois Non-Game Wildlife Protection Act), the Alzheimer's
18 Disease Research Fund (as required by the Alzheimer's Disease
19 Research Act), the Assistance to the Homeless Fund (as required
20 by this Act), the Penny Severns Breast and Cervical Cancer
21 Research Fund, the National World War II Memorial Fund, the
22 Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)
23 Research Fund, the Multiple Sclerosis Assistance Fund, the
24 Leukemia Treatment and Education Fund, the World War II
25 Illinois Veterans Memorial Fund, the Korean War Veterans
26 National Museum and Library Fund, ~~to~~ the Illinois Military
27 Family Relief Fund, and the Asthma and Lung Research Fund.

28 Each form shall contain a statement that the contributions
29 will reduce the taxpayer's refund or increase the amount of
30 payment to accompany the return. Failure to remit any amount of
31 increased payment shall reduce the contribution accordingly.

32 If, on October 1 of any year, the total contributions to
33 any one of the funds made under this Section do not equal
34 \$100,000 or more, the explanations and spaces for designating
35 contributions to the fund shall be removed from the individual

1 income tax return forms for the following and all subsequent
2 years and all subsequent contributions to the fund shall be
3 refunded to the taxpayer.

4 (Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651,
5 eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36,
6 eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03;
7 93-324, eff. 7-23-03; revised 9-8-03.)

8 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

9 Sec. 510. Determination of amounts contributed. The
10 Department shall determine the total amount contributed to each
11 of the following: the Child Abuse Prevention Fund, the Illinois
12 Wildlife Preservation Fund, the Assistance to the Homeless
13 Fund, the Alzheimer's Disease Research Fund, the Penny Severns
14 Breast and Cervical Cancer Research Fund, the National World
15 War II Memorial Fund, the Prostate Cancer Research Fund, ~~to~~ the
16 Illinois Military Family Relief Fund, the Lou Gehrig's Disease
17 (ALS) Research Fund, the Multiple Sclerosis Assistance Fund,
18 the Leukemia Treatment and Education Fund, the World War II
19 Illinois Veterans Memorial Fund, the Korean War Veterans
20 National Museum and Library Fund, and the Asthma and Lung
21 Research Fund; and shall notify the State Comptroller and the
22 State Treasurer of the amounts to be transferred from the
23 General Revenue Fund to each fund, and upon receipt of such
24 notification the State Treasurer and Comptroller shall
25 transfer the amounts.

26 (Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651,
27 eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36,
28 eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03;
29 93-324, eff. 7-23-03; revised 9-8-03.)

30 Section 140. The Use Tax Act is amended by changing Section
31 3-5 as follows:

32 (35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

33 Sec. 3-5. Exemptions. Use of the following tangible

1 personal property is exempt from the tax imposed by this Act:

2 (1) Personal property purchased from a corporation,
3 society, association, foundation, institution, or
4 organization, other than a limited liability company, that is
5 organized and operated as a not-for-profit service enterprise
6 for the benefit of persons 65 years of age or older if the
7 personal property was not purchased by the enterprise for the
8 purpose of resale by the enterprise.

9 (2) Personal property purchased by a not-for-profit
10 Illinois county fair association for use in conducting,
11 operating, or promoting the county fair.

12 (3) Personal property purchased by a not-for-profit arts or
13 cultural organization that establishes, by proof required by
14 the Department by rule, that it has received an exemption under
15 Section 501(c)(3) of the Internal Revenue Code and that is
16 organized and operated primarily for the presentation or
17 support of arts or cultural programming, activities, or
18 services. These organizations include, but are not limited to,
19 music and dramatic arts organizations such as symphony
20 orchestras and theatrical groups, arts and cultural service
21 organizations, local arts councils, visual arts organizations,
22 and media arts organizations. On and after the effective date
23 of this amendatory Act of the 92nd General Assembly, however,
24 an entity otherwise eligible for this exemption shall not make
25 tax-free purchases unless it has an active identification
26 number issued by the Department.

27 (4) Personal property purchased by a governmental body, by
28 a corporation, society, association, foundation, or
29 institution organized and operated exclusively for charitable,
30 religious, or educational purposes, or by a not-for-profit
31 corporation, society, association, foundation, institution, or
32 organization that has no compensated officers or employees and
33 that is organized and operated primarily for the recreation of
34 persons 55 years of age or older. A limited liability company
35 may qualify for the exemption under this paragraph only if the
36 limited liability company is organized and operated

1 exclusively for educational purposes. On and after July 1,
2 1987, however, no entity otherwise eligible for this exemption
3 shall make tax-free purchases unless it has an active exemption
4 identification number issued by the Department.

5 (5) Until July 1, 2003, a passenger car that is a
6 replacement vehicle to the extent that the purchase price of
7 the car is subject to the Replacement Vehicle Tax.

8 (6) Until July 1, 2003, graphic arts machinery and
9 equipment, including repair and replacement parts, both new and
10 used, and including that manufactured on special order,
11 certified by the purchaser to be used primarily for graphic
12 arts production, and including machinery and equipment
13 purchased for lease. Equipment includes chemicals or chemicals
14 acting as catalysts but only if the chemicals or chemicals
15 acting as catalysts effect a direct and immediate change upon a
16 graphic arts product.

17 (7) Farm chemicals.

18 (8) Legal tender, currency, medallions, or gold or silver
19 coinage issued by the State of Illinois, the government of the
20 United States of America, or the government of any foreign
21 country, and bullion.

22 (9) Personal property purchased from a teacher-sponsored
23 student organization affiliated with an elementary or
24 secondary school located in Illinois.

25 (10) A motor vehicle of the first division, a motor vehicle
26 of the second division that is a self-contained motor vehicle
27 designed or permanently converted to provide living quarters
28 for recreational, camping, or travel use, with direct walk
29 through to the living quarters from the driver's seat, or a
30 motor vehicle of the second division that is of the van
31 configuration designed for the transportation of not less than
32 7 nor more than 16 passengers, as defined in Section 1-146 of
33 the Illinois Vehicle Code, that is used for automobile renting,
34 as defined in the Automobile Renting Occupation and Use Tax
35 Act.

36 (11) Farm machinery and equipment, both new and used,

1 including that manufactured on special order, certified by the
2 purchaser to be used primarily for production agriculture or
3 State or federal agricultural programs, including individual
4 replacement parts for the machinery and equipment, including
5 machinery and equipment purchased for lease, and including
6 implements of husbandry defined in Section 1-130 of the
7 Illinois Vehicle Code, farm machinery and agricultural
8 chemical and fertilizer spreaders, and nurse wagons required to
9 be registered under Section 3-809 of the Illinois Vehicle Code,
10 but excluding other motor vehicles required to be registered
11 under the Illinois Vehicle Code. Horticultural polyhouses or
12 hoop houses used for propagating, growing, or overwintering
13 plants shall be considered farm machinery and equipment under
14 this item (11). Agricultural chemical tender tanks and dry
15 boxes shall include units sold separately from a motor vehicle
16 required to be licensed and units sold mounted on a motor
17 vehicle required to be licensed if the selling price of the
18 tender is separately stated.

19 Farm machinery and equipment shall include precision
20 farming equipment that is installed or purchased to be
21 installed on farm machinery and equipment including, but not
22 limited to, tractors, harvesters, sprayers, planters, seeders,
23 or spreaders. Precision farming equipment includes, but is not
24 limited to, soil testing sensors, computers, monitors,
25 software, global positioning and mapping systems, and other
26 such equipment.

27 Farm machinery and equipment also includes computers,
28 sensors, software, and related equipment used primarily in the
29 computer-assisted operation of production agriculture
30 facilities, equipment, and activities such as, but not limited
31 to, the collection, monitoring, and correlation of animal and
32 crop data for the purpose of formulating animal diets and
33 agricultural chemicals. This item (11) is exempt from the
34 provisions of Section 3-90.

35 (12) Fuel and petroleum products sold to or used by an air
36 common carrier, certified by the carrier to be used for

1 consumption, shipment, or storage in the conduct of its
2 business as an air common carrier, for a flight destined for or
3 returning from a location or locations outside the United
4 States without regard to previous or subsequent domestic
5 stopovers.

6 (13) Proceeds of mandatory service charges separately
7 stated on customers' bills for the purchase and consumption of
8 food and beverages purchased at retail from a retailer, to the
9 extent that the proceeds of the service charge are in fact
10 turned over as tips or as a substitute for tips to the
11 employees who participate directly in preparing, serving,
12 hosting or cleaning up the food or beverage function with
13 respect to which the service charge is imposed.

14 (14) Until July 1, 2003, oil field exploration, drilling,
15 and production equipment, including (i) rigs and parts of rigs,
16 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
17 tubular goods, including casing and drill strings, (iii) pumps
18 and pump-jack units, (iv) storage tanks and flow lines, (v) any
19 individual replacement part for oil field exploration,
20 drilling, and production equipment, and (vi) machinery and
21 equipment purchased for lease; but excluding motor vehicles
22 required to be registered under the Illinois Vehicle Code.

23 (15) Photoprocessing machinery and equipment, including
24 repair and replacement parts, both new and used, including that
25 manufactured on special order, certified by the purchaser to be
26 used primarily for photoprocessing, and including
27 photoprocessing machinery and equipment purchased for lease.

28 (16) Until July 1, 2003, coal exploration, mining,
29 offhighway hauling, processing, maintenance, and reclamation
30 equipment, including replacement parts and equipment, and
31 including equipment purchased for lease, but excluding motor
32 vehicles required to be registered under the Illinois Vehicle
33 Code.

34 (17) Until July 1, 2003, distillation machinery and
35 equipment, sold as a unit or kit, assembled or installed by the
36 retailer, certified by the user to be used only for the

1 production of ethyl alcohol that will be used for consumption
2 as motor fuel or as a component of motor fuel for the personal
3 use of the user, and not subject to sale or resale.

4 (18) Manufacturing and assembling machinery and equipment
5 used primarily in the process of manufacturing or assembling
6 tangible personal property for wholesale or retail sale or
7 lease, whether that sale or lease is made directly by the
8 manufacturer or by some other person, whether the materials
9 used in the process are owned by the manufacturer or some other
10 person, or whether that sale or lease is made apart from or as
11 an incident to the seller's engaging in the service occupation
12 of producing machines, tools, dies, jigs, patterns, gauges, or
13 other similar items of no commercial value on special order for
14 a particular purchaser.

15 (19) Personal property delivered to a purchaser or
16 purchaser's donee inside Illinois when the purchase order for
17 that personal property was received by a florist located
18 outside Illinois who has a florist located inside Illinois
19 deliver the personal property.

20 (20) Semen used for artificial insemination of livestock
21 for direct agricultural production.

22 (21) Horses, or interests in horses, registered with and
23 meeting the requirements of any of the Arabian Horse Club
24 Registry of America, Appaloosa Horse Club, American Quarter
25 Horse Association, United States Trotting Association, or
26 Jockey Club, as appropriate, used for purposes of breeding or
27 racing for prizes.

28 (22) Computers and communications equipment utilized for
29 any hospital purpose and equipment used in the diagnosis,
30 analysis, or treatment of hospital patients purchased by a
31 lessor who leases the equipment, under a lease of one year or
32 longer executed or in effect at the time the lessor would
33 otherwise be subject to the tax imposed by this Act, to a
34 hospital that has been issued an active tax exemption
35 identification number by the Department under Section 1g of the
36 Retailers' Occupation Tax Act. If the equipment is leased in a

1 manner that does not qualify for this exemption or is used in
2 any other non-exempt manner, the lessor shall be liable for the
3 tax imposed under this Act or the Service Use Tax Act, as the
4 case may be, based on the fair market value of the property at
5 the time the non-qualifying use occurs. No lessor shall collect
6 or attempt to collect an amount (however designated) that
7 purports to reimburse that lessor for the tax imposed by this
8 Act or the Service Use Tax Act, as the case may be, if the tax
9 has not been paid by the lessor. If a lessor improperly
10 collects any such amount from the lessee, the lessee shall have
11 a legal right to claim a refund of that amount from the lessor.
12 If, however, that amount is not refunded to the lessee for any
13 reason, the lessor is liable to pay that amount to the
14 Department.

15 (23) Personal property purchased by a lessor who leases the
16 property, under a lease of one year or longer executed or in
17 effect at the time the lessor would otherwise be subject to the
18 tax imposed by this Act, to a governmental body that has been
19 issued an active sales tax exemption identification number by
20 the Department under Section 1g of the Retailers' Occupation
21 Tax Act. If the property is leased in a manner that does not
22 qualify for this exemption or used in any other non-exempt
23 manner, the lessor shall be liable for the tax imposed under
24 this Act or the Service Use Tax Act, as the case may be, based
25 on the fair market value of the property at the time the
26 non-qualifying use occurs. No lessor shall collect or attempt
27 to collect an amount (however designated) that purports to
28 reimburse that lessor for the tax imposed by this Act or the
29 Service Use Tax Act, as the case may be, if the tax has not been
30 paid by the lessor. If a lessor improperly collects any such
31 amount from the lessee, the lessee shall have a legal right to
32 claim a refund of that amount from the lessor. If, however,
33 that amount is not refunded to the lessee for any reason, the
34 lessor is liable to pay that amount to the Department.

35 (24) Beginning with taxable years ending on or after
36 December 31, 1995 and ending with taxable years ending on or

1 before December 31, 2004, personal property that is donated for
2 disaster relief to be used in a State or federally declared
3 disaster area in Illinois or bordering Illinois by a
4 manufacturer or retailer that is registered in this State to a
5 corporation, society, association, foundation, or institution
6 that has been issued a sales tax exemption identification
7 number by the Department that assists victims of the disaster
8 who reside within the declared disaster area.

9 (25) Beginning with taxable years ending on or after
10 December 31, 1995 and ending with taxable years ending on or
11 before December 31, 2004, personal property that is used in the
12 performance of infrastructure repairs in this State, including
13 but not limited to municipal roads and streets, access roads,
14 bridges, sidewalks, waste disposal systems, water and sewer
15 line extensions, water distribution and purification
16 facilities, storm water drainage and retention facilities, and
17 sewage treatment facilities, resulting from a State or
18 federally declared disaster in Illinois or bordering Illinois
19 when such repairs are initiated on facilities located in the
20 declared disaster area within 6 months after the disaster.

21 (26) Beginning July 1, 1999, game or game birds purchased
22 at a "game breeding and hunting preserve area" or an "exotic
23 game hunting area" as those terms are used in the Wildlife Code
24 or at a hunting enclosure approved through rules adopted by the
25 Department of Natural Resources. This paragraph is exempt from
26 the provisions of Section 3-90.

27 (27) A motor vehicle, as that term is defined in Section
28 1-146 of the Illinois Vehicle Code, that is donated to a
29 corporation, limited liability company, society, association,
30 foundation, or institution that is determined by the Department
31 to be organized and operated exclusively for educational
32 purposes. For purposes of this exemption, "a corporation,
33 limited liability company, society, association, foundation,
34 or institution organized and operated exclusively for
35 educational purposes" means all tax-supported public schools,
36 private schools that offer systematic instruction in useful

1 branches of learning by methods common to public schools and
2 that compare favorably in their scope and intensity with the
3 course of study presented in tax-supported schools, and
4 vocational or technical schools or institutes organized and
5 operated exclusively to provide a course of study of not less
6 than 6 weeks duration and designed to prepare individuals to
7 follow a trade or to pursue a manual, technical, mechanical,
8 industrial, business, or commercial occupation.

9 (28) Beginning January 1, 2000, personal property,
10 including food, purchased through fundraising events for the
11 benefit of a public or private elementary or secondary school,
12 a group of those schools, or one or more school districts if
13 the events are sponsored by an entity recognized by the school
14 district that consists primarily of volunteers and includes
15 parents and teachers of the school children. This paragraph
16 does not apply to fundraising events (i) for the benefit of
17 private home instruction or (ii) for which the fundraising
18 entity purchases the personal property sold at the events from
19 another individual or entity that sold the property for the
20 purpose of resale by the fundraising entity and that profits
21 from the sale to the fundraising entity. This paragraph is
22 exempt from the provisions of Section 3-90.

23 (29) Beginning January 1, 2000 and through December 31,
24 2001, new or used automatic vending machines that prepare and
25 serve hot food and beverages, including coffee, soup, and other
26 items, and replacement parts for these machines. Beginning
27 January 1, 2002 and through June 30, 2003, machines and parts
28 for machines used in commercial, coin-operated amusement and
29 vending business if a use or occupation tax is paid on the
30 gross receipts derived from the use of the commercial,
31 coin-operated amusement and vending machines. This paragraph
32 is exempt from the provisions of Section 3-90.

33 (30) Food for human consumption that is to be consumed off
34 the premises where it is sold (other than alcoholic beverages,
35 soft drinks, and food that has been prepared for immediate
36 consumption) and prescription and nonprescription medicines,

1 drugs, medical appliances, and insulin, urine testing
2 materials, syringes, and needles used by diabetics, for human
3 use, when purchased for use by a person receiving medical
4 assistance under Article 5 of the Illinois Public Aid Code who
5 resides in a licensed long-term care facility, as defined in
6 the Nursing Home Care Act.

7 (31) Beginning on the effective date of this amendatory Act
8 of the 92nd General Assembly, computers and communications
9 equipment utilized for any hospital purpose and equipment used
10 in the diagnosis, analysis, or treatment of hospital patients
11 purchased by a lessor who leases the equipment, under a lease
12 of one year or longer executed or in effect at the time the
13 lessor would otherwise be subject to the tax imposed by this
14 Act, to a hospital that has been issued an active tax exemption
15 identification number by the Department under Section 1g of the
16 Retailers' Occupation Tax Act. If the equipment is leased in a
17 manner that does not qualify for this exemption or is used in
18 any other nonexempt manner, the lessor shall be liable for the
19 tax imposed under this Act or the Service Use Tax Act, as the
20 case may be, based on the fair market value of the property at
21 the time the nonqualifying use occurs. No lessor shall collect
22 or attempt to collect an amount (however designated) that
23 purports to reimburse that lessor for the tax imposed by this
24 Act or the Service Use Tax Act, as the case may be, if the tax
25 has not been paid by the lessor. If a lessor improperly
26 collects any such amount from the lessee, the lessee shall have
27 a legal right to claim a refund of that amount from the lessor.
28 If, however, that amount is not refunded to the lessee for any
29 reason, the lessor is liable to pay that amount to the
30 Department. This paragraph is exempt from the provisions of
31 Section 3-90.

32 (32) Beginning on the effective date of this amendatory Act
33 of the 92nd General Assembly, personal property purchased by a
34 lessor who leases the property, under a lease of one year or
35 longer executed or in effect at the time the lessor would
36 otherwise be subject to the tax imposed by this Act, to a

1 governmental body that has been issued an active sales tax
2 exemption identification number by the Department under
3 Section 1g of the Retailers' Occupation Tax Act. If the
4 property is leased in a manner that does not qualify for this
5 exemption or used in any other nonexempt manner, the lessor
6 shall be liable for the tax imposed under this Act or the
7 Service Use Tax Act, as the case may be, based on the fair
8 market value of the property at the time the nonqualifying use
9 occurs. No lessor shall collect or attempt to collect an amount
10 (however designated) that purports to reimburse that lessor for
11 the tax imposed by this Act or the Service Use Tax Act, as the
12 case may be, if the tax has not been paid by the lessor. If a
13 lessor improperly collects any such amount from the lessee, the
14 lessee shall have a legal right to claim a refund of that
15 amount from the lessor. If, however, that amount is not
16 refunded to the lessee for any reason, the lessor is liable to
17 pay that amount to the Department. This paragraph is exempt
18 from the provisions of Section 3-90.

19 (33) On and after July 1, 2003, the use in this State of
20 motor vehicles of the second division with a gross vehicle
21 weight in excess of 8,000 pounds and that are subject to the
22 commercial distribution fee imposed under Section 3-815.1 of
23 the Illinois Vehicle Code. This exemption applies to repair and
24 replacement parts added after the initial purchase of such a
25 motor vehicle if that motor vehicle is used in a manner that
26 would qualify for the rolling stock exemption otherwise
27 provided for in this Act.

28 (Source: P.A. 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337,
29 eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02;
30 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised 9-11-03.)

31 Section 145. The Service Use Tax Act is amended by changing
32 Section 2 as follows:

33 (35 ILCS 110/2) (from Ch. 120, par. 439.32)

34 Sec. 2. "Use" means the exercise by any person of any right

1 or power over tangible personal property incident to the
2 ownership of that property, but does not include the sale or
3 use for demonstration by him of that property in any form as
4 tangible personal property in the regular course of business.
5 "Use" does not mean the interim use of tangible personal
6 property nor the physical incorporation of tangible personal
7 property, as an ingredient or constituent, into other tangible
8 personal property, (a) which is sold in the regular course of
9 business or (b) which the person incorporating such ingredient
10 or constituent therein has undertaken at the time of such
11 purchase to cause to be transported in interstate commerce to
12 destinations outside the State of Illinois.

13 "Purchased from a serviceman" means the acquisition of the
14 ownership of, or title to, tangible personal property through a
15 sale of service.

16 "Purchaser" means any person who, through a sale of
17 service, acquires the ownership of, or title to, any tangible
18 personal property.

19 "Cost price" means the consideration paid by the serviceman
20 for a purchase valued in money, whether paid in money or
21 otherwise, including cash, credits and services, and shall be
22 determined without any deduction on account of the supplier's
23 cost of the property sold or on account of any other expense
24 incurred by the supplier. When a serviceman contracts out part
25 or all of the services required in his sale of service, it
26 shall be presumed that the cost price to the serviceman of the
27 property transferred to him or her by his or her subcontractor
28 is equal to 50% of the subcontractor's charges to the
29 serviceman in the absence of proof of the consideration paid by
30 the subcontractor for the purchase of such property.

31 "Selling price" means the consideration for a sale valued
32 in money whether received in money or otherwise, including
33 cash, credits and service, and shall be determined without any
34 deduction on account of the serviceman's cost of the property
35 sold, the cost of materials used, labor or service cost or any
36 other expense whatsoever, but does not include interest or

1 finance charges which appear as separate items on the bill of
2 sale or sales contract nor charges that are added to prices by
3 sellers on account of the seller's duty to collect, from the
4 purchaser, the tax that is imposed by this Act.

5 "Department" means the Department of Revenue.

6 "Person" means any natural individual, firm, partnership,
7 association, joint stock company, joint venture, public or
8 private corporation, limited liability company, and any
9 receiver, executor, trustee, guardian or other representative
10 appointed by order of any court.

11 "Sale of service" means any transaction except:

12 (1) a retail sale of tangible personal property taxable
13 under the Retailers' Occupation Tax Act or under the Use
14 Tax Act.

15 (2) a sale of tangible personal property for the
16 purpose of resale made in compliance with Section 2c of the
17 Retailers' Occupation Tax Act.

18 (3) except as hereinafter provided, a sale or transfer
19 of tangible personal property as an incident to the
20 rendering of service for or by any governmental body, or
21 for or by any corporation, society, association,
22 foundation or institution organized and operated
23 exclusively for charitable, religious or educational
24 purposes or any not-for-profit corporation, society,
25 association, foundation, institution or organization which
26 has no compensated officers or employees and which is
27 organized and operated primarily for the recreation of
28 persons 55 years of age or older. A limited liability
29 company may qualify for the exemption under this paragraph
30 only if the limited liability company is organized and
31 operated exclusively for educational purposes.

32 (4) a sale or transfer of tangible personal property as
33 an incident to the rendering of service for interstate
34 carriers for hire for use as rolling stock moving in
35 interstate commerce or by lessors under a lease of one year
36 or longer, executed or in effect at the time of purchase of

1 personal property, to interstate carriers for hire for use
2 as rolling stock moving in interstate commerce so long as
3 so used by such interstate carriers for hire, and equipment
4 operated by a telecommunications provider, licensed as a
5 common carrier by the Federal Communications Commission,
6 which is permanently installed in or affixed to aircraft
7 moving in interstate commerce.

8 (4a) a sale or transfer of tangible personal property
9 as an incident to the rendering of service for owners,
10 lessors, or shippers of tangible personal property which is
11 utilized by interstate carriers for hire for use as rolling
12 stock moving in interstate commerce so long as so used by
13 interstate carriers for hire, and equipment operated by a
14 telecommunications provider, licensed as a common carrier
15 by the Federal Communications Commission, which is
16 permanently installed in or affixed to aircraft moving in
17 interstate commerce.

18 (4a-5) on and after July 1, 2003, a sale or transfer of
19 a motor vehicle of the second division with a gross vehicle
20 weight in excess of 8,000 pounds as an incident to the
21 rendering of service if that motor vehicle is subject to
22 the commercial distribution fee imposed under Section
23 3-815.1 of the Illinois Vehicle Code. This exemption
24 applies to repair and replacement parts added after the
25 initial purchase of such a motor vehicle if that motor
26 vehicle is used in a manner that would qualify for the
27 rolling stock exemption otherwise provided for in this Act.

28 (5) a sale or transfer of machinery and equipment used
29 primarily in the process of the manufacturing or
30 assembling, either in an existing, an expanded or a new
31 manufacturing facility, of tangible personal property for
32 wholesale or retail sale or lease, whether such sale or
33 lease is made directly by the manufacturer or by some other
34 person, whether the materials used in the process are owned
35 by the manufacturer or some other person, or whether such
36 sale or lease is made apart from or as an incident to the

1 seller's engaging in a service occupation and the
2 applicable tax is a Service Use Tax or Service Occupation
3 Tax, rather than Use Tax or Retailers' Occupation Tax.

4 (5a) the repairing, reconditioning or remodeling, for
5 a common carrier by rail, of tangible personal property
6 which belongs to such carrier for hire, and as to which
7 such carrier receives the physical possession of the
8 repaired, reconditioned or remodeled item of tangible
9 personal property in Illinois, and which such carrier
10 transports, or shares with another common carrier in the
11 transportation of such property, out of Illinois on a
12 standard uniform bill of lading showing the person who
13 repaired, reconditioned or remodeled the property to a
14 destination outside Illinois, for use outside Illinois.

15 (5b) a sale or transfer of tangible personal property
16 which is produced by the seller thereof on special order in
17 such a way as to have made the applicable tax the Service
18 Occupation Tax or the Service Use Tax, rather than the
19 Retailers' Occupation Tax or the Use Tax, for an interstate
20 carrier by rail which receives the physical possession of
21 such property in Illinois, and which transports such
22 property, or shares with another common carrier in the
23 transportation of such property, out of Illinois on a
24 standard uniform bill of lading showing the seller of the
25 property as the shipper or consignor of such property to a
26 destination outside Illinois, for use outside Illinois.

27 (6) until July 1, 2003, a sale or transfer of
28 distillation machinery and equipment, sold as a unit or kit
29 and assembled or installed by the retailer, which machinery
30 and equipment is certified by the user to be used only for
31 the production of ethyl alcohol that will be used for
32 consumption as motor fuel or as a component of motor fuel
33 for the personal use of such user and not subject to sale
34 or resale.

35 (7) at the election of any serviceman not required to
36 be otherwise registered as a retailer under Section 2a of

1 the Retailers' Occupation Tax Act, made for each fiscal
2 year sales of service in which the aggregate annual cost
3 price of tangible personal property transferred as an
4 incident to the sales of service is less than 35%, or 75%
5 in the case of servicemen transferring prescription drugs
6 or servicemen engaged in graphic arts production, of the
7 aggregate annual total gross receipts from all sales of
8 service. The purchase of such tangible personal property by
9 the serviceman shall be subject to tax under the Retailers'
10 Occupation Tax Act and the Use Tax Act. However, if a
11 primary serviceman who has made the election described in
12 this paragraph subcontracts service work to a secondary
13 serviceman who has also made the election described in this
14 paragraph, the primary serviceman does not incur a Use Tax
15 liability if the secondary serviceman (i) has paid or will
16 pay Use Tax on his or her cost price of any tangible
17 personal property transferred to the primary serviceman
18 and (ii) certifies that fact in writing to the primary
19 serviceman.

20 Tangible personal property transferred incident to the
21 completion of a maintenance agreement is exempt from the tax
22 imposed pursuant to this Act.

23 Exemption (5) also includes machinery and equipment used in
24 the general maintenance or repair of such exempt machinery and
25 equipment or for in-house manufacture of exempt machinery and
26 equipment. For the purposes of exemption (5), each of these
27 terms shall have the following meanings: (1) "manufacturing
28 process" shall mean the production of any article of tangible
29 personal property, whether such article is a finished product
30 or an article for use in the process of manufacturing or
31 assembling a different article of tangible personal property,
32 by procedures commonly regarded as manufacturing, processing,
33 fabricating, or refining which changes some existing material
34 or materials into a material with a different form, use or
35 name. In relation to a recognized integrated business composed
36 of a series of operations which collectively constitute

1 manufacturing, or individually constitute manufacturing
2 operations, the manufacturing process shall be deemed to
3 commence with the first operation or stage of production in the
4 series, and shall not be deemed to end until the completion of
5 the final product in the last operation or stage of production
6 in the series; and further, for purposes of exemption (5),
7 photoprocessing is deemed to be a manufacturing process of
8 tangible personal property for wholesale or retail sale; (2)
9 "assembling process" shall mean the production of any article
10 of tangible personal property, whether such article is a
11 finished product or an article for use in the process of
12 manufacturing or assembling a different article of tangible
13 personal property, by the combination of existing materials in
14 a manner commonly regarded as assembling which results in a
15 material of a different form, use or name; (3) "machinery"
16 shall mean major mechanical machines or major components of
17 such machines contributing to a manufacturing or assembling
18 process; and (4) "equipment" shall include any independent
19 device or tool separate from any machinery but essential to an
20 integrated manufacturing or assembly process; including
21 computers used primarily in a manufacturer's computer assisted
22 design, computer assisted manufacturing (CAD/CAM) system; or
23 any subunit or assembly comprising a component of any machinery
24 or auxiliary, adjunct or attachment parts of machinery, such as
25 tools, dies, jigs, fixtures, patterns and molds; or any parts
26 which require periodic replacement in the course of normal
27 operation; but shall not include hand tools. Equipment includes
28 chemicals or chemicals acting as catalysts but only if the
29 chemicals or chemicals acting as catalysts effect a direct and
30 immediate change upon a product being manufactured or assembled
31 for wholesale or retail sale or lease. The purchaser of such
32 machinery and equipment who has an active resale registration
33 number shall furnish such number to the seller at the time of
34 purchase. The user of such machinery and equipment and tools
35 without an active resale registration number shall prepare a
36 certificate of exemption for each transaction stating facts

1 establishing the exemption for that transaction, which
2 certificate shall be available to the Department for inspection
3 or audit. The Department shall prescribe the form of the
4 certificate.

5 Any informal rulings, opinions or letters issued by the
6 Department in response to an inquiry or request for any opinion
7 from any person regarding the coverage and applicability of
8 exemption (5) to specific devices shall be published,
9 maintained as a public record, and made available for public
10 inspection and copying. If the informal ruling, opinion or
11 letter contains trade secrets or other confidential
12 information, where possible the Department shall delete such
13 information prior to publication. Whenever such informal
14 rulings, opinions, or letters contain any policy of general
15 applicability, the Department shall formulate and adopt such
16 policy as a rule in accordance with the provisions of the
17 Illinois Administrative Procedure Act.

18 On and after July 1, 1987, no entity otherwise eligible
19 under exemption (3) of this Section shall make tax free
20 purchases unless it has an active exemption identification
21 number issued by the Department.

22 The purchase, employment and transfer of such tangible
23 personal property as newsprint and ink for the primary purpose
24 of conveying news (with or without other information) is not a
25 purchase, use or sale of service or of tangible personal
26 property within the meaning of this Act.

27 "Serviceman" means any person who is engaged in the
28 occupation of making sales of service.

29 "Sale at retail" means "sale at retail" as defined in the
30 Retailers' Occupation Tax Act.

31 "Supplier" means any person who makes sales of tangible
32 personal property to servicemen for the purpose of resale as an
33 incident to a sale of service.

34 "Serviceman maintaining a place of business in this State",
35 or any like term, means and includes any serviceman:

36 1. having or maintaining within this State, directly or

1 by a subsidiary, an office, distribution house, sales
2 house, warehouse or other place of business, or any agent
3 or other representative operating within this State under
4 the authority of the serviceman or its subsidiary,
5 irrespective of whether such place of business or agent or
6 other representative is located here permanently or
7 temporarily, or whether such serviceman or subsidiary is
8 licensed to do business in this State;

9 2. soliciting orders for tangible personal property by
10 means of a telecommunication or television shopping system
11 (which utilizes toll free numbers) which is intended by the
12 retailer to be broadcast by cable television or other means
13 of broadcasting, to consumers located in this State;

14 3. pursuant to a contract with a broadcaster or
15 publisher located in this State, soliciting orders for
16 tangible personal property by means of advertising which is
17 disseminated primarily to consumers located in this State
18 and only secondarily to bordering jurisdictions;

19 4. soliciting orders for tangible personal property by
20 mail if the solicitations are substantial and recurring and
21 if the retailer benefits from any banking, financing, debt
22 collection, telecommunication, or marketing activities
23 occurring in this State or benefits from the location in
24 this State of authorized installation, servicing, or
25 repair facilities;

26 5. being owned or controlled by the same interests
27 which own or control any retailer engaging in business in
28 the same or similar line of business in this State;

29 6. having a franchisee or licensee operating under its
30 trade name if the franchisee or licensee is required to
31 collect the tax under this Section;

32 7. pursuant to a contract with a cable television
33 operator located in this State, soliciting orders for
34 tangible personal property by means of advertising which is
35 transmitted or distributed over a cable television system
36 in this State; or

1 8. engaging in activities in Illinois, which
2 activities in the state in which the supply business
3 engaging in such activities is located would constitute
4 maintaining a place of business in that state.

5 (Source: P.A. 92-484, eff. 8-23-01; 93-23, eff. 6-20-03; 93-24,
6 eff. 6-20-03; revised 8-21-03.)

7 Section 150. The Service Occupation Tax Act is amended by
8 changing Section 2 as follows:

9 (35 ILCS 115/2) (from Ch. 120, par. 439.102)

10 Sec. 2. "Transfer" means any transfer of the title to
11 property or of the ownership of property whether or not the
12 transferor retains title as security for the payment of amounts
13 due him from the transferee.

14 "Cost Price" means the consideration paid by the serviceman
15 for a purchase valued in money, whether paid in money or
16 otherwise, including cash, credits and services, and shall be
17 determined without any deduction on account of the supplier's
18 cost of the property sold or on account of any other expense
19 incurred by the supplier. When a serviceman contracts out part
20 or all of the services required in his sale of service, it
21 shall be presumed that the cost price to the serviceman of the
22 property transferred to him by his or her subcontractor is
23 equal to 50% of the subcontractor's charges to the serviceman
24 in the absence of proof of the consideration paid by the
25 subcontractor for the purchase of such property.

26 "Department" means the Department of Revenue.

27 "Person" means any natural individual, firm, partnership,
28 association, joint stock company, joint venture, public or
29 private corporation, limited liability company, and any
30 receiver, executor, trustee, guardian or other representative
31 appointed by order of any court.

32 "Sale of Service" means any transaction except:

33 (a) A retail sale of tangible personal property taxable
34 under the Retailers' Occupation Tax Act or under the Use Tax

1 Act.

2 (b) A sale of tangible personal property for the purpose of
3 resale made in compliance with Section 2c of the Retailers'
4 Occupation Tax Act.

5 (c) Except as hereinafter provided, a sale or transfer of
6 tangible personal property as an incident to the rendering of
7 service for or by any governmental body or for or by any
8 corporation, society, association, foundation or institution
9 organized and operated exclusively for charitable, religious
10 or educational purposes or any not-for-profit corporation,
11 society, association, foundation, institution or organization
12 which has no compensated officers or employees and which is
13 organized and operated primarily for the recreation of persons
14 55 years of age or older. A limited liability company may
15 qualify for the exemption under this paragraph only if the
16 limited liability company is organized and operated
17 exclusively for educational purposes.

18 (d) A sale or transfer of tangible personal property as an
19 incident to the rendering of service for interstate carriers
20 for hire for use as rolling stock moving in interstate commerce
21 or lessors under leases of one year or longer, executed or in
22 effect at the time of purchase, to interstate carriers for hire
23 for use as rolling stock moving in interstate commerce, and
24 equipment operated by a telecommunications provider, licensed
25 as a common carrier by the Federal Communications Commission,
26 which is permanently installed in or affixed to aircraft moving
27 in interstate commerce.

28 (d-1) A sale or transfer of tangible personal property as
29 an incident to the rendering of service for owners, lessors or
30 shippers of tangible personal property which is utilized by
31 interstate carriers for hire for use as rolling stock moving in
32 interstate commerce, and equipment operated by a
33 telecommunications provider, licensed as a common carrier by
34 the Federal Communications Commission, which is permanently
35 installed in or affixed to aircraft moving in interstate
36 commerce.

1 (d-1.1) On and after July 1, 2003, a sale or transfer of a
2 motor vehicle of the second division with a gross vehicle
3 weight in excess of 8,000 pounds as an incident to the
4 rendering of service if that motor vehicle is subject to the
5 commercial distribution fee imposed under Section 3-815.1 of
6 the Illinois Vehicle Code. This exemption applies to repair and
7 replacement parts added after the initial purchase of such a
8 motor vehicle if that motor vehicle is used in a manner that
9 would qualify for the rolling stock exemption otherwise
10 provided for in this Act.

11 (d-2) The repairing, reconditioning or remodeling, for a
12 common carrier by rail, of tangible personal property which
13 belongs to such carrier for hire, and as to which such carrier
14 receives the physical possession of the repaired,
15 reconditioned or remodeled item of tangible personal property
16 in Illinois, and which such carrier transports, or shares with
17 another common carrier in the transportation of such property,
18 out of Illinois on a standard uniform bill of lading showing
19 the person who repaired, reconditioned or remodeled the
20 property as the shipper or consignor of such property to a
21 destination outside Illinois, for use outside Illinois.

22 (d-3) A sale or transfer of tangible personal property
23 which is produced by the seller thereof on special order in
24 such a way as to have made the applicable tax the Service
25 Occupation Tax or the Service Use Tax, rather than the
26 Retailers' Occupation Tax or the Use Tax, for an interstate
27 carrier by rail which receives the physical possession of such
28 property in Illinois, and which transports such property, or
29 shares with another common carrier in the transportation of
30 such property, out of Illinois on a standard uniform bill of
31 lading showing the seller of the property as the shipper or
32 consignor of such property to a destination outside Illinois,
33 for use outside Illinois.

34 (d-4) Until January 1, 1997, a sale, by a registered
35 serviceman paying tax under this Act to the Department, of
36 special order printed materials delivered outside Illinois and

1 which are not returned to this State, if delivery is made by
2 the seller or agent of the seller, including an agent who
3 causes the product to be delivered outside Illinois by a common
4 carrier or the U.S. postal service.

5 (e) A sale or transfer of machinery and equipment used
6 primarily in the process of the manufacturing or assembling,
7 either in an existing, an expanded or a new manufacturing
8 facility, of tangible personal property for wholesale or retail
9 sale or lease, whether such sale or lease is made directly by
10 the manufacturer or by some other person, whether the materials
11 used in the process are owned by the manufacturer or some other
12 person, or whether such sale or lease is made apart from or as
13 an incident to the seller's engaging in a service occupation
14 and the applicable tax is a Service Occupation Tax or Service
15 Use Tax, rather than Retailers' Occupation Tax or Use Tax.

16 (f) Until July 1, 2003, the sale or transfer of
17 distillation machinery and equipment, sold as a unit or kit and
18 assembled or installed by the retailer, which machinery and
19 equipment is certified by the user to be used only for the
20 production of ethyl alcohol that will be used for consumption
21 as motor fuel or as a component of motor fuel for the personal
22 use of such user and not subject to sale or resale.

23 (g) At the election of any serviceman not required to be
24 otherwise registered as a retailer under Section 2a of the
25 Retailers' Occupation Tax Act, made for each fiscal year sales
26 of service in which the aggregate annual cost price of tangible
27 personal property transferred as an incident to the sales of
28 service is less than 35% (75% in the case of servicemen
29 transferring prescription drugs or servicemen engaged in
30 graphic arts production) of the aggregate annual total gross
31 receipts from all sales of service. The purchase of such
32 tangible personal property by the serviceman shall be subject
33 to tax under the Retailers' Occupation Tax Act and the Use Tax
34 Act. However, if a primary serviceman who has made the election
35 described in this paragraph subcontracts service work to a
36 secondary serviceman who has also made the election described

1 in this paragraph, the primary serviceman does not incur a Use
2 Tax liability if the secondary serviceman (i) has paid or will
3 pay Use Tax on his or her cost price of any tangible personal
4 property transferred to the primary serviceman and (ii)
5 certifies that fact in writing to the primary serviceman.

6 Tangible personal property transferred incident to the
7 completion of a maintenance agreement is exempt from the tax
8 imposed pursuant to this Act.

9 Exemption (e) also includes machinery and equipment used in
10 the general maintenance or repair of such exempt machinery and
11 equipment or for in-house manufacture of exempt machinery and
12 equipment. For the purposes of exemption (e), each of these
13 terms shall have the following meanings: (1) "manufacturing
14 process" shall mean the production of any article of tangible
15 personal property, whether such article is a finished product
16 or an article for use in the process of manufacturing or
17 assembling a different article of tangible personal property,
18 by procedures commonly regarded as manufacturing, processing,
19 fabricating, or refining which changes some existing material
20 or materials into a material with a different form, use or
21 name. In relation to a recognized integrated business composed
22 of a series of operations which collectively constitute
23 manufacturing, or individually constitute manufacturing
24 operations, the manufacturing process shall be deemed to
25 commence with the first operation or stage of production in the
26 series, and shall not be deemed to end until the completion of
27 the final product in the last operation or stage of production
28 in the series; and further for purposes of exemption (e),
29 photoprocessing is deemed to be a manufacturing process of
30 tangible personal property for wholesale or retail sale; (2)
31 "assembling process" shall mean the production of any article
32 of tangible personal property, whether such article is a
33 finished product or an article for use in the process of
34 manufacturing or assembling a different article of tangible
35 personal property, by the combination of existing materials in
36 a manner commonly regarded as assembling which results in a

1 material of a different form, use or name; (3) "machinery"
2 shall mean major mechanical machines or major components of
3 such machines contributing to a manufacturing or assembling
4 process; and (4) "equipment" shall include any independent
5 device or tool separate from any machinery but essential to an
6 integrated manufacturing or assembly process; including
7 computers used primarily in a manufacturer's computer assisted
8 design, computer assisted manufacturing (CAD/CAM) system; or
9 any subunit or assembly comprising a component of any machinery
10 or auxiliary, adjunct or attachment parts of machinery, such as
11 tools, dies, jigs, fixtures, patterns and molds; or any parts
12 which require periodic replacement in the course of normal
13 operation; but shall not include hand tools. Equipment includes
14 chemicals or chemicals acting as catalysts but only if the
15 chemicals or chemicals acting as catalysts effect a direct and
16 immediate change upon a product being manufactured or assembled
17 for wholesale or retail sale or lease. The purchaser of such
18 machinery and equipment who has an active resale registration
19 number shall furnish such number to the seller at the time of
20 purchase. The purchaser of such machinery and equipment and
21 tools without an active resale registration number shall
22 furnish to the seller a certificate of exemption for each
23 transaction stating facts establishing the exemption for that
24 transaction, which certificate shall be available to the
25 Department for inspection or audit.

26 Except as provided in Section 2d of this Act, the rolling
27 stock exemption applies to rolling stock used by an interstate
28 carrier for hire, even just between points in Illinois, if such
29 rolling stock transports, for hire, persons whose journeys or
30 property whose shipments originate or terminate outside
31 Illinois.

32 Any informal rulings, opinions or letters issued by the
33 Department in response to an inquiry or request for any opinion
34 from any person regarding the coverage and applicability of
35 exemption (e) to specific devices shall be published,
36 maintained as a public record, and made available for public

1 inspection and copying. If the informal ruling, opinion or
2 letter contains trade secrets or other confidential
3 information, where possible the Department shall delete such
4 information prior to publication. Whenever such informal
5 rulings, opinions, or letters contain any policy of general
6 applicability, the Department shall formulate and adopt such
7 policy as a rule in accordance with the provisions of the
8 Illinois Administrative Procedure Act.

9 On and after July 1, 1987, no entity otherwise eligible
10 under exemption (c) of this Section shall make tax free
11 purchases unless it has an active exemption identification
12 number issued by the Department.

13 "Serviceman" means any person who is engaged in the
14 occupation of making sales of service.

15 "Sale at Retail" means "sale at retail" as defined in the
16 Retailers' Occupation Tax Act.

17 "Supplier" means any person who makes sales of tangible
18 personal property to servicemen for the purpose of resale as an
19 incident to a sale of service.

20 (Source: P.A. 92-484, eff. 8-23-01; 93-23, eff. 6-20-03; 93-24,
21 eff. 6-20-03; revised 8-21-03.)

22 Section 155. The Retailers' Occupation Tax Act is amended
23 by changing Sections 2-5 and 3 as follows:

24 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

25 Sec. 2-5. Exemptions. Gross receipts from proceeds from the
26 sale of the following tangible personal property are exempt
27 from the tax imposed by this Act:

28 (1) Farm chemicals.

29 (2) Farm machinery and equipment, both new and used,
30 including that manufactured on special order, certified by the
31 purchaser to be used primarily for production agriculture or
32 State or federal agricultural programs, including individual
33 replacement parts for the machinery and equipment, including
34 machinery and equipment purchased for lease, and including

1 implements of husbandry defined in Section 1-130 of the
2 Illinois Vehicle Code, farm machinery and agricultural
3 chemical and fertilizer spreaders, and nurse wagons required to
4 be registered under Section 3-809 of the Illinois Vehicle Code,
5 but excluding other motor vehicles required to be registered
6 under the Illinois Vehicle Code. Horticultural polyhouses or
7 hoop houses used for propagating, growing, or overwintering
8 plants shall be considered farm machinery and equipment under
9 this item (2). Agricultural chemical tender tanks and dry boxes
10 shall include units sold separately from a motor vehicle
11 required to be licensed and units sold mounted on a motor
12 vehicle required to be licensed, if the selling price of the
13 tender is separately stated.

14 Farm machinery and equipment shall include precision
15 farming equipment that is installed or purchased to be
16 installed on farm machinery and equipment including, but not
17 limited to, tractors, harvesters, sprayers, planters, seeders,
18 or spreaders. Precision farming equipment includes, but is not
19 limited to, soil testing sensors, computers, monitors,
20 software, global positioning and mapping systems, and other
21 such equipment.

22 Farm machinery and equipment also includes computers,
23 sensors, software, and related equipment used primarily in the
24 computer-assisted operation of production agriculture
25 facilities, equipment, and activities such as, but not limited
26 to, the collection, monitoring, and correlation of animal and
27 crop data for the purpose of formulating animal diets and
28 agricultural chemicals. This item (7) is exempt from the
29 provisions of Section 2-70.

30 (3) Until July 1, 2003, distillation machinery and
31 equipment, sold as a unit or kit, assembled or installed by the
32 retailer, certified by the user to be used only for the
33 production of ethyl alcohol that will be used for consumption
34 as motor fuel or as a component of motor fuel for the personal
35 use of the user, and not subject to sale or resale.

36 (4) Until July 1, 2003, graphic arts machinery and

1 equipment, including repair and replacement parts, both new and
2 used, and including that manufactured on special order or
3 purchased for lease, certified by the purchaser to be used
4 primarily for graphic arts production. Equipment includes
5 chemicals or chemicals acting as catalysts but only if the
6 chemicals or chemicals acting as catalysts effect a direct and
7 immediate change upon a graphic arts product.

8 (5) A motor vehicle of the first division, a motor vehicle
9 of the second division that is a self-contained motor vehicle
10 designed or permanently converted to provide living quarters
11 for recreational, camping, or travel use, with direct walk
12 through access to the living quarters from the driver's seat,
13 or a motor vehicle of the second division that is of the van
14 configuration designed for the transportation of not less than
15 7 nor more than 16 passengers, as defined in Section 1-146 of
16 the Illinois Vehicle Code, that is used for automobile renting,
17 as defined in the Automobile Renting Occupation and Use Tax
18 Act.

19 (6) Personal property sold by a teacher-sponsored student
20 organization affiliated with an elementary or secondary school
21 located in Illinois.

22 (7) Until July 1, 2003, proceeds of that portion of the
23 selling price of a passenger car the sale of which is subject
24 to the Replacement Vehicle Tax.

25 (8) Personal property sold to an Illinois county fair
26 association for use in conducting, operating, or promoting the
27 county fair.

28 (9) Personal property sold to a not-for-profit arts or
29 cultural organization that establishes, by proof required by
30 the Department by rule, that it has received an exemption under
31 Section 501(c)(3) of the Internal Revenue Code and that is
32 organized and operated primarily for the presentation or
33 support of arts or cultural programming, activities, or
34 services. These organizations include, but are not limited to,
35 music and dramatic arts organizations such as symphony
36 orchestras and theatrical groups, arts and cultural service

1 organizations, local arts councils, visual arts organizations,
2 and media arts organizations. On and after the effective date
3 of this amendatory Act of the 92nd General Assembly, however,
4 an entity otherwise eligible for this exemption shall not make
5 tax-free purchases unless it has an active identification
6 number issued by the Department.

7 (10) Personal property sold by a corporation, society,
8 association, foundation, institution, or organization, other
9 than a limited liability company, that is organized and
10 operated as a not-for-profit service enterprise for the benefit
11 of persons 65 years of age or older if the personal property
12 was not purchased by the enterprise for the purpose of resale
13 by the enterprise.

14 (11) Personal property sold to a governmental body, to a
15 corporation, society, association, foundation, or institution
16 organized and operated exclusively for charitable, religious,
17 or educational purposes, or to a not-for-profit corporation,
18 society, association, foundation, institution, or organization
19 that has no compensated officers or employees and that is
20 organized and operated primarily for the recreation of persons
21 55 years of age or older. A limited liability company may
22 qualify for the exemption under this paragraph only if the
23 limited liability company is organized and operated
24 exclusively for educational purposes. On and after July 1,
25 1987, however, no entity otherwise eligible for this exemption
26 shall make tax-free purchases unless it has an active
27 identification number issued by the Department.

28 (12) Tangible personal property sold to interstate
29 carriers for hire for use as rolling stock moving in interstate
30 commerce or to lessors under leases of one year or longer
31 executed or in effect at the time of purchase by interstate
32 carriers for hire for use as rolling stock moving in interstate
33 commerce and equipment operated by a telecommunications
34 provider, licensed as a common carrier by the Federal
35 Communications Commission, which is permanently installed in
36 or affixed to aircraft moving in interstate commerce.

1 (12-5) On and after July 1, 2003, motor vehicles of the
2 second division with a gross vehicle weight in excess of 8,000
3 pounds that are subject to the commercial distribution fee
4 imposed under Section 3-815.1 of the Illinois Vehicle Code.
5 This exemption applies to repair and replacement parts added
6 after the initial purchase of such a motor vehicle if that
7 motor vehicle is used in a manner that would qualify for the
8 rolling stock exemption otherwise provided for in this Act.

9 (13) Proceeds from sales to owners, lessors, or shippers of
10 tangible personal property that is utilized by interstate
11 carriers for hire for use as rolling stock moving in interstate
12 commerce and equipment operated by a telecommunications
13 provider, licensed as a common carrier by the Federal
14 Communications Commission, which is permanently installed in
15 or affixed to aircraft moving in interstate commerce.

16 (14) Machinery and equipment that will be used by the
17 purchaser, or a lessee of the purchaser, primarily in the
18 process of manufacturing or assembling tangible personal
19 property for wholesale or retail sale or lease, whether the
20 sale or lease is made directly by the manufacturer or by some
21 other person, whether the materials used in the process are
22 owned by the manufacturer or some other person, or whether the
23 sale or lease is made apart from or as an incident to the
24 seller's engaging in the service occupation of producing
25 machines, tools, dies, jigs, patterns, gauges, or other similar
26 items of no commercial value on special order for a particular
27 purchaser.

28 (15) Proceeds of mandatory service charges separately
29 stated on customers' bills for purchase and consumption of food
30 and beverages, to the extent that the proceeds of the service
31 charge are in fact turned over as tips or as a substitute for
32 tips to the employees who participate directly in preparing,
33 serving, hosting or cleaning up the food or beverage function
34 with respect to which the service charge is imposed.

35 (16) Petroleum products sold to a purchaser if the seller
36 is prohibited by federal law from charging tax to the

1 purchaser.

2 (17) Tangible personal property sold to a common carrier by
3 rail or motor that receives the physical possession of the
4 property in Illinois and that transports the property, or
5 shares with another common carrier in the transportation of the
6 property, out of Illinois on a standard uniform bill of lading
7 showing the seller of the property as the shipper or consignor
8 of the property to a destination outside Illinois, for use
9 outside Illinois.

10 (18) Legal tender, currency, medallions, or gold or silver
11 coinage issued by the State of Illinois, the government of the
12 United States of America, or the government of any foreign
13 country, and bullion.

14 (19) Until July 1 2003, oil field exploration, drilling,
15 and production equipment, including (i) rigs and parts of rigs,
16 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
17 tubular goods, including casing and drill strings, (iii) pumps
18 and pump-jack units, (iv) storage tanks and flow lines, (v) any
19 individual replacement part for oil field exploration,
20 drilling, and production equipment, and (vi) machinery and
21 equipment purchased for lease; but excluding motor vehicles
22 required to be registered under the Illinois Vehicle Code.

23 (20) Photoprocessing machinery and equipment, including
24 repair and replacement parts, both new and used, including that
25 manufactured on special order, certified by the purchaser to be
26 used primarily for photoprocessing, and including
27 photoprocessing machinery and equipment purchased for lease.

28 (21) Until July 1, 2003, coal exploration, mining,
29 offhighway hauling, processing, maintenance, and reclamation
30 equipment, including replacement parts and equipment, and
31 including equipment purchased for lease, but excluding motor
32 vehicles required to be registered under the Illinois Vehicle
33 Code.

34 (22) Fuel and petroleum products sold to or used by an air
35 carrier, certified by the carrier to be used for consumption,
36 shipment, or storage in the conduct of its business as an air

1 common carrier, for a flight destined for or returning from a
2 location or locations outside the United States without regard
3 to previous or subsequent domestic stopovers.

4 (23) A transaction in which the purchase order is received
5 by a florist who is located outside Illinois, but who has a
6 florist located in Illinois deliver the property to the
7 purchaser or the purchaser's donee in Illinois.

8 (24) Fuel consumed or used in the operation of ships,
9 barges, or vessels that are used primarily in or for the
10 transportation of property or the conveyance of persons for
11 hire on rivers bordering on this State if the fuel is delivered
12 by the seller to the purchaser's barge, ship, or vessel while
13 it is afloat upon that bordering river.

14 (25) A motor vehicle sold in this State to a nonresident
15 even though the motor vehicle is delivered to the nonresident
16 in this State, if the motor vehicle is not to be titled in this
17 State, and if a drive-away permit is issued to the motor
18 vehicle as provided in Section 3-603 of the Illinois Vehicle
19 Code or if the nonresident purchaser has vehicle registration
20 plates to transfer to the motor vehicle upon returning to his
21 or her home state. The issuance of the drive-away permit or
22 having the out-of-state registration plates to be transferred
23 is prima facie evidence that the motor vehicle will not be
24 titled in this State.

25 (26) Semen used for artificial insemination of livestock
26 for direct agricultural production.

27 (27) Horses, or interests in horses, registered with and
28 meeting the requirements of any of the Arabian Horse Club
29 Registry of America, Appaloosa Horse Club, American Quarter
30 Horse Association, United States Trotting Association, or
31 Jockey Club, as appropriate, used for purposes of breeding or
32 racing for prizes.

33 (28) Computers and communications equipment utilized for
34 any hospital purpose and equipment used in the diagnosis,
35 analysis, or treatment of hospital patients sold to a lessor
36 who leases the equipment, under a lease of one year or longer

1 executed or in effect at the time of the purchase, to a
2 hospital that has been issued an active tax exemption
3 identification number by the Department under Section 1g of
4 this Act.

5 (29) Personal property sold to a lessor who leases the
6 property, under a lease of one year or longer executed or in
7 effect at the time of the purchase, to a governmental body that
8 has been issued an active tax exemption identification number
9 by the Department under Section 1g of this Act.

10 (30) Beginning with taxable years ending on or after
11 December 31, 1995 and ending with taxable years ending on or
12 before December 31, 2004, personal property that is donated for
13 disaster relief to be used in a State or federally declared
14 disaster area in Illinois or bordering Illinois by a
15 manufacturer or retailer that is registered in this State to a
16 corporation, society, association, foundation, or institution
17 that has been issued a sales tax exemption identification
18 number by the Department that assists victims of the disaster
19 who reside within the declared disaster area.

20 (31) Beginning with taxable years ending on or after
21 December 31, 1995 and ending with taxable years ending on or
22 before December 31, 2004, personal property that is used in the
23 performance of infrastructure repairs in this State, including
24 but not limited to municipal roads and streets, access roads,
25 bridges, sidewalks, waste disposal systems, water and sewer
26 line extensions, water distribution and purification
27 facilities, storm water drainage and retention facilities, and
28 sewage treatment facilities, resulting from a State or
29 federally declared disaster in Illinois or bordering Illinois
30 when such repairs are initiated on facilities located in the
31 declared disaster area within 6 months after the disaster.

32 (32) Beginning July 1, 1999, game or game birds sold at a
33 "game breeding and hunting preserve area" or an "exotic game
34 hunting area" as those terms are used in the Wildlife Code or
35 at a hunting enclosure approved through rules adopted by the
36 Department of Natural Resources. This paragraph is exempt from

1 the provisions of Section 2-70.

2 (33) A motor vehicle, as that term is defined in Section
3 1-146 of the Illinois Vehicle Code, that is donated to a
4 corporation, limited liability company, society, association,
5 foundation, or institution that is determined by the Department
6 to be organized and operated exclusively for educational
7 purposes. For purposes of this exemption, "a corporation,
8 limited liability company, society, association, foundation,
9 or institution organized and operated exclusively for
10 educational purposes" means all tax-supported public schools,
11 private schools that offer systematic instruction in useful
12 branches of learning by methods common to public schools and
13 that compare favorably in their scope and intensity with the
14 course of study presented in tax-supported schools, and
15 vocational or technical schools or institutes organized and
16 operated exclusively to provide a course of study of not less
17 than 6 weeks duration and designed to prepare individuals to
18 follow a trade or to pursue a manual, technical, mechanical,
19 industrial, business, or commercial occupation.

20 (34) Beginning January 1, 2000, personal property,
21 including food, purchased through fundraising events for the
22 benefit of a public or private elementary or secondary school,
23 a group of those schools, or one or more school districts if
24 the events are sponsored by an entity recognized by the school
25 district that consists primarily of volunteers and includes
26 parents and teachers of the school children. This paragraph
27 does not apply to fundraising events (i) for the benefit of
28 private home instruction or (ii) for which the fundraising
29 entity purchases the personal property sold at the events from
30 another individual or entity that sold the property for the
31 purpose of resale by the fundraising entity and that profits
32 from the sale to the fundraising entity. This paragraph is
33 exempt from the provisions of Section 2-70.

34 (35) Beginning January 1, 2000 and through December 31,
35 2001, new or used automatic vending machines that prepare and
36 serve hot food and beverages, including coffee, soup, and other

1 items, and replacement parts for these machines. Beginning
2 January 1, 2002 and through June 30, 2003, machines and parts
3 for machines used in commercial, coin-operated amusement and
4 vending business if a use or occupation tax is paid on the
5 gross receipts derived from the use of the commercial,
6 coin-operated amusement and vending machines. This paragraph
7 is exempt from the provisions of Section 2-70.

8 (35-5) Food for human consumption that is to be consumed
9 off the premises where it is sold (other than alcoholic
10 beverages, soft drinks, and food that has been prepared for
11 immediate consumption) and prescription and nonprescription
12 medicines, drugs, medical appliances, and insulin, urine
13 testing materials, syringes, and needles used by diabetics, for
14 human use, when purchased for use by a person receiving medical
15 assistance under Article 5 of the Illinois Public Aid Code who
16 resides in a licensed long-term care facility, as defined in
17 the Nursing Home Care Act.

18 (36) Beginning August 2, 2001, computers and
19 communications equipment utilized for any hospital purpose and
20 equipment used in the diagnosis, analysis, or treatment of
21 hospital patients sold to a lessor who leases the equipment,
22 under a lease of one year or longer executed or in effect at
23 the time of the purchase, to a hospital that has been issued an
24 active tax exemption identification number by the Department
25 under Section 1g of this Act. This paragraph is exempt from the
26 provisions of Section 2-70.

27 (37) Beginning August 2, 2001, personal property sold to a
28 lessor who leases the property, under a lease of one year or
29 longer executed or in effect at the time of the purchase, to a
30 governmental body that has been issued an active tax exemption
31 identification number by the Department under Section 1g of
32 this Act. This paragraph is exempt from the provisions of
33 Section 2-70.

34 (38) Beginning on January 1, 2002, tangible personal
35 property purchased from an Illinois retailer by a taxpayer
36 engaged in centralized purchasing activities in Illinois who

1 will, upon receipt of the property in Illinois, temporarily
2 store the property in Illinois (i) for the purpose of
3 subsequently transporting it outside this State for use or
4 consumption thereafter solely outside this State or (ii) for
5 the purpose of being processed, fabricated, or manufactured
6 into, attached to, or incorporated into other tangible personal
7 property to be transported outside this State and thereafter
8 used or consumed solely outside this State. The Director of
9 Revenue shall, pursuant to rules adopted in accordance with the
10 Illinois Administrative Procedure Act, issue a permit to any
11 taxpayer in good standing with the Department who is eligible
12 for the exemption under this paragraph (38). The permit issued
13 under this paragraph (38) shall authorize the holder, to the
14 extent and in the manner specified in the rules adopted under
15 this Act, to purchase tangible personal property from a
16 retailer exempt from the taxes imposed by this Act. Taxpayers
17 shall maintain all necessary books and records to substantiate
18 the use and consumption of all such tangible personal property
19 outside of the State of Illinois.

20 (Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227,
21 eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01;
22 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff.
23 7-16-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; revised
24 9-11-03.)

25 (35 ILCS 120/3) (from Ch. 120, par. 442)

26 Sec. 3. Except as provided in this Section, on or before
27 the twentieth day of each calendar month, every person engaged
28 in the business of selling tangible personal property at retail
29 in this State during the preceding calendar month shall file a
30 return with the Department, stating:

31 1. The name of the seller;

32 2. His residence address and the address of his
33 principal place of business and the address of the
34 principal place of business (if that is a different
35 address) from which he engages in the business of selling

1 tangible personal property at retail in this State;

2 3. Total amount of receipts received by him during the
3 preceding calendar month or quarter, as the case may be,
4 from sales of tangible personal property, and from services
5 furnished, by him during such preceding calendar month or
6 quarter;

7 4. Total amount received by him during the preceding
8 calendar month or quarter on charge and time sales of
9 tangible personal property, and from services furnished,
10 by him prior to the month or quarter for which the return
11 is filed;

12 5. Deductions allowed by law;

13 6. Gross receipts which were received by him during the
14 preceding calendar month or quarter and upon the basis of
15 which the tax is imposed;

16 7. The amount of credit provided in Section 2d of this
17 Act;

18 8. The amount of tax due;

19 9. The signature of the taxpayer; and

20 10. Such other reasonable information as the
21 Department may require.

22 If a taxpayer fails to sign a return within 30 days after
23 the proper notice and demand for signature by the Department,
24 the return shall be considered valid and any amount shown to be
25 due on the return shall be deemed assessed.

26 Each return shall be accompanied by the statement of
27 prepaid tax issued pursuant to Section 2e for which credit is
28 claimed.

29 Prior to October 1, 2003, a retailer may accept a
30 Manufacturer's Purchase Credit certification from a purchaser
31 in satisfaction of Use Tax as provided in Section 3-85 of the
32 Use Tax Act if the purchaser provides the appropriate
33 documentation as required by Section 3-85 of the Use Tax Act. A
34 Manufacturer's Purchase Credit certification, accepted by a
35 retailer prior to October 1, 2003 as provided in Section 3-85
36 of the Use Tax Act, may be used by that retailer to satisfy

1 Retailers' Occupation Tax liability in the amount claimed in
2 the certification, not to exceed 6.25% of the receipts subject
3 to tax from a qualifying purchase. A Manufacturer's Purchase
4 Credit reported on any original or amended return filed under
5 this Act after October 20, 2003 shall be disallowed. No
6 Manufacturer's Purchase Credit may be used after September 30,
7 2003 to satisfy any tax liability imposed under this Act,
8 including any audit liability.

9 The Department may require returns to be filed on a
10 quarterly basis. If so required, a return for each calendar
11 quarter shall be filed on or before the twentieth day of the
12 calendar month following the end of such calendar quarter. The
13 taxpayer shall also file a return with the Department for each
14 of the first two months of each calendar quarter, on or before
15 the twentieth day of the following calendar month, stating:

16 1. The name of the seller;

17 2. The address of the principal place of business from
18 which he engages in the business of selling tangible
19 personal property at retail in this State;

20 3. The total amount of taxable receipts received by him
21 during the preceding calendar month from sales of tangible
22 personal property by him during such preceding calendar
23 month, including receipts from charge and time sales, but
24 less all deductions allowed by law;

25 4. The amount of credit provided in Section 2d of this
26 Act;

27 5. The amount of tax due; and

28 6. Such other reasonable information as the Department
29 may require.

30 Beginning on October 1, 2003, any person who is not a
31 licensed distributor, importing distributor, or manufacturer,
32 as defined in the Liquor Control Act of 1934, but is engaged in
33 the business of selling, at retail, alcoholic liquor shall file
34 a statement with the Department of Revenue, in a format and at
35 a time prescribed by the Department, showing the total amount
36 paid for alcoholic liquor purchased during the preceding month

1 and such other information as is reasonably required by the
2 Department. The Department may adopt rules to require that this
3 statement be filed in an electronic or telephonic format. Such
4 rules may provide for exceptions from the filing requirements
5 of this paragraph. For the purposes of this paragraph, the term
6 "alcoholic liquor" shall have the meaning prescribed in the
7 Liquor Control Act of 1934.

8 Beginning on October 1, 2003, every distributor, importing
9 distributor, and manufacturer of alcoholic liquor as defined in
10 the Liquor Control Act of 1934, shall file a statement with the
11 Department of Revenue, no later than the 10th day of the month
12 for the preceding month during which transactions occurred, by
13 electronic means, showing the total amount of gross receipts
14 from the sale of alcoholic liquor sold or distributed during
15 the preceding month to purchasers; identifying the purchaser to
16 whom it was sold or distributed; the purchaser's tax
17 registration number; and such other information reasonably
18 required by the Department. A copy of the monthly statement
19 shall be sent to the retailer no later than the 10th day of the
20 month for the preceding month during which transactions
21 occurred.

22 If a total amount of less than \$1 is payable, refundable or
23 creditable, such amount shall be disregarded if it is less than
24 50 cents and shall be increased to \$1 if it is 50 cents or more.

25 Beginning October 1, 1993, a taxpayer who has an average
26 monthly tax liability of \$150,000 or more shall make all
27 payments required by rules of the Department by electronic
28 funds transfer. Beginning October 1, 1994, a taxpayer who has
29 an average monthly tax liability of \$100,000 or more shall make
30 all payments required by rules of the Department by electronic
31 funds transfer. Beginning October 1, 1995, a taxpayer who has
32 an average monthly tax liability of \$50,000 or more shall make
33 all payments required by rules of the Department by electronic
34 funds transfer. Beginning October 1, 2000, a taxpayer who has
35 an annual tax liability of \$200,000 or more shall make all
36 payments required by rules of the Department by electronic

1 funds transfer. The term "annual tax liability" shall be the
2 sum of the taxpayer's liabilities under this Act, and under all
3 other State and local occupation and use tax laws administered
4 by the Department, for the immediately preceding calendar year.
5 The term "average monthly tax liability" shall be the sum of
6 the taxpayer's liabilities under this Act, and under all other
7 State and local occupation and use tax laws administered by the
8 Department, for the immediately preceding calendar year
9 divided by 12. Beginning on October 1, 2002, a taxpayer who has
10 a tax liability in the amount set forth in subsection (b) of
11 Section 2505-210 of the Department of Revenue Law shall make
12 all payments required by rules of the Department by electronic
13 funds transfer.

14 Before August 1 of each year beginning in 1993, the
15 Department shall notify all taxpayers required to make payments
16 by electronic funds transfer. All taxpayers required to make
17 payments by electronic funds transfer shall make those payments
18 for a minimum of one year beginning on October 1.

19 Any taxpayer not required to make payments by electronic
20 funds transfer may make payments by electronic funds transfer
21 with the permission of the Department.

22 All taxpayers required to make payment by electronic funds
23 transfer and any taxpayers authorized to voluntarily make
24 payments by electronic funds transfer shall make those payments
25 in the manner authorized by the Department.

26 The Department shall adopt such rules as are necessary to
27 effectuate a program of electronic funds transfer and the
28 requirements of this Section.

29 Any amount which is required to be shown or reported on any
30 return or other document under this Act shall, if such amount
31 is not a whole-dollar amount, be increased to the nearest
32 whole-dollar amount in any case where the fractional part of a
33 dollar is 50 cents or more, and decreased to the nearest
34 whole-dollar amount where the fractional part of a dollar is
35 less than 50 cents.

36 If the retailer is otherwise required to file a monthly

1 return and if the retailer's average monthly tax liability to
2 the Department does not exceed \$200, the Department may
3 authorize his returns to be filed on a quarter annual basis,
4 with the return for January, February and March of a given year
5 being due by April 20 of such year; with the return for April,
6 May and June of a given year being due by July 20 of such year;
7 with the return for July, August and September of a given year
8 being due by October 20 of such year, and with the return for
9 October, November and December of a given year being due by
10 January 20 of the following year.

11 If the retailer is otherwise required to file a monthly or
12 quarterly return and if the retailer's average monthly tax
13 liability with the Department does not exceed \$50, the
14 Department may authorize his returns to be filed on an annual
15 basis, with the return for a given year being due by January 20
16 of the following year.

17 Such quarter annual and annual returns, as to form and
18 substance, shall be subject to the same requirements as monthly
19 returns.

20 Notwithstanding any other provision in this Act concerning
21 the time within which a retailer may file his return, in the
22 case of any retailer who ceases to engage in a kind of business
23 which makes him responsible for filing returns under this Act,
24 such retailer shall file a final return under this Act with the
25 Department not more than one month after discontinuing such
26 business.

27 Where the same person has more than one business registered
28 with the Department under separate registrations under this
29 Act, such person may not file each return that is due as a
30 single return covering all such registered businesses, but
31 shall file separate returns for each such registered business.

32 In addition, with respect to motor vehicles, watercraft,
33 aircraft, and trailers that are required to be registered with
34 an agency of this State, every retailer selling this kind of
35 tangible personal property shall file, with the Department,
36 upon a form to be prescribed and supplied by the Department, a

1 separate return for each such item of tangible personal
2 property which the retailer sells, except that if, in the same
3 transaction, (i) a retailer of aircraft, watercraft, motor
4 vehicles or trailers transfers more than one aircraft,
5 watercraft, motor vehicle or trailer to another aircraft,
6 watercraft, motor vehicle retailer or trailer retailer for the
7 purpose of resale or (ii) a retailer of aircraft, watercraft,
8 motor vehicles, or trailers transfers more than one aircraft,
9 watercraft, motor vehicle, or trailer to a purchaser for use as
10 a qualifying rolling stock as provided in Section 2-5 of this
11 Act, then that seller may report the transfer of all aircraft,
12 watercraft, motor vehicles or trailers involved in that
13 transaction to the Department on the same uniform
14 invoice-transaction reporting return form. For purposes of
15 this Section, "watercraft" means a Class 2, Class 3, or Class 4
16 watercraft as defined in Section 3-2 of the Boat Registration
17 and Safety Act, a personal watercraft, or any boat equipped
18 with an inboard motor.

19 Any retailer who sells only motor vehicles, watercraft,
20 aircraft, or trailers that are required to be registered with
21 an agency of this State, so that all retailers' occupation tax
22 liability is required to be reported, and is reported, on such
23 transaction reporting returns and who is not otherwise required
24 to file monthly or quarterly returns, need not file monthly or
25 quarterly returns. However, those retailers shall be required
26 to file returns on an annual basis.

27 The transaction reporting return, in the case of motor
28 vehicles or trailers that are required to be registered with an
29 agency of this State, shall be the same document as the Uniform
30 Invoice referred to in Section 5-402 of The Illinois Vehicle
31 Code and must show the name and address of the seller; the name
32 and address of the purchaser; the amount of the selling price
33 including the amount allowed by the retailer for traded-in
34 property, if any; the amount allowed by the retailer for the
35 traded-in tangible personal property, if any, to the extent to
36 which Section 1 of this Act allows an exemption for the value

1 of traded-in property; the balance payable after deducting such
2 trade-in allowance from the total selling price; the amount of
3 tax due from the retailer with respect to such transaction; the
4 amount of tax collected from the purchaser by the retailer on
5 such transaction (or satisfactory evidence that such tax is not
6 due in that particular instance, if that is claimed to be the
7 fact); the place and date of the sale; a sufficient
8 identification of the property sold; such other information as
9 is required in Section 5-402 of The Illinois Vehicle Code, and
10 such other information as the Department may reasonably
11 require.

12 The transaction reporting return in the case of watercraft
13 or aircraft must show the name and address of the seller; the
14 name and address of the purchaser; the amount of the selling
15 price including the amount allowed by the retailer for
16 traded-in property, if any; the amount allowed by the retailer
17 for the traded-in tangible personal property, if any, to the
18 extent to which Section 1 of this Act allows an exemption for
19 the value of traded-in property; the balance payable after
20 deducting such trade-in allowance from the total selling price;
21 the amount of tax due from the retailer with respect to such
22 transaction; the amount of tax collected from the purchaser by
23 the retailer on such transaction (or satisfactory evidence that
24 such tax is not due in that particular instance, if that is
25 claimed to be the fact); the place and date of the sale, a
26 sufficient identification of the property sold, and such other
27 information as the Department may reasonably require.

28 Such transaction reporting return shall be filed not later
29 than 20 days after the day of delivery of the item that is
30 being sold, but may be filed by the retailer at any time sooner
31 than that if he chooses to do so. The transaction reporting
32 return and tax remittance or proof of exemption from the
33 Illinois use tax may be transmitted to the Department by way of
34 the State agency with which, or State officer with whom the
35 tangible personal property must be titled or registered (if
36 titling or registration is required) if the Department and such

1 agency or State officer determine that this procedure will
2 expedite the processing of applications for title or
3 registration.

4 With each such transaction reporting return, the retailer
5 shall remit the proper amount of tax due (or shall submit
6 satisfactory evidence that the sale is not taxable if that is
7 the case), to the Department or its agents, whereupon the
8 Department shall issue, in the purchaser's name, a use tax
9 receipt (or a certificate of exemption if the Department is
10 satisfied that the particular sale is tax exempt) which such
11 purchaser may submit to the agency with which, or State officer
12 with whom, he must title or register the tangible personal
13 property that is involved (if titling or registration is
14 required) in support of such purchaser's application for an
15 Illinois certificate or other evidence of title or registration
16 to such tangible personal property.

17 No retailer's failure or refusal to remit tax under this
18 Act precludes a user, who has paid the proper tax to the
19 retailer, from obtaining his certificate of title or other
20 evidence of title or registration (if titling or registration
21 is required) upon satisfying the Department that such user has
22 paid the proper tax (if tax is due) to the retailer. The
23 Department shall adopt appropriate rules to carry out the
24 mandate of this paragraph.

25 If the user who would otherwise pay tax to the retailer
26 wants the transaction reporting return filed and the payment of
27 the tax or proof of exemption made to the Department before the
28 retailer is willing to take these actions and such user has not
29 paid the tax to the retailer, such user may certify to the fact
30 of such delay by the retailer and may (upon the Department
31 being satisfied of the truth of such certification) transmit
32 the information required by the transaction reporting return
33 and the remittance for tax or proof of exemption directly to
34 the Department and obtain his tax receipt or exemption
35 determination, in which event the transaction reporting return
36 and tax remittance (if a tax payment was required) shall be

1 credited by the Department to the proper retailer's account
2 with the Department, but without the 2.1% or 1.75% discount
3 provided for in this Section being allowed. When the user pays
4 the tax directly to the Department, he shall pay the tax in the
5 same amount and in the same form in which it would be remitted
6 if the tax had been remitted to the Department by the retailer.

7 Refunds made by the seller during the preceding return
8 period to purchasers, on account of tangible personal property
9 returned to the seller, shall be allowed as a deduction under
10 subdivision 5 of his monthly or quarterly return, as the case
11 may be, in case the seller had theretofore included the
12 receipts from the sale of such tangible personal property in a
13 return filed by him and had paid the tax imposed by this Act
14 with respect to such receipts.

15 Where the seller is a corporation, the return filed on
16 behalf of such corporation shall be signed by the president,
17 vice-president, secretary or treasurer or by the properly
18 accredited agent of such corporation.

19 Where the seller is a limited liability company, the return
20 filed on behalf of the limited liability company shall be
21 signed by a manager, member, or properly accredited agent of
22 the limited liability company.

23 Except as provided in this Section, the retailer filing the
24 return under this Section shall, at the time of filing such
25 return, pay to the Department the amount of tax imposed by this
26 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
27 on and after January 1, 1990, or \$5 per calendar year,
28 whichever is greater, which is allowed to reimburse the
29 retailer for the expenses incurred in keeping records,
30 preparing and filing returns, remitting the tax and supplying
31 data to the Department on request. Any prepayment made pursuant
32 to Section 2d of this Act shall be included in the amount on
33 which such 2.1% or 1.75% discount is computed. In the case of
34 retailers who report and pay the tax on a transaction by
35 transaction basis, as provided in this Section, such discount
36 shall be taken with each such tax remittance instead of when

1 such retailer files his periodic return.

2 Before October 1, 2000, if the taxpayer's average monthly
3 tax liability to the Department under this Act, the Use Tax
4 Act, the Service Occupation Tax Act, and the Service Use Tax
5 Act, excluding any liability for prepaid sales tax to be
6 remitted in accordance with Section 2d of this Act, was \$10,000
7 or more during the preceding 4 complete calendar quarters, he
8 shall file a return with the Department each month by the 20th
9 day of the month next following the month during which such tax
10 liability is incurred and shall make payments to the Department
11 on or before the 7th, 15th, 22nd and last day of the month
12 during which such liability is incurred. On and after October
13 1, 2000, if the taxpayer's average monthly tax liability to the
14 Department under this Act, the Use Tax Act, the Service
15 Occupation Tax Act, and the Service Use Tax Act, excluding any
16 liability for prepaid sales tax to be remitted in accordance
17 with Section 2d of this Act, was \$20,000 or more during the
18 preceding 4 complete calendar quarters, he shall file a return
19 with the Department each month by the 20th day of the month
20 next following the month during which such tax liability is
21 incurred and shall make payment to the Department on or before
22 the 7th, 15th, 22nd and last day of the month during which such
23 liability is incurred. If the month during which such tax
24 liability is incurred began prior to January 1, 1985, each
25 payment shall be in an amount equal to 1/4 of the taxpayer's
26 actual liability for the month or an amount set by the
27 Department not to exceed 1/4 of the average monthly liability
28 of the taxpayer to the Department for the preceding 4 complete
29 calendar quarters (excluding the month of highest liability and
30 the month of lowest liability in such 4 quarter period). If the
31 month during which such tax liability is incurred begins on or
32 after January 1, 1985 and prior to January 1, 1987, each
33 payment shall be in an amount equal to 22.5% of the taxpayer's
34 actual liability for the month or 27.5% of the taxpayer's
35 liability for the same calendar month of the preceding year. If
36 the month during which such tax liability is incurred begins on

1 or after January 1, 1987 and prior to January 1, 1988, each
2 payment shall be in an amount equal to 22.5% of the taxpayer's
3 actual liability for the month or 26.25% of the taxpayer's
4 liability for the same calendar month of the preceding year. If
5 the month during which such tax liability is incurred begins on
6 or after January 1, 1988, and prior to January 1, 1989, or
7 begins on or after January 1, 1996, each payment shall be in an
8 amount equal to 22.5% of the taxpayer's actual liability for
9 the month or 25% of the taxpayer's liability for the same
10 calendar month of the preceding year. If the month during which
11 such tax liability is incurred begins on or after January 1,
12 1989, and prior to January 1, 1996, each payment shall be in an
13 amount equal to 22.5% of the taxpayer's actual liability for
14 the month or 25% of the taxpayer's liability for the same
15 calendar month of the preceding year or 100% of the taxpayer's
16 actual liability for the quarter monthly reporting period. The
17 amount of such quarter monthly payments shall be credited
18 against the final tax liability of the taxpayer's return for
19 that month. Before October 1, 2000, once applicable, the
20 requirement of the making of quarter monthly payments to the
21 Department by taxpayers having an average monthly tax liability
22 of \$10,000 or more as determined in the manner provided above
23 shall continue until such taxpayer's average monthly liability
24 to the Department during the preceding 4 complete calendar
25 quarters (excluding the month of highest liability and the
26 month of lowest liability) is less than \$9,000, or until such
27 taxpayer's average monthly liability to the Department as
28 computed for each calendar quarter of the 4 preceding complete
29 calendar quarter period is less than \$10,000. However, if a
30 taxpayer can show the Department that a substantial change in
31 the taxpayer's business has occurred which causes the taxpayer
32 to anticipate that his average monthly tax liability for the
33 reasonably foreseeable future will fall below the \$10,000
34 threshold stated above, then such taxpayer may petition the
35 Department for a change in such taxpayer's reporting status. On
36 and after October 1, 2000, once applicable, the requirement of

1 the making of quarter monthly payments to the Department by
2 taxpayers having an average monthly tax liability of \$20,000 or
3 more as determined in the manner provided above shall continue
4 until such taxpayer's average monthly liability to the
5 Department during the preceding 4 complete calendar quarters
6 (excluding the month of highest liability and the month of
7 lowest liability) is less than \$19,000 or until such taxpayer's
8 average monthly liability to the Department as computed for
9 each calendar quarter of the 4 preceding complete calendar
10 quarter period is less than \$20,000. However, if a taxpayer can
11 show the Department that a substantial change in the taxpayer's
12 business has occurred which causes the taxpayer to anticipate
13 that his average monthly tax liability for the reasonably
14 foreseeable future will fall below the \$20,000 threshold stated
15 above, then such taxpayer may petition the Department for a
16 change in such taxpayer's reporting status. The Department
17 shall change such taxpayer's reporting status unless it finds
18 that such change is seasonal in nature and not likely to be
19 long term. If any such quarter monthly payment is not paid at
20 the time or in the amount required by this Section, then the
21 taxpayer shall be liable for penalties and interest on the
22 difference between the minimum amount due as a payment and the
23 amount of such quarter monthly payment actually and timely
24 paid, except insofar as the taxpayer has previously made
25 payments for that month to the Department in excess of the
26 minimum payments previously due as provided in this Section.
27 The Department shall make reasonable rules and regulations to
28 govern the quarter monthly payment amount and quarter monthly
29 payment dates for taxpayers who file on other than a calendar
30 monthly basis.

31 The provisions of this paragraph apply before October 1,
32 2001. Without regard to whether a taxpayer is required to make
33 quarter monthly payments as specified above, any taxpayer who
34 is required by Section 2d of this Act to collect and remit
35 prepaid taxes and has collected prepaid taxes which average in
36 excess of \$25,000 per month during the preceding 2 complete

1 calendar quarters, shall file a return with the Department as
2 required by Section 2f and shall make payments to the
3 Department on or before the 7th, 15th, 22nd and last day of the
4 month during which such liability is incurred. If the month
5 during which such tax liability is incurred began prior to the
6 effective date of this amendatory Act of 1985, each payment
7 shall be in an amount not less than 22.5% of the taxpayer's
8 actual liability under Section 2d. If the month during which
9 such tax liability is incurred begins on or after January 1,
10 1986, each payment shall be in an amount equal to 22.5% of the
11 taxpayer's actual liability for the month or 27.5% of the
12 taxpayer's liability for the same calendar month of the
13 preceding calendar year. If the month during which such tax
14 liability is incurred begins on or after January 1, 1987, each
15 payment shall be in an amount equal to 22.5% of the taxpayer's
16 actual liability for the month or 26.25% of the taxpayer's
17 liability for the same calendar month of the preceding year.
18 The amount of such quarter monthly payments shall be credited
19 against the final tax liability of the taxpayer's return for
20 that month filed under this Section or Section 2f, as the case
21 may be. Once applicable, the requirement of the making of
22 quarter monthly payments to the Department pursuant to this
23 paragraph shall continue until such taxpayer's average monthly
24 prepaid tax collections during the preceding 2 complete
25 calendar quarters is \$25,000 or less. If any such quarter
26 monthly payment is not paid at the time or in the amount
27 required, the taxpayer shall be liable for penalties and
28 interest on such difference, except insofar as the taxpayer has
29 previously made payments for that month in excess of the
30 minimum payments previously due.

31 The provisions of this paragraph apply on and after October
32 1, 2001. Without regard to whether a taxpayer is required to
33 make quarter monthly payments as specified above, any taxpayer
34 who is required by Section 2d of this Act to collect and remit
35 prepaid taxes and has collected prepaid taxes that average in
36 excess of \$20,000 per month during the preceding 4 complete

1 calendar quarters shall file a return with the Department as
2 required by Section 2f and shall make payments to the
3 Department on or before the 7th, 15th, 22nd and last day of the
4 month during which the liability is incurred. Each payment
5 shall be in an amount equal to 22.5% of the taxpayer's actual
6 liability for the month or 25% of the taxpayer's liability for
7 the same calendar month of the preceding year. The amount of
8 the quarter monthly payments shall be credited against the
9 final tax liability of the taxpayer's return for that month
10 filed under this Section or Section 2f, as the case may be.
11 Once applicable, the requirement of the making of quarter
12 monthly payments to the Department pursuant to this paragraph
13 shall continue until the taxpayer's average monthly prepaid tax
14 collections during the preceding 4 complete calendar quarters
15 (excluding the month of highest liability and the month of
16 lowest liability) is less than \$19,000 or until such taxpayer's
17 average monthly liability to the Department as computed for
18 each calendar quarter of the 4 preceding complete calendar
19 quarters is less than \$20,000. If any such quarter monthly
20 payment is not paid at the time or in the amount required, the
21 taxpayer shall be liable for penalties and interest on such
22 difference, except insofar as the taxpayer has previously made
23 payments for that month in excess of the minimum payments
24 previously due.

25 If any payment provided for in this Section exceeds the
26 taxpayer's liabilities under this Act, the Use Tax Act, the
27 Service Occupation Tax Act and the Service Use Tax Act, as
28 shown on an original monthly return, the Department shall, if
29 requested by the taxpayer, issue to the taxpayer a credit
30 memorandum no later than 30 days after the date of payment. The
31 credit evidenced by such credit memorandum may be assigned by
32 the taxpayer to a similar taxpayer under this Act, the Use Tax
33 Act, the Service Occupation Tax Act or the Service Use Tax Act,
34 in accordance with reasonable rules and regulations to be
35 prescribed by the Department. If no such request is made, the
36 taxpayer may credit such excess payment against tax liability

1 subsequently to be remitted to the Department under this Act,
2 the Use Tax Act, the Service Occupation Tax Act or the Service
3 Use Tax Act, in accordance with reasonable rules and
4 regulations prescribed by the Department. If the Department
5 subsequently determined that all or any part of the credit
6 taken was not actually due to the taxpayer, the taxpayer's 2.1%
7 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
8 of the difference between the credit taken and that actually
9 due, and that taxpayer shall be liable for penalties and
10 interest on such difference.

11 If a retailer of motor fuel is entitled to a credit under
12 Section 2d of this Act which exceeds the taxpayer's liability
13 to the Department under this Act for the month which the
14 taxpayer is filing a return, the Department shall issue the
15 taxpayer a credit memorandum for the excess.

16 Beginning January 1, 1990, each month the Department shall
17 pay into the Local Government Tax Fund, a special fund in the
18 State treasury which is hereby created, the net revenue
19 realized for the preceding month from the 1% tax on sales of
20 food for human consumption which is to be consumed off the
21 premises where it is sold (other than alcoholic beverages, soft
22 drinks and food which has been prepared for immediate
23 consumption) and prescription and nonprescription medicines,
24 drugs, medical appliances and insulin, urine testing
25 materials, syringes and needles used by diabetics.

26 Beginning January 1, 1990, each month the Department shall
27 pay into the County and Mass Transit District Fund, a special
28 fund in the State treasury which is hereby created, 4% of the
29 net revenue realized for the preceding month from the 6.25%
30 general rate.

31 Beginning August 1, 2000, each month the Department shall
32 pay into the County and Mass Transit District Fund 20% of the
33 net revenue realized for the preceding month from the 1.25%
34 rate on the selling price of motor fuel and gasohol.

35 Beginning January 1, 1990, each month the Department shall
36 pay into the Local Government Tax Fund 16% of the net revenue

1 realized for the preceding month from the 6.25% general rate on
 2 the selling price of tangible personal property.

3 Beginning August 1, 2000, each month the Department shall
 4 pay into the Local Government Tax Fund 80% of the net revenue
 5 realized for the preceding month from the 1.25% rate on the
 6 selling price of motor fuel and gasohol.

7 Of the remainder of the moneys received by the Department
 8 pursuant to this Act, (a) 1.75% thereof shall be paid into the
 9 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
 10 and after July 1, 1989, 3.8% thereof shall be paid into the
 11 Build Illinois Fund; provided, however, that if in any fiscal
 12 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
 13 may be, of the moneys received by the Department and required
 14 to be paid into the Build Illinois Fund pursuant to this Act,
 15 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
 16 Act, and Section 9 of the Service Occupation Tax Act, such Acts
 17 being hereinafter called the "Tax Acts" and such aggregate of
 18 2.2% or 3.8%, as the case may be, of moneys being hereinafter
 19 called the "Tax Act Amount", and (2) the amount transferred to
 20 the Build Illinois Fund from the State and Local Sales Tax
 21 Reform Fund shall be less than the Annual Specified Amount (as
 22 hereinafter defined), an amount equal to the difference shall
 23 be immediately paid into the Build Illinois Fund from other
 24 moneys received by the Department pursuant to the Tax Acts; the
 25 "Annual Specified Amount" means the amounts specified below for
 26 fiscal years 1986 through 1993:

27	Fiscal Year	Annual Specified Amount
28	1986	\$54,800,000
29	1987	\$76,650,000
30	1988	\$80,480,000
31	1989	\$88,510,000
32	1990	\$115,330,000
33	1991	\$145,470,000
34	1992	\$182,730,000
35	1993	\$206,520,000;

36 and means the Certified Annual Debt Service Requirement (as

1 defined in Section 13 of the Build Illinois Bond Act) or the
2 Tax Act Amount, whichever is greater, for fiscal year 1994 and
3 each fiscal year thereafter; and further provided, that if on
4 the last business day of any month the sum of (1) the Tax Act
5 Amount required to be deposited into the Build Illinois Bond
6 Account in the Build Illinois Fund during such month and (2)
7 the amount transferred to the Build Illinois Fund from the
8 State and Local Sales Tax Reform Fund shall have been less than
9 1/12 of the Annual Specified Amount, an amount equal to the
10 difference shall be immediately paid into the Build Illinois
11 Fund from other moneys received by the Department pursuant to
12 the Tax Acts; and, further provided, that in no event shall the
13 payments required under the preceding proviso result in
14 aggregate payments into the Build Illinois Fund pursuant to
15 this clause (b) for any fiscal year in excess of the greater of
16 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
17 such fiscal year. The amounts payable into the Build Illinois
18 Fund under clause (b) of the first sentence in this paragraph
19 shall be payable only until such time as the aggregate amount
20 on deposit under each trust indenture securing Bonds issued and
21 outstanding pursuant to the Build Illinois Bond Act is
22 sufficient, taking into account any future investment income,
23 to fully provide, in accordance with such indenture, for the
24 defeasance of or the payment of the principal of, premium, if
25 any, and interest on the Bonds secured by such indenture and on
26 any Bonds expected to be issued thereafter and all fees and
27 costs payable with respect thereto, all as certified by the
28 Director of the Bureau of the Budget (now Governor's Office of
29 Management and Budget). If on the last business day of any
30 month in which Bonds are outstanding pursuant to the Build
31 Illinois Bond Act, the aggregate of moneys deposited in the
32 Build Illinois Bond Account in the Build Illinois Fund in such
33 month shall be less than the amount required to be transferred
34 in such month from the Build Illinois Bond Account to the Build
35 Illinois Bond Retirement and Interest Fund pursuant to Section
36 13 of the Build Illinois Bond Act, an amount equal to such

1 deficiency shall be immediately paid from other moneys received
 2 by the Department pursuant to the Tax Acts to the Build
 3 Illinois Fund; provided, however, that any amounts paid to the
 4 Build Illinois Fund in any fiscal year pursuant to this
 5 sentence shall be deemed to constitute payments pursuant to
 6 clause (b) of the first sentence of this paragraph and shall
 7 reduce the amount otherwise payable for such fiscal year
 8 pursuant to that clause (b). The moneys received by the
 9 Department pursuant to this Act and required to be deposited
 10 into the Build Illinois Fund are subject to the pledge, claim
 11 and charge set forth in Section 12 of the Build Illinois Bond
 12 Act.

13 Subject to payment of amounts into the Build Illinois Fund
 14 as provided in the preceding paragraph or in any amendment
 15 thereto hereafter enacted, the following specified monthly
 16 installment of the amount requested in the certificate of the
 17 Chairman of the Metropolitan Pier and Exposition Authority
 18 provided under Section 8.25f of the State Finance Act, but not
 19 in excess of sums designated as "Total Deposit", shall be
 20 deposited in the aggregate from collections under Section 9 of
 21 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 22 9 of the Service Occupation Tax Act, and Section 3 of the
 23 Retailers' Occupation Tax Act into the McCormick Place
 24 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
25		
26	1993	\$0
27	1994	53,000,000
28	1995	58,000,000
29	1996	61,000,000
30	1997	64,000,000
31	1998	68,000,000
32	1999	71,000,000
33	2000	75,000,000
34	2001	80,000,000
35	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023 and	275,000,000

22 each fiscal year
 23 thereafter that bonds
 24 are outstanding under
 25 Section 13.2 of the
 26 Metropolitan Pier and
 27 Exposition Authority Act,
 28 but not after fiscal year 2042.

29 Beginning July 20, 1993 and in each month of each fiscal
 30 year thereafter, one-eighth of the amount requested in the
 31 certificate of the Chairman of the Metropolitan Pier and
 32 Exposition Authority for that fiscal year, less the amount
 33 deposited into the McCormick Place Expansion Project Fund by
 34 the State Treasurer in the respective month under subsection
 35 (g) of Section 13 of the Metropolitan Pier and Exposition
 36 Authority Act, plus cumulative deficiencies in the deposits

1 required under this Section for previous months and years,
2 shall be deposited into the McCormick Place Expansion Project
3 Fund, until the full amount requested for the fiscal year, but
4 not in excess of the amount specified above as "Total Deposit",
5 has been deposited.

6 Subject to payment of amounts into the Build Illinois Fund
7 and the McCormick Place Expansion Project Fund pursuant to the
8 preceding paragraphs or in any amendments thereto hereafter
9 enacted, beginning July 1, 1993, the Department shall each
10 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
11 the net revenue realized for the preceding month from the 6.25%
12 general rate on the selling price of tangible personal
13 property.

14 Subject to payment of amounts into the Build Illinois Fund
15 and the McCormick Place Expansion Project Fund pursuant to the
16 preceding paragraphs or in any amendments thereto hereafter
17 enacted, beginning with the receipt of the first report of
18 taxes paid by an eligible business and continuing for a 25-year
19 period, the Department shall each month pay into the Energy
20 Infrastructure Fund 80% of the net revenue realized from the
21 6.25% general rate on the selling price of Illinois-mined coal
22 that was sold to an eligible business. For purposes of this
23 paragraph, the term "eligible business" means a new electric
24 generating facility certified pursuant to Section 605-332 of
25 the Department of Commerce and Economic Opportunity ~~Community~~
26 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

27 Of the remainder of the moneys received by the Department
28 pursuant to this Act, 75% thereof shall be paid into the State
29 Treasury and 25% shall be reserved in a special account and
30 used only for the transfer to the Common School Fund as part of
31 the monthly transfer from the General Revenue Fund in
32 accordance with Section 8a of the State Finance Act.

33 The Department may, upon separate written notice to a
34 taxpayer, require the taxpayer to prepare and file with the
35 Department on a form prescribed by the Department within not
36 less than 60 days after receipt of the notice an annual

1 information return for the tax year specified in the notice.
2 Such annual return to the Department shall include a statement
3 of gross receipts as shown by the retailer's last Federal
4 income tax return. If the total receipts of the business as
5 reported in the Federal income tax return do not agree with the
6 gross receipts reported to the Department of Revenue for the
7 same period, the retailer shall attach to his annual return a
8 schedule showing a reconciliation of the 2 amounts and the
9 reasons for the difference. The retailer's annual return to the
10 Department shall also disclose the cost of goods sold by the
11 retailer during the year covered by such return, opening and
12 closing inventories of such goods for such year, costs of goods
13 used from stock or taken from stock and given away by the
14 retailer during such year, payroll information of the
15 retailer's business during such year and any additional
16 reasonable information which the Department deems would be
17 helpful in determining the accuracy of the monthly, quarterly
18 or annual returns filed by such retailer as provided for in
19 this Section.

20 If the annual information return required by this Section
21 is not filed when and as required, the taxpayer shall be liable
22 as follows:

23 (i) Until January 1, 1994, the taxpayer shall be liable
24 for a penalty equal to $1/6$ of 1% of the tax due from such
25 taxpayer under this Act during the period to be covered by
26 the annual return for each month or fraction of a month
27 until such return is filed as required, the penalty to be
28 assessed and collected in the same manner as any other
29 penalty provided for in this Act.

30 (ii) On and after January 1, 1994, the taxpayer shall
31 be liable for a penalty as described in Section 3-4 of the
32 Uniform Penalty and Interest Act.

33 The chief executive officer, proprietor, owner or highest
34 ranking manager shall sign the annual return to certify the
35 accuracy of the information contained therein. Any person who
36 willfully signs the annual return containing false or

1 inaccurate information shall be guilty of perjury and punished
2 accordingly. The annual return form prescribed by the
3 Department shall include a warning that the person signing the
4 return may be liable for perjury.

5 The provisions of this Section concerning the filing of an
6 annual information return do not apply to a retailer who is not
7 required to file an income tax return with the United States
8 Government.

9 As soon as possible after the first day of each month, upon
10 certification of the Department of Revenue, the Comptroller
11 shall order transferred and the Treasurer shall transfer from
12 the General Revenue Fund to the Motor Fuel Tax Fund an amount
13 equal to 1.7% of 80% of the net revenue realized under this Act
14 for the second preceding month. Beginning April 1, 2000, this
15 transfer is no longer required and shall not be made.

16 Net revenue realized for a month shall be the revenue
17 collected by the State pursuant to this Act, less the amount
18 paid out during that month as refunds to taxpayers for
19 overpayment of liability.

20 For greater simplicity of administration, manufacturers,
21 importers and wholesalers whose products are sold at retail in
22 Illinois by numerous retailers, and who wish to do so, may
23 assume the responsibility for accounting and paying to the
24 Department all tax accruing under this Act with respect to such
25 sales, if the retailers who are affected do not make written
26 objection to the Department to this arrangement.

27 Any person who promotes, organizes, provides retail
28 selling space for concessionaires or other types of sellers at
29 the Illinois State Fair, DuQuoin State Fair, county fairs,
30 local fairs, art shows, flea markets and similar exhibitions or
31 events, including any transient merchant as defined by Section
32 2 of the Transient Merchant Act of 1987, is required to file a
33 report with the Department providing the name of the merchant's
34 business, the name of the person or persons engaged in
35 merchant's business, the permanent address and Illinois
36 Retailers Occupation Tax Registration Number of the merchant,

1 the dates and location of the event and other reasonable
2 information that the Department may require. The report must be
3 filed not later than the 20th day of the month next following
4 the month during which the event with retail sales was held.
5 Any person who fails to file a report required by this Section
6 commits a business offense and is subject to a fine not to
7 exceed \$250.

8 Any person engaged in the business of selling tangible
9 personal property at retail as a concessionaire or other type
10 of seller at the Illinois State Fair, county fairs, art shows,
11 flea markets and similar exhibitions or events, or any
12 transient merchants, as defined by Section 2 of the Transient
13 Merchant Act of 1987, may be required to make a daily report of
14 the amount of such sales to the Department and to make a daily
15 payment of the full amount of tax due. The Department shall
16 impose this requirement when it finds that there is a
17 significant risk of loss of revenue to the State at such an
18 exhibition or event. Such a finding shall be based on evidence
19 that a substantial number of concessionaires or other sellers
20 who are not residents of Illinois will be engaging in the
21 business of selling tangible personal property at retail at the
22 exhibition or event, or other evidence of a significant risk of
23 loss of revenue to the State. The Department shall notify
24 concessionaires and other sellers affected by the imposition of
25 this requirement. In the absence of notification by the
26 Department, the concessionaires and other sellers shall file
27 their returns as otherwise required in this Section.

28 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,
29 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,
30 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,
31 eff. 6-20-03; revised 10-15-03.)

32 Section 160. The Property Tax Code is amended by changing
33 Sections 15-25, 15-55, 16-190, 18-177, and 18-185 and setting
34 forth and renumbering multiple versions of Section 18-92 as
35 follows:

1 (35 ILCS 200/15-25)

2 Sec. 15-25. Removal of exemptions. If the Department
3 determines that any property has been unlawfully exempted from
4 taxation, or is no longer entitled to exemption, the Department
5 shall, before January 1 of any year, direct the chief county
6 assessment officer to assess the property and return it to the
7 assessment rolls for the next assessment year. The Department
8 shall give notice of its decision to the owner of the property
9 by certified mail. The decision shall be subject to review and
10 hearing under Section 8-35, upon application by the owner filed
11 within 60 days after the notice of decision is mailed. However,
12 the extension of taxes on the assessment shall not be delayed
13 by any proceedings under this Section. If the property is
14 determined to be exempt, any taxes extended upon the assessment
15 shall be abated or, if already paid, be refunded.

16 (Source: P.A. 92-651, eff. 7-11-02; 92-658, eff. 7-16-02;
17 revised 7-26-02.)

18 (35 ILCS 200/15-55)

19 Sec. 15-55. State property.

20 (a) All property belonging to the State of Illinois is
21 exempt. However, the State agency holding title shall file the
22 certificate of ownership and use required by Section 15-10,
23 together with a copy of any written lease or agreement, in
24 effect on March 30 of the assessment year, concerning parcels
25 of 1 acre or more, or an explanation of the terms of any oral
26 agreement under which the property is leased, subleased or
27 rented.

28 The leased property shall be assessed to the lessee and the
29 taxes thereon extended and billed to the lessee, and collected
30 in the same manner as for property which is not exempt. The
31 lessee shall be liable for the taxes and no lien shall attach
32 to the property of the State.

33 For the purposes of this Section, the word "leases"
34 includes licenses, franchises, operating agreements and other

1 arrangements under which private individuals, associations or
2 corporations are granted the right to use property of the
3 Illinois State Toll Highway Authority and includes all property
4 of the Authority used by others without regard to the size of
5 the leased parcel.

6 (b) However, all property of every kind belonging to the
7 State of Illinois, which is or may hereafter be leased to the
8 Illinois Prairie Path Corporation, shall be exempt from all
9 assessments, taxation or collection, despite the making of any
10 such lease, if it is used for:

11 (1) conservation, nature trail or any other
12 charitable, scientific, educational or recreational
13 purposes with public benefit, including the preserving and
14 aiding in the preservation of natural areas, objects,
15 flora, fauna or biotic communities;

16 (2) the establishment of footpaths, trails and other
17 protected areas;

18 (3) the conservation of the proper use of natural
19 resources or the promotion of the study of plant and animal
20 communities and of other phases of ecology, natural history
21 and conservation;

22 (4) the promotion of education in the fields of nature,
23 preservation and conservation; or

24 (5) similar public recreational activities conducted
25 by the Illinois Prairie Path Corporation.

26 No lien shall attach to the property of the State. No tax
27 liability shall become the obligation of or be enforceable
28 against Illinois Prairie Path Corporation.

29 (c) If the State sells the James R. Thompson Center or the
30 Elgin Mental Health Center and surrounding land located at 750
31 S. State Street, Elgin, Illinois, as provided in subdivision
32 (a) (2) of Section 7.4 of the State Property Control Act, to
33 another entity whose property is not exempt and immediately
34 thereafter enters into a leaseback or other agreement that
35 directly or indirectly gives the State a right to use, control,
36 and possess the property, that portion of the property leased

1 and occupied exclusively by the State shall remain exempt under
2 this Section. For the property to remain exempt under this
3 subsection (c), the State must retain an option to purchase the
4 property at a future date or, within the limitations period for
5 reverters, the property must revert back to the State.

6 If the property has been conveyed as described in this
7 subsection (c), the property is no longer exempt pursuant to
8 this Section as of the date when:

9 (1) the right of the State to use, control, and possess
10 the property has been terminated; or

11 (2) the State no longer has an option to purchase or
12 otherwise acquire the property and there is no provision
13 for a reverter of the property to the State within the
14 limitations period for reverters.

15 Pursuant to Sections 15-15 and 15-20 of this Code, the
16 State shall notify the chief county assessment officer of any
17 transaction under this subsection (c). The chief county
18 assessment officer shall determine initial and continuing
19 compliance with the requirements of this Section for tax
20 exemption. Failure to notify the chief county assessment
21 officer of a transaction under this subsection (c) or to
22 otherwise comply with the requirements of Sections 15-15 and
23 15-20 of this Code shall, in the discretion of the chief county
24 assessment officer, constitute cause to terminate the
25 exemption, notwithstanding any other provision of this Code.

26 (c-1) If the Illinois State Toll Highway Authority sells
27 the Illinois State Toll Highway Authority headquarters
28 building and surrounding land, located at 2700 Ogden Avenue,
29 Downers Grove, Illinois as provided in subdivision (a)(2) of
30 Section 7.5 of the State Property Control Act, to another
31 entity whose property is not exempt and immediately thereafter
32 enters into a leaseback or other agreement that directly or
33 indirectly gives the State or the Illinois State Toll Highway
34 Authority a right to use, control, and possess the property,
35 that portion of the property leased and occupied exclusively by
36 the State or the Authority shall remain exempt under this

1 Section. For the property to remain exempt under this
2 subsection (c), the Authority must retain an option to purchase
3 the property at a future date or, within the limitations period
4 for reverters, the property must revert back to the Authority.

5 If the property has been conveyed as described in this
6 subsection (c), the property is no longer exempt pursuant to
7 this Section as of the date when:

8 (1) the right of the State or the Authority to use,
9 control, and possess the property has been terminated; or

10 (2) the Authority no longer has an option to purchase
11 or otherwise acquire the property and there is no provision
12 for a reverter of the property to the Authority within the
13 limitations period for reverters.

14 Pursuant to Sections 15-15 and 15-20 of this Code, the
15 Authority shall notify the chief county assessment officer of
16 any transaction under this subsection (c). The chief county
17 assessment officer shall determine initial and continuing
18 compliance with the requirements of this Section for tax
19 exemption. Failure to notify the chief county assessment
20 officer of a transaction under this subsection (c) or to
21 otherwise comply with the requirements of Sections 15-15 and
22 15-20 of this Code shall, in the discretion of the chief county
23 assessment officer, constitute cause to terminate the
24 exemption, notwithstanding any other provision of this Code.

25 (d) ~~However,~~ The fair market rent of each parcel of real
26 property in Will County owned by the State of Illinois for the
27 purpose of developing an airport by the Department of
28 Transportation shall include the assessed value of leasehold
29 tax. The lessee of each parcel of real property in Will County
30 owned by the State of Illinois for the purpose of developing an
31 airport by the Department of Transportation shall not be liable
32 for the taxes thereon. In order for the State to compensate
33 taxing districts for the leasehold tax under this paragraph the
34 Will County Supervisor of Assessments shall certify, in
35 writing, to the Department of Transportation, the amount of
36 leasehold taxes extended for the 2002 property tax year for

1 each such exempt parcel. The Department of Transportation shall
2 pay to the Will County Treasurer, from the Tax Recovery Fund,
3 on or before July 1 of each year, the amount of leasehold taxes
4 for each such exempt parcel as certified by the Will County
5 Supervisor of Assessments. The tax compensation shall
6 terminate on December 31, 2010. It is the duty of the
7 Department of Transportation to file with the Office of the
8 Will County Supervisor of Assessments an affidavit stating the
9 termination date for rental of each such parcel due to airport
10 construction. The affidavit shall include the property
11 identification number for each such parcel. In no instance
12 shall tax compensation for property owned by the State be
13 deemed delinquent or bear interest. In no instance shall a lien
14 attach to the property of the State. In no instance shall the
15 State be required to pay leasehold tax compensation in excess
16 of the Tax Recovery Fund's balance.

17 (e) ~~(d)~~ Public Act 81-1026 applies to all leases or
18 agreements entered into or renewed on or after September 24,
19 1979.

20 (Source: P.A. 93-19, eff. 6-20-03; 93-658, eff. 1-22-04;
21 revised 1-22-04.)

22 (35 ILCS 200/16-190)

23 Sec. 16-190. Record of proceedings and orders.

24 (a) The Property Tax Appeal Board shall keep a record of
25 its proceedings and orders and the record shall be a public
26 record. In all cases where the contesting party is seeking a
27 change of \$100,000 or more in assessed valuation, the
28 contesting party must provide a court reporter at his or her
29 own expense. The original certified transcript of such hearing
30 shall be forwarded to the Springfield office of the Property
31 Tax Appeal Board and shall become part of the Board's official
32 record of the proceeding on appeal. Each year the Property Tax
33 Appeal Board shall publish a volume containing a synopsis of
34 representative cases decided by the Board during that year. The
35 publication shall be organized by or cross-referenced by the

1 issue presented before the Board in each case contained in the
2 publication. The publication shall be available for inspection
3 by the public at the Property Tax Appeal Board offices and
4 copies shall be available for a reasonable cost, except as
5 provided in Section 16-191.

6 (b) The Property Tax Appeal Board shall provide annually,
7 no later than February 1, to the Governor and the General
8 Assembly a report that contains for each county the following:

9 (1) the total number of cases for commercial and
10 industrial property requesting a reduction in assessed
11 value of \$100,000 or more for each of the last 5 years;

12 (2) the total number of cases for commercial and
13 industrial property decided by the Property Tax Appeal
14 Board for each of the last 5 years; and

15 (3) the total change in assessed value based on the
16 Property Tax Appeal Board decisions for commercial
17 property and industrial property for each of the last 5
18 years.

19 (c) The requirement for providing a report to the General
20 Assembly shall be satisfied by filing copies of the report with
21 the following:

22 (1) the Speaker of the House of Representatives;

23 (2) the Minority Leader of the House of
24 Representatives;

25 (3) the Clerk of the House of Representatives;

26 (4) the President of the Senate;

27 (5) the Minority Leader of the Senate;

28 (6) the Secretary of the Senate;

29 (7) the Legislative Research Unit, as required by
30 Section 3.1 of the General Assembly Organization Act; and

31 (8) the State Government Report Distribution Center
32 for the General Assembly, as required by subsection (t) of
33 Section 7-320 of the State Library Act.

34 (Source: P.A. 93-248, eff. 7-22-03; revised 10-9-03.)

1 Sec. 18-92. Downstate School Finance Authority for
2 Elementary Districts Law. The provisions of the Truth in
3 Taxation Law are subject to the Downstate School Finance
4 Authority for Elementary Districts Law.

5 (Source: P.A. 92-855, eff. 12-6-02.)

6 (35 ILCS 200/18-93)

7 Sec. 18-93 ~~18-92~~. Maywood Public Library District Tax Levy
8 Validation (2002) Law. The provisions of the Truth in Taxation
9 Law are subject to the Maywood Public Library District Tax Levy
10 Validation (2002) Law.

11 (Source: P.A. 92-884, eff. 1-13-03; revised 1-18-03.)

12 (35 ILCS 200/18-177)

13 Sec. 18-177. Leased low-rent housing abatement. In
14 counties of 3,000,000 or more inhabitants, the county clerk
15 shall abate property taxes levied by any taxing district under
16 this Code on property that meets the following requirements:

17 (1) The property does not qualify as exempt property
18 under Section 15-95 of this Code.

19 (2) The property is situated in a municipality with
20 1,000,000 or more inhabitants and improved with either a
21 multifamily dwelling or a multi-building development that
22 is subject to a leasing agreement, regulatory and operating
23 agreement, or other similar instrument with a Housing
24 Authority created under the Housing Authorities Act that
25 sets forth the terms for leasing low-rent housing.

26 (3) For a period of not less than 20 years, the
27 property and improvements are used solely for low-rent
28 housing and related uses.

29 Property and portions of property used or intended to be used
30 for commercial purposes are not eligible for the abatement
31 provided in this Section.

32 A housing authority created under the Housing Authorities
33 Act shall file annually with the county clerk for any property
34 eligible for an abatement under this Section, on a form

1 prescribed by the county clerk, a certificate of the property's
2 use during the immediately preceding year. The certificate
3 shall certify that the property or a portion of the property
4 meets the requirements of this Section and that the eligible
5 residential units have been inspected within the previous 90
6 days and meet or exceed all housing quality standards of the
7 authority. If only a portion of the property meets these
8 requirements, the certificate shall state the amount of that
9 portion as a percentage of the total equalized and assessed
10 value of the property. If the property is improved with an
11 eligible multifamily dwelling or multi-building development
12 containing residential units that are individually assessed,
13 no more than 40% of those residential units may be certified.
14 If the property is improved with an eligible multifamily
15 dwelling or multi-building development containing residential
16 units that are not individually assessed, the portion of the
17 property certified shall represent no more than 40% of those
18 residential units.

19 The county clerk shall abate the taxes only if a
20 certificate of use has been timely filed for that year. If only
21 a portion of the property has been certified as eligible, the
22 county clerk shall abate the taxes in the percentage so
23 certified.

24 Whenever property receives an abatement under this
25 Section, the rental rate set under the lease, regulatory and
26 operating agreement, or other similar instrument for that
27 property shall not include property taxes.

28 No property shall be eligible for abatement under this
29 Section if the owner of the property has any outstanding and
30 overdue debts to the municipality in which the property is
31 situated.

32 (Source: P.A. 92-621, eff. 7-11-02; revised 11-6-02.)

33 (35 ILCS 200/18-185)

34 Sec. 18-185. Short title; definitions. This Division 5 may
35 be cited as the Property Tax Extension Limitation Law. As used

1 in this Division 5:

2 "Consumer Price Index" means the Consumer Price Index for
3 All Urban Consumers for all items published by the United
4 States Department of Labor.

5 "Extension limitation" means (a) the lesser of 5% or the
6 percentage increase in the Consumer Price Index during the
7 12-month calendar year preceding the levy year or (b) the rate
8 of increase approved by voters under Section 18-205.

9 "Affected county" means a county of 3,000,000 or more
10 inhabitants or a county contiguous to a county of 3,000,000 or
11 more inhabitants.

12 "Taxing district" has the same meaning provided in Section
13 1-150, except as otherwise provided in this Section. For the
14 1991 through 1994 levy years only, "taxing district" includes
15 only each non-home rule taxing district having the majority of
16 its 1990 equalized assessed value within any county or counties
17 contiguous to a county with 3,000,000 or more inhabitants.
18 Beginning with the 1995 levy year, "taxing district" includes
19 only each non-home rule taxing district subject to this Law
20 before the 1995 levy year and each non-home rule taxing
21 district not subject to this Law before the 1995 levy year
22 having the majority of its 1994 equalized assessed value in an
23 affected county or counties. Beginning with the levy year in
24 which this Law becomes applicable to a taxing district as
25 provided in Section 18-213, "taxing district" also includes
26 those taxing districts made subject to this Law as provided in
27 Section 18-213.

28 "Aggregate extension" for taxing districts to which this
29 Law applied before the 1995 levy year means the annual
30 corporate extension for the taxing district and those special
31 purpose extensions that are made annually for the taxing
32 district, excluding special purpose extensions: (a) made for
33 the taxing district to pay interest or principal on general
34 obligation bonds that were approved by referendum; (b) made for
35 any taxing district to pay interest or principal on general
36 obligation bonds issued before October 1, 1991; (c) made for

1 any taxing district to pay interest or principal on bonds
2 issued to refund or continue to refund those bonds issued
3 before October 1, 1991; (d) made for any taxing district to pay
4 interest or principal on bonds issued to refund or continue to
5 refund bonds issued after October 1, 1991 that were approved by
6 referendum; (e) made for any taxing district to pay interest or
7 principal on revenue bonds issued before October 1, 1991 for
8 payment of which a property tax levy or the full faith and
9 credit of the unit of local government is pledged; however, a
10 tax for the payment of interest or principal on those bonds
11 shall be made only after the governing body of the unit of
12 local government finds that all other sources for payment are
13 insufficient to make those payments; (f) made for payments
14 under a building commission lease when the lease payments are
15 for the retirement of bonds issued by the commission before
16 October 1, 1991, to pay for the building project; (g) made for
17 payments due under installment contracts entered into before
18 October 1, 1991; (h) made for payments of principal and
19 interest on bonds issued under the Metropolitan Water
20 Reclamation District Act to finance construction projects
21 initiated before October 1, 1991; (i) made for payments of
22 principal and interest on limited bonds, as defined in Section
23 3 of the Local Government Debt Reform Act, in an amount not to
24 exceed the debt service extension base less the amount in items
25 (b), (c), (e), and (h) of this definition for non-referendum
26 obligations, except obligations initially issued pursuant to
27 referendum; (j) made for payments of principal and interest on
28 bonds issued under Section 15 of the Local Government Debt
29 Reform Act; (k) made by a school district that participates in
30 the Special Education District of Lake County, created by
31 special education joint agreement under Section 10-22.31 of the
32 School Code, for payment of the school district's share of the
33 amounts required to be contributed by the Special Education
34 District of Lake County to the Illinois Municipal Retirement
35 Fund under Article 7 of the Illinois Pension Code; the amount
36 of any extension under this item (k) shall be certified by the

1 school district to the county clerk; and (l) made to fund
2 expenses of providing joint recreational programs for the
3 handicapped under Section 5-8 of the Park District Code or
4 Section 11-95-14 of the Illinois Municipal Code.

5 "Aggregate extension" for the taxing districts to which
6 this Law did not apply before the 1995 levy year (except taxing
7 districts subject to this Law in accordance with Section
8 18-213) means the annual corporate extension for the taxing
9 district and those special purpose extensions that are made
10 annually for the taxing district, excluding special purpose
11 extensions: (a) made for the taxing district to pay interest or
12 principal on general obligation bonds that were approved by
13 referendum; (b) made for any taxing district to pay interest or
14 principal on general obligation bonds issued before March 1,
15 1995; (c) made for any taxing district to pay interest or
16 principal on bonds issued to refund or continue to refund those
17 bonds issued before March 1, 1995; (d) made for any taxing
18 district to pay interest or principal on bonds issued to refund
19 or continue to refund bonds issued after March 1, 1995 that
20 were approved by referendum; (e) made for any taxing district
21 to pay interest or principal on revenue bonds issued before
22 March 1, 1995 for payment of which a property tax levy or the
23 full faith and credit of the unit of local government is
24 pledged; however, a tax for the payment of interest or
25 principal on those bonds shall be made only after the governing
26 body of the unit of local government finds that all other
27 sources for payment are insufficient to make those payments;
28 (f) made for payments under a building commission lease when
29 the lease payments are for the retirement of bonds issued by
30 the commission before March 1, 1995 to pay for the building
31 project; (g) made for payments due under installment contracts
32 entered into before March 1, 1995; (h) made for payments of
33 principal and interest on bonds issued under the Metropolitan
34 Water Reclamation District Act to finance construction
35 projects initiated before October 1, 1991; (i) made for
36 payments of principal and interest on limited bonds, as defined

1 in Section 3 of the Local Government Debt Reform Act, in an
2 amount not to exceed the debt service extension base less the
3 amount in items (b), (c), and (e) of this definition for
4 non-referendum obligations, except obligations initially
5 issued pursuant to referendum and bonds described in subsection
6 (h) of this definition; (j) made for payments of principal and
7 interest on bonds issued under Section 15 of the Local
8 Government Debt Reform Act; (k) made for payments of principal
9 and interest on bonds authorized by Public Act 88-503 and
10 issued under Section 20a of the Chicago Park District Act for
11 aquarium or museum projects; (l) made for payments of principal
12 and interest on bonds authorized by Public Act 87-1191 or
13 93-601 ~~this amendatory Act of the 93rd General Assembly~~ and (i)
14 issued pursuant to Section 21.2 of the Cook County Forest
15 Preserve District Act, (ii) issued under Section 42 of the Cook
16 County Forest Preserve District Act for zoological park
17 projects, or (iii) issued under Section 44.1 of the Cook County
18 Forest Preserve District Act for botanical gardens projects;
19 (m) made pursuant to Section 34-53.5 of the School Code,
20 whether levied annually or not; (n) made to fund expenses of
21 providing joint recreational programs for the handicapped
22 under Section 5-8 of the Park District Code or Section 11-95-14
23 of the Illinois Municipal Code; and (o) made by the Chicago
24 Park District for recreational programs for the handicapped
25 under subsection (c) of Section 7.06 of the Chicago Park
26 District Act.

27 "Aggregate extension" for all taxing districts to which
28 this Law applies in accordance with Section 18-213, except for
29 those taxing districts subject to paragraph (2) of subsection
30 (e) of Section 18-213, means the annual corporate extension for
31 the taxing district and those special purpose extensions that
32 are made annually for the taxing district, excluding special
33 purpose extensions: (a) made for the taxing district to pay
34 interest or principal on general obligation bonds that were
35 approved by referendum; (b) made for any taxing district to pay
36 interest or principal on general obligation bonds issued before

1 the date on which the referendum making this Law applicable to
2 the taxing district is held; (c) made for any taxing district
3 to pay interest or principal on bonds issued to refund or
4 continue to refund those bonds issued before the date on which
5 the referendum making this Law applicable to the taxing
6 district is held; (d) made for any taxing district to pay
7 interest or principal on bonds issued to refund or continue to
8 refund bonds issued after the date on which the referendum
9 making this Law applicable to the taxing district is held if
10 the bonds were approved by referendum after the date on which
11 the referendum making this Law applicable to the taxing
12 district is held; (e) made for any taxing district to pay
13 interest or principal on revenue bonds issued before the date
14 on which the referendum making this Law applicable to the
15 taxing district is held for payment of which a property tax
16 levy or the full faith and credit of the unit of local
17 government is pledged; however, a tax for the payment of
18 interest or principal on those bonds shall be made only after
19 the governing body of the unit of local government finds that
20 all other sources for payment are insufficient to make those
21 payments; (f) made for payments under a building commission
22 lease when the lease payments are for the retirement of bonds
23 issued by the commission before the date on which the
24 referendum making this Law applicable to the taxing district is
25 held to pay for the building project; (g) made for payments due
26 under installment contracts entered into before the date on
27 which the referendum making this Law applicable to the taxing
28 district is held; (h) made for payments of principal and
29 interest on limited bonds, as defined in Section 3 of the Local
30 Government Debt Reform Act, in an amount not to exceed the debt
31 service extension base less the amount in items (b), (c), and
32 (e) of this definition for non-referendum obligations, except
33 obligations initially issued pursuant to referendum; (i) made
34 for payments of principal and interest on bonds issued under
35 Section 15 of the Local Government Debt Reform Act; (j) made
36 for a qualified airport authority to pay interest or principal

1 on general obligation bonds issued for the purpose of paying
2 obligations due under, or financing airport facilities
3 required to be acquired, constructed, installed or equipped
4 pursuant to, contracts entered into before March 1, 1996 (but
5 not including any amendments to such a contract taking effect
6 on or after that date); and (k) made to fund expenses of
7 providing joint recreational programs for the handicapped
8 under Section 5-8 of the Park District Code or Section 11-95-14
9 of the Illinois Municipal Code.

10 "Aggregate extension" for all taxing districts to which
11 this Law applies in accordance with paragraph (2) of subsection
12 (e) of Section 18-213 means the annual corporate extension for
13 the taxing district and those special purpose extensions that
14 are made annually for the taxing district, excluding special
15 purpose extensions: (a) made for the taxing district to pay
16 interest or principal on general obligation bonds that were
17 approved by referendum; (b) made for any taxing district to pay
18 interest or principal on general obligation bonds issued before
19 the effective date of this amendatory Act of 1997; (c) made for
20 any taxing district to pay interest or principal on bonds
21 issued to refund or continue to refund those bonds issued
22 before the effective date of this amendatory Act of 1997; (d)
23 made for any taxing district to pay interest or principal on
24 bonds issued to refund or continue to refund bonds issued after
25 the effective date of this amendatory Act of 1997 if the bonds
26 were approved by referendum after the effective date of this
27 amendatory Act of 1997; (e) made for any taxing district to pay
28 interest or principal on revenue bonds issued before the
29 effective date of this amendatory Act of 1997 for payment of
30 which a property tax levy or the full faith and credit of the
31 unit of local government is pledged; however, a tax for the
32 payment of interest or principal on those bonds shall be made
33 only after the governing body of the unit of local government
34 finds that all other sources for payment are insufficient to
35 make those payments; (f) made for payments under a building
36 commission lease when the lease payments are for the retirement

1 of bonds issued by the commission before the effective date of
2 this amendatory Act of 1997 to pay for the building project;
3 (g) made for payments due under installment contracts entered
4 into before the effective date of this amendatory Act of 1997;
5 (h) made for payments of principal and interest on limited
6 bonds, as defined in Section 3 of the Local Government Debt
7 Reform Act, in an amount not to exceed the debt service
8 extension base less the amount in items (b), (c), and (e) of
9 this definition for non-referendum obligations, except
10 obligations initially issued pursuant to referendum; (i) made
11 for payments of principal and interest on bonds issued under
12 Section 15 of the Local Government Debt Reform Act; (j) made
13 for a qualified airport authority to pay interest or principal
14 on general obligation bonds issued for the purpose of paying
15 obligations due under, or financing airport facilities
16 required to be acquired, constructed, installed or equipped
17 pursuant to, contracts entered into before March 1, 1996 (but
18 not including any amendments to such a contract taking effect
19 on or after that date); and (k) made to fund expenses of
20 providing joint recreational programs for the handicapped
21 under Section 5-8 of the Park District Code or Section 11-95-14
22 of the Illinois Municipal Code.

23 "Debt service extension base" means an amount equal to that
24 portion of the extension for a taxing district for the 1994
25 levy year, or for those taxing districts subject to this Law in
26 accordance with Section 18-213, except for those subject to
27 paragraph (2) of subsection (e) of Section 18-213, for the levy
28 year in which the referendum making this Law applicable to the
29 taxing district is held, or for those taxing districts subject
30 to this Law in accordance with paragraph (2) of subsection (e)
31 of Section 18-213 for the 1996 levy year, constituting an
32 extension for payment of principal and interest on bonds issued
33 by the taxing district without referendum, but not including
34 excluded non-referendum bonds. For park districts (i) that were
35 first subject to this Law in 1991 or 1995 and (ii) whose
36 extension for the 1994 levy year for the payment of principal

1 and interest on bonds issued by the park district without
2 referendum (but not including excluded non-referendum bonds)
3 was less than 51% of the amount for the 1991 levy year
4 constituting an extension for payment of principal and interest
5 on bonds issued by the park district without referendum (but
6 not including excluded non-referendum bonds), "debt service
7 extension base" means an amount equal to that portion of the
8 extension for the 1991 levy year constituting an extension for
9 payment of principal and interest on bonds issued by the park
10 district without referendum (but not including excluded
11 non-referendum bonds). The debt service extension base may be
12 established or increased as provided under Section 18-212.
13 "Excluded non-referendum bonds" means (i) bonds authorized by
14 Public Act 88-503 and issued under Section 20a of the Chicago
15 Park District Act for aquarium and museum projects; (ii) bonds
16 issued under Section 15 of the Local Government Debt Reform
17 Act; or (iii) refunding obligations issued to refund or to
18 continue to refund obligations initially issued pursuant to
19 referendum.

20 "Special purpose extensions" include, but are not limited
21 to, extensions for levies made on an annual basis for
22 unemployment and workers' compensation, self-insurance,
23 contributions to pension plans, and extensions made pursuant to
24 Section 6-601 of the Illinois Highway Code for a road
25 district's permanent road fund whether levied annually or not.
26 The extension for a special service area is not included in the
27 aggregate extension.

28 "Aggregate extension base" means the taxing district's
29 last preceding aggregate extension as adjusted under Sections
30 18-215 through 18-230.

31 "Levy year" has the same meaning as "year" under Section
32 1-155.

33 "New property" means (i) the assessed value, after final
34 board of review or board of appeals action, of new improvements
35 or additions to existing improvements on any parcel of real
36 property that increase the assessed value of that real property

1 during the levy year multiplied by the equalization factor
2 issued by the Department under Section 17-30, (ii) the assessed
3 value, after final board of review or board of appeals action,
4 of real property not exempt from real estate taxation, which
5 real property was exempt from real estate taxation for any
6 portion of the immediately preceding levy year, multiplied by
7 the equalization factor issued by the Department under Section
8 17-30, and (iii) in counties that classify in accordance with
9 Section 4 of Article IX of the Illinois Constitution, an
10 incentive property's additional assessed value resulting from
11 a scheduled increase in the level of assessment as applied to
12 the first year final board of review market value. In addition,
13 the county clerk in a county containing a population of
14 3,000,000 or more shall include in the 1997 recovered tax
15 increment value for any school district, any recovered tax
16 increment value that was applicable to the 1995 tax year
17 calculations.

18 "Qualified airport authority" means an airport authority
19 organized under the Airport Authorities Act and located in a
20 county bordering on the State of Wisconsin and having a
21 population in excess of 200,000 and not greater than 500,000.

22 "Recovered tax increment value" means, except as otherwise
23 provided in this paragraph, the amount of the current year's
24 equalized assessed value, in the first year after a
25 municipality terminates the designation of an area as a
26 redevelopment project area previously established under the
27 Tax Increment Allocation Development Act in the Illinois
28 Municipal Code, previously established under the Industrial
29 Jobs Recovery Law in the Illinois Municipal Code, or previously
30 established under the Economic Development Area Tax Increment
31 Allocation Act, of each taxable lot, block, tract, or parcel of
32 real property in the redevelopment project area over and above
33 the initial equalized assessed value of each property in the
34 redevelopment project area. For the taxes which are extended
35 for the 1997 levy year, the recovered tax increment value for a
36 non-home rule taxing district that first became subject to this

1 Law for the 1995 levy year because a majority of its 1994
2 equalized assessed value was in an affected county or counties
3 shall be increased if a municipality terminated the designation
4 of an area in 1993 as a redevelopment project area previously
5 established under the Tax Increment Allocation Development Act
6 in the Illinois Municipal Code, previously established under
7 the Industrial Jobs Recovery Law in the Illinois Municipal
8 Code, or previously established under the Economic Development
9 Area Tax Increment Allocation Act, by an amount equal to the
10 1994 equalized assessed value of each taxable lot, block,
11 tract, or parcel of real property in the redevelopment project
12 area over and above the initial equalized assessed value of
13 each property in the redevelopment project area. In the first
14 year after a municipality removes a taxable lot, block, tract,
15 or parcel of real property from a redevelopment project area
16 established under the Tax Increment Allocation Development Act
17 in the Illinois Municipal Code, the Industrial Jobs Recovery
18 Law in the Illinois Municipal Code, or the Economic Development
19 Area Tax Increment Allocation Act, "recovered tax increment
20 value" means the amount of the current year's equalized
21 assessed value of each taxable lot, block, tract, or parcel of
22 real property removed from the redevelopment project area over
23 and above the initial equalized assessed value of that real
24 property before removal from the redevelopment project area.

25 Except as otherwise provided in this Section, "limiting
26 rate" means a fraction the numerator of which is the last
27 preceding aggregate extension base times an amount equal to one
28 plus the extension limitation defined in this Section and the
29 denominator of which is the current year's equalized assessed
30 value of all real property in the territory under the
31 jurisdiction of the taxing district during the prior levy year.
32 For those taxing districts that reduced their aggregate
33 extension for the last preceding levy year, the highest
34 aggregate extension in any of the last 3 preceding levy years
35 shall be used for the purpose of computing the limiting rate.
36 The denominator shall not include new property. The denominator

1 shall not include the recovered tax increment value.

2 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
3 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised
4 12-10-03.)

5 Section 165. The Simplified Municipal Telecommunications
6 Tax Act is amended by changing Section 5-50 as follows:

7 (35 ILCS 636/5-50)

8 Sec. 5-50. Returns to the Department.

9 (a) Commencing on February 1, 2003, for the tax imposed
10 under subsection (a) of Section 5-20 of this Act, every
11 retailer maintaining a place of business in this State shall,
12 on or before the last day of each month make a return to the
13 Department for the preceding calendar month, stating:

14 (1) Its name;

15 (2) The address of its principal place of business or
16 the address of the principal place of business (if that is
17 a different address) from which it engages in the business
18 of transmitting telecommunications;

19 (3) Total amount of gross charges billed by it during
20 the preceding calendar month for providing
21 telecommunications during the calendar month;

22 (4) Total amount received by it during the preceding
23 calendar month on credit extended;

24 (5) Deductions allowed by law;

25 (6) Gross charges that were billed by it during the
26 preceding calendar month and upon the basis of which the
27 tax is imposed;

28 (7) Amount of tax (computed upon Item 6);

29 (8) The municipalities to which the Department shall
30 remit the taxes and the amount of such remittances;

31 (9) Such other reasonable information as the
32 Department may require.

33 (b) Any retailer required to make payments under this
34 Section may make the payments by electronic funds transfer. The

1 Department shall adopt rules necessary to effectuate a program
2 of electronic funds transfer. Any retailer who has average
3 monthly tax billings due to the Department under this Act and
4 the Telecommunications Excise Tax Act that exceed \$1,000 shall
5 make all payments by electronic funds transfer as required by
6 rules of the Department.

7 (c) If the retailer's average monthly tax billings due to
8 the Department under this Act and the Telecommunications Excise
9 Tax Act do not exceed \$1,000, the Department may authorize such
10 retailer's returns to be filed on a quarter-annual basis, with
11 the return for January, February, and March of a given year
12 being due by April 30th of that year; with the return for
13 April, May, and June of a given year being due by July 31st of
14 that year; with the return for July, August, and September of a
15 given year being due by October 31st of that year; and with the
16 return for October, November, and December of a given year
17 being due by January 31st of the following year.

18 (d) If the retailer is otherwise required to file a monthly
19 or quarterly return and if the retailer's average monthly tax
20 billings due to the Department under this Act and the
21 Telecommunications Excise Tax Act do not exceed \$400, the
22 Department may authorize such retailer's return to be filed on
23 an annual basis, with the return for a given year being due by
24 January 31st of the following year.

25 (e) Each retailer whose average monthly remittance to the
26 Department under this Act and the Telecommunications Excise Tax
27 Act was \$25,000 or more during the preceding calendar year,
28 excluding the month of highest remittance and the month of
29 lowest remittance in such calendar year, and who is not
30 operated by a unit of local government, shall make estimated
31 payments to the Department on or before the 7th, 15th, 22nd,
32 and last day of the month during which the tax remittance is
33 owed to the Department in an amount not less than the lower of
34 either 22.5% of the retailer's actual tax collections for the
35 month or 25% of the retailer's actual tax collections for the
36 same calendar month of the preceding year. The amount of such

1 quarter-monthly payments shall be credited against the final
2 remittance of the retailer's return for that month. Any
3 outstanding credit, approved by the Department, arising from
4 the retailer's overpayment of its final remittance for any
5 month may be applied to reduce the amount of any subsequent
6 quarter-monthly payment or credited against the final
7 remittance of the retailer's return for any subsequent month.
8 If any quarter-monthly payment is not paid at the time or in
9 the amount required by this Section, the retailer shall be
10 liable for penalty and interest on the difference between the
11 minimum amount due as a payment and the amount of such payment
12 actually and timely paid, except insofar as the retailer has
13 previously made payments for that month to the Department or
14 received credits in excess of the minimum payments previously
15 due.

16 (f) Notwithstanding any other provision of this Section
17 containing the time within which a retailer may file his or her
18 return, in the case of any retailer who ceases to engage in a
19 kind of business that makes him or her responsible for filing
20 returns under this Section, the retailer shall file a final
21 return under this Section with the Department not more than one
22 month after discontinuing such business.

23 (g) In making such return, the retailer shall determine the
24 value of any consideration other than money received by it and
25 such retailer shall include the value in its return. Such
26 determination shall be subject to review and revision by the
27 Department in the manner hereinafter provided for the
28 correction of returns.

29 (h) Any retailer who has average monthly tax billings due
30 to the Department under this Act and the Telecommunications
31 Excise Tax Act that exceed \$1,000 shall file the return
32 required by this Section by electronic means as required by
33 rules of the Department.

34 (i) The retailer filing the return herein provided for
35 shall, at the time of filing the return, pay to the Department
36 the amounts due pursuant to this Act. The Department shall

1 immediately pay over to the State Treasurer, ex officio, as
2 trustee, 99.5% of all taxes, penalties, and interest collected
3 hereunder for deposit into the Municipal Telecommunications
4 Fund, which is hereby created. The remaining 0.5% received by
5 the Department pursuant to this Act shall be deposited into the
6 Tax Compliance and Administration Fund and shall be used by the
7 Department, subject to appropriation, to cover the costs of the
8 Department.

9 On or before the 25th day of each calendar month, the
10 Department shall prepare and certify to the Comptroller the
11 disbursement of stated sums of money to be paid to named
12 municipalities from the Municipal Telecommunications Fund for
13 amounts collected during the second preceding calendar month.
14 The named municipalities shall be those municipalities
15 identified by a retailer in such retailer's return as having
16 imposed the tax authorized by the Act. The amount of money to
17 be paid to each municipality shall be the amount (not including
18 credit memoranda) collected hereunder during the second
19 preceding calendar month by the Department, plus an amount the
20 Department determines is necessary to offset any amounts that
21 were erroneously ~~erroneously~~ paid to a different taxing body,
22 and not including an amount equal to the amount of refunds made
23 during the second preceding calendar month by the Department on
24 behalf of such municipality, and not including any amount that
25 the Department determines is necessary to offset any amount
26 that were payable to a different taxing body but were
27 erroneously paid to the municipality. Within 10 days after
28 receipt by the Comptroller of the disbursement certification
29 from the Department, the Comptroller shall cause the orders to
30 be drawn for the respective amounts in accordance with the
31 directions contained in the certification. When certifying to
32 the Comptroller the amount of a monthly disbursement to a
33 municipality under this Section, the Department shall increase
34 or decrease the amount by an amount necessary to offset any
35 misallocation of previous disbursements. The offset amount
36 shall be the amount erroneously disbursed within the previous 6

1 months from the time a misallocation is discovered.

2 (j) For municipalities with populations of less than
3 500,000, whenever the Department determines that a refund shall
4 be made under this Section to a claimant instead of issuing a
5 credit memorandum, the Department shall notify the State
6 Comptroller, who shall cause the order to be drawn for the
7 amount specified and to the person named in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of the Municipal Telecommunications Fund.
10 (Source: P.A. 92-526, eff. 7-1-02; revised 2-17-03.)

11 Section 170. The Uniform Penalty and Interest Act is
12 amended by changing Sections 3-2 and 3-3 as follows:

13 (35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)

14 Sec. 3-2. Interest.

15 (a) Interest paid by the Department to taxpayers and
16 interest charged to taxpayers by the Department shall be paid
17 at the annual rate determined by the Department. For periods
18 prior to January 1, 2004, that rate shall be the underpayment
19 rate established under Section 6621 of the Internal Revenue
20 Code. For periods after December 31, 2003, that rate shall be:

21 (1) for the one-year period beginning with the date of
22 underpayment or overpayment, the short-term federal rate
23 established under Section 6621 of the Internal Revenue
24 Code.

25 (2) for any period beginning the day after the one-year
26 period described in paragraph (1) of this subsection (a),
27 the underpayment rate established under Section 6621 of the
28 Internal Revenue Code.

29 (b) The interest rate shall be adjusted on a semiannual
30 basis, on January 1 and July 1, based upon the underpayment
31 rate or short-term federal rate going into effect on that
32 January 1 or July 1 under Section 6621 of the Internal Revenue
33 Code.

34 (c) This subsection (c) is applicable to returns due on and

1 before December 31, 2000. Interest shall be simple interest
2 calculated on a daily basis. Interest shall accrue upon tax and
3 penalty due. If notice and demand is made for the payment of
4 any amount of tax due and if the amount due is paid within 30
5 days after the date of such notice and demand, interest under
6 this Section on the amount so paid shall not be imposed for the
7 period after the date of the notice and demand.

8 (c-5) This subsection (c-5) is applicable to returns due on
9 and after January 1, 2001. Interest shall be simple interest
10 calculated on a daily basis. Interest shall accrue upon tax
11 due. If notice and demand is made for the payment of any amount
12 of tax due and if the amount due is paid within 30 days after
13 the date of the notice and demand, interest under this Section
14 on the amount so paid shall not be imposed for the period after
15 the date of the notice and demand.

16 (d) No interest shall be paid upon any overpayment of tax
17 if the overpayment is refunded or a credit approved within 90
18 days after the last date prescribed for filing the original
19 return, or within 90 days of the receipt of the processable
20 return, or within 90 days after the date of overpayment,
21 whichever date is latest, as determined without regard to
22 processing time by the Comptroller or without regard to the
23 date on which the credit is applied to the taxpayer's account.
24 In order for an original return to be processable for purposes
25 of this Section, it must be in the form prescribed or approved
26 by the Department, signed by the person authorized by law, and
27 contain all information, schedules, and support documents
28 necessary to determine the tax due and to make allocations of
29 tax as prescribed by law. For the purposes of computing
30 interest, a return shall be deemed to be processable unless the
31 Department notifies the taxpayer that the return is not
32 processable within 90 days after the receipt of the return;
33 however, interest shall not accumulate for the period following
34 this date of notice. Interest on amounts refunded or credited
35 pursuant to the filing of an amended return or claim for refund
36 shall be determined from the due date of the original return or

1 the date of overpayment, whichever is later, to the date of
2 payment by the Department without regard to processing time by
3 the Comptroller or the date of credit by the Department or
4 without regard to the date on which the credit is applied to
5 the taxpayer's account. If a claim for refund relates to an
6 overpayment attributable to a net loss carryback as provided by
7 Section 207 of the Illinois Income Tax Act, the date of
8 overpayment shall be the last day of the taxable year in which
9 the loss was incurred.

10 (e) Interest on erroneous refunds. Any portion of the tax
11 imposed by an Act to which this Act is applicable or any
12 interest or penalty which has been erroneously refunded and
13 which is recoverable by the Department shall bear interest from
14 the date of payment of the refund. However, no interest will be
15 charged if the erroneous refund is for an amount less than \$500
16 and is due to a mistake of the Department.

17 (f) If a taxpayer has a tax liability that is eligible for
18 amnesty under the Tax Delinquency Amnesty Act and the taxpayer
19 fails to satisfy the tax liability during the amnesty period
20 provided for in that Act, then the interest charged by the
21 Department under this Section shall be imposed at a rate that
22 is 200% of the rate that would otherwise be imposed under this
23 Section.

24 (Source: P.A. 93-26, eff. 6-20-03; 93-32, eff. 6-20-03; revised
25 8-1-03.)

26 (35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)

27 Sec. 3-3. Penalty for failure to file or pay.

28 (a) This subsection (a) is applicable before January 1,
29 1996. A penalty of 5% of the tax required to be shown due on a
30 return shall be imposed for failure to file the tax return on
31 or before the due date prescribed for filing determined with
32 regard for any extension of time for filing (penalty for late
33 filing or nonfiling). If any unprocessable return is corrected
34 and filed within 21 days after notice by the Department, the
35 late filing or nonfiling penalty shall not apply. If a penalty

1 for late filing or nonfiling is imposed in addition to a
2 penalty for late payment, the total penalty due shall be the
3 sum of the late filing penalty and the applicable late payment
4 penalty. Beginning on the effective date of this amendatory Act
5 of 1995, in the case of any type of tax return required to be
6 filed more frequently than annually, when the failure to file
7 the tax return on or before the date prescribed for filing
8 (including any extensions) is shown to be nonfraudulent and has
9 not occurred in the 2 years immediately preceding the failure
10 to file on the prescribed due date, the penalty imposed by
11 Section 3-3(a) shall be abated.

12 (a-5) This subsection (a-5) is applicable to returns due on
13 and after January 1, 1996 and on or before December 31, 2000. A
14 penalty equal to 2% of the tax required to be shown due on a
15 return, up to a maximum amount of \$250, determined without
16 regard to any part of the tax that is paid on time or by any
17 credit that was properly allowable on the date the return was
18 required to be filed, shall be imposed for failure to file the
19 tax return on or before the due date prescribed for filing
20 determined with regard for any extension of time for filing.
21 However, if any return is not filed within 30 days after notice
22 of nonfiling mailed by the Department to the last known address
23 of the taxpayer contained in Department records, an additional
24 penalty amount shall be imposed equal to the greater of \$250 or
25 2% of the tax shown on the return. However, the additional
26 penalty amount may not exceed \$5,000 and is determined without
27 regard to any part of the tax that is paid on time or by any
28 credit that was properly allowable on the date the return was
29 required to be filed (penalty for late filing or nonfiling). If
30 any unprocessable return is corrected and filed within 30 days
31 after notice by the Department, the late filing or nonfiling
32 penalty shall not apply. If a penalty for late filing or
33 nonfiling is imposed in addition to a penalty for late payment,
34 the total penalty due shall be the sum of the late filing
35 penalty and the applicable late payment penalty. In the case of
36 any type of tax return required to be filed more frequently

1 than annually, when the failure to file the tax return on or
2 before the date prescribed for filing (including any
3 extensions) is shown to be nonfraudulent and has not occurred
4 in the 2 years immediately preceding the failure to file on the
5 prescribed due date, the penalty imposed by Section 3-3(a-5)
6 shall be abated.

7 (a-10) This subsection (a-10) is applicable to returns due
8 on and after January 1, 2001. A penalty equal to 2% of the tax
9 required to be shown due on a return, up to a maximum amount of
10 \$250, reduced by any tax that is paid on time or by any credit
11 that was properly allowable on the date the return was required
12 to be filed, shall be imposed for failure to file the tax
13 return on or before the due date prescribed for filing
14 determined with regard for any extension of time for filing.
15 However, if any return is not filed within 30 days after notice
16 of nonfiling mailed by the Department to the last known address
17 of the taxpayer contained in Department records, an additional
18 penalty amount shall be imposed equal to the greater of \$250 or
19 2% of the tax shown on the return. However, the additional
20 penalty amount may not exceed \$5,000 and is determined without
21 regard to any part of the tax that is paid on time or by any
22 credit that was properly allowable on the date the return was
23 required to be filed (penalty for late filing or nonfiling). If
24 any unprocessable return is corrected and filed within 30 days
25 after notice by the Department, the late filing or nonfiling
26 penalty shall not apply. If a penalty for late filing or
27 nonfiling is imposed in addition to a penalty for late payment,
28 the total penalty due shall be the sum of the late filing
29 penalty and the applicable late payment penalty. In the case of
30 any type of tax return required to be filed more frequently
31 than annually, when the failure to file the tax return on or
32 before the date prescribed for filing (including any
33 extensions) is shown to be nonfraudulent and has not occurred
34 in the 2 years immediately preceding the failure to file on the
35 prescribed due date, the penalty imposed by Section 3-3(a-10)
36 shall be abated.

1 (b) This subsection is applicable before January 1, 1998. A
2 penalty of 15% of the tax shown on the return or the tax
3 required to be shown due on the return shall be imposed for
4 failure to pay:

5 (1) the tax shown due on the return on or before the
6 due date prescribed for payment of that tax, an amount of
7 underpayment of estimated tax, or an amount that is
8 reported in an amended return other than an amended return
9 timely filed as required by subsection (b) of Section 506
10 of the Illinois Income Tax Act (penalty for late payment or
11 nonpayment of admitted liability); or

12 (2) the full amount of any tax required to be shown due
13 on a return and which is not shown (penalty for late
14 payment or nonpayment of additional liability), within 30
15 days after a notice of arithmetic error, notice and demand,
16 or a final assessment is issued by the Department. In the
17 case of a final assessment arising following a protest and
18 hearing, the 30-day period shall not begin until all
19 proceedings in court for review of the final assessment
20 have terminated or the period for obtaining a review has
21 expired without proceedings for a review having been
22 instituted. In the case of a notice of tax liability that
23 becomes a final assessment without a protest and hearing,
24 the penalty provided in this paragraph (2) shall be imposed
25 at the expiration of the period provided for the filing of
26 a protest.

27 (b-5) This subsection is applicable to returns due on and
28 after January 1, 1998 and on or before December 31, 2000. A
29 penalty of 20% of the tax shown on the return or the tax
30 required to be shown due on the return shall be imposed for
31 failure to pay:

32 (1) the tax shown due on the return on or before the
33 due date prescribed for payment of that tax, an amount of
34 underpayment of estimated tax, or an amount that is
35 reported in an amended return other than an amended return
36 timely filed as required by subsection (b) of Section 506

1 of the Illinois Income Tax Act (penalty for late payment or
2 nonpayment of admitted liability); or

3 (2) the full amount of any tax required to be shown due
4 on a return and which is not shown (penalty for late
5 payment or nonpayment of additional liability), within 30
6 days after a notice of arithmetic error, notice and demand,
7 or a final assessment is issued by the Department. In the
8 case of a final assessment arising following a protest and
9 hearing, the 30-day period shall not begin until all
10 proceedings in court for review of the final assessment
11 have terminated or the period for obtaining a review has
12 expired without proceedings for a review having been
13 instituted. In the case of a notice of tax liability that
14 becomes a final assessment without a protest and hearing,
15 the penalty provided in this paragraph (2) shall be imposed
16 at the expiration of the period provided for the filing of
17 a protest.

18 (b-10) This subsection (b-10) is applicable to returns due
19 on and after January 1, 2001 and on or before December 31,
20 2003. A penalty shall be imposed for failure to pay:

21 (1) the tax shown due on a return on or before the due
22 date prescribed for payment of that tax, an amount of
23 underpayment of estimated tax, or an amount that is
24 reported in an amended return other than an amended return
25 timely filed as required by subsection (b) of Section 506
26 of the Illinois Income Tax Act (penalty for late payment or
27 nonpayment of admitted liability). The amount of penalty
28 imposed under this subsection (b-10) (1) shall be 2% of any
29 amount that is paid no later than 30 days after the due
30 date, 5% of any amount that is paid later than 30 days
31 after the due date and not later than 90 days after the due
32 date, 10% of any amount that is paid later than 90 days
33 after the due date and not later than 180 days after the
34 due date, and 15% of any amount that is paid later than 180
35 days after the due date. If notice and demand is made for
36 the payment of any amount of tax due and if the amount due

1 is paid within 30 days after the date of the notice and
2 demand, then the penalty for late payment or nonpayment of
3 admitted liability under this subsection (b-10)(1) on the
4 amount so paid shall not accrue for the period after the
5 date of the notice and demand.

6 (2) the full amount of any tax required to be shown due
7 on a return and that is not shown (penalty for late payment
8 or nonpayment of additional liability), within 30 days
9 after a notice of arithmetic error, notice and demand, or a
10 final assessment is issued by the Department. In the case
11 of a final assessment arising following a protest and
12 hearing, the 30-day period shall not begin until all
13 proceedings in court for review of the final assessment
14 have terminated or the period for obtaining a review has
15 expired without proceedings for a review having been
16 instituted. The amount of penalty imposed under this
17 subsection (b-10)(2) shall be 20% of any amount that is not
18 paid within the 30-day period. In the case of a notice of
19 tax liability that becomes a final assessment without a
20 protest and hearing, the penalty provided in this
21 subsection (b-10)(2) shall be imposed at the expiration of
22 the period provided for the filing of a protest.

23 (b-15) This subsection (b-15) is applicable to returns due
24 on and after January 1, 2004.

25 (1) A penalty shall be imposed for failure to pay the
26 tax shown due or required to be shown due on a return on or
27 before the due date prescribed for payment of that tax, an
28 amount of underpayment of estimated tax, or an amount that
29 is reported in an amended return other than an amended
30 return timely filed as required by subsection (b) of
31 Section 506 of the Illinois Income Tax Act (penalty for
32 late payment or nonpayment of admitted liability). The
33 amount of penalty imposed under this subsection (b-15)(1)
34 shall be 2% of any amount that is paid no later than 30
35 days after the due date, 10% of any amount that is paid
36 later than 30 days after the due date and not later than 90

1 days after the due date, 15% of any amount that is paid
2 later than 90 days after the due date and not later than
3 180 days after the due date, and 20% of any amount that is
4 paid later than 180 days after the due date. If notice and
5 demand is made for the payment of any amount of tax due and
6 if the amount due is paid within 30 days after the date of
7 this notice and demand, then the penalty for late payment
8 or nonpayment of admitted liability under this subsection
9 (b-15) (1) on the amount so paid shall not accrue for the
10 period after the date of the notice and demand.

11 (2) A penalty shall be imposed for failure to file a
12 return or to show on a timely return the full amount of any
13 tax required to be shown due. The amount of penalty imposed
14 under this subsection (b-15) (2) shall be:

15 (A) 5% of any amount of tax (other than an amount
16 properly reported on an amended return timely filed as
17 required by subsection (b) of Section 506 of the
18 Illinois Income Tax Act) that is shown on a return or
19 amended return filed prior to the date the Department
20 has initiated an audit or investigation of the
21 taxpayer;

22 (B) 10% of any amount of tax (other than an amount
23 properly reported on an amended return timely filed as
24 required by subsection (b) of Section 506 of the
25 Illinois Income Tax Act) that is shown on a return or
26 amended return filed on or after the date the
27 Department has initiated an audit or investigation of
28 the taxpayer, but prior to the date any notice of
29 deficiency, notice of tax liability, notice of
30 assessment or notice of final assessment is issued by
31 the Department with respect to any portion of such
32 underreported amount; or

33 (C) 20% of any amount that is not reported on a
34 return or amended return filed prior to the date any
35 notice of deficiency, notice of tax liability, notice
36 of assessment or notice of final assessment is issued

1 by the Department with respect to any portion of such
2 underreported amount.

3 (c) For purposes of the late payment penalties, the basis
4 of the penalty shall be the tax shown or required to be shown
5 on a return, whichever is applicable, reduced by any part of
6 the tax which is paid on time and by any credit which was
7 properly allowable on the date the return was required to be
8 filed.

9 (d) A penalty shall be applied to the tax required to be
10 shown even if that amount is less than the tax shown on the
11 return.

12 (e) This subsection (e) is applicable to returns due before
13 January 1, 2001. If both a subsection (b)(1) or (b-5)(1)
14 penalty and a subsection (b)(2) or (b-5)(2) penalty are
15 assessed against the same return, the subsection (b)(2) or
16 (b-5)(2) penalty shall be assessed against only the additional
17 tax found to be due.

18 (e-5) This subsection (e-5) is applicable to returns due on
19 and after January 1, 2001. If both a subsection (b-10)(1)
20 penalty and a subsection (b-10)(2) penalty are assessed against
21 the same return, the subsection (b-10)(2) penalty shall be
22 assessed against only the additional tax found to be due.

23 (f) If the taxpayer has failed to file the return, the
24 Department shall determine the correct tax according to its
25 best judgment and information, which amount shall be prima
26 facie evidence of the correctness of the tax due.

27 (g) The time within which to file a return or pay an amount
28 of tax due without imposition of a penalty does not extend the
29 time within which to file a protest to a notice of tax
30 liability or a notice of deficiency.

31 (h) No return shall be determined to be unprocessable
32 because of the omission of any information requested on the
33 return pursuant to Section 2505-575 of the Department of
34 Revenue Law (20 ILCS 2505/2505-575).

35 (i) If a taxpayer has a tax liability that is eligible for
36 amnesty under the Tax Delinquency Amnesty Act and the taxpayer

1 fails to satisfy the tax liability during the amnesty period
2 provided for in that Act, then the penalty imposed by the
3 Department under this Section shall be imposed in an amount
4 that is 200% of the amount that would otherwise be imposed
5 under this Section.

6 (Source: P.A. 92-742, eff. 7-25-02; 93-26, eff. 6-20-03; 93-32,
7 eff. 6-20-03; revised 8-1-03.)

8 Section 175. The Illinois Pension Code is amended by
9 changing Sections 8-138, 11-134, 14-103.04, 16-150, and 16-182
10 as follows:

11 (40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

12 Sec. 8-138. Minimum annuities - Additional provisions.

13 (a) An employee who withdraws after age 65 or more with at
14 least 20 years of service, for whom the amount of age and
15 service and prior service annuity combined is less than the
16 amount stated in this Section, shall from the date of
17 withdrawal, instead of all annuities otherwise provided, be
18 entitled to receive an annuity for life of \$150 a year, plus 1
19 1/2% for each year of service, to and including 20 years, and 1
20 2/3% for each year of service over 20 years, of his highest
21 average annual salary for any 4 consecutive years within the
22 last 10 years of service immediately preceding the date of
23 withdrawal.

24 An employee who withdraws after 20 or more years of
25 service, before age 65, shall be entitled to such annuity, to
26 begin not earlier than upon attained age of 55 years if under
27 such age at withdrawal, reduced by 2% for each full year or
28 fractional part thereof that his attained age is less than 65,
29 plus an additional 2% reduction for each full year or
30 fractional part thereof that his attained age when annuity is
31 to begin is less than 60 so that the total reduction at age 55
32 shall be 30%.

33 (b) An employee who withdraws after July 1, 1957, at age 60
34 or over, with 20 or more years of service, for whom the age and

1 service and prior service annuity combined, is less than the
2 amount stated in this paragraph, shall, from the date of
3 withdrawal, instead of such annuities, be entitled to receive
4 an annuity for life equal to 1 2/3% for each year of service,
5 of the highest average annual salary for any 5 consecutive
6 years within the last 10 years of service immediately preceding
7 the date of withdrawal; provided, that in the case of any
8 employee who withdraws on or after July 1, 1971, such employee
9 age 60 or over with 20 or more years of service, shall receive
10 an annuity for life equal to 1.67% for each of the first 10
11 years of service; 1.90% for each of the next 10 years of
12 service; 2.10% for each year of service in excess of 20 but not
13 exceeding 30; and 2.30% for each year of service in excess of
14 30, based on the highest average annual salary for any 4
15 consecutive years within the last 10 years of service
16 immediately preceding the date of withdrawal.

17 An employee who withdraws after July 1, 1957 and before
18 January 1, 1988, with 20 or more years of service, before age
19 60 years is entitled to annuity, to begin not earlier than upon
20 attained age of 55 years, if under such age at withdrawal, as
21 computed in the last preceding paragraph, reduced 0.25% for
22 each full month or fractional part thereof that his attained
23 age when annuity is to begin is less than 60 if the employee
24 was born before January 1, 1936, or 0.5% for each such month if
25 the employee was born on or after January 1, 1936.

26 Any employee born before January 1, 1936, who withdraws
27 with 20 or more years of service, and any employee with 20 or
28 more years of service who withdraws on or after January 1,
29 1988, may elect to receive, in lieu of any other employee
30 annuity provided in this Section, an annuity for life equal to
31 1.80% for each of the first 10 years of service, 2.00% for each
32 of the next 10 years of service, 2.20% for each year of service
33 in excess of 20 but not exceeding 30, and 2.40% for each year
34 of service in excess of 30, of the highest average annual
35 salary for any 4 consecutive years within the last 10 years of
36 service immediately preceding the date of withdrawal, to begin

1 not earlier than upon attained age of 55 years, if under such
2 age at withdrawal, reduced 0.25% for each full month or
3 fractional part thereof that his attained age when annuity is
4 to begin is less than 60; except that an employee retiring on
5 or after January 1, 1988, at age 55 or over but less than age
6 60, having at least 35 years of service, or an employee
7 retiring on or after July 1, 1990, at age 55 or over but less
8 than age 60, having at least 30 years of service, or an
9 employee retiring on or after the effective date of this
10 amendatory Act of 1997, at age 55 or over but less than age 60,
11 having at least 25 years of service, shall not be subject to
12 the reduction in retirement annuity because of retirement below
13 age 60.

14 However, in the case of an employee who retired on or after
15 January 1, 1985 but before January 1, 1988, at age 55 or older
16 and with at least 35 years of service, and who was subject
17 under this subsection (b) to the reduction in retirement
18 annuity because of retirement below age 60, that reduction
19 shall cease to be effective January 1, 1991, and the retirement
20 annuity shall be recalculated accordingly.

21 Any employee who withdraws on or after July 1, 1990, with
22 20 or more years of service, may elect to receive, in lieu of
23 any other employee annuity provided in this Section, an annuity
24 for life equal to 2.20% for each year of service if withdrawal
25 is before January 1, 2002, ~~60 days after the effective date of~~
26 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for
27 each year of service if withdrawal is on or after January 1,
28 2002, ~~60 days after the effective date of this amendatory Act~~
29 ~~of the 92nd General Assembly or later,~~ of the highest average
30 annual salary for any 4 consecutive years within the last 10
31 years of service immediately preceding the date of withdrawal,
32 to begin not earlier than upon attained age of 55 years, if
33 under such age at withdrawal, reduced 0.25% for each full month
34 or fractional part thereof that his attained age when annuity
35 is to begin is less than 60; except that an employee retiring
36 at age 55 or over but less than age 60, having at least 30 years

1 of service, shall not be subject to the reduction in retirement
2 annuity because of retirement below age 60.

3 Any employee who withdraws on or after the effective date
4 of this amendatory Act of 1997 with 20 or more years of service
5 may elect to receive, in lieu of any other employee annuity
6 provided in this Section, an annuity for life equal to 2.20%
7 for each year of service, if withdrawal is before January 1,
8 2002, ~~60 days after the effective date of this amendatory Act~~
9 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service
10 if withdrawal is on or after January 1, 2002, ~~60 days after the~~
11 ~~effective date of this amendatory Act of the 92nd General~~
12 ~~Assembly or later,~~ of the highest average annual salary for any
13 4 consecutive years within the last 10 years of service
14 immediately preceding the date of withdrawal, to begin not
15 earlier than upon attainment of age 55 (age 50 if the employee
16 has at least 30 years of service), reduced 0.25% for each full
17 month or remaining fractional part thereof that the employee's
18 attained age when annuity is to begin is less than 60; except
19 that an employee retiring at age 50 or over with at least 30
20 years of service or at age 55 or over with at least 25 years of
21 service shall not be subject to the reduction in retirement
22 annuity because of retirement below age 60.

23 The maximum annuity payable under part (a) and (b) of this
24 Section shall not exceed 70% of highest average annual salary
25 in the case of an employee who withdraws prior to July 1, 1971,
26 75% if withdrawal takes place on or after July 1, 1971 and
27 prior to January 1, 2002, ~~60 days after the effective date of~~
28 ~~this amendatory Act of the 92nd General Assembly,~~ or 80% if
29 withdrawal takes place on or after January 1, 2002 ~~is 60 days~~
30 ~~after the effective date of this amendatory Act of the 92nd~~
31 ~~General Assembly or later.~~ For the purpose of the minimum
32 annuity provided in this Section \$1,500 is considered the
33 minimum annual salary for any year; and the maximum annual
34 salary for the computation of such annuity is \$4,800 for any
35 year before 1953, \$6000 for the years 1953 to 1956, inclusive,
36 and the actual annual salary, as salary is defined in this

1 Article, for any year thereafter.

2 To preserve rights existing on December 31, 1959, for
3 participants and contributors on that date to the fund created
4 by the Court and Law Department Employees' Annuity Act, who
5 became participants in the fund provided for on January 1,
6 1960, the maximum annual salary to be considered for such
7 persons for the years 1955 and 1956 is \$7,500.

8 (c) For an employee receiving disability benefit, his
9 salary for annuity purposes under paragraphs (a) and (b) of
10 this Section, for all periods of disability benefit subsequent
11 to the year 1956, is the amount on which his disability benefit
12 was based.

13 (d) An employee with 20 or more years of service, whose
14 entire disability benefit credit period expires before
15 attainment of age 55 while still disabled for service, is
16 entitled upon withdrawal to the larger of (1) the minimum
17 annuity provided above, assuming he is then age 55, and
18 reducing such annuity to its actuarial equivalent as of his
19 attained age on such date or (2) the annuity provided from his
20 age and service and prior service annuity credits.

21 (e) The minimum annuity provisions do not apply to any
22 former municipal employee receiving an annuity from the fund
23 who re-enters service as a municipal employee, unless he
24 renders at least 3 years of additional service after the date
25 of re-entry.

26 (f) An employee in service on July 1, 1947, or who became a
27 contributor after July 1, 1947 and before attainment of age 70,
28 who withdraws after age 65, with less than 20 years of service
29 for whom the annuity has been fixed under this Article shall,
30 instead of the annuity so fixed, receive an annuity as follows:

31 Such amount as he could have received had the accumulated
32 amounts for annuity been improved with interest at the
33 effective rate to the date of his withdrawal, or to attainment
34 of age 70, whichever is earlier, and had the city contributed
35 to such earlier date for age and service annuity the amount
36 that it would have contributed had he been under age 65, after

1 the date his annuity was fixed in accordance with this Article,
2 and assuming his annuity were computed from such accumulations
3 as of his age on such earlier date. The annuity so computed
4 shall not exceed the annuity which would be payable under the
5 other provisions of this Section if the employee was credited
6 with 20 years of service and would qualify for annuity
7 thereunder.

8 (g) Instead of the annuity provided in this Article, an
9 employee having attained age 65 with at least 15 years of
10 service who withdraws from service on or after July 1, 1971 and
11 whose annuity computed under other provisions of this Article
12 is less than the amount provided under this paragraph, is
13 entitled to a minimum annuity for life equal to 1% of the
14 highest average annual salary, as salary is defined and limited
15 in this Section for any 4 consecutive years within the last 10
16 years of service for each year of service, plus the sum of \$25
17 for each year of service. The annuity shall not exceed 60% of
18 such highest average annual salary.

19 (g-1) Instead of any other retirement annuity provided in
20 this Article, an employee who has at least 10 years of service
21 and withdraws from service on or after January 1, 1999 may
22 elect to receive a retirement annuity for life, beginning no
23 earlier than upon attainment of age 60, equal to 2.2% if
24 withdrawal is before January 1, 2002, ~~60 days after the~~
25 ~~effective date of this amendatory Act of the 92nd General~~
26 ~~Assembly~~ or 2.4% if withdrawal is on or after January 1, 2002,
27 ~~60 days after the effective date of this amendatory Act of the~~
28 ~~92nd General Assembly or later,~~ of final average salary for
29 each year of service, subject to a maximum of 75% of final
30 average salary if withdrawal is before January 1, 2002, or 80%
31 if withdrawal is on or after January 1, 2002. For the purpose
32 of calculating this annuity, "final average salary" means the
33 highest average annual salary for any 4 consecutive years in
34 the last 10 years of service.

35 (h) The minimum annuities provided under this Section shall
36 be paid in equal monthly installments.

1 (i) The amendatory provisions of part (b) and (g) of this
2 Section shall be effective July 1, 1971 and apply in the case
3 of every qualifying employee withdrawing on or after July 1,
4 1971.

5 (j) The amendatory provisions of this amendatory Act of
6 1985 (P.A. 84-23) relating to the discount of annuity because
7 of retirement prior to attainment of age 60, and to the
8 retirement formula, for those born before January 1, 1936,
9 shall apply only to qualifying employees withdrawing on or
10 after July 18, 1985.

11 (j-1) The changes made to this Section by Public Act 92-609
12 ~~this amendatory Act of the 92nd General Assembly~~ (increasing
13 the retirement formula to 2.4% per year of service and
14 increasing the maximum to 80%) apply to persons who withdraw
15 from service on or after January 1, 2002, regardless of whether
16 that withdrawal takes place before the effective date of that
17 ~~this amendatory~~ Act. In the case of a person who withdraws from
18 service on or after January 1, 2002 but begins to receive a
19 retirement annuity before July 1, 2002 ~~the effective date of~~
20 ~~this amendatory Act~~, the annuity shall be recalculated, with
21 the increase resulting from Public ~~this amendatory~~ Act 92-609
22 accruing from the date the retirement annuity began. The
23 changes made by Public Act 92-609 control over the changes made
24 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

25 (k) Beginning on January 1, 1999, the minimum amount of
26 employee's annuity shall be \$850 per month for life for the
27 following classes of employees, without regard to the fact that
28 withdrawal occurred prior to the effective date of this
29 amendatory Act of 1998:

30 (1) any employee annuitant alive and receiving a life
31 annuity on the effective date of this amendatory Act of
32 1998, except a reciprocal annuity;

33 (2) any employee annuitant alive and receiving a term
34 annuity on the effective date of this amendatory Act of
35 1998, except a reciprocal annuity;

36 (3) any employee annuitant alive and receiving a

1 reciprocal annuity on the effective date of this amendatory
2 Act of 1998, whose service in this fund is at least 5
3 years;

4 (4) any employee annuitant withdrawing after age 60 on
5 or after the effective date of this amendatory Act of 1998,
6 with at least 10 years of service in this fund.

7 The increases granted under items (1), (2) and (3) of this
8 subsection (k) shall not be limited by any other Section of
9 this Act.

10 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;
11 revised 9-11-02.)

12 (40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)
13 Sec. 11-134. Minimum annuities.

14 (a) An employee whose withdrawal occurs after July 1, 1957
15 at age 60 or over, with 20 or more years of service, (as
16 service is defined or computed in Section 11-216), for whom the
17 age and service and prior service annuity combined is less than
18 the amount stated in this Section, shall, from and after the
19 date of withdrawal, in lieu of all annuities otherwise provided
20 in this Article, be entitled to receive an annuity for life of
21 an amount equal to 1 2/3% for each year of service, of the
22 highest average annual salary for any 5 consecutive years
23 within the last 10 years of service immediately preceding the
24 date of withdrawal; provided, that in the case of any employee
25 who withdraws on or after July 1, 1971, such employee age 60 or
26 over with 20 or more years of service, shall be entitled to
27 instead receive an annuity for life equal to 1.67% for each of
28 the first 10 years of service; 1.90% for each of the next 10
29 years of service; 2.10% for each year of service in excess of
30 20 but not exceeding 30; and 2.30% for each year of service in
31 excess of 30, based on the highest average annual salary for
32 any 4 consecutive years within the last 10 years of service
33 immediately preceding the date of withdrawal.

34 An employee who withdraws after July 1, 1957 and before
35 January 1, 1988, with 20 or more years of service, before age

1 60, shall be entitled to an annuity, to begin not earlier than
2 age 55, if under such age at withdrawal, as computed in the
3 last preceding paragraph, reduced 0.25% if the employee was
4 born before January 1, 1936, or 0.5% if the employee was born
5 on or after January 1, 1936, for each full month or fractional
6 part thereof that his attained age when such annuity is to
7 begin is less than 60.

8 Any employee born before January 1, 1936 who withdraws with
9 20 or more years of service, and any employee with 20 or more
10 years of service who withdraws on or after January 1, 1988, may
11 elect to receive, in lieu of any other employee annuity
12 provided in this Section, an annuity for life equal to 1.80%
13 for each of the first 10 years of service, 2.00% for each of
14 the next 10 years of service, 2.20% for each year of service in
15 excess of 20, but not exceeding 30, and 2.40% for each year of
16 service in excess of 30, of the highest average annual salary
17 for any 4 consecutive years within the last 10 years of service
18 immediately preceding the date of withdrawal, to begin not
19 earlier than upon attained age of 55 years, if under such age
20 at withdrawal, reduced 0.25% for each full month or fractional
21 part thereof that his attained age when annuity is to begin is
22 less than 60; except that an employee retiring on or after
23 January 1, 1988, at age 55 or over but less than age 60, having
24 at least 35 years of service, or an employee retiring on or
25 after July 1, 1990, at age 55 or over but less than age 60,
26 having at least 30 years of service, or an employee retiring on
27 or after the effective date of this amendatory Act of 1997, at
28 age 55 or over but less than age 60, having at least 25 years of
29 service, shall not be subject to the reduction in retirement
30 annuity because of retirement below age 60.

31 However, in the case of an employee who retired on or after
32 January 1, 1985 but before January 1, 1988, at age 55 or older
33 and with at least 35 years of service, and who was subject
34 under this subsection (a) to the reduction in retirement
35 annuity because of retirement below age 60, that reduction
36 shall cease to be effective January 1, 1991, and the retirement

1 annuity shall be recalculated accordingly.

2 Any employee who withdraws on or after July 1, 1990, with
3 20 or more years of service, may elect to receive, in lieu of
4 any other employee annuity provided in this Section, an annuity
5 for life equal to 2.20% for each year of service if withdrawal
6 is before January 1, 2002, ~~60 days after the effective date of~~
7 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for
8 each year of service if withdrawal is on or after January 1,
9 2002, ~~60 days after the effective date of this amendatory Act~~
10 ~~of the 92nd General Assembly or later,~~ of the highest average
11 annual salary for any 4 consecutive years within the last 10
12 years of service immediately preceding the date of withdrawal,
13 to begin not earlier than upon attained age of 55 years, if
14 under such age at withdrawal, reduced 0.25% for each full month
15 or fractional part thereof that his attained age when annuity
16 is to begin is less than 60; except that an employee retiring
17 at age 55 or over but less than age 60, having at least 30 years
18 of service, shall not be subject to the reduction in retirement
19 annuity because of retirement below age 60.

20 Any employee who withdraws on or after the effective date
21 of this amendatory Act of 1997 with 20 or more years of service
22 may elect to receive, in lieu of any other employee annuity
23 provided in this Section, an annuity for life equal to 2.20%
24 for each year of service if withdrawal is before January 1,
25 2002, ~~60 days after the effective date of this amendatory Act~~
26 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service
27 if withdrawal is on or after January 1, 2002, ~~60 days after the~~
28 ~~effective date of this amendatory Act of the 92nd General~~
29 ~~Assembly or later,~~ of the highest average annual salary for any
30 4 consecutive years within the last 10 years of service
31 immediately preceding the date of withdrawal, to begin not
32 earlier than upon attainment of age 55 (age 50 if the employee
33 has at least 30 years of service), reduced 0.25% for each full
34 month or remaining fractional part thereof that the employee's
35 attained age when annuity is to begin is less than 60; except
36 that an employee retiring at age 50 or over with at least 30

1 years of service or at age 55 or over with at least 25 years of
2 service shall not be subject to the reduction in retirement
3 annuity because of retirement below age 60.

4 The maximum annuity payable under this paragraph (a) of
5 this Section shall not exceed 70% of highest average annual
6 salary in the case of an employee who withdraws prior to July
7 1, 1971, 75% if withdrawal takes place on or after July 1, 1971
8 and prior to January 1, 2002, ~~60 days after the effective date~~
9 ~~of this amendatory Act of the 92nd General Assembly,~~ or 80% if
10 withdrawal is on or after January 1, 2002 ~~60 days after the~~
11 ~~effective date of this amendatory Act of the 92nd General~~
12 ~~Assembly or later.~~ For the purpose of the minimum annuity
13 provided in said paragraphs \$1,500 shall be considered the
14 minimum annual salary for any year; and the maximum annual
15 salary to be considered for the computation of such annuity
16 shall be \$4,800 for any year prior to 1953, \$6,000 for the
17 years 1953 to 1956, inclusive, and the actual annual salary, as
18 salary is defined in this Article, for any year thereafter.

19 (b) For an employee receiving disability benefit, his
20 salary for annuity purposes under this Section shall, for all
21 periods of disability benefit subsequent to the year 1956, be
22 the amount on which his disability benefit was based.

23 (c) An employee with 20 or more years of service, whose
24 entire disability benefit credit period expires prior to
25 attainment of age 55 while still disabled for service, shall be
26 entitled upon withdrawal to the larger of (1) the minimum
27 annuity provided above assuming that he is then age 55, and
28 reducing such annuity to its actuarial equivalent at his
29 attained age on such date, or (2) the annuity provided from his
30 age and service and prior service annuity credits.

31 (d) The minimum annuity provisions as aforesaid shall not
32 apply to any former employee receiving an annuity from the
33 fund, and who re-enters service as an employee, unless he
34 renders at least 3 years of additional service after the date
35 of re-entry.

36 (e) An employee in service on July 1, 1947, or who became a

1 contributor after July 1, 1947 and prior to July 1, 1950, or
2 who shall become a contributor to the fund after July 1, 1950
3 prior to attainment of age 70, who withdraws after age 65 with
4 less than 20 years of service, for whom the annuity has been
5 fixed under the foregoing Sections of this Article shall, in
6 lieu of the annuity so fixed, receive an annuity as follows:

7 Such amount as he could have received had the accumulated
8 amounts for annuity been improved with interest at the
9 effective rate to the date of his withdrawal, or to attainment
10 of age 70, whichever is earlier, and had the city contributed
11 to such earlier date for age and service annuity the amount
12 that would have been contributed had he been under age 65,
13 after the date his annuity was fixed in accordance with this
14 Article, and assuming his annuity were computed from such
15 accumulations as of his age on such earlier date. The annuity
16 so computed shall not exceed the annuity which would be payable
17 under the other provisions of this Section if the employee was
18 credited with 20 years of service and would qualify for annuity
19 thereunder.

20 (f) In lieu of the annuity provided in this or in any other
21 Section of this Article, an employee having attained age 65
22 with at least 15 years of service who withdraws from service on
23 or after July 1, 1971 and whose annuity computed under other
24 provisions of this Article is less than the amount provided
25 under this paragraph shall be entitled to receive a minimum
26 annual annuity for life equal to 1% of the highest average
27 annual salary for any 4 consecutive years within the last 10
28 years of service immediately preceding retirement for each year
29 of his service plus the sum of \$25 for each year of service.
30 Such annual annuity shall not exceed the maximum percentages
31 stated under paragraph (a) of this Section of such highest
32 average annual salary.

33 (f-1) Instead of any other retirement annuity provided in
34 this Article, an employee who has at least 10 years of service
35 and withdraws from service on or after January 1, 1999 may
36 elect to receive a retirement annuity for life, beginning no

1 earlier than upon attainment of age 60, equal to 2.2% if
2 withdrawal is before January 1, 2002, ~~60 days after the~~
3 ~~effective date of this amendatory Act of the 92nd General~~
4 ~~Assembly~~ or 2.4% for each year of service if withdrawal is on
5 or after January 1, 2002, ~~60 days after the effective date of~~
6 ~~this amendatory Act of the 92nd General Assembly or later,~~ of
7 final average salary for each year of service, subject to a
8 maximum of 75% of final average salary if withdrawal is before
9 January 1, 2002, ~~60 days after the effective date of this~~
10 ~~amendatory Act of the 92nd General Assembly,~~ or 80% if
11 withdrawal is on or after January 1, 2002 ~~60 days after the~~
12 ~~effective date of this amendatory Act of the 92nd General~~
13 ~~Assembly or later.~~ For the purpose of calculating this annuity,
14 "final average salary" means the highest average annual salary
15 for any 4 consecutive years in the last 10 years of service.

16 (g) Any annuity payable under the preceding subsections of
17 this Section 11-134 shall be paid in equal monthly
18 installments.

19 (h) The amendatory provisions of part (a) and (f) of this
20 Section shall be effective July 1, 1971 and apply in the case
21 of every qualifying employee withdrawing on or after July 1,
22 1971.

23 (h-1) The changes made to this Section by Public Act 92-609
24 ~~this amendatory Act of the 92nd General Assembly~~ (increasing
25 the retirement formula to 2.4% per year of service and
26 increasing the maximum to 80%) apply to persons who withdraw
27 from service on or after January 1, 2002, regardless of whether
28 that withdrawal takes place before the effective date of that
29 ~~this amendatory~~ Act. In the case of a person who withdraws from
30 service on or after January 1, 2002 but begins to receive a
31 retirement annuity before July 1, 2002 ~~the effective date of~~
32 ~~this amendatory Act,~~ the annuity shall be recalculated, with
33 the increase resulting from Public ~~this amendatory~~ Act 92-609
34 accruing from the date the retirement annuity began. The
35 changes made by Public Act 92-609 control over the changes made
36 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

1 (i) The amendatory provisions of this amendatory Act of
2 1985 relating to the discount of annuity because of retirement
3 prior to attainment of age 60 and increasing the retirement
4 formula for those born before January 1, 1936, shall apply only
5 to qualifying employees withdrawing on or after August 16,
6 1985.

7 (j) Beginning on January 1, 1999, the minimum amount of
8 employee's annuity shall be \$850 per month for life for the
9 following classes of employees, without regard to the fact that
10 withdrawal occurred prior to the effective date of this
11 amendatory Act of 1998:

12 (1) any employee annuitant alive and receiving a life
13 annuity on the effective date of this amendatory Act of
14 1998, except a reciprocal annuity;

15 (2) any employee annuitant alive and receiving a term
16 annuity on the effective date of this amendatory Act of
17 1998, except a reciprocal annuity;

18 (3) any employee annuitant alive and receiving a
19 reciprocal annuity on the effective date of this amendatory
20 Act of 1998, whose service in this fund is at least 5
21 years;

22 (4) any employee annuitant withdrawing after age 60 on
23 or after the effective date of this amendatory Act of 1998,
24 with at least 10 years of service in this fund.

25 The increases granted under items (1), (2) and (3) of this
26 subsection (j) shall not be limited by any other Section of
27 this Act.

28 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;
29 revised 9-11-02.)

30 (40 ILCS 5/14-103.04) (from Ch. 108 1/2, par. 14-103.04)

31 Sec. 14-103.04. Department. "Department": Any department,
32 institution, board, commission, officer, court, or any agency
33 of the State having power to certify payrolls to the State
34 Comptroller authorizing payments of salary or wages against
35 State appropriations, or against trust funds held by the State

1 Treasurer, except those departments included under the term
2 "employer" in the State Universities Retirement System.
3 "Department" includes the Illinois Finance Authority.
4 "Department" also includes the Illinois Comprehensive Health
5 Insurance Board ~~and the Illinois Finance Authority.~~
6 (Source: P.A. 93-205 (Sections 890-11 and 890-44), eff. 1-1-04;
7 revised 9-23-03.)

8 (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)
9 Sec. 16-150. Re-entry.

10 (a) This Section does not apply to an annuitant who returns
11 to teaching under the program established in Section 16-150.1,
12 for the duration of his or her participation in that program.

13 (b) If an annuitant under this System is again employed as
14 a teacher for an aggregate period exceeding that permitted by
15 Section 16-118, his or her retirement annuity shall be
16 terminated and the annuitant shall thereupon be regarded as an
17 active member.

18 Such annuitant is not entitled to a recomputation of his or
19 her retirement annuity unless at least one full year of
20 creditable service is rendered after the latest re-entry into
21 service and the annuitant must have rendered at least 3 years
22 of creditable service after last re-entry into service to
23 qualify for a recomputation of the retirement annuity based on
24 amendments enacted while in receipt of a retirement annuity,
25 except when retirement was due to disability.

26 However, regardless of age, an annuitant in receipt of a
27 retirement annuity may be given temporary employment by a
28 school board not exceeding that permitted under Section 16-118
29 and continue to receive the retirement annuity.

30 (c) Unless retirement was necessitated by disability, a
31 retirement shall be considered cancelled and the retirement
32 allowance must be repaid in full if the annuitant is employed
33 as a teacher within the school year during which service was
34 terminated.

35 (d) An annuitant's retirement which does not include a

1 period of at least one full and complete school year shall be
2 considered cancelled and the retirement annuity must be repaid
3 in full unless such retirement was necessitated by disability.
4 (Source: P.A. 93-320, eff. 7-23-03; 93-469, eff. 8-8-03;
5 revised 9-11-03.)

6 (40 ILCS 5/16-182) (from Ch. 108 1/2, par. 16-182)

7 Sec. 16-182. Members' Contribution Reserve. ~~(a)~~ On July 1,
8 2003, the Members' Contribution Reserve is abolished and the
9 remaining balance shall be transferred from that Reserve to the
10 Benefit Trust Reserve.

11 (Source: P.A. 93-469, eff. 8-8-03; revised 10-9-03.)

12 Section 180. The Bi-State Development Agency Act is amended
13 by changing Section 3 as follows:

14 (45 ILCS 105/3) (from Ch. 127, par. 63s-3)

15 (Text of Section before amendment by P.A. 93-432)

16 Sec. 3. Vacancies occurring in the office of any
17 commissioner shall be filled by appointment by the Governor, by
18 and with the advice and consent of the Senate, for the
19 unexpired term. In any case of vacancy, while the Senate is not
20 in session, the Governor shall make a temporary appointment
21 until the next meeting of the Senate, when he shall nominate
22 some person to fill such office.

23 (Source: Laws 1949, p. 448.)

24 (Text of Section after amendment by P.A. 93-432)

25 Sec. 3. Vacancies occurring in the office of any
26 commissioner shall be filled by appointment by the Chairman of
27 the County Board that made the original appointment of that
28 commissioner, with the advice and consent of the respective
29 county board, for the unexpired term. Any vacancies occurring
30 during the transition for the implementation of this amendatory
31 Act of the 93rd General Assembly that were appointed by the
32 Governor, and not by the respective County Board Chairmen,

1 shall be filled by the appointment by the County Board Chairman
2 of Madison County if occurring in the years 2004, 2006, or 2008
3 or by the County Board Chairman of St. Clair County if
4 occurring in the years 2005 or 2007, each with the advice and
5 consent of the respective county board.

6 (Source: P.A. 93-432, eff. 6-1-04; revised 10-9-03.)

7 Section 185. The Interstate Compact for Adult Offender
8 Supervision is amended by setting forth and renumbering
9 multiple versions of Section 110 as follows:

10 (45 ILCS 170/110)

11 Sec. 110. (Amendatory provisions; text omitted.)

12 (Source: P.A. 92-571, eff. 6-26-02; text omitted.)

13 (45 ILCS 170/115)

14 Sec. 115. ~~110~~. The Unified Code of Corrections is amended
15 by repealing Section 3-3-11.

16 (Source: P.A. 92-571, eff. 6-26-02; revised 7-15-02.)

17 Section 188. The Public Works Contract Change Order Act is
18 amended by changing Section 5 as follows:

19 (50 ILCS 525/5)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

22 Sec. 5. Change orders; bidding. If a change order for any
23 public works contract (i) is entered into by a unit of local
24 government or school district, (ii) is not procured in
25 accordance with the Illinois Procurement Code and the State
26 Finance Act, and (iii) authorizes or necessitates any increase
27 in the contract price that is 50% or more of the original
28 contract price, then the portion of the contract that is
29 covered by the change order must be resubmitted for bidding in
30 the same manner for which the original contract was bid.
31 Bidding for the portion of the contract covered by the change

1 order is subject to any requirements to employ females and
2 minorities on the public works project that existed at the
3 bidding for the original contract, together with any later
4 requirements imposed by law.

5 (Source: P.A. 93-656, eff. 6-1-04; revised 1-22-04.)

6 Section 190. The Emergency Telephone System Act is amended
7 by changing Section 15.3 as follows:

8 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

9 Sec. 15.3. Surcharge.

10 (a) The corporate authorities of any municipality or any
11 county may, subject to the limitations of subsections (c), (d),
12 and (h), and in addition to any tax levied pursuant to the
13 Simplified Municipal Telecommunications Tax Act, impose a
14 monthly surcharge on billed subscribers of network connection
15 provided by telecommunication carriers engaged in the business
16 of transmitting messages by means of electricity originating
17 within the corporate limits of the municipality or county
18 imposing the surcharge at a rate per network connection
19 determined in accordance with subsection (c). Provided,
20 however, that where multiple voice grade communications
21 channels are connected between the subscriber's premises and a
22 public switched network through private branch exchange (PBX)
23 or centrex type service, a municipality imposing a surcharge at
24 a rate per network connection, as determined in accordance with
25 this Act, shall impose 5 such surcharges per network
26 connection, as determined in accordance with subsections (a)
27 and (d) of Section 2.12 of this Act. For mobile
28 telecommunications services, if a surcharge is imposed it shall
29 be imposed based upon the municipality or county that
30 encompasses the customer's place of primary use as defined in
31 the Mobile Telecommunications Sourcing Conformity Act. A
32 municipality may enter into an intergovernmental agreement
33 with any county in which it is partially located, when the
34 county has adopted an ordinance to impose a surcharge as

1 provided in subsection (c), to include that portion of the
 2 municipality lying outside the county in that county's
 3 surcharge referendum. If the county's surcharge referendum is
 4 approved, the portion of the municipality identified in the
 5 intergovernmental agreement shall automatically be
 6 disconnected from the county in which it lies and connected to
 7 the county which approved the referendum for purposes of a
 8 surcharge on telecommunications carriers.

9 (b) For purposes of computing the surcharge imposed by
 10 subsection (a), the network connections to which the surcharge
 11 shall apply shall be those in-service network connections,
 12 other than those network connections assigned to the
 13 municipality or county, where the service address for each such
 14 network connection or connections is located within the
 15 corporate limits of the municipality or county levying the
 16 surcharge. Except for mobile telecommunication services, the
 17 "service address" shall mean the location of the primary use of
 18 the network connection or connections. For mobile
 19 telecommunication services, "service address" means the
 20 customer's place of primary use as defined in the Mobile
 21 Telecommunications Sourcing Conformity Act. With respect to
 22 network connections provided for use with pay telephone
 23 services for which there is no billed subscriber, the
 24 telecommunications carrier providing the network connection
 25 shall be deemed to be its own billed subscriber for purposes of
 26 applying the surcharge.

27 (c) Upon the passage of an ordinance to impose a surcharge
 28 under this Section the clerk of the municipality or county
 29 shall certify the question of whether the surcharge may be
 30 imposed to the proper election authority who shall submit the
 31 public question to the electors of the municipality or county
 32 in accordance with the general election law; provided that such
 33 question shall not be submitted at a consolidated primary
 34 election. The public question shall be in substantially the
 35 following form:

36 -----

1 Shall the county (or city, village
2 or incorporated town) of impose YES
3 a surcharge of up to ...¢ per month per
4 network connection, which surcharge will
5 be added to the monthly bill you receive -----
6 for telephone or telecommunications
7 charges, for the purpose of installing
8 (or improving) a 9-1-1 Emergency NO
9 Telephone System?

10 -----

11 If a majority of the votes cast upon the public question
12 are in favor thereof, the surcharge shall be imposed.

13 However, if a Joint Emergency Telephone System Board is to
14 be created pursuant to an intergovernmental agreement under
15 Section 15.4, the ordinance to impose the surcharge shall be
16 subject to the approval of a majority of the total number of
17 votes cast upon the public question by the electors of all of
18 the municipalities or counties, or combination thereof, that
19 are parties to the intergovernmental agreement.

20 The referendum requirement of this subsection (c) shall not
21 apply to any municipality with a population over 500,000 or to
22 any county in which a proposition as to whether a sophisticated
23 9-1-1 Emergency Telephone System should be installed in the
24 county, at a cost not to exceed a specified monthly amount per
25 network connection, has previously been approved by a majority
26 of the electors of the county voting on the proposition at an
27 election conducted before the effective date of this amendatory
28 Act of 1987.

29 (d) A county may not impose a surcharge, unless requested
30 by a municipality, in any incorporated area which has
31 previously approved a surcharge as provided in subsection (c)
32 or in any incorporated area where the corporate authorities of
33 the municipality have previously entered into a binding
34 contract or letter of intent with a telecommunications carrier
35 to provide sophisticated 9-1-1 service through municipal
36 funds.

1 (e) A municipality or county may at any time by ordinance
2 change the rate of the surcharge imposed under this Section if
3 the new rate does not exceed the rate specified in the
4 referendum held pursuant to subsection (c).

5 (f) The surcharge authorized by this Section shall be
6 collected from the subscriber by the telecommunications
7 carrier providing the subscriber the network connection as a
8 separately stated item on the subscriber's bill.

9 (g) The amount of surcharge collected by the
10 telecommunications carrier shall be paid to the particular
11 municipality or county or Joint Emergency Telephone System
12 Board not later than 30 days after the surcharge is collected,
13 net of any network or other 9-1-1 or sophisticated 9-1-1 system
14 charges then due the particular telecommunications carrier, as
15 shown on an itemized bill. The telecommunications carrier
16 collecting the surcharge shall also be entitled to deduct 3% of
17 the gross amount of surcharge collected to reimburse the
18 telecommunications carrier for the expense of accounting and
19 collecting the surcharge.

20 (h) Except as expressly provided in subsection (a) of this
21 Section, a municipality with a population over 500,000 may not
22 impose a monthly surcharge in excess of \$1.25 per network
23 connection.

24 (i) Any municipality or county or joint emergency telephone
25 system board that has imposed a surcharge pursuant to this
26 Section prior to the effective date of this amendatory Act of
27 1990 shall hereafter impose the surcharge in accordance with
28 subsection (b) of this Section.

29 (j) The corporate authorities of any municipality or county
30 may issue, in accordance with Illinois law, bonds, notes or
31 other obligations secured in whole or in part by the proceeds
32 of the surcharge described in this Section. Notwithstanding any
33 change in law subsequent to the issuance of any bonds, notes or
34 other obligations secured by the surcharge, every municipality
35 or county issuing such bonds, notes or other obligations shall
36 be authorized to impose the surcharge as though the laws

1 relating to the imposition of the surcharge in effect at the
2 time of issuance of the bonds, notes or other obligations were
3 in full force and effect until the bonds, notes or other
4 obligations are paid in full. The State of Illinois pledges and
5 agrees that it will not limit or alter the rights and powers
6 vested in municipalities and counties by this Section to impose
7 the surcharge so as to impair the terms of or affect the
8 security for bonds, notes or other obligations secured in whole
9 or in part with the proceeds of the surcharge described in this
10 Section.

11 (k) Any surcharge collected by or imposed on a
12 telecommunications carrier pursuant to this Section shall be
13 held to be a special fund in trust for the municipality, county
14 or Joint Emergency Telephone Board imposing the surcharge.
15 Except for the 3% deduction provided in subsection (g) above,
16 the special fund shall not be subject to the claims of
17 creditors of the telecommunication carrier.

18 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,
19 eff. 1-1-03; revised 10-2-02.)

20 Section 195. The Counties Code is amended by changing
21 Section 5-1022 as follows:

22 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

23 Sec. 5-1022. Competitive bids.

24 (a) Any purchase by a county with fewer than 2,000,000
25 inhabitants of services, materials, equipment or supplies in
26 excess of \$20,000, other than professional services, shall be
27 contracted for in one of the following ways:

28 (1) by a contract let to the lowest responsible bidder
29 after advertising for bids in a newspaper published within
30 the county or, if no newspaper is published within the
31 county, then a newspaper having general circulation within
32 the county; or

33 (2) by a contract let without advertising for bids in
34 the case of an emergency if authorized by the county board.

1 (b) In determining the lowest responsible bidder, the
2 county board shall take into consideration the qualities of the
3 articles supplied; their conformity with the specifications;
4 their suitability to the requirements of the county,
5 availability of support services; uniqueness of the service,
6 materials, equipment, or supplies as it applies to networked,
7 integrated computer systems; compatibility to existing
8 equipment; and the delivery terms. The county board also may
9 take into consideration whether a bidder is a private
10 enterprise or a State-controlled enterprise and,
11 notwithstanding any other provision of this Section or a lower
12 bid by a State-controlled enterprise, may let a contract to the
13 lowest responsible bidder that is a private enterprise.

14 (c) This Section does not apply to contracts by a county
15 with the federal government or to purchases of used equipment,
16 purchases at auction or similar transactions which by their
17 very nature are not suitable to competitive bids, pursuant to
18 an ordinance adopted by the county board.

19 (d) Notwithstanding the provisions of this Section, a
20 county may let without advertising for bids in the case of
21 purchases and contracts, when individual orders do not exceed
22 \$25,000, for the use, purchase, delivery, movement, or
23 installation of data processing equipment, software, or
24 services and telecommunications and inter-connect equipment,
25 software, and services.

26 (e) A county may require, as a condition of any contract
27 for goods and services, that persons awarded a contract with
28 the county and all affiliates of the person collect and remit
29 Illinois Use Tax on all sales of tangible personal property
30 into the State of Illinois in accordance with the provisions of
31 the Illinois Use Tax Act regardless of whether the person or
32 affiliate is a "retailer maintaining a place of business within
33 this State" as defined in Section 2 of the Use Tax Act. For
34 purposes of this subsection (e), the term "affiliate" means any
35 entity that (1) directly, indirectly, or constructively
36 controls another entity, (2) is directly, indirectly, or

1 constructively controlled by another entity, or (3) is subject
2 to the control of a common entity. For purposes of this
3 subsection (e), an entity controls another entity if it owns,
4 directly or individually, more than 10% of the voting
5 securities of that entity. As used in this subsection (e), the
6 term "voting security" means a security that (1) confers upon
7 the holder the right to vote for the election of members of the
8 board of directors or similar governing body of the business or
9 (2) is convertible into, or entitles the holder to receive upon
10 its exercise, a security that confers such a right to vote. A
11 general partnership interest is a voting security.

12 (f) Bids submitted to, and contracts executed by, the
13 county may require a certification by the bidder or contractor
14 that the bidder or contractor is not barred from bidding for or
15 entering into a contract under this Section and that the bidder
16 or contractor acknowledges that the county may declare the
17 contract void if the certification completed pursuant to this
18 subsection (f) is false.

19 (Source: P.A. 93-25, eff. 6-20-03; 93-157, eff. 1-1-04; revised
20 8-12-03.)

21 Section 200. The Township Code is amended by changing
22 Section 235-20 and by setting forth and renumbering multiple
23 versions of Sections 30-166 and 85-50 as follows:

24 (60 ILCS 1/30-166)

25 Sec. 30-166. Civil penalties for false fire alarms. The
26 township board of any township providing fire protection
27 services may impose reasonable civil penalties on individuals
28 who repeatedly cause false fire alarms.

29 (Source: P.A. 93-302, eff. 1-1-04.)

30 (60 ILCS 1/30-167)

31 Sec. 30-167 ~~30-166~~. Charge against non-residents.

32 (a) The township board of each township may fix, charge,
33 and collect fees not exceeding the reasonable cost of the

1 service for all services rendered by the township against
2 persons, businesses, and other entities who are not residents
3 of the township.

4 (b) The charge may not be assessed against residents of the
5 township or persons who request fire protection coverage for an
6 unprotected area and who pay to the township an amount equal to
7 the township's fire protection tax under Article 200 of this
8 Code.

9 (c) The charge for such services shall be computed at a
10 rate not to exceed \$125 per hour per vehicle and not to exceed
11 \$35 per hour per firefighter responding to a call for
12 assistance. An additional charge may be levied to reimburse the
13 township for extraordinary expenses of materials used in
14 rendering such services. No charge shall be made for services
15 for which the total charge would be less than \$50.

16 (d) All revenue from the charges assessed pursuant to this
17 Section shall be deposited into the general fund of the
18 township.

19 (Source: P.A. 93-304, eff. 7-23-03; revised 9-24-03.)

20 (60 ILCS 1/85-50)

21 Sec. 85-50. Demolition, repair, or enclosure of buildings.

22 (a) The township board of any township may formally request
23 the county board to commence specified proceedings with respect
24 to property located within the township but outside the
25 territory of any municipality as provided in Section 5-1121 of
26 the Counties Code. If the county board declines the request as
27 provided in Section 5-1121 of the Counties Code, the township
28 may exercise its powers under this Section.

29 (b) The township board of each township may demolish,
30 repair, or enclose or cause the demolition, repair, or
31 enclosure of dangerous and unsafe buildings or uncompleted and
32 abandoned buildings within the territory of the township and
33 may remove or cause the removal of garbage, debris, and other
34 hazardous, noxious, or unhealthy substances or materials from
35 those buildings.

1 The township board shall apply to the circuit court of the
2 county in which the building is located (i) for an order
3 authorizing action to be taken with respect to a building if
4 the owner or owners of the building, including the lien holders
5 of record, after at least 15 days' written notice by mail to do
6 so, have failed to commence proceedings to put the building in
7 a safe condition or to demolish it or (ii) for an order
8 requiring the owner or owners of record to demolish, repair, or
9 enclose the building or to remove garbage, debris, and other
10 hazardous, noxious, or unhealthy substances or materials from
11 the building. It is not a defense to the cause of action that
12 the building is boarded up or otherwise enclosed, although the
13 court may order the defendant to have the building boarded up
14 or otherwise enclosed. Where, upon diligent search, the
15 identity or whereabouts of the owner or owners of the building,
16 including the lien holders of record, is not ascertainable,
17 notice mailed to the person or persons in whose name the real
18 estate was last assessed and the posting of the notice upon the
19 premises sought to be demolished or repaired is sufficient
20 notice under this Section.

21 The hearing upon the application to the circuit court shall
22 be expedited by the court and shall be given precedence over
23 all other suits.

24 The cost of the demolition, repair, enclosure, or removal
25 incurred by the township, by an intervenor, or by a lien holder
26 of record, including court costs, attorney's fees, and other
27 costs related to the enforcement of this Section, is
28 recoverable from the owner or owners of the real estate or the
29 previous owner or both if the property was transferred during
30 the 15-day notice period and is a lien on the real estate if,
31 within 180 days after the repair, demolition, enclosure, or
32 removal, the township, the lien holder of record, or the
33 intervenor who incurred the cost and expense shall file a
34 notice of lien for the cost and expense incurred in the office
35 of the recorder in the county in which the real estate is
36 located or in the office of the registrar of titles of the

1 county if the real estate affected is registered under the
2 Registered Titles (Torrens) Act. The lien becomes effective at
3 the time of filing.

4 The notice must consist of a sworn statement setting out
5 (1) a description of the real estate sufficient for its
6 identification, (2) the amount of money representing the cost
7 and expense incurred, and (3) the date or dates when the cost
8 and expense was incurred by the township, the lien holder of
9 record, or the intervenor. Upon payment of the cost and expense
10 by the owner of or persons interested in the property after the
11 notice of lien has been filed, the lien shall be released by
12 the township, the person in whose name the lien has been filed,
13 or the assignee of the lien, and the release may be filed of
14 record as in the case of filing notice of lien. Unless the lien
15 is enforced under subsection (c), the lien may be enforced by
16 foreclosure proceedings as in the case of mortgage foreclosures
17 under Article XV of the Code of Civil Procedure or mechanics'
18 lien foreclosures. An action to foreclose this lien may be
19 commenced at any time after the date of filing of the notice of
20 lien. The costs of foreclosure incurred by the township,
21 including court costs, reasonable attorney's fees, advances to
22 preserve the property, and other costs related to the
23 enforcement of this subsection, plus statutory interest, are a
24 lien on the real estate and are recoverable by the township
25 from the owner or owners of the real estate.

26 All liens arising under this subsection (b) shall be
27 assignable. The assignee of the lien shall have the same power
28 to enforce the lien as the assigning party, except that the
29 lien may not be enforced under subsection (c).

30 (c) In any case where a township has obtained a lien under
31 subsection (b), the township may enforce the lien under this
32 subsection (c) in the same proceeding in which the lien is
33 authorized.

34 A township desiring to enforce a lien under this subsection
35 (c) shall petition the court to retain jurisdiction for
36 foreclosure proceedings under this subsection. Notice of the

1 petition shall be served, by certified or registered mail, on
2 all persons who were served notice under subsection (b). The
3 court shall conduct a hearing on the petition not less than 15
4 days after the notice is served. If the court determines that
5 the requirements of this subsection (c) have been satisfied, it
6 shall grant the petition and retain jurisdiction over the
7 matter until the foreclosure proceeding is completed. The costs
8 of foreclosure incurred by the township, including court costs,
9 reasonable attorneys' fees, advances to preserve the property,
10 and other costs related to the enforcement of this subsection,
11 plus statutory interest, are a lien on the real estate and are
12 recoverable by the township from the owner or owners of the
13 real estate. If the court denies the petition, the township may
14 enforce the lien in a separate action as provided in subsection
15 (b).

16 All persons designated in Section 15-1501 of the Code of
17 Civil Procedure as necessary parties in a mortgage foreclosure
18 action shall be joined as parties before issuance of an order
19 of foreclosure. Persons designated in Section 15-1501 of the
20 Code of Civil Procedure as permissible parties may also be
21 joined as parties in the action.

22 The provisions of Article XV of the Code of Civil Procedure
23 applicable to mortgage foreclosures shall apply to the
24 foreclosure of a lien under this subsection (c), except to the
25 extent that those provisions are inconsistent with this
26 subsection. For purposes of foreclosures of liens under this
27 subsection, however, the redemption period described in
28 subsection (c) of Section 15-1603 of the Code of Civil
29 Procedure shall end 60 days after the date of entry of the
30 order of foreclosure.

31 (d) In addition to any other remedy provided by law, the
32 township board of any township may petition the circuit court
33 to have property declared abandoned under this subsection (d)
34 if:

35 (1) the property has been tax delinquent for 2 or more
36 years or bills for water service for the property have been

1 outstanding for 2 or more years;

2 (2) the property is unoccupied by persons legally in
3 possession; and

4 (3) the property contains a dangerous or unsafe
5 building.

6 All persons having an interest of record in the property,
7 including tax purchasers and beneficial owners of any Illinois
8 land trust having title to the property, shall be named as
9 defendants in the petition and shall be served with process. In
10 addition, service shall be had under Section 2-206 of the Code
11 of Civil Procedure as in other cases affecting property.

12 The township, however, may proceed under this subsection in
13 a proceeding brought under subsection (b). Notice of the
14 petition shall be served by certified or registered mail on all
15 persons who were served notice under subsection (b).

16 If the township proves that the conditions described in
17 this subsection exist and the owner of record of the property
18 does not enter an appearance in the action, or, if title to the
19 property is held by an Illinois land trust, if neither the
20 owner of record nor the owner of the beneficial interest of the
21 trust enters an appearance, the court shall declare the
22 property abandoned.

23 If that determination is made, notice shall be sent by
24 certified or registered mail to all persons having an interest
25 of record in the property, including tax purchasers and
26 beneficial owners of any Illinois land trust having title to
27 the property, stating that title to the property will be
28 transferred to the township unless, within 30 days of the
29 notice, the owner of record enters an appearance in the action,
30 or unless any other person having an interest in the property
31 files with the court a request to demolish the dangerous or
32 unsafe building or to put the building in safe condition.

33 If the owner of record enters an appearance in the action
34 within the 30-day period, the court shall vacate its order
35 declaring the property abandoned. In that case, the township
36 may amend its complaint in order to initiate proceedings under

1 subsection (b).

2 If a request to demolish or repair the building is filed
3 within the 30-day period, the court shall grant permission to
4 the requesting party to demolish the building within 30 days or
5 to restore the building to safe condition within 60 days after
6 the request is granted. An extension of that period for up to
7 60 additional days may be given for good cause. If more than
8 one person with an interest in the property files a timely
9 request, preference shall be given to the person with the lien
10 or other interest of the highest priority.

11 If the requesting party proves to the court that the
12 building has been demolished or put in a safe condition within
13 the period of time granted by the court, the court shall issue
14 a quitclaim judicial deed for the property to the requesting
15 party, conveying only the interest of the owner of record, upon
16 proof of payment to the township of all costs incurred by the
17 township in connection with the action, including but not
18 limited to court costs, attorney's fees, administrative costs,
19 the costs, if any, associated with building enclosure or
20 removal, and receiver's certificates. The interest in the
21 property so conveyed shall be subject to all liens and
22 encumbrances on the property. In addition, if the interest is
23 conveyed to a person holding a certificate of purchase for the
24 property under the Property Tax Code, the conveyance shall be
25 subject to the rights of redemption of all persons entitled to
26 redeem under that Act, including the original owner of record.

27 If no person with an interest in the property files a
28 timely request or if the requesting party fails to demolish the
29 building or put the building in safe condition within the time
30 specified by the court, the township may petition the court to
31 issue a judicial deed for the property to the county. A
32 conveyance by judicial deed shall operate to extinguish all
33 existing ownership interests in, liens on, and other interest
34 in the property, including tax liens.

35 (e) This Section applies only to requests made by townships
36 under subsection (a) before January 1, 2006 and proceedings to

1 implement or enforce this Section with respect to matters
2 related to or arising from those requests.

3 (Source: P.A. 92-347, eff. 8-15-01.)

4 (60 ILCS 1/85-55)

5 Sec. 85-55 ~~85-50~~. Horse-drawn vehicles. The township board
6 may, by ordinance, license and regulate horse-drawn vehicles
7 operating within the township. The ordinance may also (i)
8 prescribe regulations for the safe operation of horse-drawn
9 vehicles and (ii) require the examination of persons operating
10 a horse-drawn vehicle. Any annual fee charged for a license to
11 operate a horse-drawn vehicle may not exceed \$50. Any fees
12 charged for a license to operate a horse-drawn vehicle within
13 the township must be used for the improvement of township
14 roads.

15 For the purposes of this Section, "horse-drawn vehicle"
16 means any vehicle powered by any animal of the equine family.

17 (Source: P.A. 92-613, eff. 1-1-03; revised 8-26-02.)

18 (60 ILCS 1/235-20)

19 Sec. 235-20. General assistance tax.

20 (a) The township board may raise money by taxation deemed
21 necessary to be expended to provide general assistance in the
22 township to persons needing that assistance as provided in the
23 Illinois Public Aid Code, including persons eligible for
24 assistance under the Military Veterans Assistance Act, where
25 that duty is provided by law. The tax for each fiscal year
26 shall not be more than 0.10% of value, or more than an amount
27 approved at a referendum held under this Section, as equalized
28 or assessed by the Department of Revenue, and shall in no case
29 exceed the amount needed in the township for general
30 assistance. The board may decrease the maximum tax rate by
31 ordinance.

32 (b) Except as otherwise provided in this subsection, if the
33 board desires to increase the maximum tax rate, it shall order
34 a referendum on that proposition to be held at an election in

1 accordance with the general election law. The board shall
2 certify the proposition to the proper election officials, who
3 shall submit the proposition to the voters at an election in
4 accordance with the general election law. If a majority of the
5 votes cast on the proposition is in favor of the proposition,
6 the board may annually levy the tax at a rate not exceeding the
7 higher rate approved by the voters at the election. If,
8 however, the board has decreased the maximum tax rate under
9 subsection (a), then it may, at any time after the decrease,
10 increase the maximum tax rate, by ordinance, to a rate less
11 than or equal to the maximum tax rate immediately prior to the
12 board's ordinance to decrease the rate.

13 (c) If a city, village, or incorporated town having a
14 population of more than 500,000 is located within or partially
15 within a township, then the entire amount of the tax levied by
16 the township for the purpose of providing general assistance
17 under this Section on property lying within that city, village,
18 or incorporated town, less the amount allowed for collecting
19 the tax, shall be paid over by the treasurer of the township to
20 the treasurer of the city, village, or incorporated town to be
21 appropriated and used by the city, village, or incorporated
22 town for the relief and support of persons needing general
23 assistance residing in that portion of the city, village, or
24 incorporated town located within the township in accordance
25 with the Illinois Public Aid Code.

26 (d) Any taxes levied for general assistance before or after
27 this Section takes effect may also be used for the payment of
28 warrants issued against and in anticipation of those taxes and
29 accrued interest on those warrants and may also be used to pay
30 the cost of administering that assistance.

31 (e) In any township with a population of less than 500,000
32 that receives no State funding for the general assistance
33 program and that has not issued anticipation warrants or
34 otherwise borrowed monies for the administration of the general
35 assistance program during the township's previous 3 fiscal
36 years of operation, a one time transfer of monies from the

1 township's general assistance fund may be made to the general
2 township fund pursuant to action by the township board. This
3 transfer may occur only to the extent that the amount of monies
4 remaining in the general assistance fund after the transfer is
5 equal to the greater of (i) the amount of the township's
6 expenditures in the previous fiscal year for general assistance
7 or (ii) an amount equal to either 0.10% of the last known total
8 equalized value of all taxable property in the township, or
9 100% of the highest amount levied for general assistance
10 purposes in any of the three previous fiscal years. The
11 transfer shall be completed no later than one year after the
12 effective date of this amendatory Act of the 92nd General
13 Assembly. No township that has certified a new levy or an
14 increase in the levy under this Section during calendar year
15 2002 may transfer monies under this subsection. No action on
16 the transfer of monies under this subsection shall be taken by
17 the township board except at a township board meeting. No
18 monies transferred under this subsection shall be considered in
19 determining whether the township qualifies for State funds to
20 supplement local funds for public aid purposes under Section
21 12-21.13 of the Illinois Public Aid Code.

22 (Source: P.A. 92-558, eff. 6-24-02; 92-718, eff. 7-25-02;
23 revised 9-9-02.)

24 Section 205. The Illinois Municipal Code is amended by
25 changing Sections 8-11-1.2, 11-31-1, and 11-124-1 as follows:

26 (65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

27 Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3,
28 8-11-1.4 and 8-11-1.5 of this Act:

29 (a) "Public infrastructure" means municipal roads and
30 streets, access roads, bridges, and sidewalks; waste disposal
31 systems; and water and sewer line extensions, water
32 distribution and purification facilities, storm water drainage
33 and retention facilities, and sewage treatment facilities. For
34 purposes of referenda authorizing the imposition of taxes by

1 the City of DuQuoin under Sections 8-11-1.3, 8-11-1.4, and
2 8-11-1.5 of this Act that are approved in November, 2002,
3 "public infrastructure" shall also include public schools.

4 (b) "Property tax relief" means the action of a
5 municipality to reduce the levy for real estate taxes or avoid
6 an increase in the levy for real estate taxes that would
7 otherwise have been required. Property tax relief or the
8 avoidance of property tax must uniformly apply to all classes
9 of property.

10 (Source: P.A. 91-51, eff. 6-30-99; 92-739, eff. 1-1-03; 92-815,
11 eff. 8-21-02; revised 9-10-02.)

12 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

13 Sec. 11-31-1. Demolition, repair, enclosure, or
14 remediation.

15 (a) The corporate authorities of each municipality may
16 demolish, repair, or enclose or cause the demolition, repair,
17 or enclosure of dangerous and unsafe buildings or uncompleted
18 and abandoned buildings within the territory of the
19 municipality and may remove or cause the removal of garbage,
20 debris, and other hazardous, noxious, or unhealthy substances
21 or materials from those buildings. In any county having adopted
22 by referendum or otherwise a county health department as
23 provided by Division 5-25 of the Counties Code or its
24 predecessor, the county board of that county may exercise those
25 powers with regard to dangerous and unsafe buildings or
26 uncompleted and abandoned buildings within the territory of any
27 city, village, or incorporated town having less than 50,000
28 population.

29 The corporate authorities shall apply to the circuit court
30 of the county in which the building is located (i) for an order
31 authorizing action to be taken with respect to a building if
32 the owner or owners of the building, including the lien holders
33 of record, after at least 15 days' written notice by mail so to
34 do, have failed to put the building in a safe condition or to
35 demolish it or (ii) for an order requiring the owner or owners

1 of record to demolish, repair, or enclose the building or to
2 remove garbage, debris, and other hazardous, noxious, or
3 unhealthy substances or materials from the building. It is not
4 a defense to the cause of action that the building is boarded
5 up or otherwise enclosed, although the court may order the
6 defendant to have the building boarded up or otherwise
7 enclosed. Where, upon diligent search, the identity or
8 whereabouts of the owner or owners of the building, including
9 the lien holders of record, is not ascertainable, notice mailed
10 to the person or persons in whose name the real estate was last
11 assessed is sufficient notice under this Section.

12 The hearing upon the application to the circuit court shall
13 be expedited by the court and shall be given precedence over
14 all other suits. Any person entitled to bring an action under
15 subsection (b) shall have the right to intervene in an action
16 brought under this Section.

17 The cost of the demolition, repair, enclosure, or removal
18 incurred by the municipality, by an intervenor, or by a lien
19 holder of record, including court costs, attorney's fees, and
20 other costs related to the enforcement of this Section, is
21 recoverable from the owner or owners of the real estate or the
22 previous owner or both if the property was transferred during
23 the 15 day notice period and is a lien on the real estate; the
24 lien is superior to all prior existing liens and encumbrances,
25 except taxes, if, within 180 days after the repair, demolition,
26 enclosure, or removal, the municipality, the lien holder of
27 record, or the intervenor who incurred the cost and expense
28 shall file a notice of lien for the cost and expense incurred
29 in the office of the recorder in the county in which the real
30 estate is located or in the office of the registrar of titles
31 of the county if the real estate affected is registered under
32 the Registered Titles (Torrens) Act.

33 The notice must consist of a sworn statement setting out
34 (1) a description of the real estate sufficient for its
35 identification, (2) the amount of money representing the cost
36 and expense incurred, and (3) the date or dates when the cost

1 and expense was incurred by the municipality, the lien holder
2 of record, or the intervenor. Upon payment of the cost and
3 expense by the owner of or persons interested in the property
4 after the notice of lien has been filed, the lien shall be
5 released by the municipality, the person in whose name the lien
6 has been filed, or the assignee of the lien, and the release
7 may be filed of record as in the case of filing notice of lien.
8 Unless the lien is enforced under subsection (c), the lien may
9 be enforced by foreclosure proceedings as in the case of
10 mortgage foreclosures under Article XV of the Code of Civil
11 Procedure or mechanics' lien foreclosures. An action to
12 foreclose this lien may be commenced at any time after the date
13 of filing of the notice of lien. The costs of foreclosure
14 incurred by the municipality, including court costs,
15 reasonable attorney's fees, advances to preserve the property,
16 and other costs related to the enforcement of this subsection,
17 plus statutory interest, are a lien on the real estate and are
18 recoverable by the municipality from the owner or owners of the
19 real estate.

20 All liens arising under this subsection (a) shall be
21 assignable. The assignee of the lien shall have the same power
22 to enforce the lien as the assigning party, except that the
23 lien may not be enforced under subsection (c).

24 If the appropriate official of any municipality determines
25 that any dangerous and unsafe building or uncompleted and
26 abandoned building within its territory fulfills the
27 requirements for an action by the municipality under the
28 Abandoned Housing Rehabilitation Act, the municipality may
29 petition under that Act in a proceeding brought under this
30 subsection.

31 (b) Any owner or tenant of real property within 1200 feet
32 in any direction of any dangerous or unsafe building located
33 within the territory of a municipality with a population of
34 500,000 or more may file with the appropriate municipal
35 authority a request that the municipality apply to the circuit
36 court of the county in which the building is located for an

1 order permitting the demolition, removal of garbage, debris,
2 and other noxious or unhealthy substances and materials from,
3 or repair or enclosure of the building in the manner prescribed
4 in subsection (a) of this Section. If the municipality fails to
5 institute an action in circuit court within 90 days after the
6 filing of the request, the owner or tenant of real property
7 within 1200 feet in any direction of the building may institute
8 an action in circuit court seeking an order compelling the
9 owner or owners of record to demolish, remove garbage, debris,
10 and other noxious or unhealthy substances and materials from,
11 repair or enclose or to cause to be demolished, have garbage,
12 debris, and other noxious or unhealthy substances and materials
13 removed from, repaired, or enclosed the building in question. A
14 private owner or tenant who institutes an action under the
15 preceding sentence shall not be required to pay any fee to the
16 clerk of the circuit court. The cost of repair, removal,
17 demolition, or enclosure shall be borne by the owner or owners
18 of record of the building. In the event the owner or owners of
19 record fail to demolish, remove garbage, debris, and other
20 noxious or unhealthy substances and materials from, repair, or
21 enclose the building within 90 days of the date the court
22 entered its order, the owner or tenant who instituted the
23 action may request that the court join the municipality as a
24 party to the action. The court may order the municipality to
25 demolish, remove materials from, repair, or enclose the
26 building, or cause that action to be taken upon the request of
27 any owner or tenant who instituted the action or upon the
28 municipality's request. The municipality may file, and the
29 court may approve, a plan for rehabilitating the building in
30 question. A court order authorizing the municipality to
31 demolish, remove materials from, repair, or enclose a building,
32 or cause that action to be taken, shall not preclude the court
33 from adjudging the owner or owners of record of the building in
34 contempt of court due to the failure to comply with the order
35 to demolish, remove garbage, debris, and other noxious or
36 unhealthy substances and materials from, repair, or enclose the

1 building.

2 If a municipality or a person or persons other than the
3 owner or owners of record pay the cost of demolition, removal
4 of garbage, debris, and other noxious or unhealthy substances
5 and materials, repair, or enclosure pursuant to a court order,
6 the cost, including court costs, attorney's fees, and other
7 costs related to the enforcement of this subsection, is
8 recoverable from the owner or owners of the real estate and is
9 a lien on the real estate; the lien is superior to all prior
10 existing liens and encumbrances, except taxes, if, within 180
11 days after the repair, removal, demolition, or enclosure, the
12 municipality or the person or persons who paid the costs of
13 demolition, removal, repair, or enclosure shall file a notice
14 of lien of the cost and expense incurred in the office of the
15 recorder in the county in which the real estate is located or
16 in the office of the registrar of the county if the real estate
17 affected is registered under the Registered Titles (Torrens)
18 Act. The notice shall be in a form as is provided in subsection
19 (a). An owner or tenant who institutes an action in circuit
20 court seeking an order to compel the owner or owners of record
21 to demolish, remove materials from, repair, or enclose any
22 dangerous or unsafe building, or to cause that action to be
23 taken under this subsection may recover court costs and
24 reasonable attorney's fees for instituting the action from the
25 owner or owners of record of the building. Upon payment of the
26 costs and expenses by the owner or a person interested in
27 the property after the notice of lien has been filed, the lien
28 shall be released by the municipality or the person in whose
29 name the lien has been filed or his or her assignee, and the
30 release may be filed of record as in the case of filing a
31 notice of lien. Unless the lien is enforced under subsection
32 (c), the lien may be enforced by foreclosure proceedings as in
33 the case of mortgage foreclosures under Article XV of the Code
34 of Civil Procedure or mechanics' lien foreclosures. An action
35 to foreclose this lien may be commenced at any time after the
36 date of filing of the notice of lien. The costs of foreclosure

1 incurred by the municipality, including court costs,
2 reasonable attorneys' fees, advances to preserve the property,
3 and other costs related to the enforcement of this subsection,
4 plus statutory interest, are a lien on the real estate and are
5 recoverable by the municipality from the owner or owners of the
6 real estate.

7 All liens arising under the terms of this subsection (b)
8 shall be assignable. The assignee of the lien shall have the
9 same power to enforce the lien as the assigning party, except
10 that the lien may not be enforced under subsection (c).

11 (c) In any case where a municipality has obtained a lien
12 under subsection (a), (b), or (f), the municipality may enforce
13 the lien under this subsection (c) in the same proceeding in
14 which the lien is authorized.

15 A municipality desiring to enforce a lien under this
16 subsection (c) shall petition the court to retain jurisdiction
17 for foreclosure proceedings under this subsection. Notice of
18 the petition shall be served, by certified or registered mail,
19 on all persons who were served notice under subsection (a),
20 (b), or (f). The court shall conduct a hearing on the petition
21 not less than 15 days after the notice is served. If the court
22 determines that the requirements of this subsection (c) have
23 been satisfied, it shall grant the petition and retain
24 jurisdiction over the matter until the foreclosure proceeding
25 is completed. The costs of foreclosure incurred by the
26 municipality, including court costs, reasonable attorneys'
27 fees, advances to preserve the property, and other costs
28 related to the enforcement of this subsection, plus statutory
29 interest, are a lien on the real estate and are recoverable by
30 the municipality from the owner or owners of the real estate.
31 If the court denies the petition, the municipality may enforce
32 the lien in a separate action as provided in subsection (a),
33 (b), or (f).

34 All persons designated in Section 15-1501 of the Code of
35 Civil Procedure as necessary parties in a mortgage foreclosure
36 action shall be joined as parties before issuance of an order

1 of foreclosure. Persons designated in Section 15-1501 of the
2 Code of Civil Procedure as permissible parties may also be
3 joined as parties in the action.

4 The provisions of Article XV of the Code of Civil Procedure
5 applicable to mortgage foreclosures shall apply to the
6 foreclosure of a lien under this subsection (c), except to the
7 extent that those provisions are inconsistent with this
8 subsection. For purposes of foreclosures of liens under this
9 subsection, however, the redemption period described in
10 subsection (b) of Section 15-1603 of the Code of Civil
11 Procedure shall end 60 days after the date of entry of the
12 order of foreclosure.

13 (d) In addition to any other remedy provided by law, the
14 corporate authorities of any municipality may petition the
15 circuit court to have property declared abandoned under this
16 subsection (d) if:

17 (1) the property has been tax delinquent for 2 or more
18 years or bills for water service for the property have been
19 outstanding for 2 or more years;

20 (2) the property is unoccupied by persons legally in
21 possession; and

22 (3) the property contains a dangerous or unsafe
23 building.

24 All persons having an interest of record in the property,
25 including tax purchasers and beneficial owners of any Illinois
26 land trust having title to the property, shall be named as
27 defendants in the petition and shall be served with process. In
28 addition, service shall be had under Section 2-206 of the Code
29 of Civil Procedure as in other cases affecting property.

30 The municipality, however, may proceed under this
31 subsection in a proceeding brought under subsection (a) or (b).
32 Notice of the petition shall be served by certified or
33 registered mail on all persons who were served notice under
34 subsection (a) or (b).

35 If the municipality proves that the conditions described in
36 this subsection exist and the owner of record of the property

1 does not enter an appearance in the action, or, if title to the
2 property is held by an Illinois land trust, if neither the
3 owner of record nor the owner of the beneficial interest of the
4 trust enters an appearance, the court shall declare the
5 property abandoned.

6 If that determination is made, notice shall be sent by
7 certified or registered mail to all persons having an interest
8 of record in the property, including tax purchasers and
9 beneficial owners of any Illinois land trust having title to
10 the property, stating that title to the property will be
11 transferred to the municipality unless, within 30 days of the
12 notice, the owner of record enters an appearance in the action,
13 or unless any other person having an interest in the property
14 files with the court a request to demolish the dangerous or
15 unsafe building or to put the building in safe condition.

16 If the owner of record enters an appearance in the action
17 within the 30 day period, the court shall vacate its order
18 declaring the property abandoned. In that case, the
19 municipality may amend its complaint in order to initiate
20 proceedings under subsection (a).

21 If a request to demolish or repair the building is filed
22 within the 30 day period, the court shall grant permission to
23 the requesting party to demolish the building within 30 days or
24 to restore the building to safe condition within 60 days after
25 the request is granted. An extension of that period for up to
26 60 additional days may be given for good cause. If more than
27 one person with an interest in the property files a timely
28 request, preference shall be given to the person with the lien
29 or other interest of the highest priority.

30 If the requesting party proves to the court that the
31 building has been demolished or put in a safe condition within
32 the period of time granted by the court, the court shall issue
33 a quitclaim judicial deed for the property to the requesting
34 party, conveying only the interest of the owner of record, upon
35 proof of payment to the municipality of all costs incurred by
36 the municipality in connection with the action, including but

1 not limited to court costs, attorney's fees, administrative
2 costs, the costs, if any, associated with building enclosure or
3 removal, and receiver's certificates. The interest in the
4 property so conveyed shall be subject to all liens and
5 encumbrances on the property. In addition, if the interest is
6 conveyed to a person holding a certificate of purchase for the
7 property under the Property Tax Code, the conveyance shall be
8 subject to the rights of redemption of all persons entitled to
9 redeem under that Act, including the original owner of record.

10 If no person with an interest in the property files a
11 timely request or if the requesting party fails to demolish the
12 building or put the building in safe condition within the time
13 specified by the court, the municipality may petition the court
14 to issue a judicial deed for the property to the municipality.
15 A conveyance by judicial deed shall operate to extinguish all
16 existing ownership interests in, liens on, and other interest
17 in the property, including tax liens, and shall extinguish the
18 rights and interests of any and all holders of a bona fide
19 certificate of purchase of the property for delinquent taxes.
20 Any such bona fide certificate of purchase holder shall be
21 entitled to a sale in error as prescribed under Section 21-310
22 of the Property Tax Code.

23 (e) Each municipality may use the provisions of this
24 subsection to expedite the removal of certain buildings that
25 are a continuing hazard to the community in which they are
26 located.

27 If a residential or commercial building is 3 stories or
28 less in height as defined by the municipality's building code,
29 and the corporate official designated to be in charge of
30 enforcing the municipality's building code determines that the
31 building is open and vacant and an immediate and continuing
32 hazard to the community in which the building is located, then
33 the official shall be authorized to post a notice not less than
34 2 feet by 2 feet in size on the front of the building. The
35 notice shall be dated as of the date of the posting and shall
36 state that unless the building is demolished, repaired, or

1 enclosed, and unless any garbage, debris, and other hazardous,
2 noxious, or unhealthy substances or materials are removed so
3 that an immediate and continuing hazard to the community no
4 longer exists, then the building may be demolished, repaired,
5 or enclosed, or any garbage, debris, and other hazardous,
6 noxious, or unhealthy substances or materials may be removed,
7 by the municipality.

8 Not later than 30 days following the posting of the notice,
9 the municipality shall do all of the following:

10 (1) Cause to be sent, by certified mail, return receipt
11 requested, a Notice to Remediate to all owners of record of
12 the property, the beneficial owners of any Illinois land
13 trust having title to the property, and all lienholders of
14 record in the property, stating the intent of the
15 municipality to demolish, repair, or enclose the building
16 or remove any garbage, debris, or other hazardous, noxious,
17 or unhealthy substances or materials if that action is not
18 taken by the owner or owners.

19 (2) Cause to be published, in a newspaper published or
20 circulated in the municipality where the building is
21 located, a notice setting forth (i) the permanent tax index
22 number and the address of the building, (ii) a statement
23 that the property is open and vacant and constitutes an
24 immediate and continuing hazard to the community, and (iii)
25 a statement that the municipality intends to demolish,
26 repair, or enclose the building or remove any garbage,
27 debris, or other hazardous, noxious, or unhealthy
28 substances or materials if the owner or owners or
29 lienholders of record fail to do so. This notice shall be
30 published for 3 consecutive days.

31 (3) Cause to be recorded the Notice to Remediate mailed
32 under paragraph (1) in the office of the recorder in the
33 county in which the real estate is located or in the office
34 of the registrar of titles of the county if the real estate
35 is registered under the Registered Title (Torrens) Act.

36 Any person or persons with a current legal or equitable

1 interest in the property objecting to the proposed actions of
2 the corporate authorities may file his or her objection in an
3 appropriate form in a court of competent jurisdiction.

4 If the building is not demolished, repaired, or enclosed,
5 or the garbage, debris, or other hazardous, noxious, or
6 unhealthy substances or materials are not removed, within 30
7 days of mailing the notice to the owners of record, the
8 beneficial owners of any Illinois land trust having title to
9 the property, and all lienholders of record in the property, or
10 within 30 days of the last day of publication of the notice,
11 whichever is later, the corporate authorities shall have the
12 power to demolish, repair, or enclose the building or to remove
13 any garbage, debris, or other hazardous, noxious, or unhealthy
14 substances or materials.

15 The municipality may proceed to demolish, repair, or
16 enclose a building or remove any garbage, debris, or other
17 hazardous, noxious, or unhealthy substances or materials under
18 this subsection within a 120-day period following the date of
19 the mailing of the notice if the appropriate official
20 determines that the demolition, repair, enclosure, or removal
21 of any garbage, debris, or other hazardous, noxious, or
22 unhealthy substances or materials is necessary to remedy the
23 immediate and continuing hazard. If, however, before the
24 municipality proceeds with any of the actions authorized by
25 this subsection, any person with a legal or equitable interest
26 in the property has sought a hearing under this subsection
27 before a court and has served a copy of the complaint on the
28 chief executive officer of the municipality, then the
29 municipality shall not proceed with the demolition, repair,
30 enclosure, or removal of garbage, debris, or other substances
31 until the court determines that that action is necessary to
32 remedy the hazard and issues an order authorizing the
33 municipality to do so. If the court dismisses the action for
34 want of prosecution, the municipality must send the objector a
35 copy of the dismissal order and a letter stating that the
36 demolition, repair, enclosure, or removal of garbage, debris,

1 or other substances will proceed unless, within 30 days after
2 the copy of the order and the letter are mailed, the objector
3 moves to vacate the dismissal and serves a copy of the motion
4 on the chief executive officer of the municipality.
5 Notwithstanding any other law to the contrary, if the objector
6 does not file a motion and give the required notice, if the
7 motion is denied by the court, or if the action is again
8 dismissed for want of prosecution, then the dismissal is with
9 prejudice and the demolition, repair, enclosure, or removal may
10 proceed forthwith.

11 Following the demolition, repair, or enclosure of a
12 building, or the removal of garbage, debris, or other
13 hazardous, noxious, or unhealthy substances or materials under
14 this subsection, the municipality may file a notice of lien
15 against the real estate for the cost of the demolition, repair,
16 enclosure, or removal within 180 days after the repair,
17 demolition, enclosure, or removal occurred, for the cost and
18 expense incurred, in the office of the recorder in the county
19 in which the real estate is located or in the office of the
20 registrar of titles of the county if the real estate affected
21 is registered under the Registered Titles (Torrens) Act; this
22 lien has priority over the interests of those parties named in
23 the Notice to Remediate mailed under paragraph (1), but not
24 over the interests of third party purchasers or encumbrancers
25 for value who obtained their interests in the property before
26 obtaining actual or constructive notice of the lien. The notice
27 of lien shall consist of a sworn statement setting forth (i) a
28 description of the real estate, such as the address or other
29 description of the property, sufficient for its
30 identification; (ii) the expenses incurred by the municipality
31 in undertaking the remedial actions authorized under this
32 subsection; (iii) the date or dates the expenses were incurred
33 by the municipality; (iv) a statement by the corporate official
34 responsible for enforcing the building code that the building
35 was open and vacant and constituted an immediate and continuing
36 hazard to the community; (v) a statement by the corporate

1 official that the required sign was posted on the building,
2 that notice was sent by certified mail to the owners of record,
3 and that notice was published in accordance with this
4 subsection; and (vi) a statement as to when and where the
5 notice was published. The lien authorized by this subsection
6 may thereafter be released or enforced by the municipality as
7 provided in subsection (a).

8 (f) The corporate authorities of each municipality may
9 remove or cause the removal of, or otherwise environmentally
10 remediate hazardous substances and petroleum products on, in,
11 or under any abandoned and unsafe property within the territory
12 of a municipality. In addition, where preliminary evidence
13 indicates the presence or likely presence of a hazardous
14 substance or a petroleum product or a release or a substantial
15 threat of a release of a hazardous substance or a petroleum
16 product on, in, or under the property, the corporate
17 authorities of the municipality may inspect the property and
18 test for the presence or release of hazardous substances and
19 petroleum products. In any county having adopted by referendum
20 or otherwise a county health department as provided by Division
21 5-25 of the Counties Code or its predecessor, the county board
22 of that county may exercise the above-described powers with
23 regard to property within the territory of any city, village,
24 or incorporated town having less than 50,000 population.

25 For purposes of this subsection (f):

26 (1) "property" or "real estate" means all real
27 property, whether or not improved by a structure;

28 (2) "abandoned" means;

29 (A) the property has been tax delinquent for 2 or
30 more years;

31 (B) the property is unoccupied by persons legally
32 in possession; and

33 (3) "unsafe" means property that presents an actual or
34 imminent threat to public health and safety caused by the
35 release of hazardous substances; and

36 (4) "hazardous substances" means the same as in Section

1 3.215 of the Environmental Protection Act.

2 The corporate authorities shall apply to the circuit court
3 of the county in which the property is located (i) for an order
4 allowing the municipality to enter the property and inspect and
5 test substances on, in, or under the property; or (ii) for an
6 order authorizing the corporate authorities to take action with
7 respect to remediation of the property if conditions on the
8 property, based on the inspection and testing authorized in
9 paragraph (i), indicate the presence of hazardous substances or
10 petroleum products. Remediation shall be deemed complete for
11 purposes of paragraph (ii) above when the property satisfies
12 Tier I, II, or III remediation objectives for the property's
13 most recent usage, as established by the Environmental
14 Protection Act, and the rules and regulations promulgated
15 thereunder. Where, upon diligent search, the identity or
16 whereabouts of the owner or owners of the property, including
17 the lien holders of record, is not ascertainable, notice mailed
18 to the person or persons in whose name the real estate was last
19 assessed is sufficient notice under this Section.

20 The court shall grant an order authorizing testing under
21 paragraph (i) above upon a showing of preliminary evidence
22 indicating the presence or likely presence of a hazardous
23 substance or a petroleum product or a release of or a
24 substantial threat of a release of a hazardous substance or a
25 petroleum product on, in, or under abandoned property. The
26 preliminary evidence may include, but is not limited to,
27 evidence of prior use, visual site inspection, or records of
28 prior environmental investigations. The testing authorized by
29 paragraph (i) above shall include any type of investigation
30 which is necessary for an environmental professional to
31 determine the environmental condition of the property,
32 including but not limited to performance of soil borings and
33 groundwater monitoring. The court shall grant a remediation
34 order under paragraph (ii) above where testing of the property
35 indicates that it fails to meet the applicable remediation
36 objectives. The hearing upon the application to the circuit

1 court shall be expedited by the court and shall be given
2 precedence over all other suits.

3 The cost of the inspection, testing, or remediation
4 incurred by the municipality or by a lien holder of record,
5 including court costs, attorney's fees, and other costs related
6 to the enforcement of this Section, is a lien on the real
7 estate; except that in any instances where a municipality
8 incurs costs of inspection and testing but finds no hazardous
9 substances or petroleum products on the property that present
10 an actual or imminent threat to public health and safety, such
11 costs are not recoverable from the owners nor are such costs a
12 lien on the real estate. The lien is superior to all prior
13 existing liens and encumbrances, except taxes and any lien
14 obtained under subsection (a) or (e), if, within 180 days after
15 the completion of the inspection, testing, or remediation, the
16 municipality or the lien holder of record who incurred the cost
17 and expense shall file a notice of lien for the cost and
18 expense incurred in the office of the recorder in the county in
19 which the real estate is located or in the office of the
20 registrar of titles of the county if the real estate affected
21 is registered under the Registered Titles (Torrens) Act.

22 The notice must consist of a sworn statement setting out
23 (i) a description of the real estate sufficient for its
24 identification, (ii) the amount of money representing the cost
25 and expense incurred, and (iii) the date or dates when the cost
26 and expense was incurred by the municipality or the lien holder
27 of record. Upon payment of the lien amount by the owner of or
28 persons interested in the property after the notice of lien has
29 been filed, a release of lien shall be issued by the
30 municipality, the person in whose name the lien has been filed,
31 or the assignee of the lien, and the release may be filed of
32 record as in the case of filing notice of lien.

33 The lien may be enforced under subsection (c) or by
34 foreclosure proceedings as in the case of mortgage foreclosures
35 under Article XV of the Code of Civil Procedure or mechanics'
36 lien foreclosures; provided that where the lien is enforced by

1 foreclosure under subsection (c) or under either statute, the
2 municipality may not proceed against the other assets of the
3 owner or owners of the real estate for any costs that otherwise
4 would be recoverable under this Section but that remain
5 unsatisfied after foreclosure except where such additional
6 recovery is authorized by separate environmental laws. An
7 action to foreclose this lien may be commenced at any time
8 after the date of filing of the notice of lien. The costs of
9 foreclosure incurred by the municipality, including court
10 costs, reasonable attorney's fees, advances to preserve the
11 property, and other costs related to the enforcement of this
12 subsection, plus statutory interest, are a lien on the real
13 estate.

14 All liens arising under this subsection (f) shall be
15 assignable. The assignee of the lien shall have the same power
16 to enforce the lien as the assigning party, except that the
17 lien may not be enforced under subsection (c).

18 (g) In any case where a municipality has obtained a lien
19 under subsection (a), the municipality may also bring an action
20 for a money judgment against the owner or owners of the real
21 estate in the amount of the lien in the same manner as provided
22 for bringing causes of action in Article II of the Code of
23 Civil Procedure and, upon obtaining a judgment, file a judgment
24 lien against all of the real estate of the owner or owners and
25 enforce that lien as provided for in Article XII of the Code of
26 Civil Procedure.

27 (Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00;
28 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00;
29 92-16, eff. 6-28-01; 92-574, eff. 6-26-02; 92-681, eff. 1-1-03;
30 revised 2-18-03.)

31 (65 ILCS 5/11-124-1) (from Ch. 24, par. 11-124-1)

32 Sec. 11-124-1. Contracts for supply of water.

33 (a) The corporate authorities of each municipality may
34 contract with any person, corporation, municipal corporation,
35 political subdivision, public water district or any other

1 agency for a supply of water. Any such contract entered into by
2 a municipality shall provide that payments to be made
3 thereunder shall be solely from the revenues to be derived from
4 the operation of the waterworks system of the municipality, and
5 the contract shall be a continuing valid and binding obligation
6 of the municipality payable from the revenues derived from the
7 operation of the waterworks system of the municipality for the
8 period of years, not to exceed 40, as may be provided in such
9 contract. Any such contract shall not be a debt within the
10 meaning of any constitutional or statutory limitation. No prior
11 appropriation shall be required before entering into such a
12 contract and no appropriation shall be required to authorize
13 payments to be made under the terms of any such contract
14 notwithstanding any provision in this Code to the contrary.

15 (b) ~~(a)~~ Payments to be made under any such contract shall
16 be an operation and maintenance expense of the waterworks
17 system of the municipality. Any such contract made by a
18 municipality for a supply of water may contain provisions
19 whereby the municipality is obligated to pay for such supply of
20 water without setoff or counterclaim and irrespective of
21 whether such supply of water is ever furnished, made available
22 or delivered to the municipality or whether any project for the
23 supply of water contemplated by any such contract is completed,
24 operable or operating and notwithstanding any suspension,
25 interruption, interference, reduction or curtailment of the
26 supply of water from such project. Any such contract may
27 provide that if one or more of the other purchasers of water
28 defaults in the payment of its obligations under such contract
29 or a similar contract made with the supplier of the water, one
30 or more of the remaining purchasers party to such contract or
31 such similar contract shall be required to pay for all or a
32 portion of the obligations of the defaulting purchasers.

33 (c) ~~(b)~~ Payments to be made under any such contract with a
34 municipal joint action water agency under the
35 Intergovernmental Cooperation Act shall be an operation and
36 maintenance expense of the waterworks system of the

1 municipality. Any such contract made by a municipality for a
2 supply of water with a municipal joint action water agency
3 under the provisions of the Intergovernmental Cooperation Act
4 may contain provisions whereby the municipality is obligated to
5 pay for such supply of water without setoff or counterclaim and
6 irrespective of whether such supply of water is ever furnished,
7 made available or delivered to the municipality or whether any
8 project for the supply of water contemplated by any such
9 contract is completed, operable or operating and
10 notwithstanding any suspension, interruption, interference,
11 reduction or curtailment of the supply of water from such
12 project. Any such contract with a municipal joint action water
13 agency may provide that if one or more of the other purchasers
14 of water defaults in the payment of its obligations under such
15 contract or a similar contract made with the supplier of the
16 water, one or more of the remaining purchasers party to such
17 contract or such similar contract shall be required to pay for
18 all or a portion of the obligations of the defaulting
19 purchasers.

20 The changes in this Section made by these amendatory Acts
21 of 1984 are intended to be declarative of existing law.

22 (d) ~~(b)~~ A municipality with a water supply contract with a
23 county water commission organized pursuant to the Water
24 Commission Act of 1985 shall provide water to unincorporated
25 areas of that home county in accordance with the terms of this
26 subsection. The provision of water by the municipality shall be
27 in accordance with a mandate of the home county as provided in
28 Section 0.01 of the Water Commission Act of 1985. A home rule
29 unit may not provide water in a manner that is inconsistent
30 with the provisions of this amendatory Act of the 93rd General
31 Assembly. This subsection is a limitation under subsection (i)
32 of Section 6 of Article VII of the Illinois Constitution on the
33 concurrent exercise by home rule units of powers and functions
34 exercised by the State.

35 (Source: P.A. 93-226, eff. 7-22-03; revised 10-9-03.)

1 Section 210. The Joliet Arsenal Development Authority Act
2 is amended by changing Section 40 as follows:

3 (70 ILCS 508/40)

4 Sec. 40. Acquisition.

5 (a) The Authority may, but need not, acquire title to any
6 project with respect to which it exercises its authority.

7 (b) The Authority shall have power to acquire by purchase,
8 lease, gift, or otherwise any property or rights therein from
9 any person, the State of Illinois, any municipal corporation,
10 any local unit of government, the government of the United
11 States, any agency or instrumentality of the United States, any
12 body politic, or any county useful for its purposes, whether
13 improved for the purposes of any prospective project or
14 unimproved. The Authority may also accept any donation of funds
15 for its purposes from any of those sources.

16 (c) The Authority shall have power to develop, construct,
17 and improve, either under its own direction or through
18 collaboration with any approved applicant, or to acquire
19 through purchase or otherwise any project, using for that
20 purpose the proceeds derived from its sale of revenue bonds,
21 notes, or other evidences of indebtedness or governmental loans
22 or grants, and to hold title in the name of the Authority to
23 those projects.

24 (d) The Authority shall have the power to enter into
25 intergovernmental agreements with the State of Illinois, the
26 county of Will, the Illinois Finance Authority, the
27 Metropolitan Pier and Exposition Authority, the United States
28 government, any agency or instrumentality of the United States,
29 any unit of local government located within the territory of
30 the Authority, or any other unit of government to the extent
31 allowed by Article VII, Section 10 of the Illinois Constitution
32 and the Intergovernmental Cooperation Act.

33 (e) The Authority shall have the power to share employees
34 with other units of government, including agencies of the
35 United States, agencies of the State of Illinois, and agencies

1 or personnel of any unit of local government.

2 (f) Subject to subsection (i) of Section 35 of this Act,
3 the Authority shall have the power to exercise powers and issue
4 revenue bonds as if it were a municipality so authorized in
5 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the
6 Illinois Municipal Code.

7 (g) All property owned by the Joliet Arsenal Development
8 Authority is exempt from property taxes. Any property owned by
9 the Joliet Arsenal Development Authority and leased to an
10 entity that is not exempt shall remain exempt. The leasehold
11 interest of the lessee shall be assessed under Section 9-195 of
12 the Property Tax Code.

13 (Source: P.A. 93-205, eff. 1-1-04; 93-421, eff. 8-5-03; revised
14 9-11-03.)

15 Section 215. The Fire Protection District Act is amended by
16 changing Section 6 as follows:

17 (70 ILCS 705/6) (from Ch. 127 1/2, par. 26)

18 Sec. 6. Board of trustees; powers.

19 (a) The trustees shall constitute a board of trustees for
20 the district for which they are appointed, which board of
21 trustees is declared to be the corporate authority of the fire
22 protection district, and shall exercise all of the powers and
23 control all the affairs and property of such district.

24 The board of trustees at their initial meeting and at their
25 first meeting following the commencement of the term of any
26 trustee shall elect one of their number as president and one of
27 their number as secretary and shall elect a treasurer for the
28 district, who may be one of the trustees or may be any other
29 citizen of the district and who shall hold office during the
30 pleasure of the board and who shall give such bond as may be
31 required by the board.

32 (b) Except as otherwise provided in Sections 16.01 through
33 16.18, the board may appoint and enter into a multi-year
34 contract not exceeding 3 years with a fire chief and may

1 appoint any firemen that may be necessary for the district, who
2 shall hold office during the pleasure of the board and who
3 shall give any bond that the board may require. The board may
4 prescribe the duties and fix the compensation of all the
5 officers and employees of the fire protection district.

6 (c) A member of the board of trustees of a fire protection
7 district may be compensated as follows: in a district having
8 fewer than 4 full time paid firemen, a sum not to exceed \$1,000
9 per annum; in a district having more than 3 but less than 10
10 full time paid firemen, a sum not to exceed \$1,500 per annum;
11 in a district having either 10 or more full time paid firemen,
12 a sum not to exceed \$2,000 per annum. In addition, fire
13 districts that operate an ambulance service pursuant to
14 authorization by referendum, as provided in Section 22, may pay
15 trustees an additional annual compensation not to exceed 50% of
16 the amount otherwise authorized herein. The additional
17 compensation shall be an administrative expense of the
18 ambulance service and shall be paid from revenues raised by the
19 ambulance tax levy.

20 (d) The trustees also have the express power to execute a
21 note or notes and to execute a mortgage or trust deed to secure
22 the payment of such note or notes; such trust deed or mortgage
23 shall cover real estate, or some part thereof, or personal
24 property owned by the district and the lien of the mortgage
25 shall apply to the real estate or personal property so
26 mortgaged by the district, and the proceeds of the note or
27 notes may be used in the acquisition of personal property or of
28 real estate or in the erection of improvements on such real
29 estate.

30 The trustees have express power to purchase either real
31 estate or personal property to be used for the purposes of the
32 fire protection district through contracts which provide for
33 the consideration for such purchase to be paid through
34 installments to be made at stated intervals during a certain
35 period of time, but, in no case, shall such contracts provide
36 for the consideration to be paid during a period of time in

1 excess of 25 years.

2 (e) The trustees have express power to provide for the
3 benefit of its employees, volunteer firemen and paid firemen,
4 group life, health, accident, hospital and medical insurance,
5 or any combination thereof; and to pay for all or any portion
6 of the premiums on such insurance. Such insurance may include
7 provisions for employees who rely on treatment by spiritual
8 means alone through prayer for healing in accord with the
9 tenets and practice of a well recognized religious
10 denomination.

11 (f) To encourage continued service with the district, the
12 board of trustees has the express power to award monetary
13 incentives, not to exceed \$240 per year, to volunteer
14 firefighters of the district based on the length of service. To
15 be eligible for the incentives, the volunteer firefighters must
16 have at least 5 years of service with the district. The amount
17 of the incentives may not be greater than 2% of the annual levy
18 amount when all incentive awards are combined.

19 (g) The board of trustees has express power to change the
20 corporate name of the fire protection district by ordinance,
21 provided that notification of any change is given to the
22 circuit clerk and the Office of the State Fire Marshal.

23 (h) The board of trustees may impose reasonable civil
24 penalties on individuals who repeatedly cause false fire
25 alarms.

26 (i) The board of trustees has full power to pass all
27 necessary ordinances, and rules and regulations for the proper
28 management and conduct of the business of the board of trustees
29 of the fire protection district for carrying into effect the
30 objects for which the district was formed.

31 (Source: P.A. 93-302, eff. 1-1-04; 93-589, eff. 1-1-04; revised
32 10-3-03.)

33 Section 220. The Park District Code is amended by changing
34 Section 5-1 as follows:

1 (70 ILCS 1205/5-1) (from Ch. 105, par. 5-1)

2 Sec. 5-1. Each Park District has the power to levy and
3 collect taxes on all the taxable property in the district for
4 all corporate purposes. The commissioners may accumulate funds
5 for the purposes of building repairs and improvements and may
6 annually levy taxes for such purposes in excess of current
7 requirements for its other purposes but subject to the tax rate
8 limitation as herein provided.

9 All general taxes proposed by the board to be levied upon
10 the taxable property within the district shall be levied by
11 ordinance. A certified copy of such levy ordinance shall be
12 filed with the county clerk of the county in which the same is
13 to be collected not later than the last Tuesday in December in
14 each year. The county clerk shall extend such tax; provided,
15 the aggregate amount of taxes levied for any one year,
16 exclusive of the amount levied for the payment of the principal
17 and interest on bonded indebtedness of the district and taxes
18 authorized by special referenda, shall not exceed, except as
19 otherwise provided in this Section, the rate of .10%, or the
20 rate limitation in effect on July 1, 1967, whichever is
21 greater, of the value, as equalized or assessed by the
22 Department of Revenue.

23 Notwithstanding any other provision of this Section, a park
24 district board of a park district lying wholly within one
25 county is authorized to increase property taxes under this
26 Section for corporate purposes for any one year so long as the
27 increase is offset by a like property tax levy reduction in one
28 or more of the park district's funds. At the time that such
29 park district files its levy with the county clerk, it shall
30 also certify to the county clerk that the park district has
31 complied with and is authorized to act under this Section 5-1
32 of the Park District Code. In no instance shall the increase
33 either exceed or result in a reduction to the extension
34 limitation to which any park district is subject under Section
35 18-195 of the Property Tax Code.

36 Any funds on hand at the end of the fiscal year that are

1 not pledged for or allocated to a particular purpose may, by
2 action of the board of commissioners, be transferred to a
3 capital improvement fund and accumulated therein, but the total
4 amount accumulated in the fund may not exceed 1.5% of the
5 aggregate assessed valuation of all taxable property in the
6 park district.

7 The foregoing limitations upon tax rates may be decreased
8 under the referendum provisions of the General Revenue Law of
9 the State of Illinois.

10 (Source: P.A. 93-434, eff. 8-5-03; 93-625, eff. 12-19-03;
11 revised 1-13-04.)

12 Section 225. The Metropolitan Water Reclamation District
13 Act is amended by setting forth, changing, and renumbering
14 multiple versions of Section 288 as follows:

15 (70 ILCS 2605/288)

16 Sec. 288. District enlarged. On March 7, 2002 ~~Upon the~~
17 ~~effective date of this amendatory Act of the 92nd General~~
18 ~~Assembly,~~ the corporate limits of the Metropolitan Water
19 Reclamation District Act are extended to include within those
20 limits the following described tracts of land, and those tracts
21 are annexed to the District.

22 (1) Parcel 1 (Canter Parcel)

23 THAT PART OF SECTION 21 TOWNSHIP 41 NORTH, RANGE 9, EAST OF
24 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
25 COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE
26 NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 00 DEGREES
27 12 MINUTES 00 SECONDS WEST (DEED BEING SOUTH), ALONG THE
28 WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A
29 DISTANCE OF 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES
30 00 SECONDS EAST, A DISTANCE OF 181.20 FEET; THENCE SOUTH 28
31 DEGREES 49 MINUTES 00 SECONDS EAST, A DISTANCE OF 720.45
32 FEET; THENCE SOUTH 38 DEGREES 25 MINUTES 33 SECONDS WEST, A
33 DISTANCE OF 222.79 FEET (DEED BEING SOUTH 33 DEGREES 37

1 MINUTES 00 SECONDS WEST, 238.50 FEET) TO AN IRON STAKE;
2 THENCE SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST (DEED
3 BEING SOUTH 59 DEGREES 41 MINUTES 00 SECONDS EAST), ALONG A
4 LINE THAT WOULD INTERSECT THE EAST LINE OF SAID NORTHWEST
5 1/4 OF SECTION 21 AT A POINT THAT IS 669.25 FEET NORTHERLY
6 OF (AS MEASURED ALONG SAID EAST LINE) THE CENTER OF SAID
7 SECTION 21, A DISTANCE OF 24.03 FEET FOR THE POINT OF
8 BEGINNING; THENCE CONTINUING SOUTH 60 DEGREES 26 MINUTES 25
9 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 629.56 FEET TO
10 THE INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF A LINE
11 PREVIOUSLY SURVEYED AND MONUMENTED; THENCE SOUTH 38
12 DEGREES 40 MINUTES 02 SECONDS WEST, ALONG SAID LINE, A
13 DISTANCE OF 1100.29 FEET (DEED BEING SOUTH 39 DEGREES 55
14 MINUTES 00 SECONDS WEST, 1098.70 FEET) TO THE CENTER LINE
15 OF THE CHICAGO-ELGIN ROAD, (NOW KNOWN AS IRVING PARK
16 BOULEVARD AND STATE ROUTE NO. 19) AS SHOWN ON THE PLAT OF
17 DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764
18 AND AS SHOWN ON A PLAT OF SURVEY DATED SEPTEMBER 22, 1932
19 APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK COUNTY,
20 ILLINOIS ON DECEMBER 17, 1933; THENCE SOUTH 51 DEGREES 24
21 MINUTES 19 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE
22 OF 597.60 FEET (DEED BEING SOUTHEASTERLY ALONG CENTER LINE,
23 620.50 FEET) TO A POINT OF CURVE IN SAID CENTER LINE,
24 ACCORDING TO THE PLAT OF DEDICATION RECORDED FEBRUARY 16,
25 1933 AS DOCUMENT NO. 11200330 AND AFORESAID PLAT OF SURVEY;
26 THENCE SOUTHEASTERLY, ALONG THE SAID CENTER LINE, BEING
27 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4645.69 FEET
28 AND BEING TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST
29 DESCRIBED POINT, A DISTANCE OF 341.66 FEET (DEED BEING
30 ALONG SAID CURVE, 338.30 FEET) TO THE INTERSECTION WITH A
31 PREVIOUSLY SURVEYED AND MONUMENTED LINE; THENCE SOUTH 42
32 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID LINE, A
33 DISTANCE OF 65.95 FEET (DEED BEING SOUTH 44 DEGREES 41
34 MINUTES 00 SECONDS WEST, 65 FEET) TO THE CENTER LINE OF THE
35 OLD CHICAGO-ELGIN ROAD, ACCORDING TO THE AFORESAID PLAT OF
36 SURVEY; THENCE NORTH 56 DEGREES 45 MINUTES 03 SECONDS WEST,

1 ALONG THE CENTER LINE OF THE SAID OLD CHICAGO-ELGIN ROAD, A
2 DISTANCE OF 685.80 FEET (DEED BEING NORTH 54 DEGREES 52
3 MINUTES 00 SECONDS WEST, 635.0 FEET) TO AN ANGLE IN SAID
4 CENTER LINE; THENCE NORTH 44 DEGREES 23 MINUTES 58 SECONDS
5 WEST, ALONG SAID CENTER LINE, A DISTANCE OF 878.23 FEET
6 (DEED BEING NORTH 44 DEGREES 23 MINUTES 00 SECONDS WEST) TO
7 A LINE THAT IS DRAWN SOUTH 38 DEGREES 35 MINUTES 41 SECONDS
8 WEST FROM THE POINT OF BEGINNING AND BEING PERPENDICULAR TO
9 THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO-ELGIN ROAD,
10 AS DESCRIBED ON THE AFORESAID PLAT OF DEDICATION PER
11 DOCUMENT NO. 11245764 AND SHOWN ON THE AFORESAID PLAT OF
12 SURVEY; THENCE NORTH 38 DEGREES 35 MINUTES 41 SECONDS EAST,
13 ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 1011.41 FEET
14 TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM SUCH
15 PORTIONS THEREOF AS MAY HAVE BEEN HERETOFORE CONVEYED OR
16 DEDICATED FOR HIGHWAY PURPOSES) IN COOK COUNTY, ILLINOIS.
17 P.I.N.: 06-21-101-024-0000

18 (2) Parcel 2 (T Bar J Ranch Parcel)

19 PARCEL 1:

20 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH; RANGE 9 EAST OF
21 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
22 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
23 THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH ALONG
24 THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF
25 SAID SECTION, 574.20 FEET; THENCE SOUTH 69 DEGREES 48
26 MINUTES EAST, 181.20 FEET; THENCE SOUTH 28 DEGREES 49
27 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37
28 MINUTES WEST, 238.50 FEET; THENCE SOUTH 75 DEGREES 29
29 MINUTES WEST, ALONG A FENCE LINE 510.8 FEET; THENCE SOUTH
30 29 DEGREES 48 MINUTES WEST, ALONG A FENCE LINE, 275.05 FEET
31 TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 40
32 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47
33 MINUTES WEST, ALONG A FENCE LINE, 175.5 FEET TO THE
34 NORTHERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY KNOWN AS
35 IRVING PARK BOULEVARD; THENCE SOUTH 50 DEGREES 21 MINUTES

1 EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PUBLIC
 2 HIGHWAY, A DISTANCE OF 248.3 FEET TO A POINT THAT IS SOUTH
 3 29 DEGREES 48 MINUTES WEST, 251.15 FEET FROM THE POINT OF
 4 BEGINNING; THENCE NORTH 29 DEGREES 48 MINUTES, EAST ALONG A
 5 FENCE LINE 251.15 FEET TO A POINT OF BEGINNING, IN COOK
 6 COUNTY, ILLINOIS.

7 P.I.N.: 06-21-101-018-0000

8 PARCEL 2:

9 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF
 10 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
 11 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
 12 THE NORTHWEST 1/4 OF SECTION 21 AFORESAID; THENCE SOUTH
 13 ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST
 14 1/4 OF SAID SECTION, 574.2 FEET; THENCE SOUTH 69 DEGREES 48
 15 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28 DEGREES 49
 16 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37
 17 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29
 18 MINUTES WEST, 203.4 FEET TO THE POINT OF BEGINNING; THENCE
 19 CONTINUING SOUTH 75 DEGREES 29 MINUTES WEST, 307.4 FEET;
 20 THENCE SOUTH 29 DEGREES 48 MINUTES WEST, 275.05 FEET;
 21 THENCE NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET;
 22 THENCE SOUTH 19 DEGREES 47 MINUTES WEST ALONG A FENCE LINE,
 23 175.5 FEET TO NORTHERLY RIGHT OF WAY LINE OF PUBLIC HIGHWAY
 24 KNOWN AS IRVING PARK BOULEVARD; THENCE NORTH 50 DEGREES 21
 25 MINUTES WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF
 26 HIGHWAY 566.2 FEET; THENCE NORTH 17 DEGREES 17 MINUTES EAST
 27 ALONG A FENCE LINE 193.07 FEET; THENCE NORTH 84 DEGREES 47
 28 MINUTES EAST 988.44 FEET TO A FENCE LINE; THENCE SOUTH 31
 29 DEGREES 51 MINUTES EAST ALONG SAID FENCE LINE, A DISTANCE
 30 OF 282.19 FEET TO THE POINT OF BEGINNING IN HANOVER
 31 TOWNSHIP IN COOK COUNTY, ILLINOIS.

32 P.I.N.: 06-21-101-022-0000

33 (3) Parcel 3 (Gibas parcel)

34 A PARCEL OF LAND IN SECTION 21, TOWNSHIP 41 NORTH, RANGE 9
 35 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,

1 ILLINOIS, DESCRIBED AS FOLLOWS:
2 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
3 THE NORTHWEST 1/4 OF SAID SECTION 21, THENCE SOUTH ALONG
4 THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4,
5 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST,
6 181.20 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 28
7 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33
8 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75
9 DEGREES 29 MINUTES WEST, 203.4 FEET TO A FENCE CORNER;
10 THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE LINE,
11 512.8 FEET; THENCE NORTH 3 DEGREES 29 MINUTES WEST ALONG
12 SAID FENCE LINE 263.6 FEET TO A POINT ON THE SOUTHERLY
13 RIGHT OF WAY LINE OF NEW SCHAUMBURG ROAD THAT IS 311.0 FEET
14 MORE OR LESS SOUTHWESTERLY OF THE POINT OF BEGINNING;
15 THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY
16 LINE OF ROAD 311.0 FEET MORE OR LESS TO THE POINT OF
17 BEGINNING, (EXCEPTING SUCH PORTIONS THEREOF AS MAY FALL
18 WITHIN LOTS 10 OR 26 OF COUNTY CLERK'S DIVISION OF SECTION
19 21 ACCORDING TO THE PLAT THEREOF RECORDED, MAY 31, 1895 IN
20 BOOK 65 OF PLATS PAGE 35) IN COOK COUNTY, ILLINOIS.
21 P.I.N.: 06-21-101-015-0000

22 (4) Parcel 4 (Blake parcel)

23 THAT PART OF SECTIONS 20 AND 21 IN TOWNSHIP 41 NORTH, RANGE
24 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS
25 FOLLOWS:
26 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER
27 OF THE NORTHWEST QUARTER OF SECTION 21 AFORESAID; THENCE
28 SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE
29 NORTHWEST QUARTER OF SAID SECTION, 574.2 FEET; THENCE SOUTH
30 69 DEGREES 48 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28
31 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33
32 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75
33 DEGREES 29 MINUTES WEST, 203.4 FEET; THENCE NORTH 31
34 DEGREES 51 MINUTES WEST ALONG A FENCE LINE, 282.19 FEET TO
35 A POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 47 MINUTES

1 WEST, 988.44 FEET TO A POINT ON A FENCE LINE THAT LIES
2 NORTH 17 DEGREES 17 MINUTES EAST, 193.07 FEET FROM A POINT
3 ON THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK
4 BOULEVARD; THENCE NORTH 17 DEGREES 17 MINUTES EAST ALONG
5 SAID FENCE LINE, 276.03 FEET TO THE SOUTHERLY RIGHT OF WAY
6 LINE OF SCHAUMBURG ROAD (AS NOW DEDICATED); THENCE EASTERLY
7 AND NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE ON
8 A CURVE TO LEFT HAVING A RADIUS OF 1425.4 FEET A DISTANCE
9 OF 829.0 FEET; THENCE SOUTH 3 DEGREES 29 MINUTES EAST ALONG
10 A FENCE LINE 263.6 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES
11 EAST ALONG A FENCE LINE A DISTANCE OF 230.61 FEET TO THE
12 POINT OF BEGINNING, IN HANOVER TOWNSHIP, COOK COUNTY,
13 ILLINOIS.

14 P.I.N. ~~P.I.N.~~: 06-21-101-021-0000.

15 (Source: P.A. 92-532, eff. 3-7-02; revised 1-27-03.)

16 (70 ILCS 2605/289)

17 Sec. 289 ~~288~~. District enlarged. On August 22, 2002 ~~Upon~~
18 ~~the effective date of this amendatory Act of the 92nd General~~
19 ~~Assembly,~~ the corporate limits of the Metropolitan Water
20 Reclamation District are extended to include within those
21 limits the following described tract of land, and that tract is
22 annexed to the District.

23 LEGAL DESCRIPTION

24 5.425 ACRES

25 THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP
26 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,
27 DESCRIBED AS FOLLOWS:

28 COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER
29 OF SAID SECTION 25; THENCE NORTH 00°00'00" EAST ALONG THE
30 EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A
31 DISTANCE OF 1314.40 FEET TO THE NORTH LINE OF THE SOUTH
32 HALF OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH
33 89°15'17" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF
34 THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 170.00
35 FEET; THENCE SOUTH 44°22'03" WEST, 410.93 FEET TO THE POINT

1 OF BEGINNING; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE
2 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF
3 SECTION 25, A DISTANCE OF 420.04 FEET TO A LINE 1755.25
4 FEET EAST OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH
5 THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25;
6 THENCE NORTH 00°02'28" WEST ALONG SAID PARALLEL LINE,
7 105.23 FEET; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE
8 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF
9 SECTION 25, A DISTANCE OF 300.13 FEET; THENCE SOUTH
10 00°02'28" EAST, 150.68 FEET; THENCE NORTH 89°57'32" EAST
11 120.37 FEET; THENCE SOUTH 00°02'28" EAST PARALLEL WITH THE
12 WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A
13 DISTANCE OF 353.10 FEET; THENCE NORTH 89°15'17" EAST
14 PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE
15 NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 479.77 FEET;
16 THENCE NORTH 00°02'28" WEST, 278.99 FEET; THENCE NORTH
17 44°22'03" EAST, 171.50 FEET TO THE PLACE OF BEGINNING, IN
18 COOK COUNTY, ILLINOIS.

19 (Source: P.A. 92-843, eff. 8-22-02; revised 2-18-03.)

20 Section 230. The Local Mass Transit District Act is amended
21 by changing Section 2 as follows:

22 (70 ILCS 3610/2) (from Ch. 111 2/3, par. 352)

23 Sec. 2. For the purposes of this Act:

24 (a) "Mass transit facility" means any local public
25 transportation facility, whether buses, trolley-buses, or
26 railway systems, utilized by a substantial number of persons
27 for their daily transportation, and includes not only the local
28 public transportation facility itself but ancillary and
29 supporting facilities such as, for example, motor vehicle
30 parking facilities, as well.

31 (b) "Participating municipality and county" means the
32 municipality or municipalities, county or counties creating
33 the local Mass Transit District pursuant to Section 3 of this
34 Act.

1 (c) "Municipality" means a city, village, township, or
2 incorporated town.

3 (d) "Corporate authorities" means (1) the city council or
4 similar body of a city, (2) the board of trustees or similar
5 body of a village or incorporated town, (3) the council of a
6 municipality under the commission form of municipal
7 government, and (4) the board of trustees in a township.

8 (e) "County board" means the governing board of a county.

9 (f) "District" means a local Mass Transit District created
10 pursuant to Section 3 of this Act.

11 (g) "Board" means the Board of Trustees of a local Mass
12 Transit District created pursuant to Section 3 of this Act.

13 (h) "Interstate transportation authority" shall mean any
14 political subdivision created by compact between this State and
15 another state, which is a body corporate and politic and a
16 political subdivision of both contracting states, and which
17 operates a public mass transportation system.

18 (i) "Metro East Mass Transit District" means one or more
19 local mass transit districts created pursuant to this Act,
20 composed only of Madison, St. Clair or Monroe Counties, or any
21 combination thereof or any territory annexed to such district.

22 (j) "Public mass transportation system" shall mean a
23 transportation system or systems owned and operated by an
24 interstate transportation authority, a municipality, District,
25 or other public or private authority, employing motor busses,
26 rails or any other means of conveyance, by whatsoever type or
27 power, operated for public use in the conveyance of persons,
28 mainly providing local transportation service within an
29 interstate transportation district, municipality, or county.

30 (Source: P.A. 93-590, eff. 1-1-04; revised 10-9-03.)

31 Section 235. The School Code is amended by changing
32 Sections 1D-1, 2-3.25g, 10-17a, 27-8.1, and 34-8.1 and setting
33 forth and renumbering multiple versions of Sections 2-3.131,
34 10-20.35, 10-20.37, 34-18.23, and 34-18.26 as follows:

1 (105 ILCS 5/1D-1)

2 Sec. 1D-1. Block grant funding.

3 (a) For fiscal year 1996 and each fiscal year thereafter,
4 the State Board of Education shall award to a school district
5 having a population exceeding 500,000 inhabitants a general
6 education block grant and an educational services block grant,
7 determined as provided in this Section, in lieu of distributing
8 to the district separate State funding for the programs
9 described in subsections (b) and (c). The provisions of this
10 Section, however, do not apply to any federal funds that the
11 district is entitled to receive. In accordance with Section
12 2-3.32, all block grants are subject to an audit. Therefore,
13 block grant receipts and block grant expenditures shall be
14 recorded to the appropriate fund code for the designated block
15 grant.

16 (b) The general education block grant shall include the
17 following programs: REI Initiative, Summer Bridges, Preschool
18 At Risk, K-6 Comprehensive Arts, School Improvement Support,
19 Urban Education, Scientific Literacy, Substance Abuse
20 Prevention, Second Language Planning, Staff Development,
21 Outcomes and Assessment, K-6 Reading Improvement, 7-12
22 Continued Reading Improvement, Truants' Optional Education,
23 Hispanic Programs, Agriculture Education, Parental Education,
24 Prevention Initiative, Report Cards, and Criminal Background
25 Investigations. Notwithstanding any other provision of law,
26 all amounts paid under the general education block grant from
27 State appropriations to a school district in a city having a
28 population exceeding 500,000 inhabitants shall be appropriated
29 and expended by the board of that district for any of the
30 programs included in the block grant or any of the board's
31 lawful purposes.

32 (c) The educational services block grant shall include the
33 following programs: Bilingual, Regular and Vocational
34 Transportation, State Lunch and Free Breakfast Program,
35 Special Education (Personnel, Extraordinary, Transportation,
36 Orphanage, Private Tuition), Summer School, Educational

1 Service Centers, and Administrator's Academy. This subsection
2 (c) does not relieve the district of its obligation to provide
3 the services required under a program that is included within
4 the educational services block grant. It is the intention of
5 the General Assembly in enacting the provisions of this
6 subsection (c) to relieve the district of the administrative
7 burdens that impede efficiency and accompany single-program
8 funding. The General Assembly encourages the board to pursue
9 mandate waivers pursuant to Section 2-3.25g.

10 (d) For fiscal year 1996 and each fiscal year thereafter,
11 the amount of the district's block grants shall be determined
12 as follows: (i) with respect to each program that is included
13 within each block grant, the district shall receive an amount
14 equal to the same percentage of the current fiscal year
15 appropriation made for that program as the percentage of the
16 appropriation received by the district from the 1995 fiscal
17 year appropriation made for that program, and (ii) the total
18 amount that is due the district under the block grant shall be
19 the aggregate of the amounts that the district is entitled to
20 receive for the fiscal year with respect to each program that
21 is included within the block grant that the State Board of
22 Education shall award the district under this Section for that
23 fiscal year. In the case of the Summer Bridges program, the
24 amount of the district's block grant shall be equal to 44% of
25 the amount of the current fiscal year appropriation made for
26 that program.

27 (e) The district is not required to file any application or
28 other claim in order to receive the block grants to which it is
29 entitled under this Section. The State Board of Education shall
30 make payments to the district of amounts due under the
31 district's block grants on a schedule determined by the State
32 Board of Education.

33 (f) A school district to which this Section applies shall
34 report to the State Board of Education on its use of the block
35 grants in such form and detail as the State Board of Education
36 may specify.

1 (g) This paragraph provides for the treatment of block
2 grants under Article 1C for purposes of calculating the amount
3 of block grants for a district under this Section. Those block
4 grants under Article 1C are, for this purpose, treated as
5 included in the amount of appropriation for the various
6 programs set forth in paragraph (b) above. The appropriation in
7 each current fiscal year for each block grant under Article 1C
8 shall be treated for these purposes as appropriations for the
9 individual program included in that block grant. The proportion
10 of each block grant so allocated to each such program included
11 in it shall be the proportion which the appropriation for that
12 program was of all appropriations for such purposes now in that
13 block grant, in fiscal 1995.

14 Payments to the school district under this Section with
15 respect to each program for which payments to school districts
16 generally, as of the date of this amendatory Act of the 92nd
17 General Assembly, are on a reimbursement basis shall continue
18 to be made to the district on a reimbursement basis, pursuant
19 to the provisions of this Code governing those programs.

20 (h) Notwithstanding any other provision of law, any school
21 district receiving a block grant under this Section may
22 classify all or a portion of the funds that it receives in a
23 particular fiscal year from any block grant authorized under
24 this Code or from general State aid pursuant to Section 18-8.05
25 of this Code (other than supplemental general State aid) as
26 funds received in connection with any funding program for which
27 it is entitled to receive funds from the State in that fiscal
28 year (including, without limitation, any funding program
29 referred to in subsection (c) of this Section), regardless of
30 the source or timing of the receipt. The district may not
31 classify more funds as funds received in connection with the
32 funding program than the district is entitled to receive in
33 that fiscal year for that program. Any classification by a
34 district must be made by a resolution of its board of
35 education. The resolution must identify the amount of any block
36 grant or general State aid to be classified under this

1 subsection (h) and must specify the funding program to which
2 the funds are to be treated as received in connection
3 therewith. This resolution is controlling as to the
4 classification of funds referenced therein. A certified copy of
5 the resolution must be sent to the State Superintendent of
6 Education. The resolution shall still take effect even though a
7 copy of the resolution has not been sent to the State
8 Superintendent of Education in a timely manner. No
9 classification under this subsection (h) by a district shall
10 affect the total amount or timing of money the district is
11 entitled to receive under this Code. No classification under
12 this subsection (h) by a district shall in any way relieve the
13 district from or affect any requirements that otherwise would
14 apply with respect to the block grant as provided in this
15 Section, including any accounting of funds by source, reporting
16 expenditures by original source and purpose, reporting
17 requirements, or requirements of provision of services.

18 (Source: P.A. 92-568, eff. 6-26-02; 92-651, eff. 7-11-02;
19 93-21, eff. 7-1-03; 93-53, eff. 7-1-03; revised 9-11-03.)

20 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

21 Sec. 2-3.25g. Waiver or modification of mandates within the
22 School Code and administrative rules and regulations.
23 Notwithstanding any other provisions of this School Code or any
24 other law of this State to the contrary, school districts may
25 petition the State Board of Education for the waiver or
26 modification of the mandates of this School Code or of the
27 administrative rules and regulations promulgated by the State
28 Board of Education. Waivers or modifications of administrative
29 rules and regulations and modifications of mandates of this
30 School Code may be requested when a school district
31 demonstrates that it can address the intent of the rule or
32 mandate in a more effective, efficient, or economical manner or
33 when necessary to stimulate innovation or improve student
34 performance. Waivers of mandates of the School Code may be
35 requested when the waivers are necessary to stimulate

1 innovation or improve student performance. Waivers may not be
2 requested from laws, rules, and regulations pertaining to
3 special education, teacher certification, or teacher tenure
4 and seniority or from compliance with the No Child Left Behind
5 Act of 2001 (Public Law 107-110).

6 School districts, as a matter of inherent managerial
7 policy, and any Independent Authority established under
8 Section 2-3.25f may submit an application for a waiver or
9 modification authorized under this Section. Each application
10 must include a written request by the school district or
11 Independent Authority and must demonstrate that the intent of
12 the mandate can be addressed in a more effective, efficient, or
13 economical manner or be based upon a specific plan for improved
14 student performance and school improvement. Any district
15 requesting a waiver or modification for the reason that intent
16 of the mandate can be addressed in a more economical manner
17 shall include in the application a fiscal analysis showing
18 current expenditures on the mandate and projected savings
19 resulting from the waiver or modification. Applications and
20 plans developed by school districts must be approved by each
21 board of education following a public hearing on the
22 application and plan and the opportunity for the board to hear
23 testimony from educators directly involved in its
24 implementation, parents, and students. Such public hearing
25 shall be held on a day other than the day on which a regular
26 meeting of the board is held. The public hearing must be
27 preceded by at least one published notice occurring at least 7
28 days prior to the hearing in a newspaper of general circulation
29 within the school district that sets forth the time, date,
30 place, and general subject matter of the hearing. The school
31 district must notify in writing the affected exclusive
32 collective bargaining agent and those State legislators
33 representing the district holding the public hearing of the
34 district's intent to seek approval of a waiver or modification
35 and of the hearing to be held to take testimony from educators.
36 The affected exclusive collective bargaining agents shall be

1 notified of such public hearing at least 7 days prior to the
2 date of the hearing and shall be allowed to attend such public
3 hearing. The district shall attest to compliance with all of
4 the notification and procedural requirements set forth in this
5 Section.

6 A request for a waiver or modification of administrative
7 rules and regulations or for a modification of mandates
8 contained in this School Code shall be submitted to the State
9 Board of Education within 15 days after approval by the board
10 of education. The application as submitted to the State Board
11 of Education shall include a description of the public hearing.
12 Following receipt of the request, the State Board shall have 45
13 days to review the application and request. If the State Board
14 fails to disapprove the application within that 45 day period,
15 the waiver or modification shall be deemed granted. The State
16 Board may disapprove any request if it is not based upon sound
17 educational practices, endangers the health or safety of
18 students or staff, compromises equal opportunities for
19 learning, or fails to demonstrate that the intent of the rule
20 or mandate can be addressed in a more effective, efficient, or
21 economical manner or have improved student performance as a
22 primary goal. Any request disapproved by the State Board may be
23 appealed to the General Assembly by the requesting school
24 district as outlined in this Section.

25 A request for a waiver from mandates contained in this
26 School Code shall be submitted to the State Board within 15
27 days after approval by the board of education. The application
28 as submitted to the State Board of Education shall include a
29 description of the public hearing. The description shall
30 include, but need not be limited to, the means of notice, the
31 number of people in attendance, the number of people who spoke
32 as proponents or opponents of the waiver, a brief description
33 of their comments, and whether there were any written
34 statements submitted. The State Board shall review the
35 applications and requests for completeness and shall compile
36 the requests in reports to be filed with the General Assembly.

1 The State Board shall file reports outlining the waivers
2 requested by school districts and appeals by school districts
3 of requests disapproved by the State Board with the Senate and
4 the House of Representatives before each May 1 and October 1.
5 The General Assembly may disapprove the report of the State
6 Board in whole or in part within 30 calendar days after each
7 house of the General Assembly next convenes after the report is
8 filed by adoption of a resolution by a record vote of the
9 majority of members elected in each house. If the General
10 Assembly fails to disapprove any waiver request or appealed
11 request within such 30 day period, the waiver or modification
12 shall be deemed granted. Any resolution adopted by the General
13 Assembly disapproving a report of the State Board in whole or
14 in part shall be binding on the State Board.

15 An approved waiver or modification may remain in effect for
16 a period not to exceed 5 school years and may be renewed upon
17 application by the school district. However, such waiver or
18 modification may be changed within that 5-year period by a
19 local school district board following the procedure as set
20 forth in this Section for the initial waiver or modification
21 request. If neither the State Board of Education nor the
22 General Assembly disapproves, the change is deemed granted.

23 On or before February 1, 1998, and each year thereafter,
24 the State Board of Education shall submit a cumulative report
25 summarizing all types of waiver mandates and modifications of
26 mandates granted by the State Board or the General Assembly.
27 The report shall identify the topic of the waiver along with
28 the number and percentage of school districts for which the
29 waiver has been granted. The report shall also include any
30 recommendations from the State Board regarding the repeal or
31 modification of waived mandates.

32 (Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03;
33 revised 9-11-03.)

34 (105 ILCS 5/2-3.131)

35 Sec. 2-3.131. FY2004 transitional assistance payments. If

1 the amount that the State Board of Education will pay to a
2 school district from fiscal year 2004 appropriations, as
3 estimated by the State Board of Education on April 1, 2004, is
4 less than the amount that the State Board of Education paid to
5 the school district from fiscal year 2003 appropriations, then,
6 subject to appropriation, the State Board of Education shall
7 make a fiscal year 2004 transitional assistance payment to the
8 school district in an amount equal to the difference between
9 the estimated amount to be paid from fiscal year 2004
10 appropriations and the amount paid from fiscal year 2003
11 appropriations.

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

13 (105 ILCS 5/2-3.132)

14 Sec. 2-3.132 ~~2-3.131~~. Sharing information on school lunch
15 applicants. The State Board of Education shall, whenever
16 requested by the Department of Public Aid, agree in writing
17 with the Department of Public Aid (as the State agency that
18 administers the State Medical Assistance Program as provided in
19 Title XIX of the federal Social Security Act and the State
20 Children's Health Insurance Program as provided in Title XXI of
21 the federal Social Security Act) to share with the Department
22 of Public Aid information on applicants for free or
23 reduced-price lunches. This sharing of information shall be for
24 the sole purpose of helping the Department of Public Aid
25 identify and enroll children in the State Medical Assistance
26 Program or the State Children's Health Insurance Program or
27 both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and
28 under the restrictions set forth in 42 U.S.C. Sec.
29 1758(b)(2)(C)(vi) and (vii). The State Board of Education may
30 not adopt any rule that would prohibit a child from receiving
31 any form of subsidy or benefit due to his or her parent or
32 guardian withholding consent under Section 22-35 of this Code.

33 (Source: P.A. 93-404, eff. 8-1-03; revised 9-24-03.)

34 (105 ILCS 5/2-3.133)

1 Sec. 2-3.133 ~~2-3.131~~. Homework assistance information for
2 parents. The State Board of Education shall provide information
3 on its Internet web site regarding strategies that parents can
4 use to assist their children in successfully completing
5 homework assignments. The State Board of Education shall notify
6 all school districts about this information's availability on
7 the State Board of Education's Internet web site.

8 (Source: P.A. 93-471, eff. 1-1-04; revised 9-24-03.)

9 (105 ILCS 5/2-3.134)

10 Sec. 2-3.134. ~~2-3.131~~. Persistently dangerous schools. The
11 State Board of Education shall maintain data and publish a list
12 of persistently dangerous schools on an annual basis.

13 (Source: P.A. 93-633, eff. 12-23-03; revised 1-12-04.)

14 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

15 Sec. 10-17a. Better schools accountability.

16 (1) Policy and Purpose. It shall be the policy of the State
17 of Illinois that each school district in this State, including
18 special charter districts and districts subject to the
19 provisions of Article 34, shall submit to parents, taxpayers of
20 such district, the Governor, the General Assembly, and the
21 State Board of Education a school report card assessing the
22 performance of its schools and students. The report card shall
23 be an index of school performance measured against statewide
24 and local standards and will provide information to make prior
25 year comparisons and to set future year targets through the
26 school improvement plan.

27 (2) Reporting Requirements. Each school district shall
28 prepare a report card in accordance with the guidelines set
29 forth in this Section which describes the performance of its
30 students by school attendance centers and by district and the
31 district's financial resources and use of financial resources.
32 Such report card shall be presented at a regular school board
33 meeting subject to applicable notice requirements, posted on
34 the school district's Internet web site, if the district

1 maintains an Internet web site, made available to a newspaper
2 of general circulation serving the district, and, upon request,
3 sent home to a parent (unless the district does not maintain an
4 Internet web site, in which case the report card shall be sent
5 home to parents without request). If the district posts the
6 report card on its Internet web site, the district shall send a
7 written notice home to parents stating (i) that the report card
8 is available on the web site, (ii) the address of the web site,
9 (iii) that a printed copy of the report card will be sent to
10 parents upon request, and (iv) the telephone number that
11 parents may call to request a printed copy of the report card.
12 In addition, each school district shall submit the completed
13 report card to the office of the district's Regional
14 Superintendent which shall make copies available to any
15 individuals requesting them.

16 The report card shall be completed and disseminated prior
17 to October 31 in each school year. The report card shall
18 contain, but not be limited to, actual local school attendance
19 center, school district and statewide data indicating the
20 present performance of the school, the State norms and the
21 areas for planned improvement for the school and school
22 district.

23 (3) (a) The report card shall include the following
24 applicable indicators of attendance center, district, and
25 statewide student performance: percent of students who exceed,
26 meet, or do not meet standards established by the State Board
27 of Education pursuant to Section 2-3.25a; composite and subtest
28 means on nationally normed achievement tests for college bound
29 students; student attendance rates; chronic truancy rate;
30 dropout rate; graduation rate; and student mobility, turnover
31 shown as a percent of transfers out and a percent of transfers
32 in.

33 (b) The report card shall include the following
34 descriptions for the school, district, and State: average class
35 size; amount of time per day devoted to mathematics, science,
36 English and social science at primary, middle and junior high

1 school grade levels; number of students taking the Prairie
2 State Achievement Examination under subsection (c) of Section
3 2-3.64, the number of those students who received a score of
4 excellent, and the average score by school of students taking
5 the examination; pupil-teacher ratio; pupil-administrator
6 ratio; operating expenditure per pupil; district expenditure
7 by fund; average administrator salary; and average teacher
8 salary. The report card shall also specify the amount of money
9 that the district receives from all sources, including without
10 limitation subcategories specifying the amount from local
11 property taxes, the amount from general State aid, the amount
12 from other State funding, and the amount from other income.

13 (c) The report card shall include applicable indicators of
14 parental involvement in each attendance center. The parental
15 involvement component of the report card shall include the
16 percentage of students whose parents or guardians have had one
17 or more personal contacts with the students' teachers during
18 the school year concerning the students' education, and such
19 other information, commentary, and suggestions as the school
20 district desires. For the purposes of this paragraph, "personal
21 contact" includes, but is not limited to, parent-teacher
22 conferences, parental visits to school, school visits to home,
23 telephone conversations, and written correspondence. The
24 parental involvement component shall not single out or identify
25 individual students, parents, or guardians by name.

26 (d) The report card form shall be prepared by the State
27 Board of Education and provided to school districts by the most
28 efficient, economic, and appropriate means.

29 (Source: P.A. 92-604, eff. 7-1-02; 92-631, eff. 7-11-02;
30 revised 7-26-02.)

31 (105 ILCS 5/10-20.35)

32 Sec. 10-20.35. Medical information form for bus drivers and
33 emergency medical technicians. School districts are encouraged
34 to create and use an emergency medical information form for bus
35 drivers and emergency medical technicians for those students

1 with special needs or medical conditions. The form may include
2 without limitation information to be provided by the student's
3 parent or legal guardian concerning the student's relevant
4 medical conditions, medications that the student is taking, the
5 student's communication skills, and how a bus driver or an
6 emergency medical technician is to respond to certain behaviors
7 of the student. If the form is used, the school district is
8 encouraged to notify parents and legal guardians of the
9 availability of the form. The parent or legal guardian of the
10 student may fill out the form and submit it to the school that
11 the student is attending. The school district is encouraged to
12 keep one copy of the form on file at the school and another
13 copy on the student's school bus in a secure location.

14 (Source: P.A. 92-580, eff. 7-1-02.)

15 (105 ILCS 5/10-20.36)

16 Sec. 10-20.36 ~~10-20.35~~. Psychotropic or psychostimulant
17 medication; disciplinary action.

18 (a) In this Section:

19 "Psychostimulant medication" means medication that
20 produces increased levels of mental and physical energy and
21 alertness and an elevated mood by stimulating the central
22 nervous system.

23 "Psychotropic medication" means psychotropic medication as
24 defined in Section 1-121.1 of the Mental Health and
25 Developmental Disabilities Code.

26 (b) Each school board must adopt and implement a policy
27 that prohibits any disciplinary action that is based totally or
28 in part on the refusal of a student's parent or guardian to
29 administer or consent to the administration of psychotropic or
30 psychostimulant medication to the student.

31 The policy must require that, at least once every 2 years,
32 the in-service training of certified school personnel and
33 administrators include training on current best practices
34 regarding the identification and treatment of attention
35 deficit disorder and attention deficit hyperactivity disorder,

1 the application of non-aversive behavioral interventions in
2 the school environment, and the use of psychotropic or
3 psychostimulant medication for school-age children.

4 (c) This Section does not prohibit school medical staff, an
5 individualized educational program team, or a professional
6 worker (as defined in Section 14-1.10 of this Code) from
7 recommending that a student be evaluated by an appropriate
8 medical practitioner or prohibit school personnel from
9 consulting with the practitioner with the consent of the
10 student's parents or guardian.

11 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

12 (105 ILCS 5/10-20.37)

13 Sec. 10-20.37. Summer kindergarten. A school board may
14 establish, maintain, and operate, in connection with the
15 kindergarten program of the school district, a summer
16 kindergarten program that begins 2 months before the beginning
17 of the regular school year and a summer kindergarten program
18 for grade one readiness for those pupils making unsatisfactory
19 progress during the regular kindergarten session that will
20 continue for 2 months after the regular school year. The summer
21 kindergarten program may be held within the school district or,
22 pursuant to a contract that must be approved by the State Board
23 of Education, may be operated by 2 or more adjacent school
24 districts or by a public or private university or college.
25 Transportation for students attending the summer kindergarten
26 program shall be the responsibility of the school district. The
27 expense of establishing, maintaining, and operating the summer
28 kindergarten program may be paid from funds contributed or
29 otherwise made available to the school district for that
30 purpose by federal or State appropriation.

31 (Source: P.A. 93-472, eff. 8-8-03.)

32 (105 ILCS 5/10-20.38)

33 Sec. 10-20.38 ~~10-20.37~~. Provision of student information
34 prohibited. A school district may not provide a student's name,

1 address, telephone number, social security number, e-mail
2 address, or other personal identifying information to a
3 business organization or financial institution that issues
4 credit or debit cards.

5 (Source: P.A. 93-549, eff. 8-19-03; revised 9-28-03.)

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the
9 Department of Public Health shall promulgate, and except as
10 hereinafter provided, all children in Illinois shall have a
11 health examination as follows: within one year prior to
12 entering kindergarten or the first grade of any public,
13 private, or parochial elementary school; upon entering the
14 fifth and ninth grades of any public, private, or parochial
15 school; prior to entrance into any public, private, or
16 parochial nursery school; and, irrespective of grade,
17 immediately prior to or upon entrance into any public, private,
18 or parochial school or nursery school, each child shall present
19 proof of having been examined in accordance with this Section
20 and the rules and regulations promulgated hereunder.

21 A tuberculosis skin test screening shall be included as a
22 required part of each health examination included under this
23 Section if the child resides in an area designated by the
24 Department of Public Health as having a high incidence of
25 tuberculosis. Additional health examinations of pupils,
26 including dental and vision examinations, may be required when
27 deemed necessary by school authorities. Parents are encouraged
28 to have their children undergo dental and vision examinations
29 at the same points in time required for health examinations.

30 (2) The Department of Public Health shall promulgate rules
31 and regulations specifying the examinations and procedures
32 that constitute a health examination and may recommend by rule
33 that certain additional examinations be performed. The rules
34 and regulations of the Department of Public Health shall
35 specify that a tuberculosis skin test screening shall be

1 included as a required part of each health examination included
2 under this Section if the child resides in an area designated
3 by the Department of Public Health as having a high incidence
4 of tuberculosis. The Department of Public Health shall specify
5 that a diabetes screening as defined by rule shall be included
6 as a required part of each health examination. Diabetes testing
7 is not required.

8 Physicians licensed to practice medicine in all of its
9 branches, advanced practice nurses who have a written
10 collaborative agreement with a collaborating physician which
11 authorizes them to perform health examinations, or physician
12 assistants who have been delegated the performance of health
13 examinations by their supervising physician shall be
14 responsible for the performance of the health examinations,
15 other than dental examinations and vision and hearing
16 screening, and shall sign all report forms required by
17 subsection (4) of this Section that pertain to those portions
18 of the health examination for which the physician, advanced
19 practice nurse, or physician assistant is responsible. If a
20 registered nurse performs any part of a health examination,
21 then a physician licensed to practice medicine in all of its
22 branches must review and sign all required report forms.
23 Licensed dentists shall perform all dental examinations and
24 shall sign all report forms required by subsection (4) of this
25 Section that pertain to the dental examinations. Physicians
26 licensed to practice medicine in all its branches, or licensed
27 optometrists, shall perform all vision exams required by school
28 authorities and shall sign all report forms required by
29 subsection (4) of this Section that pertain to the vision exam.
30 Vision and hearing screening tests, which shall not be
31 considered examinations as that term is used in this Section,
32 shall be conducted in accordance with rules and regulations of
33 the Department of Public Health, and by individuals whom the
34 Department of Public Health has certified. In these rules and
35 regulations, the Department of Public Health shall require that
36 individuals conducting vision screening tests give a child's

1 parent or guardian written notification, before the vision
2 screening is conducted, that states, "Vision screening is not a
3 substitute for a complete eye and vision evaluation by an eye
4 doctor. Your child is not required to undergo this vision
5 screening if an optometrist or ophthalmologist has completed
6 and signed a report form indicating that an examination has
7 been administered within the previous 12 months."

8 (3) Every child shall, at or about the same time as he or
9 she receives a health examination required by subsection (1) of
10 this Section, present to the local school proof of having
11 received such immunizations against preventable communicable
12 diseases as the Department of Public Health shall require by
13 rules and regulations promulgated pursuant to this Section and
14 the Communicable Disease Prevention Act.

15 (4) The individuals conducting the health examination
16 shall record the fact of having conducted the examination, and
17 such additional information as required, on uniform forms which
18 the Department of Public Health and the State Board of
19 Education shall prescribe for statewide use. The examiner shall
20 summarize on the report form any condition that he or she
21 suspects indicates a need for special services. The individuals
22 confirming the administration of required immunizations shall
23 record as indicated on the form that the immunizations were
24 administered.

25 (5) If a child does not submit proof of having had either
26 the health examination or the immunization as required, then
27 the child shall be examined or receive the immunization, as the
28 case may be, and present proof by October 15 of the current
29 school year, or by an earlier date of the current school year
30 established by a school district. To establish a date before
31 October 15 of the current school year for the health
32 examination or immunization as required, a school district must
33 give notice of the requirements of this Section 60 days prior
34 to the earlier established date. If for medical reasons one or
35 more of the required immunizations must be given after October
36 15 of the current school year, or after an earlier established

1 date of the current school year, then the child shall present,
2 by October 15, or by the earlier established date, a schedule
3 for the administration of the immunizations and a statement of
4 the medical reasons causing the delay, both the schedule and
5 the statement being issued by the physician, advanced practice
6 nurse, physician assistant, registered nurse, or local health
7 department that will be responsible for administration of the
8 remaining required immunizations. If a child does not comply by
9 October 15, or by the earlier established date of the current
10 school year, with the requirements of this subsection, then the
11 local school authority shall exclude that child from school
12 until such time as the child presents proof of having had the
13 health examination as required and presents proof of having
14 received those required immunizations which are medically
15 possible to receive immediately. During a child's exclusion
16 from school for noncompliance with this subsection, the child's
17 parents or legal guardian shall be considered in violation of
18 Section 26-1 and subject to any penalty imposed by Section
19 26-10.

20 (6) Every school shall report to the State Board of
21 Education by November 15, in the manner which that agency shall
22 require, the number of children who have received the necessary
23 immunizations and the health examination as required,
24 indicating, of those who have not received the immunizations
25 and examination as required, the number of children who are
26 exempt from health examination and immunization requirements
27 on religious or medical grounds as provided in subsection (8).
28 This reported information shall be provided to the Department
29 of Public Health by the State Board of Education.

30 (7) Upon determining that the number of pupils who are
31 required to be in compliance with subsection (5) of this
32 Section is below 90% of the number of pupils enrolled in the
33 school district, 10% of each State aid payment made pursuant to
34 Section 18-8 to the school district for such year shall be
35 withheld by the regional superintendent until the number of
36 students in compliance with subsection (5) is the applicable

1 specified percentage or higher.

2 (8) Parents or legal guardians who object to health
3 examinations or any part thereof, or to immunizations, on
4 religious grounds shall not be required to submit their
5 children or wards to the examinations or immunizations to which
6 they so object if such parents or legal guardians present to
7 the appropriate local school authority a signed statement of
8 objection, detailing the grounds for the objection. If the
9 physical condition of the child is such that any one or more of
10 the immunizing agents should not be administered, the examining
11 physician, advanced practice nurse, or physician assistant
12 responsible for the performance of the health examination shall
13 endorse that fact upon the health examination form. Exempting a
14 child from the health examination does not exempt the child
15 from participation in the program of physical education
16 training provided in Sections 27-5 through 27-7 of this Code.

17 (9) For the purposes of this Section, "nursery schools"
18 means those nursery schools operated by elementary school
19 systems or secondary level school units or institutions of
20 higher learning.

21 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
22 93-530, eff. 1-1-04; revised 9-11-03.)

23 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

24 Sec. 34-8.1. Principals. Principals shall be employed to
25 supervise the operation of each attendance center. Their powers
26 and duties shall include but not be limited to the authority
27 (i) to direct, supervise, evaluate, and suspend with or without
28 pay or otherwise discipline all teachers, assistant
29 principals, and other employees assigned to the attendance
30 center in accordance with board rules and policies and (ii) to
31 direct all other persons assigned to the attendance center
32 pursuant to a contract with a third party to provide services
33 to the school system. The right to employ, discharge, and
34 layoff shall be vested solely with the board, provided that
35 decisions to discharge or suspend non-certified employees,

1 including disciplinary layoffs, and the termination of
2 certified employees from employment pursuant to a layoff or
3 reassignment policy are subject to review under the grievance
4 resolution procedure adopted pursuant to subsection (c) of
5 Section 10 of the Illinois Educational Labor Relations Act. The
6 grievance resolution procedure adopted by the board shall
7 provide for final and binding arbitration, and,
8 notwithstanding any other provision of law to the contrary, the
9 arbitrator's decision may include all make-whole relief,
10 including without limitation reinstatement. The principal
11 shall fill positions by appointment as provided in this Section
12 and may make recommendations to the board regarding the
13 employment, discharge, or layoff of any individual. The
14 authority of the principal shall include the authority to
15 direct the hours during which the attendance center shall be
16 open and available for use provided the use complies with board
17 rules and policies, to determine when and what operations shall
18 be conducted within those hours, and to schedule staff within
19 those hours. Under the direction of, and subject to the
20 authority of the principal, the Engineer In Charge shall be
21 accountable for the safe, economical operation of the plant and
22 grounds and shall also be responsible for orientation,
23 training, and supervising the work of Engineers, Trainees,
24 school maintenance assistants, custodial workers and other
25 plant operation employees under his or her direction.

26 There shall be established by the board a system of
27 semi-annual evaluations conducted by the principal as to
28 performance of the engineer in charge. Nothing in this Section
29 shall prevent the principal from conducting additional
30 evaluations. An overall numerical rating shall be given by the
31 principal based on the evaluation conducted by the principal.
32 An unsatisfactory numerical rating shall result in
33 disciplinary action, which may include, without limitation and
34 in the judgment of the principal, loss of promotion or bidding
35 procedure, reprimand, suspension with or without pay, or
36 recommended dismissal. The board shall establish procedures

1 for conducting the evaluation and reporting the results to the
2 engineer in charge.

3 Under the direction of, and subject to the authority of,
4 the principal, the Food Service Manager is responsible at all
5 times for the proper operation and maintenance of the lunch
6 room to which he is assigned and shall also be responsible for
7 the orientation, training, and supervising the work of cooks,
8 bakers, porters, and lunchroom attendants under his or her
9 direction.

10 There shall be established by the Board a system of
11 semi-annual evaluations conducted by the principal as to the
12 performance of the food service manager. Nothing in this
13 Section shall prevent the principal from conducting additional
14 evaluations. An overall numerical rating shall be given by the
15 principal based on the evaluation conducted by the principal.
16 An unsatisfactory numerical rating shall result in
17 disciplinary action which may include, without limitation and
18 in the judgment of the principal, loss of promotion or bidding
19 procedure, reprimand, suspension with or without pay, or
20 recommended dismissal. The board shall establish rules for
21 conducting the evaluation and reporting the results to the food
22 service manager.

23 Nothing in this Section shall be interpreted to require the
24 employment or assignment of an Engineer-In-Charge or a Food
25 Service Manager for each attendance center.

26 Principals shall be employed to supervise the educational
27 operation of each attendance center. If a principal is absent
28 due to extended illness or leave or absence, an assistant
29 principal may be assigned as acting principal for a period not
30 to exceed 100 school days. Each principal shall assume
31 administrative responsibility and instructional leadership, in
32 accordance with reasonable rules and regulations of the board,
33 for the planning, operation and evaluation of the educational
34 program of the attendance center to which he is assigned. The
35 principal shall submit recommendations to the general
36 superintendent concerning the appointment, dismissal,

1 retention, promotion, and assignment of all personnel assigned
2 to the attendance center; provided, that from and after
3 September 1, 1989: (i) if any vacancy occurs in a position at
4 the attendance center or if an additional or new position is
5 created at the attendance center, that position shall be filled
6 by appointment made by the principal in accordance with
7 procedures established and provided by the Board whenever the
8 majority of the duties included in that position are to be
9 performed at the attendance center which is under the
10 principal's supervision, and each such appointment so made by
11 the principal shall be made and based upon merit and ability to
12 perform in that position without regard to seniority or length
13 of service, provided, that such appointments shall be subject
14 to the Board's desegregation obligations, including but not
15 limited to the Consent Decree and Desegregation Plan in U.S. v.
16 Chicago Board of Education; (ii) the principal shall submit
17 recommendations based upon merit and ability to perform in the
18 particular position, without regard to seniority or length of
19 service, to the general superintendent concerning the
20 appointment of any teacher, teacher aide, counselor, clerk,
21 hall guard, security guard and any other personnel which is to
22 be made by the general superintendent whenever less than a
23 majority of the duties of that teacher, teacher aide,
24 counselor, clerk, hall guard, and security guard and any other
25 personnel are to be performed at the attendance center which is
26 under the principal's supervision; and (iii) subject to law and
27 the applicable collective bargaining agreements, the authority
28 and responsibilities of a principal with respect to the
29 evaluation of all teachers and other personnel assigned to an
30 attendance center shall commence immediately upon his or her
31 appointment as principal of the attendance center, without
32 regard to the length of time that he or she has been the
33 principal of that attendance center.

34 Notwithstanding the existence of any other law of this
35 State, nothing in this Act shall prevent the board from
36 entering into a contract with a third party for services

1 currently performed by any employee or bargaining unit member.

2 Notwithstanding any other provision of this Article, each
3 principal may approve contracts, binding on the board, in the
4 amount of no more than \$10,000, if the contract is endorsed by
5 the Local School Council.

6 Unless otherwise prohibited by law or by rule of the board,
7 the principal shall provide to local school council members
8 copies of all internal audits and any other pertinent
9 information generated by any audits or reviews of the programs
10 and operation of the attendance center.

11 Each principal shall hold a valid administrative
12 certificate issued or exchanged in accordance with Article 21
13 and endorsed as required by that Article for the position of
14 principal. The board may establish or impose academic,
15 educational, examination, and experience requirements and
16 criteria that are in addition to those established and required
17 by Article 21 for issuance of a valid certificate endorsed for
18 the position of principal as a condition of the nomination,
19 selection, appointment, employment, or continued employment of
20 a person as principal of any attendance center, or as a
21 condition of the renewal of any principal's performance
22 contract.

23 The board shall specify in its formal job description for
24 principals, and from and after July 1, 1990 shall specify in
25 the 4 year performance contracts for use with respect to all
26 principals, that his or her primary responsibility is in the
27 improvement of instruction. A majority of the time spent by a
28 principal shall be spent on curriculum and staff development
29 through both formal and informal activities, establishing
30 clear lines of communication regarding school goals,
31 accomplishments, practices and policies with parents and
32 teachers. The principal, with the assistance of the local
33 school council, shall develop a school improvement plan as
34 provided in Section 34-2.4 and, upon approval of the plan by
35 the local school council, shall be responsible for directing
36 implementation of the plan. The principal, with the assistance

1 of the professional personnel leadership committee, shall
2 develop the specific methods and contents of the school's
3 curriculum within the board's system-wide curriculum standards
4 and objectives and the requirements of the school improvement
5 plan. The board shall ensure that all principals are evaluated
6 on their instructional leadership ability and their ability to
7 maintain a positive education and learning climate. It shall
8 also be the responsibility of the principal to utilize
9 resources of proper law enforcement agencies when the safety
10 and welfare of students and teachers are threatened by illegal
11 use of drugs and alcohol, by illegal use or possession of
12 weapons, or by illegal gang activity.

13 On or before October 1, 1989, the Board of Education, in
14 consultation with any professional organization representing
15 principals in the district, shall promulgate rules and
16 implement a lottery for the purpose of determining whether a
17 principal's existing performance contract (including the
18 performance contract applicable to any principal's position in
19 which a vacancy then exists) expires on June 30, 1990 or on
20 June 30, 1991, and whether the ensuing 4 year performance
21 contract begins on July 1, 1990 or July 1, 1991. The Board of
22 Education shall establish and conduct the lottery in such
23 manner that of all the performance contracts of principals
24 (including the performance contracts applicable to all
25 principal positions in which a vacancy then exists), 50% of
26 such contracts shall expire on June 30, 1990, and 50% shall
27 expire on June 30, 1991. All persons serving as principal on
28 May 1, 1989, and all persons appointed as principal after May
29 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner
30 other than as provided by Section 34-2.3, shall be deemed by
31 operation of law to be serving under a performance contract
32 which expires on June 30, 1990 or June 30, 1991; and unless
33 such performance contract of any such principal is renewed (or
34 such person is again appointed to serve as principal) in the
35 manner provided by Section 34-2.2 or 34-2.3, the employment of
36 such person as principal shall terminate on June 30, 1990 or

1 June 30, 1991.

2 Commencing on July 1, 1990, or on July 1, 1991, and
3 thereafter, the principal of each attendance center shall be
4 the person selected in the manner provided by Section 34-2.3 to
5 serve as principal of that attendance center under a 4 year
6 performance contract. All performance contracts of principals
7 expiring after July 1, 1990, or July 1, 1991, shall commence on
8 the date specified in the contract, and the renewal of their
9 performance contracts and the appointment of principals when
10 their performance contracts are not renewed shall be governed
11 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office
12 of a principal occurs for any reason, the vacancy shall be
13 filled by the selection of a new principal to serve under a 4
14 year performance contract in the manner provided by Section
15 34-2.3.

16 The board of education shall develop and prepare, in
17 consultation with the organization representing principals, a
18 performance contract for use at all attendance centers, and
19 shall furnish the same to each local school council. The term
20 of the performance contract shall be 4 years, unless the
21 principal is retained by the decision of a hearing officer
22 pursuant to subdivision 1.5 of Section 34-2.3, in which case
23 the contract shall be extended for 2 years. The performance
24 contract of each principal shall consist of the uniform
25 performance contract, as developed or from time to time
26 modified by the board, and such additional criteria as are
27 established by a local school council pursuant to Section
28 34-2.3 for the performance contract of its principal.

29 During the term of his or her performance contract, a
30 principal may be removed only as provided for in the
31 performance contract except for cause. He or she shall also be
32 obliged to follow the rules of the board of education
33 concerning conduct and efficiency.

34 In the event the performance contract of a principal is not
35 renewed or a principal is not reappointed as principal under a
36 new performance contract, or in the event a principal is

1 appointed to any position of superintendent or higher position,
2 or voluntarily resigns his position of principal, his or her
3 employment as a principal shall terminate and such former
4 principal shall not be reinstated to the position from which he
5 or she was promoted to principal, except that he or she, if
6 otherwise qualified and certified in accordance with Article
7 21, shall be placed by the board on appropriate eligibility
8 lists which it prepares for use in the filling of vacant or
9 additional or newly created positions for teachers. The
10 principal's total years of service to the board as both a
11 teacher and a principal, or in other professional capacities,
12 shall be used in calculating years of experience for purposes
13 of being selected as a teacher into new, additional or vacant
14 positions.

15 In the event the performance contract of a principal is not
16 renewed or a principal is not reappointed as principal under a
17 new performance contract, such principal shall be eligible to
18 continue to receive his or her previously provided level of
19 health insurance benefits for a period of 90 days following the
20 non-renewal of the contract at no expense to the principal,
21 provided that such principal has not retired.

22 (Source: P.A. 93-3, eff. 4-16-03; 93-48, eff. 7-1-03; revised
23 9-11-03.)

24 (105 ILCS 5/34-18.23)

25 Sec. 34-18.23. Medical information form for bus drivers and
26 emergency medical technicians. The school district is
27 encouraged to create and use an emergency medical information
28 form for bus drivers and emergency medical technicians for
29 those students with special needs or medical conditions. The
30 form may include without limitation information to be provided
31 by the student's parent or legal guardian concerning the
32 student's relevant medical conditions, medications that the
33 student is taking, the student's communication skills, and how
34 a bus driver or an emergency medical technician is to respond
35 to certain behaviors of the student. If the form is used, the

1 school district is encouraged to notify parents and legal
2 guardians of the availability of the form. The parent or legal
3 guardian of the student may fill out the form and submit it to
4 the school that the student is attending. The school district
5 is encouraged to keep one copy of the form on file at the
6 school and another copy on the student's school bus in a secure
7 location.

8 (Source: P.A. 92-580, eff. 7-1-02.)

9 (105 ILCS 5/34-18.25)

10 Sec. 34-18.25 ~~34-18.23~~. Psychotropic or psychostimulant
11 medication; disciplinary action.

12 (a) In this Section:

13 "Psychostimulant medication" means medication that
14 produces increased levels of mental and physical energy and
15 alertness and an elevated mood by stimulating the central
16 nervous system.

17 "Psychotropic medication" means psychotropic medication as
18 defined in Section 1-121.1 of the Mental Health and
19 Developmental Disabilities Code.

20 (b) The board must adopt and implement a policy that
21 prohibits any disciplinary action that is based totally or in
22 part on the refusal of a student's parent or guardian to
23 administer or consent to the administration of psychotropic or
24 psychostimulant medication to the student.

25 The policy must require that, at least once every 2 years,
26 the in-service training of certified school personnel and
27 administrators include training on current best practices
28 regarding the identification and treatment of attention
29 deficit disorder and attention deficit hyperactivity disorder,
30 the application of non-aversive behavioral interventions in
31 the school environment, and the use of psychotropic or
32 psychostimulant medication for school-age children.

33 (c) This Section does not prohibit school medical staff, an
34 individualized educational program team, or a professional
35 worker (as defined in Section 14-1.10 of this Code) from

1 recommending that a student be evaluated by an appropriate
2 medical practitioner or prohibit school personnel from
3 consulting with the practitioner with the consent of the
4 student's parents or guardian.

5 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

6 (105 ILCS 5/34-18.26)

7 Sec. 34-18.26. Sharing information on school lunch
8 applicants. The board shall, whenever requested by the
9 Department of Public Aid, agree in writing with the Department
10 of Public Aid (as the State agency that administers the State
11 Medical Assistance Program as provided in Title XIX of the
12 federal Social Security Act and the State Children's Health
13 Insurance Program as provided in Title XXI of the federal
14 Social Security Act) to share with the Department of Public Aid
15 information on applicants for free or reduced-price lunches.
16 The board shall, whenever requested by the Department of Public
17 Aid, require each of its schools to agree in writing with the
18 Department of Public Aid to share with the Department of Public
19 Aid information on applicants for free or reduced-price
20 lunches. This sharing of information shall be for the sole
21 purpose of helping the Department of Public Aid identify and
22 enroll children in the State Medical Assistance Program or the
23 State Children's Health Insurance Program or both as allowed
24 under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the
25 restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and
26 (vii).

27 (Source: P.A. 93-404, eff. 8-1-03.)

28 (105 ILCS 5/34-18.27)

29 Sec. 34-18.27 ~~34-18.26~~. Summer kindergarten. The board may
30 establish, maintain, and operate, in connection with the
31 kindergarten program of the school district, a summer
32 kindergarten program that begins 2 months before the beginning
33 of the regular school year and a summer kindergarten program
34 for grade one readiness for those pupils making unsatisfactory

1 progress during the regular kindergarten session that will
2 continue for 2 months after the regular school year. The summer
3 kindergarten program may be held within the school district or,
4 pursuant to a contract that must be approved by the State Board
5 of Education, may be operated by 2 or more adjacent school
6 districts or by a public or private university or college.
7 Transportation for students attending the summer kindergarten
8 program shall be the responsibility of the school district. The
9 expense of establishing, maintaining, and operating the summer
10 kindergarten program may be paid from funds contributed or
11 otherwise made available to the school district for that
12 purpose by federal or State appropriation.

13 (Source: P.A. 93-472, eff. 8-8-03; revised 9-24-03.)

14 (105 ILCS 5/34-18.28)

15 Sec. 34-18.28 ~~34-18.26~~. Prison tour pilot program. The
16 board shall establish a pilot program to prevent crime by
17 developing guidelines to identify students at risk of
18 committing crimes. "Students at risk of committing crimes"
19 shall be limited to those students who have engaged in serious
20 acts of misconduct in violation of the board's policy on
21 discipline. This program, in cooperation with the Department of
22 Corrections, shall include a guided tour of a prison for each
23 student so identified in order to discourage criminal behavior.
24 The touring of a prison under this Section shall be subject to
25 approval, in writing, of a student's parent or guardian.

26 (Source: P.A. 93-538, eff. 1-1-04; revised 9-24-03.)

27 (105 ILCS 5/34-18.29)

28 Sec. 34-18.29 ~~34-18.26~~. Provision of student information
29 prohibited. The school district may not provide a student's
30 name, address, telephone number, social security number,
31 e-mail address, or other personal identifying information to a
32 business organization or financial institution that issues
33 credit or debit cards.

34 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

1 Section 265. The Southern Illinois University Management
2 Act is amended by setting forth and renumbering multiple
3 versions of Section 15 as follows:

4 (110 ILCS 520/15)

5 Sec. 15. Limitation on tuition increase. This Section
6 applies only to those students who first enroll after the
7 2003-2004 academic year. For 4 continuous academic years
8 following initial enrollment (or for undergraduate programs
9 that require more than 4 years to complete, for the normal time
10 to complete the program, as determined by the University), the
11 tuition charged an undergraduate student who is an Illinois
12 resident shall not exceed the amount that the student was
13 charged at the time he or she first enrolled in the University.
14 However, if the student changes majors during this time period,
15 the tuition charged the student shall equal the amount the
16 student would have been charged had he or she been admitted to
17 the changed major when he or she first enrolled.

18 (Source: P.A. 93-228, eff. 1-1-04.)

19 (110 ILCS 520/16)

20 Sec. ~~15~~ 16. Provision of student information prohibited.
21 The University may not provide a student's name, address,
22 telephone number, social security number, e-mail address, or
23 other personal identifying information to a business
24 organization or financial institution that issues credit or
25 debit cards, unless the student is 21 years of age or older.

26 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

27 Section 270. The Chicago State University Law is amended by
28 setting forth and renumbering multiple versions of Section
29 5-120 as follows:

30 (110 ILCS 660/5-120)

31 Sec. 5-120. Limitation on tuition increase. This Section

1 applies only to those students who first enroll after the
2 2003-2004 academic year. For 4 continuous academic years
3 following initial enrollment (or for undergraduate programs
4 that require more than 4 years to complete, for the normal time
5 to complete the program, as determined by the University), the
6 tuition charged an undergraduate student who is an Illinois
7 resident shall not exceed the amount that the student was
8 charged at the time he or she first enrolled in the University.
9 However, if the student changes majors during this time period,
10 the tuition charged the student shall equal the amount the
11 student would have been charged had he or she been admitted to
12 the changed major when he or she first enrolled.

13 (Source: P.A. 93-228; eff. 1-1-04.)

14 (110 ILCS 660/5-125)

15 Sec. 5-125 ~~5-120~~. Provision of student information
16 prohibited. The University may not provide a student's name,
17 address, telephone number, social security number, e-mail
18 address, or other personal identifying information to a
19 business organization or financial institution that issues
20 credit or debit cards, unless the student is 21 years of age or
21 older.

22 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

23 Section 275. The Eastern Illinois University Law is amended
24 by setting forth and renumbering multiple versions of Section
25 10-120 as follows:

26 (110 ILCS 665/10-120)

27 Sec. 10-120. Limitation on tuition increase. This Section
28 applies only to those students who first enroll after the
29 2003-2004 academic year. For 4 continuous academic years
30 following initial enrollment (or for undergraduate programs
31 that require more than 4 years to complete, for the normal time
32 to complete the program, as determined by the University), the
33 tuition charged an undergraduate student who is an Illinois

1 resident shall not exceed the amount that the student was
2 charged at the time he or she first enrolled in the University.
3 However, if the student changes majors during this time period,
4 the tuition charged the student shall equal the amount the
5 student would have been charged had he or she been admitted to
6 the changed major when he or she first enrolled.

7 (Source: P.A. 93-228, eff. 1-1-04.)

8 (110 ILCS 665/10-125)

9 Sec. 10-125 ~~10-120~~. Provision of student information
10 prohibited. The University may not provide a student's name,
11 address, telephone number, social security number, e-mail
12 address, or other personal identifying information to a
13 business organization or financial institution that issues
14 credit or debit cards, unless the student is 21 years of age or
15 older.

16 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

17 Section 280. The Governors State University Law is amended
18 by setting forth and renumbering multiple versions of Section
19 15-120 as follows:

20 (110 ILCS 670/15-120)

21 Sec. 15-120. Limitation on tuition increase. This Section
22 applies only to those students who first enroll after the
23 2003-2004 academic year. For 4 continuous academic years
24 following initial enrollment (or for undergraduate programs
25 that require more than 4 years to complete, for the normal time
26 to complete the program, as determined by the University), the
27 tuition charged an undergraduate student who is an Illinois
28 resident shall not exceed the amount that the student was
29 charged at the time he or she first enrolled in the University.
30 However, if the student changes majors during this time period,
31 the tuition charged the student shall equal the amount the
32 student would have been charged had he or she been admitted to
33 the changed major when he or she first enrolled.

1 (Source: P.A. 93-228, eff. 1-1-04.)

2 (110 ILCS 670/15-125)

3 Sec. 15-125 ~~15-120~~. Provision of student information
4 prohibited. The University may not provide a student's name,
5 address, telephone number, social security number, e-mail
6 address, or other personal identifying information to a
7 business organization or financial institution that issues
8 credit or debit cards, unless the student is 21 years of age or
9 older.

10 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

11 Section 285. The Illinois State University Law is amended
12 by setting forth and renumbering multiple versions of Section
13 20-125 as follows:

14 (110 ILCS 675/20-125)

15 Sec. 20-125. Limitation on tuition increase. This Section
16 applies only to those students who first enroll after the
17 2003-2004 academic year. For 4 continuous academic years
18 following initial enrollment (or for undergraduate programs
19 that require more than 4 years to complete, for the normal time
20 to complete the program, as determined by the University), the
21 tuition charged an undergraduate student who is an Illinois
22 resident shall not exceed the amount that the student was
23 charged at the time he or she first enrolled in the University.
24 However, if the student changes majors during this time period,
25 the tuition charged the student shall equal the amount the
26 student would have been charged had he or she been admitted to
27 the changed major when he or she first enrolled.

28 (Source: P.A. 93-228, eff. 1-1-04.)

29 (110 ILCS 675/20-130)

30 Sec. 20-130 ~~20-125~~. Provision of student information
31 prohibited. The University may not provide a student's name,
32 address, telephone number, social security number, e-mail

1 address, or other personal identifying information to a
2 business organization or financial institution that issues
3 credit or debit cards, unless the student is 21 years of age or
4 older.

5 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

6 Section 290. The Northeastern Illinois University Law is
7 amended by setting forth and renumbering multiple versions of
8 Section 25-120 as follows:

9 (110 ILCS 680/25-120)

10 Sec. 25-120. Limitation on tuition increase. This Section
11 applies only to those students who first enroll after the
12 2003-2004 academic year. For 4 continuous academic years
13 following initial enrollment (or for undergraduate programs
14 that require more than 4 years to complete, for the normal time
15 to complete the program, as determined by the University), the
16 tuition charged an undergraduate student who is an Illinois
17 resident shall not exceed the amount that the student was
18 charged at the time he or she first enrolled in the University.
19 However, if the student changes majors during this time period,
20 the tuition charged the student shall equal the amount the
21 student would have been charged had he or she been admitted to
22 the changed major when he or she first enrolled.

23 (Source: P.A. 93-228, eff. 1-1-04.)

24 (110 ILCS 680/25-125)

25 Sec. 25-125 ~~25-120~~. Provision of student information
26 prohibited. The University may not provide a student's name,
27 address, telephone number, social security number, e-mail
28 address, or other personal identifying information to a
29 business organization or financial institution that issues
30 credit or debit cards, unless the student is 21 years of age or
31 older.

32 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

1 Section 295. The Northern Illinois University Law is
2 amended by setting forth and renumbering multiple versions of
3 Section 30-130 as follows:

4 (110 ILCS 685/30-130)

5 Sec. 30-130. Limitation on tuition increase. This Section
6 applies only to those students who first enroll after the
7 2003-2004 academic year. For 4 continuous academic years
8 following initial enrollment (or for undergraduate programs
9 that require more than 4 years to complete, for the normal time
10 to complete the program, as determined by the University), the
11 tuition charged an undergraduate student who is an Illinois
12 resident shall not exceed the amount that the student was
13 charged at the time he or she first enrolled in the University.
14 However, if the student changes majors during this time period,
15 the tuition charged the student shall equal the amount the
16 student would have been charged had he or she been admitted to
17 the changed major when he or she first enrolled.

18 (Source: P.A. 93-228, eff. 1-1-04.)

19 (110 ILCS 685/30-135)

20 Sec. 30-135 ~~30-130~~. Provision of student information
21 prohibited. The University may not provide a student's name,
22 address, telephone number, social security number, e-mail
23 address, or other personal identifying information to a
24 business organization or financial institution that issues
25 credit or debit cards, unless the student is 21 years of age or
26 older.

27 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

28 Section 300. The Western Illinois University Law is amended
29 by setting forth and renumbering multiple versions of Section
30 35-125 as follows:

31 (110 ILCS 690/35-125)

32 Sec. 35-125. Limitation on tuition increase. This Section

1 applies only to those students who first enroll after the
2 2003-2004 academic year. The tuition charged an undergraduate
3 student who is an Illinois resident shall not exceed the amount
4 that the student was charged at the time he or she first
5 enrolled at the University as an Illinois resident if that
6 student first enrolled not more than 3 and one-half academic
7 years before. However, if the student changes majors during
8 this time period, the tuition charged the student shall equal
9 the amount the student would have been charged had he or she
10 been admitted to the changed major when he or she first
11 enrolled.

12 (Source: P.A. 93-228, eff. 1-1-04.)

13 (110 ILCS 690/35-130)

14 Sec. 35-130 ~~35-125~~. Provision of student information
15 prohibited. The University may not provide a student's name,
16 address, telephone number, social security number, e-mail
17 address, or other personal identifying information to a
18 business organization or financial institution that issues
19 credit or debit cards, unless the student is 21 years of age or
20 older.

21 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

22 Section 305. The Public Community College Act is amended by
23 changing Section 2-16.08 as follows:

24 (110 ILCS 805/2-16.08)

25 Sec. 2-16.08. ICCB Federal Trust Fund. The ICCB Federal
26 Trust Fund is created as a special fund in the State treasury.
27 Money recovered from federal programs for general
28 administration that is ~~are~~ received by the State Board shall be
29 deposited into the ICCB Federal Trust Fund. All money in the
30 ICCB Federal Trust Fund shall be used, subject to appropriation
31 by the General Assembly, by the State Board for the ordinary
32 and contingent expenses of the State Board.

33 (Source: P.A. 93-153, eff. 7-10-03; revised 1-14-04.)

1 Section 310. The Higher Education Loan Act is amended by
2 changing Sections 3, 3.01, and 5 as follows:

3 (110 ILCS 945/3) (from Ch. 144, par. 1603)

4 Sec. 3. Definitions. In this Act, unless the context
5 otherwise requires, the terms specified in Sections 3.01
6 through 3.13 of this Act and the Illinois Finance ~~Facilities~~
7 Authority Act have the meanings ascribed to them in those Acts.
8 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

9 (110 ILCS 945/3.01) (from Ch. 144, par. 1603.01)

10 Sec. 3.01. Authority. "Authority" means the Illinois ~~State~~
11 Finance Authority created by the Illinois ~~State~~ Finance
12 Authority Act.

13 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

14 (110 ILCS 945/5) (from Ch. 144, par. 1605)

15 Sec. 5. Transfer of functions from the Illinois Educational
16 Facilities Authority to the Illinois Finance Authority. The
17 Illinois Finance Authority created by the Illinois Finance
18 Authority Act shall succeed to, assume and exercise all rights,
19 powers, duties and responsibilities formerly exercised by the
20 Illinois Educational Facilities Authority prior to the
21 abolition of that Authority by this amendatory Act of the 93rd
22 General Assembly. All books, records, papers, documents and
23 pending business in any way pertaining to the former Illinois
24 Educational Facilities Authority are transferred to the
25 Illinois ~~State~~ Finance Authority, but any rights or obligations
26 of any person under any contract made by, or under any rules,
27 regulations, uniform standards, criteria and guidelines
28 established or approved by, such former Illinois Educational
29 Facilities Authority shall be unaffected thereby. All bonds,
30 notes or other evidences of indebtedness outstanding on the
31 effective date of this amendatory Act of the 93rd General
32 Assembly shall be unaffected by the transfer of functions to

1 the Illinois Finance Authority. No rule, regulation, standard,
2 criteria or guideline promulgated, established or approved by
3 the former Illinois Educational Facilities Authority pursuant
4 to an exercise of any right, power, duty or responsibility
5 assumed by and transferred to the Illinois Finance Authority
6 shall be affected by this amendatory Act of the 93rd General
7 Assembly, and all such rules, regulations, standards, criteria
8 and guidelines shall become those of the Illinois Finance
9 Authority until such time as they are amended or repealed by
10 the Authority.

11 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

12 Section 315. The Illinois Educational Labor Relations Act
13 is amended by changing Sections 2 and 7 as follows:

14 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

16 (a) "Educational employer" or "employer" means the
17 governing body of a public school district, combination of
18 public school districts, including the governing body of joint
19 agreements of any type formed by 2 or more school districts,
20 public community college district or State college or
21 university, and any State agency whose major function is
22 providing educational services. "Educational employer" or
23 "employer" does not include a Financial Oversight Panel created
24 pursuant to Section 1A-8 of the School Code due to a district
25 violating a financial plan but does include a School Finance
26 Authority created under Article 1E or 1F of the School Code.

27 (b) "Educational employee" or "employee" means any
28 individual, excluding supervisors, managerial, confidential,
29 short term employees, student, and part-time academic
30 employees of community colleges employed full or part time by
31 an educational employer, but shall not include elected
32 officials and appointees of the Governor with the advice and
33 consent of the Senate, firefighters as defined by subsection
34 (g-1) of Section 3 of the Illinois Public Labor Relations Act,

1 and peace officers employed by a State university. For the
2 purposes of this Act, part-time academic employees of community
3 colleges shall be defined as those employees who provide less
4 than 3 credit hours of instruction per academic semester.

5 (c) "Employee organization" or "labor organization" means
6 an organization of any kind in which membership includes
7 educational employees, and which exists for the purpose, in
8 whole or in part, of dealing with employers concerning
9 grievances, employee-employer disputes, wages, rates of pay,
10 hours of employment, or conditions of work, but shall not
11 include any organization which practices discrimination in
12 membership because of race, color, creed, age, gender, national
13 origin or political affiliation.

14 (d) "Exclusive representative" means the labor
15 organization which has been designated by the Illinois
16 Educational Labor Relations Board as the representative of the
17 majority of educational employees in an appropriate unit, or
18 recognized by an educational employer prior to January 1, 1984
19 as the exclusive representative of the employees in an
20 appropriate unit or, after January 1, 1984, recognized by an
21 employer upon evidence that the employee organization has been
22 designated as the exclusive representative by a majority of the
23 employees in an appropriate unit.

24 (e) "Board" means the Illinois Educational Labor Relations
25 Board.

26 (f) "Regional Superintendent" means the regional
27 superintendent of schools provided for in Articles 3 and 3A of
28 The School Code.

29 (g) "Supervisor" means any individual having authority in
30 the interests of the employer to hire, transfer, suspend, lay
31 off, recall, promote, discharge, reward or discipline other
32 employees within the appropriate bargaining unit and adjust
33 their grievances, or to effectively recommend such action if
34 the exercise of such authority is not of a merely routine or
35 clerical nature but requires the use of independent judgment.
36 The term "supervisor" includes only those individuals who

1 devote a preponderance of their employment time to such
2 exercising authority.

3 (h) "Unfair labor practice" or "unfair practice" means any
4 practice prohibited by Section 14 of this Act.

5 (i) "Person" includes an individual, educational employee,
6 educational employer, legal representative, or employee
7 organization.

8 (j) "Wages" means salaries or other forms of compensation
9 for services rendered.

10 (k) "Professional employee" means, in the case of a public
11 community college, State college or university, State agency
12 whose major function is providing educational services, the
13 Illinois School for the Deaf, and the Illinois School for the
14 Visually Impaired, (1) any employee engaged in work (i)
15 predominantly intellectual and varied in character as opposed
16 to routine mental, manual, mechanical, or physical work; (ii)
17 involving the consistent exercise of discretion and judgment in
18 its performance; (iii) of such character that the output
19 produced or the result accomplished cannot be standardized in
20 relation to a given period of time; and (iv) requiring
21 knowledge of an advanced type in a field of science or learning
22 customarily acquired by a prolonged course of specialized
23 intellectual instruction and study in an institution of higher
24 learning or a hospital, as distinguished from a general
25 academic education or from an apprenticeship or from training
26 in the performance of routine mental, manual, or physical
27 processes; or (2) any employee, who (i) has completed the
28 courses of specialized intellectual instruction and study
29 described in clause (iv) of paragraph (1) of this subsection,
30 and (ii) is performing related work under the supervision of a
31 professional person to qualify himself or herself to become a
32 professional as defined in paragraph (1).

33 (l) "Professional employee" means, in the case of any
34 public school district, or combination of school districts
35 pursuant to joint agreement, any employee who has a certificate
36 issued under Article 21 or Section 34-83 of the School Code, as

1 now or hereafter amended.

2 (m) "Unit" or "bargaining unit" means any group of
3 employees for which an exclusive representative is selected.

4 (n) "Confidential employee" means an employee, who (i) in
5 the regular course of his or her duties, assists and acts in a
6 confidential capacity to persons who formulate, determine and
7 effectuate management policies with regard to labor relations
8 or who (ii) in the regular course of his or her duties has
9 access to information relating to the effectuation or review of
10 the employer's collective bargaining policies.

11 (o) "Managerial employee" means an individual who is
12 engaged predominantly in executive and management functions
13 and is charged with the responsibility of directing the
14 effectuation of such management policies and practices.

15 (p) "Craft employee" means a skilled journeyman, craft
16 person, and his or her apprentice or helper.

17 (q) "Short-term employee" is an employee who is employed
18 for less than 2 consecutive calendar quarters during a calendar
19 year and who does not have a reasonable expectation that he or
20 she will be rehired by the same employer for the same service
21 in a subsequent calendar year. Nothing in this subsection shall
22 affect the employee status of individuals who were covered by a
23 collective bargaining agreement on the effective date of this
24 amendatory Act of 1991.

25 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;
26 93-314, eff. 1-1-04; 93-501, eff. 8-11-03; revised 9-11-03.)

27 (115 ILCS 5/7) (from Ch. 48, par. 1707)

28 Sec. 7. Recognition of exclusive bargaining
29 representatives - unit determination. The Board is empowered to
30 administer the recognition of bargaining representatives of
31 employees of public school districts, including employees of
32 districts which have entered into joint agreements, or
33 employees of public community college districts, or any State
34 college or university, and any State agency whose major
35 function is providing educational services, making certain

1 that each bargaining unit contains employees with an
2 identifiable community of interest and that no unit includes
3 both professional employees and nonprofessional employees
4 unless a majority of employees in each group vote for inclusion
5 in the unit.

6 (a) In determining the appropriateness of a unit, the Board
7 shall decide in each case, in order to ensure employees the
8 fullest freedom in exercising the rights guaranteed by this
9 Act, the unit appropriate for the purpose of collective
10 bargaining, based upon but not limited to such factors as
11 historical pattern of recognition, community of interest,
12 including employee skills and functions, degree of functional
13 integration, interchangeability and contact among employees,
14 common supervision, wages, hours and other working conditions
15 of the employees involved, and the desires of the employees.
16 Nothing in this Act, except as herein provided, shall interfere
17 with or negate the current representation rights or patterns
18 and practices of employee organizations which have
19 historically represented employees for the purposes of
20 collective bargaining, including but not limited to the
21 negotiations of wages, hours and working conditions,
22 resolutions of employees' grievances, or resolution of
23 jurisdictional disputes, or the establishment and maintenance
24 of prevailing wage rates, unless a majority of the employees so
25 represented expresses a contrary desire under the procedures
26 set forth in this Act. This Section, however, does not prohibit
27 multi-unit bargaining. Notwithstanding the above factors,
28 where the majority of public employees of a craft so decide,
29 the Board shall designate such craft as a unit appropriate for
30 the purposes of collective bargaining.

31 The sole appropriate bargaining unit for tenured and
32 tenure-track academic faculty at each campus of the University
33 of Illinois shall be a unit that is comprised of
34 non-supervisory academic faculty employed more than half-time
35 and that includes all tenured and tenure-track faculty of that
36 University campus employed by the board of trustees in all of

1 the campus's undergraduate, graduate, and professional schools
2 and degree and non-degree programs (with the exception of the
3 college of medicine, the college of pharmacy, the college of
4 dentistry, the college of law, and the college of veterinary
5 medicine, each of which shall have its own separate unit),
6 regardless of current or historical representation rights or
7 patterns or the application of any other factors. Any decision,
8 rule, or regulation promulgated by the Board to the contrary
9 shall be null and void.

10 (b) An educational employer shall voluntarily recognize a
11 labor organization for collective bargaining purposes if that
12 organization appears to represent a majority of employees in
13 the unit. The employer shall post notice of its intent to so
14 recognize for a period of at least 20 school days on bulletin
15 boards or other places used or reserved for employee notices.
16 Thereafter, the employer, if satisfied as to the majority
17 status of the employee organization, shall send written
18 notification of such recognition to the Board for
19 certification. Any dispute regarding the majority status of a
20 labor organization shall be resolved by the Board which shall
21 make the determination of majority status.

22 Within the 20 day notice period, however, any other
23 interested employee organization may petition the Board to seek
24 recognition as the exclusive representative of the unit in the
25 manner specified by rules and regulations prescribed by the
26 Board, if such interested employee organization has been
27 designated by at least 15% of the employees in an appropriate
28 bargaining unit which includes all or some of the employees in
29 the unit intended to be recognized by the employer. In such
30 event, the Board shall proceed with the petition in the same
31 manner as provided in paragraph (c) of this Section.

32 (c) A labor organization may also gain recognition as the
33 exclusive representative by an election of the employees in the
34 unit. Petitions requesting an election may be filed with the
35 Board:

36 (1) by an employee or group of employees or any labor

1 organizations acting on their behalf alleging and
2 presenting evidence that 30% or more of the employees in a
3 bargaining unit wish to be represented for collective
4 bargaining or that the labor organization which has been
5 acting as the exclusive bargaining representative is no
6 longer representative of a majority of the employees in the
7 unit; or

8 (2) by an employer alleging that one or more labor
9 organizations have presented a claim to be recognized as an
10 exclusive bargaining representative of a majority of the
11 employees in an appropriate unit and that it doubts the
12 majority status of any of the organizations or that it
13 doubts the majority status of an exclusive bargaining
14 representative.

15 The Board shall investigate the petition and if it has
16 reasonable cause to suspect that a question of representation
17 exists, it shall give notice and conduct a hearing. If it finds
18 upon the record of the hearing that a question of
19 representation exists, it shall direct an election, which shall
20 be held no later than 90 days after the date the petition was
21 filed. Nothing prohibits the waiving of hearings by the parties
22 and the conduct of consent elections.

23 (c-5) The Board shall designate an exclusive
24 representative for purposes of collective bargaining when the
25 representative demonstrates a showing of majority interest by
26 employees in the unit. If the parties to a dispute are without
27 agreement on the means to ascertain the choice, if any, of
28 employee organization as their representative, the Board shall
29 ascertain the employees' choice of employee organization, on
30 the basis of dues deduction authorization and other evidence,
31 or, if necessary, by conducting an election. If either party
32 provides to the Board, before the designation of a
33 representative, clear and convincing evidence that the dues
34 deduction authorizations, and other evidence upon which the
35 Board would otherwise rely to ascertain the employees' choice
36 of representative, are fraudulent or were obtained through

1 coercion, the Board shall promptly thereafter conduct an
2 election. The Board shall also investigate and consider a
3 party's allegations that the dues deduction authorizations and
4 other evidence submitted in support of a designation of
5 representative without an election were subsequently changed,
6 altered, withdrawn, or withheld as a result of employer fraud,
7 coercion, or any other unfair labor practice by the employer.
8 If the Board determines that a labor organization would have
9 had a majority interest but for an employer's fraud, coercion,
10 or unfair labor practice, it shall designate the labor
11 organization as an exclusive representative without conducting
12 an election.

13 (d) An order of the Board dismissing a representation
14 petition, determining and certifying that a labor organization
15 has been fairly and freely chosen by a majority of employees in
16 an appropriate bargaining unit, determining and certifying
17 that a labor organization has not been fairly and freely chosen
18 by a majority of employees in the bargaining unit or certifying
19 a labor organization as the exclusive representative of
20 employees in an appropriate bargaining unit because of a
21 determination by the Board that the labor organization is the
22 historical bargaining representative of employees in the
23 bargaining unit, is a final order. Any person aggrieved by any
24 such order issued on or after the effective date of this
25 amendatory Act of 1987 may apply for and obtain judicial review
26 in accordance with provisions of the Administrative Review Law,
27 as now or hereafter amended, except that such review shall be
28 afforded directly in the Appellate Court of a judicial district
29 in which the Board maintains an office. Any direct appeal to
30 the Appellate Court shall be filed within 35 days from the date
31 that a copy of the decision sought to be reviewed was served
32 upon the party affected by the decision.

33 No election may be conducted in any bargaining unit during
34 the term of a collective bargaining agreement covering such
35 unit or subdivision thereof, except the Board may direct an
36 election after the filing of a petition between January 15 and

1 March 1 of the final year of a collective bargaining agreement.
2 Nothing in this Section prohibits the negotiation of a
3 collective bargaining agreement covering a period not
4 exceeding 3 years. A collective bargaining agreement of less
5 than 3 years may be extended up to 3 years by the parties if the
6 extension is agreed to in writing before the filing of a
7 petition under this Section. In such case, the final year of
8 the extension is the final year of the collective bargaining
9 agreement. No election may be conducted in a bargaining unit,
10 or subdivision thereof, in which a valid election has been held
11 within the preceding 12 month period.

12 (Source: P.A. 93-444, eff. 8-5-03; 93-445, eff. 1-1-04; revised
13 9-11-03.)

14 Section 320. The Illinois Savings and Loan Act of 1985 is
15 amended by setting forth and renumbering multiple versions of
16 Section 1-6e as follows:

17 (205 ILCS 105/1-6e)

18 Sec. 1-6e. Reverse mortgage; disclosure. At the time a
19 reverse mortgage loan is made, the lender must provide to the
20 mortgagor a separate document that informs the mortgagor that
21 by obtaining the reverse mortgage the mortgagor's eligibility
22 to obtain a tax deferral under the Senior Citizens Real Estate
23 Tax Deferral Act may be adversely affected. The mortgagor must
24 sign the disclosure document as part of the reverse mortgage
25 transaction.

26 (Source: P.A. 92-577, eff. 6-26-02.)

27 (205 ILCS 105/1-6f)

28 Sec. 1-6f ~~1-6e~~. Non-English language transactions. An
29 association may conduct transactions in a language other than
30 English through an employee or agent acting as interpreter or
31 through an interpreter provided by the customer.

32 (Source: P.A. 92-578, eff. 6-26-02; revised 9-3-02.)

1 Section 325. The Illinois Credit Union Act is amended by
2 changing Sections 13 and 30 as follows:

3 (205 ILCS 305/13) (from Ch. 17, par. 4414)

4 Sec. 13. General powers. A credit union may:

5 (1) Make contracts; sue and be sued; and adopt and use
6 a common seal and alter the same;

7 (2) Acquire, lease (either as lessee or lessor), hold,
8 pledge, mortgage, sell and dispose of real property, either
9 in whole or in part, or any interest therein, as may be
10 necessary or incidental to its present or future operations
11 and needs, subject to such limitations as may be imposed
12 thereon in rules and regulations promulgated by the
13 Director; acquire, lease (either as lessee or lessor),
14 hold, pledge, mortgage, sell and dispose of personal
15 property, either in whole or in part, or any interest
16 therein, as may be necessary or incidental to its present
17 or future operations and needs;

18 (3) At the discretion of the Board of Directors,
19 require the payment of an entrance fee or annual membership
20 fee, or both, of any person admitted to membership;

21 (4) Receive savings from its members in the form of
22 shares of various classes, or special purpose share
23 accounts; act as custodian of its members' accounts; issue
24 shares in trust as provided in this Act;

25 (5) Lend its funds to its members and otherwise as
26 hereinafter provided;

27 (6) Borrow from any source in accordance with policy
28 established by the Board of Directors to a maximum of 50%
29 of capital, surplus and reserves;

30 (7) Discount and sell any obligations owed to the
31 credit union;

32 (8) Honor requests for withdrawals or transfers of all
33 or any part of member share accounts, and any classes
34 thereof, in any manner approved by the credit union Board
35 of Directors;

1 (9) Sell all or substantially all of its assets or
2 purchase all or substantially all of the assets of another
3 credit union, subject to the prior approval of the
4 Director;

5 (10) Invest surplus funds as provided in this Act;

6 (11) Make deposits in banks, savings banks, savings and
7 loan associations, trust companies; and invest in shares,
8 classes of shares or share certificates of other credit
9 unions;

10 (12) Assess charges and fees to members in accordance
11 with board resolution;

12 (13) Hold membership in and pay dues to associations
13 and organizations; to invest in shares, stocks or
14 obligations of any credit union organization;

15 (14) Declare dividends and pay interest refunds to
16 borrowers as provided in this Act;

17 (15) Collect, receive and disburse monies in
18 connection with providing negotiable checks, money orders
19 and other money-type instruments, and for such other
20 purposes as may provide benefit or convenience to its
21 members, and charge a reasonable fee for such services;

22 (16) Act as fiscal agent for and receive deposits from
23 the federal government, this state or any agency or
24 political subdivision thereof;

25 (17) Receive savings from nonmembers in the form of
26 shares or share accounts in the case of credit unions
27 serving predominantly low-income members. The term "low
28 income members" shall mean those members who make less than
29 80% of the average for all wage earners as established by
30 the Bureau of Labor Statistics or those members whose
31 annual household income falls at or below 80% of the median
32 household income for the nation as established by the
33 Census Bureau. The term "predominantly" is defined as a
34 simple majority;

35 (18) ~~To~~ Establish, maintain, and operate terminals as
36 authorized by the Electronic Fund Transfer Act; and

1 (19) Subject to Article XLIV of the Illinois Insurance
2 Code, ~~to~~ act as the agent for any fire, life, or other
3 insurance company authorized by the State of Illinois, by
4 soliciting and selling insurance and collecting premiums
5 on policies issued by such company; and may receive for
6 services so rendered such fees or commissions as may be
7 agreed upon between the said credit union and the insurance
8 company for which it may act as agent; provided, however,
9 that no such credit union shall in any case assume or
10 guarantee the payment of any premium on insurance policies
11 issued through its agency by its principal; and provided
12 further, that the credit union shall not guarantee the
13 truth of any statement made by an assured in filing his
14 application for insurance.

15 (Source: P.A. 92-608, eff. 7-1-02; revised 1-20-03.)

16 (205 ILCS 305/30) (from Ch. 17, par. 4431)

17 Sec. 30. Duties of directors. It shall be the duty of the
18 directors to:

19 (1) Review actions on applications for membership. A
20 record of the Membership Committee's approval or denial of
21 membership or management's approval or denial of
22 membership if no Membership Committee has been appointed
23 shall be available to the Board of Directors for
24 inspection. A person denied membership by the Membership
25 Committee or credit union management may appeal the denial
26 to the Board;

27 (2) Provide adequate fidelity bond coverage for
28 officers, employees, directors and committee members, and
29 for losses caused by persons outside of the credit union,
30 subject to rules and regulations promulgated by the
31 Director;

32 (3) Determine from time to time the interest rates, not
33 in excess of that allowed under this Act, which shall be
34 charged on loans to members and to authorize interest
35 refunds, if any, to members from income earned and received

1 in proportion to the interest paid by them on such classes
2 of loans and under such conditions as the Board prescribes.
3 The Directors may establish different interest rates to be
4 charged on different classes of loans;

5 (4) Within any limitations set forth in the credit
6 union's bylaws, fix the maximum amount which may be loaned
7 with and without security to a member;

8 (5) Declare dividends on various classes of shares in
9 the manner and form as provided in the bylaws;

10 (6) Limit the number of shares which may be owned by a
11 member; such limitations to apply alike to all members;

12 (7) Have charge of the investment of funds, except that
13 the Board of Directors may designate an Investment
14 Committee or any qualified individual or entity to have
15 charge of making investments under policies established by
16 the Board of Directors;

17 (8) Authorize the employment of or contracting with
18 such persons or organizations as may be necessary to carry
19 on the operations of the credit union, provided that prior
20 approval is received from the Department before delegating
21 substantially all managerial duties and responsibilities
22 to a credit union organization, and fix the compensation,
23 if any, of the officers and provide for compensation for
24 other employees within policies established by the Board of
25 Directors;

26 (9) Authorize the conveyance of property;

27 (10) Borrow or lend money consistent with the
28 provisions of this Act;

29 (11) Designate a depository or depositories for the
30 funds of the credit union and supervise the investment of
31 funds;

32 (12) Suspend or remove, or both, for cause, any or all
33 officers or any or all members of the Membership, Credit,
34 Supervisory or other committees for failure to perform
35 their duties;

36 (13) Appoint any special committees deemed necessary;

1 and~~+~~

2 (14) Perform such other duties as the members may
3 direct, and perform or authorize any action not
4 inconsistent with this Act and not specifically reserved by
5 the bylaws to the members.

6 (Source: P.A. 92-608, eff. 7-1-02; revised 1-20-03.)

7 Section 330. The Electronic Fund Transfer Act is amended by
8 changing Section 50 as follows:

9 (205 ILCS 616/50)

10 Sec. 50. Terminal requirements.

11 (a) To assure maximum safety and security against
12 malfunction, fraud, theft, and other accidents or abuses and to
13 assure that all access devices will have the capability of
14 activating all terminals established in this State, no terminal
15 shall accept an access device that does not conform to
16 specifications that are generally accepted. In the case of a
17 dispute concerning the specifications, the Commissioner, in
18 accordance with the provisions of Section 20 of this Act, shall
19 have the authority to determine the specifications.

20 (b) No terminal that does not accept an access device that
21 conforms with those specifications shall be established or
22 operated.

23 (c) A terminal shall bear a logotype or other
24 identification symbol designed to advise customers which
25 access devices may activate the terminal.

26 (d) When used to perform an interchange transaction, a
27 terminal shall not bear any form of proprietary advertising of
28 products and services not offered at the terminal; provided,
29 however, that a terminal screen may bear proprietary
30 advertising of products or services offered by a financial
31 institution when a person uses an access device issued by that
32 financial institution.

33 (e) No person operating a terminal in this State shall
34 impose any surcharge on a consumer for the usage of that

1 terminal, whether or not the consumer is using an access device
2 issued by that person, unless that surcharge is clearly
3 disclosed to the consumer both (i) by a sign that is clearly
4 visible to the consumer on or at the terminal being used and
5 (ii) electronically on the terminal screen. Following
6 presentation of the electronic disclosure on the terminal
7 screen, the consumer shall be provided an opportunity to cancel
8 that transaction without incurring any surcharge or other
9 obligation. If a surcharge is imposed on a consumer using an
10 access device not issued by the person operating the terminal,
11 that person shall disclose on the sign and on the terminal
12 screen that the surcharge is in addition to any fee that may be
13 assessed by the consumer's own institution. As used in this
14 subsection, "surcharge" means any charge imposed by the person
15 operating the terminal solely for the use of the terminal.

16 (f) A receipt given at a terminal to a person who initiates
17 an electronic fund transfer shall include a number or code that
18 identifies the consumer initiating the transfer, the
19 consumer's account or accounts, or the access device used to
20 initiate the transfer. If the number or code shown on the
21 receipt is a number that identifies the access device, the
22 number must be truncated as printed on the receipt so that
23 fewer than all of the digits of the number or code are printed
24 on the receipt. The Commissioner may, however, modify or waive
25 the requirements imposed by this subsection (f) if the
26 Commissioner determines that the modifications or waivers are
27 necessary to alleviate any undue compliance burden.

28 (g) No terminal shall operate in this State unless, with
29 respect to each interchange transaction initiated at the
30 terminal, the access code entered by the consumer to authorize
31 the transaction is encrypted by the device into which the
32 access code is manually entered by the consumer and is
33 transmitted from the terminal only in encrypted form. Any
34 terminal that cannot meet the foregoing encryption
35 requirements shall immediately cease forwarding information
36 with respect to any interchange transaction or attempted

1 interchange transaction.

2 (h) No person that directly or indirectly provides data
3 processing support to any terminal in this State shall
4 authorize or forward for authorization any interchange
5 transaction unless the access code intended to authorize the
6 interchange transaction is encrypted when received by that
7 person and is encrypted when forwarded to any other person.

8 (i) A terminal operated in this State may be designed and
9 programmed so that when a consumer enters his or her personal
10 identification number in reverse order, the terminal
11 automatically sends an alarm to the local law enforcement
12 agency having jurisdiction over the terminal location. The
13 Commissioner shall promulgate rules necessary for the
14 implementation of this subsection.

15 (j) ~~(i)~~ A person operating a terminal in this State may not
16 impose a fee upon a consumer for usage of the terminal if the
17 consumer is using a Link Card or other access device issued by
18 a government agency for use in obtaining financial aid under
19 the Illinois Public Aid Code.

20 For the purpose of this subsection (j) ~~(i)~~, the term
21 "person operating a terminal" means the person who has control
22 over and is responsible for a terminal. The term "person
23 operating a terminal" does not mean the person who owns or
24 controls the property or building in which a terminal is
25 located, unless he or she also has control over and is
26 responsible for the terminal.

27 (Source: P.A. 93-136, eff. 1-1-04; 93-273, eff. 1-1-04; 93-583,
28 eff. 1-1-04; revised 9-11-03.)

29 Section 335. The Residential Mortgage License Act of 1987
30 is amended by changing Sections 2-4 and 2-6 as follows:

31 (205 ILCS 635/2-4) (from Ch. 17, par. 2322-4)

32 Sec. 2-4. Averments of Licensee. Each application for
33 license or for the renewal of a license shall be accompanied by
34 the following averments stating that the applicant:

1 (a) Will maintain at least one full service office
2 within the State of Illinois pursuant to Section 3-4 of
3 this Act;

4 (b) Will maintain staff reasonably adequate to meet the
5 requirements of Section 3-4 of this Act;

6 (c) Will keep and maintain for 36 months the same
7 written records as required by the federal Equal Credit
8 Opportunity Act, and any other information required by
9 regulations of the Commissioner regarding any home
10 mortgage in the course of the conduct of its residential
11 mortgage business;

12 (d) Will file with the Commissioner, when due, any
13 report or reports which it is required to file under any of
14 the provisions of this Act;

15 (e) Will not engage, whether as principal or agent, in
16 the practice of rejecting residential mortgage
17 applications without reasonable cause, or varying terms or
18 application procedures without reasonable cause, for home
19 mortgages on real estate within any specific geographic
20 area from the terms or procedures generally provided by the
21 licensee within other geographic areas of the State;

22 (f) Will not engage in fraudulent home mortgage
23 underwriting practices;

24 (g) Will not make payment, whether directly or
25 indirectly, of any kind to any in house or fee appraiser of
26 any government or private money lending agency with which
27 an application for a home mortgage has been filed for the
28 purpose of influencing the independent judgment of the
29 appraiser with respect to the value of any real estate
30 which is to be covered by such home mortgage;

31 (h) Has filed tax returns (State and Federal) for the
32 past 3 years or filed with the Commissioner an accountant's
33 or attorney's statement as to why no return was filed;

34 (i) Will not engage in any discrimination or redlining
35 activities prohibited by Section 3-8 of this Act;

36 (j) Will not knowingly make any false promises likely

1 to influence or persuade, or pursue a course of
2 misrepresentation and false promises through agents,
3 solicitors, advertising or otherwise;

4 (k) Will not knowingly misrepresent, circumvent or
5 conceal, through whatever subterfuge or device, any of the
6 material particulars or the nature thereof, regarding a
7 transaction to which it is a party to the injury of another
8 party thereto;

9 (l) Will disburse funds in accordance with its
10 agreements;

11 (m) Has not committed a crime against the law of this
12 State, any other state or of the United States, involving
13 moral turpitude, fraudulent or dishonest dealing, and that
14 no final judgment has been entered against it in a civil
15 action upon grounds of fraud, misrepresentation or deceit
16 which has not been previously reported to the Commissioner;

17 (n) Will account or deliver to any person any personal
18 property such as money, fund, deposit, check, draft,
19 mortgage, other document or thing of value, which has come
20 into its possession, and which is not its property, or
21 which it is not in law or equity entitled to retain under
22 the circumstances, at the time which has been agreed upon
23 or is required by law, or, in the absence of a fixed time,
24 upon demand of the person entitled to such accounting and
25 delivery;

26 (o) Has not engaged in any conduct which would be cause
27 for denial of a license;

28 (p) Has not become insolvent;

29 (q) Has not submitted an application for a license
30 under this Act which contains a material misstatement;

31 (r) Has not demonstrated by course of conduct,
32 negligence or incompetence in performing any act for which
33 it is required to hold a license under this Act;

34 (s) Will advise the Commissioner in writing of any
35 changes to the information submitted on the most recent
36 application for license within 30 days of said change. The

1 written notice must be signed in the same form as the
2 application for license being amended;

3 (t) Will comply with the provisions of this Act, or
4 with any lawful order, rule or regulation made or issued
5 under the provisions of this Act;

6 (u) Will submit to periodic examination by the
7 Commissioner as required by this Act;

8 (v) Will advise the Commissioner in writing of
9 judgments entered against, and bankruptcy petitions by,
10 the license applicant within 5 days of occurrence;

11 (w) Will advise the Commissioner in writing within 30
12 days when the license applicant requests a licensee under
13 this Act to repurchase a loan, and the circumstances
14 therefor; ~~and~~

15 (x) Will advise the Commissioner in writing within 30
16 days when the license applicant is requested by another
17 entity to repurchase a loan, and the circumstances
18 therefor; ~~and~~

19 (y) Will at all times act in a manner consistent with
20 subsections (a) and (b) of Section 1-2 of this Act; ~~and~~

21 (z) ~~(*)~~ Will not knowingly hire or employ a loan
22 originator who is not registered with the Commissioner as
23 required under Section 7-1 of this Act.

24 A licensee who fails to fulfill obligations of an averment,
25 to comply with averments made, or otherwise violates any of the
26 averments made under this Section shall be subject to the
27 penalties in Section 4-5 of this Act.

28 (Source: P.A. 93-561, eff. 1-1-04; revised 10-9-03.)

29 (205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

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

31 (a) Beginning July 1, 2003, licenses shall be renewed every
32 year on the anniversary of the date of issuance of the original
33 license. Properly completed renewal application forms and
34 filing fees must be received by the Commissioner 60 days prior
35 to the renewal date.

1 (b) It shall be the responsibility of each licensee to
2 accomplish renewal of its license; failure of the licensee to
3 receive renewal forms absent a request sent by certified mail
4 for such forms will not waive said responsibility. Failure by a
5 licensee to submit a properly completed renewal application
6 form and fees in a timely fashion, absent a written extension
7 from the Commissioner, will result in the assessment of
8 additional fees, as follows:

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

14 (2) Such fee will be assessed without prior notice to
15 the licensee, but will be assessed only in cases wherein
16 the Commissioner has in his or her possession documentation
17 of the licensee's continuing activity for which the
18 unrenewed license was issued.

19 (c) A license which is not renewed by the date required in
20 this Section shall automatically become inactive. No activity
21 regulated by this Act shall be conducted by the licensee when a
22 license becomes inactive. An inactive license may be
23 reactivated by filing a completed reactivation application
24 with the Commissioner, payment of the renewal fee, and payment
25 of a reactivation fee equal to the renewal fee.

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

28 (e) A licensee ceasing an activity or activities regulated
29 by this Act and desiring to no longer be licensed shall so
30 inform the Commissioner in writing and, at the same time,
31 convey the license and all other symbols or indicia of
32 licensure. The licensee shall include a plan for the withdrawal
33 from regulated business, including a timetable for the
34 disposition of the business. Upon receipt of such written
35 notice, the Commissioner shall issue a certified statement
36 canceling the license.

1 (Source: P.A. 93-32, eff. 7-1-03; 93-561, eff. 1-1-04; revised
2 9-23-03.)

3 Section 340. The Mobile Home Park Act is amended by
4 changing Section 2.2 as follows:

5 (210 ILCS 115/2.2) (from Ch. 111 1/2, par. 712.2)

6 Sec. 2.2. Permanent habitation. "Permanent habitation"
7 means habitation for a period of 2 or more months.

8 (Source: P.A. 77-1472; revised 1-20-03.)

9 Section 345. The Illinois Insurance Code is amended by
10 setting forth and renumbering multiple versions of Sections
11 155.39, 356z.2, and 356z.4 and changing Section 500-135 as
12 follows:

13 (215 ILCS 5/155.39)

14 Sec. 155.39. Vehicle protection products.

15 (a) As used in this Section:

16 "Administrator" means a third party other than the
17 warrantor who is designated by the warrantor to be responsible
18 for the administration of vehicle protection product
19 warranties.

20 "Incidental costs" means expenses specified in the vehicle
21 protection product warranty incurred by the warranty holder
22 related to the failure of the vehicle protection product to
23 perform as provided in the warranty. Incidental costs may
24 include, without limitation, insurance policy deductibles,
25 rental vehicle charges, the difference between the actual value
26 of the stolen vehicle at the time of theft and the cost of a
27 replacement vehicle, sales taxes, registration fees,
28 transaction fees, and mechanical inspection fees.

29 "Vehicle protection product" means a vehicle protection
30 device, system, or service that is (i) installed on or applied
31 to a vehicle, (ii) is designed to prevent loss or damage to a
32 vehicle from a specific cause, (iii) includes a written

1 warranty by a warrantor that provides if the vehicle protection
2 product fails to prevent loss or damage to a vehicle from a
3 specific cause, that the warranty holder shall be paid
4 specified incidental costs by the warrantor as a result of the
5 failure of the vehicle protection product to perform pursuant
6 to the terms of the warranty, and (iv) the warrantor's
7 liability is covered by a warranty reimbursement insurance
8 policy. The term "vehicle protection product" shall include,
9 without limitation, alarm systems, body part marking products,
10 steering locks, window etch products, pedal and ignition locks,
11 fuel and ignition kill switches, and electronic, radio, and
12 satellite tracking devices.

13 "Vehicle protection product warrantor" or "warrantor"
14 means a person who is contractually obligated to the warranty
15 holder under the terms of the vehicle protection product.
16 Warrantor does not include an authorized insurer.

17 "Warranty reimbursement insurance policy" means a policy
18 of insurance issued to the vehicle protection product warrantor
19 to pay on behalf of the warrantor all covered contractual
20 obligations incurred by the warrantor under the terms and
21 conditions of the insured vehicle protection product
22 warranties sold by the warrantor. The warranty reimbursement
23 insurance policy shall be issued by an insurer authorized to do
24 business in this State that has filed its policy form with the
25 Department.

26 (b) No vehicle protection product sold or offered for sale
27 in this State shall be subject to the provisions of this
28 Code. Vehicle protection product warrantors and related
29 vehicle protection product sellers and warranty administrators
30 complying with this Section are not required to comply with and
31 are not subject to any other provision of this Code. The
32 vehicle protection products' written warranties are express
33 warranties and not insurance.

34 (c) This Section applies to all vehicle protection products
35 sold or offered for sale prior to, on, or after the effective
36 date of this amendatory Act of the 93rd General Assembly. The

1 enactment of this Section does not imply that vehicle
2 protection products should have been subject to regulation
3 under this Code prior to the enactment of this Section.

4 (Source: P.A. 93-218, eff. 7-18-03.)

5 (215 ILCS 5/155.40)

6 Sec. 155.40 ~~155.39~~. Auto insurance; application; false
7 address.

8 (a) An applicant for a policy of insurance that insures
9 against any loss or liability resulting from or incident to the
10 ownership, maintenance, or use of a motor vehicle shall not
11 provide to the insurer to which the application for coverage is
12 made any address for the applicant other than the address at
13 which the applicant resides.

14 (b) A person who knowingly violates this Section is guilty
15 of a business offense. The penalty is a fine of not less than
16 \$1,001 and not more than \$1,200.

17 (Source: P.A. 93-269, eff. 1-1-04; revised 9-19-03.)

18 (215 ILCS 5/155.41)

19 Sec. 155.41 ~~155.39~~. Slave era policies.

20 (a) The General Assembly finds and declares all of the
21 following:

22 (1) Insurance policies from the slavery era have been
23 discovered in the archives of several insurance companies,
24 documenting insurance coverage for slaveholders for damage
25 to or death of their slaves, issued by a predecessor
26 insurance firm. These documents provide the first evidence
27 of ill-gotten profits from slavery, which profits in part
28 capitalized insurers whose successors remain in existence
29 today.

30 (2) Legislation has been introduced in Congress for the
31 past 10 years demanding an inquiry into slavery and its
32 continuing legacies.

33 (3) The Director of Insurance and the Department of
34 Insurance are entitled to seek information from the files

1 of insurers licensed and doing business in this State,
2 including licensed Illinois subsidiaries of international
3 insurance corporations, regarding insurance policies
4 issued to slaveholders by predecessor corporations. The
5 people of Illinois are entitled to significant historical
6 information of this nature.

7 (b) The Department shall request and obtain information
8 from insurers licensed and doing business in this State
9 regarding any records of slaveholder insurance policies issued
10 by any predecessor corporation during the slavery era.

11 (c) The Department shall obtain the names of any
12 slaveholders or slaves described in those insurance records,
13 and shall make the information available to the public and the
14 General Assembly.

15 (d) Any insurer licensed and doing business in this State
16 shall research and report to the Department with respect to any
17 records within the insurer's possession or knowledge relating
18 to insurance policies issued to slaveholders that provided
19 coverage for damage to or death of their slaves.

20 (e) Descendants of slaves, whose ancestors were defined as
21 private property, dehumanized, divided from their families,
22 forced to perform labor without appropriate compensation or
23 benefits, and whose ancestors' owners were compensated for
24 damages by insurers, are entitled to full disclosure.

25 (Source: P.A. 93-333, eff. 1-1-04; revised 9-19-03.)

26 (215 ILCS 5/356z.2)

27 Sec. 356z.2. Coverage for adjunctive services in dental
28 care.

29 (a) An individual or group policy of accident and health
30 insurance amended, delivered, issued, or renewed after the
31 effective date of this amendatory Act of the 92nd General
32 Assembly shall cover charges incurred, and anesthetics
33 provided, in conjunction with dental care that is provided to a
34 covered individual in a hospital or an ambulatory surgical
35 treatment center if any of the following applies:

1 (1) the individual is a child age 6 or under;

2 (2) the individual has a medical condition that
3 requires hospitalization or general anesthesia for dental
4 care; or

5 (3) the individual is disabled.

6 (b) For purposes of this Section, "ambulatory surgical
7 treatment center" has the meaning given to that term in Section
8 3 of the Ambulatory Surgical Treatment Center Act.

9 For purposes of this Section, "disabled" means a person,
10 regardless of age, with a chronic disability if the chronic
11 disability meets all of the following conditions:

12 (1) It is attributable to a mental or physical
13 impairment or combination of mental and physical
14 impairments.

15 (2) It is likely to continue.

16 (3) It results in substantial functional limitations
17 in one or more of the following areas of major life
18 activity:

19 (A) self-care;

20 (B) receptive and expressive language;

21 (C) learning;

22 (D) mobility;

23 (E) capacity for independent living; or

24 (F) economic self-sufficiency.

25 (c) The coverage required under this Section may be subject
26 to any limitations, exclusions, or cost-sharing provisions
27 that apply generally under the insurance policy.

28 (d) This Section does not apply to a policy that covers
29 only dental care.

30 (e) Nothing in this Section requires that the dental
31 services be covered.

32 (f) The provisions of this Section do not apply to
33 short-term travel, accident-only, limited, or specified
34 disease policies, nor to policies or contracts designed for
35 issuance to persons eligible for coverage under Title XVIII of
36 the Social Security Act, known as Medicare, or any other

1 similar coverage under State or federal governmental plans.
2 (Source: P.A. 92-764 eff. 1-1-03.)

3 (215 ILCS 5/356z.3)

4 Sec. 356z.3 ~~356z.2~~. Disclosure of limited benefit. An
5 insurer that issues, delivers, amends, or renews an individual
6 or group policy of accident and health insurance in this State
7 after the effective date of this amendatory Act of the 92nd
8 General Assembly and arranges, contracts with, or administers
9 contracts with a provider whereby beneficiaries are provided an
10 incentive to use the services of such provider must include the
11 following disclosure on its contracts and evidences of
12 coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN
13 NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that
14 when you elect to utilize the services of a non-participating
15 provider for a covered service in non-emergency situations,
16 benefit payments to such non-participating provider are not
17 based upon the amount billed. The basis of your benefit payment
18 will be determined according to your policy's fee schedule,
19 usual and customary charge (which is determined by comparing
20 charges for similar services adjusted to the geographical area
21 where the services are performed), or other method as defined
22 by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE
23 AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS
24 REQUIRED PORTION. Non-participating providers may bill members
25 for any amount up to the billed charge after the plan has paid
26 its portion of the bill. Participating providers have agreed to
27 accept discounted payments for services with no additional
28 billing to the member other than co-insurance and deductible
29 amounts. You may obtain further information about the
30 participating status of professional providers and information
31 on out-of-pocket expenses by calling the toll free telephone
32 number on your identification card."

33 (Source: P.A. 92-579, eff. 1-1-03; revised 9-3-02.)

34 (215 ILCS 5/356z.4)

1 Sec. 356z.4. Coverage for contraceptives.

2 (a) An individual or group policy of accident and health
3 insurance amended, delivered, issued, or renewed in this State
4 after the effective date of this amendatory Act of the 93rd
5 General Assembly that provides coverage for outpatient
6 services and outpatient prescription drugs or devices must
7 provide coverage for the insured and any dependent of the
8 insured covered by the policy for all outpatient contraceptive
9 services and all outpatient contraceptive drugs and devices
10 approved by the Food and Drug Administration. Coverage required
11 under this Section may not impose any deductible, coinsurance,
12 waiting period, or other cost-sharing or limitation that is
13 greater than that required for any outpatient service or
14 outpatient prescription drug or device otherwise covered by the
15 policy.

16 (b) As used in this Section, "outpatient contraceptive
17 service" means consultations, examinations, procedures, and
18 medical services, provided on an outpatient basis and related
19 to the use of contraceptive methods (including natural family
20 planning) to prevent an unintended pregnancy.

21 (c) Nothing in this Section shall be construed to require
22 an insurance company to cover services related to an abortion
23 as the term "abortion" is defined in the Illinois Abortion Law
24 of 1975.

25 (d) Nothing in this Section shall be construed to require
26 an insurance company to cover services related to permanent
27 sterilization that requires a surgical procedure.

28 (Source: P.A. 93-102, eff. 1-1-04.)

29 (215 ILCS 5/356z.5)

30 Sec. 356z.5 ~~356z.4~~. Prescription inhalants. A group or
31 individual policy of accident and health insurance or managed
32 care plan amended, delivered, issued, or renewed after the
33 effective date of this amendatory Act of the 93rd General
34 Assembly that provides coverage for prescription drugs may not
35 deny or limit coverage for prescription inhalants to enable

1 persons to breathe when suffering from asthma or other
2 life-threatening bronchial ailments based upon any restriction
3 on the number of days before an inhaler refill may be obtained
4 if, contrary to those restrictions, the inhalants have been
5 ordered or prescribed by the treating physician and are
6 medically appropriate.

7 (Source: P.A. 93-529, eff. 8-14-03; revised 9-25-03.)

8 (215 ILCS 5/500-135)

9 Sec. 500-135. Fees.

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

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

15 (2) a fee of \$50 for the issuance of a temporary
16 insurance producer license;

17 (3) a fee of \$150 payable once every 2 years for a
18 business entity;

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

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

25 (6) an annual registration fee of \$1,000 for
26 registration of an education provider;

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

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

35 (9) a fee of \$200 payable once every 2 years for a

1 limited lines license other than the licenses issued under
2 items (1) through (7) of subsection (a) of Section 500-100,
3 a car rental limited line license, or a self-service
4 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 shall
16 be appropriated as otherwise provided by law for the payment of
17 those expenses with first priority being any expenses incident
18 to or associated with the administration and enforcement of
19 this Article.

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

22 Section 350. The Health Maintenance Organization Act is
23 amended by changing Section 5-3 as follows:

24 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

25 Sec. 5-3. Insurance Code provisions.

26 (a) Health Maintenance Organizations shall be subject to
27 the provisions of Sections 133, 134, 137, 140, 141.1, 141.2,
28 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,
29 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x,
30 356y, 356z.2, 356z.4, 356z.5, 367.2, 367.2-5, 367i, 368a, 368b,
31 368c, 368d, 368e, 401, 401.1, 402, 403, 403A, 408, 408.2, 409,
32 412, 444, and 444.1, paragraph (c) of subsection (2) of Section
33 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2,
34 XXV, and XXVI of the Illinois Insurance Code.

1 (b) For purposes of the Illinois Insurance Code, except for
2 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health
3 Maintenance Organizations in the following categories are
4 deemed to be "domestic companies":

5 (1) a corporation authorized under the Dental Service
6 Plan Act or the Voluntary Health Services Plans Act;

7 (2) a corporation organized under the laws of this
8 State; or

9 (3) a corporation organized under the laws of another
10 state, 30% or more of the enrollees of which are residents
11 of this State, except a corporation subject to
12 substantially the same requirements in its state of
13 organization as is a "domestic company" under Article VIII
14 1/2 of the Illinois Insurance Code.

15 (c) In considering the merger, consolidation, or other
16 acquisition of control of a Health Maintenance Organization
17 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

18 (1) the Director shall give primary consideration to
19 the continuation of benefits to enrollees and the financial
20 conditions of the acquired Health Maintenance Organization
21 after the merger, consolidation, or other acquisition of
22 control takes effect;

23 (2) (i) the criteria specified in subsection (1) (b) of
24 Section 131.8 of the Illinois Insurance Code shall not
25 apply and (ii) the Director, in making his determination
26 with respect to the merger, consolidation, or other
27 acquisition of control, need not take into account the
28 effect on competition of the merger, consolidation, or
29 other acquisition of control;

30 (3) the Director shall have the power to require the
31 following information:

32 (A) certification by an independent actuary of the
33 adequacy of the reserves of the Health Maintenance
34 Organization sought to be acquired;

35 (B) pro forma financial statements reflecting the
36 combined balance sheets of the acquiring company and

1 the Health Maintenance Organization sought to be
2 acquired as of the end of the preceding year and as of
3 a date 90 days prior to the acquisition, as well as pro
4 forma financial statements reflecting projected
5 combined operation for a period of 2 years;

6 (C) a pro forma business plan detailing an
7 acquiring party's plans with respect to the operation
8 of the Health Maintenance Organization sought to be
9 acquired for a period of not less than 3 years; and

10 (D) such other information as the Director shall
11 require.

12 (d) The provisions of Article VIII 1/2 of the Illinois
13 Insurance Code and this Section 5-3 shall apply to the sale by
14 any health maintenance organization of greater than 10% of its
15 enrollee population (including without limitation the health
16 maintenance organization's right, title, and interest in and to
17 its health care certificates).

18 (e) In considering any management contract or service
19 agreement subject to Section 141.1 of the Illinois Insurance
20 Code, the Director (i) shall, in addition to the criteria
21 specified in Section 141.2 of the Illinois Insurance Code, take
22 into account the effect of the management contract or service
23 agreement on the continuation of benefits to enrollees and the
24 financial condition of the health maintenance organization to
25 be managed or serviced, and (ii) need not take into account the
26 effect of the management contract or service agreement on
27 competition.

28 (f) Except for small employer groups as defined in the
29 Small Employer Rating, Renewability and Portability Health
30 Insurance Act and except for medicare supplement policies as
31 defined in Section 363 of the Illinois Insurance Code, a Health
32 Maintenance Organization may by contract agree with a group or
33 other enrollment unit to effect refunds or charge additional
34 premiums under the following terms and conditions:

35 (i) the amount of, and other terms and conditions with
36 respect to, the refund or additional premium are set forth

1 in the group or enrollment unit contract agreed in advance
2 of the period for which a refund is to be paid or
3 additional premium is to be charged (which period shall not
4 be less than one year); and

5 (ii) the amount of the refund or additional premium
6 shall not exceed 20% of the Health Maintenance
7 Organization's profitable or unprofitable experience with
8 respect to the group or other enrollment unit for the
9 period (and, for purposes of a refund or additional
10 premium, the profitable or unprofitable experience shall
11 be calculated taking into account a pro rata share of the
12 Health Maintenance Organization's administrative and
13 marketing expenses, but shall not include any refund to be
14 made or additional premium to be paid pursuant to this
15 subsection (f)). The Health Maintenance Organization and
16 the group or enrollment unit may agree that the profitable
17 or unprofitable experience may be calculated taking into
18 account the refund period and the immediately preceding 2
19 plan years.

20 The Health Maintenance Organization shall include a
21 statement in the evidence of coverage issued to each enrollee
22 describing the possibility of a refund or additional premium,
23 and upon request of any group or enrollment unit, provide to
24 the group or enrollment unit a description of the method used
25 to calculate (1) the Health Maintenance Organization's
26 profitable experience with respect to the group or enrollment
27 unit and the resulting refund to the group or enrollment unit
28 or (2) the Health Maintenance Organization's unprofitable
29 experience with respect to the group or enrollment unit and the
30 resulting additional premium to be paid by the group or
31 enrollment unit.

32 In no event shall the Illinois Health Maintenance
33 Organization Guaranty Association be liable to pay any
34 contractual obligation of an insolvent organization to pay any
35 refund authorized under this Section.

36 (Source: P.A. 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-261,

1 eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; revised
2 9-25-03.)

3 Section 355. The Voluntary Health Services Plans Act is
4 amended by changing Section 10 as follows:

5 (215 ILCS 165/10) (from Ch. 32, par. 604)

6 Sec. 10. Application of Insurance Code provisions. Health
7 services plan corporations and all persons interested therein
8 or dealing therewith shall be subject to the provisions of
9 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,
10 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x,
11 356y, 356z.1, 356z.2, 356z.4, 356z.5, 367.2, 368a, 401, 401.1,
12 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and
13 (15) of Section 367 of the Illinois Insurance Code.

14 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;
15 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04;
16 93-529, eff. 8-14-03; revised 9-25-03.)

17 Section 360. The Public Utilities Act is amended by
18 changing Sections 5-109 and 16-111 as follows:

19 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

20 Sec. 5-109. Reports; false reports; penalty. Each public
21 utility in the State, other than a commercial mobile radio
22 service provider, shall each year furnish to the Commission, in
23 such form as the Commission shall require, annual reports as to
24 all the items mentioned in the preceding Sections of this
25 Article, and in addition such other items, whether of a nature
26 similar to those therein enumerated or otherwise, as the
27 Commission may prescribe. Such annual reports shall contain all
28 the required information for the period of 12 months ending on
29 June 30 in each year, or ending on December 31 in each year, as
30 the Commission may by order prescribe for each class of public
31 utilities, except commercial mobile radio service providers,
32 and shall be filed with the Commission at its office in

1 Springfield within 3 months after the close of the year for
2 which the report is made. The Commission shall have authority
3 to require any public utility to file monthly reports of
4 earnings and expenses of such utility, and to file other
5 periodical or special, or both periodical and special reports
6 concerning any matter about which the Commission is authorized
7 by law to keep itself informed. All reports shall be under
8 oath.

9 When any report is erroneous or defective or appears to the
10 Commission to be erroneous or defective, the Commission may
11 notify the public utility to amend such report within 30 days,
12 and before or after the termination of such period the
13 Commission may examine the officers, agents, or employees, and
14 books, records, accounts, vouchers, plant, equipment and
15 property of such public utility, and correct such items in the
16 report as upon such examination the Commission may find
17 defective or erroneous.

18 All reports made to the Commission by any public utility
19 and the contents thereof shall be open to public inspection,
20 unless otherwise ordered by the Commission. Such reports shall
21 be preserved in the office of the Commission.

22 Any public utility which fails to make and file any report
23 called for by the Commission within the time specified; or to
24 make specific answer to any question propounded by the
25 Commission within 30 days from the time it is lawfully required
26 to do so, or within such further time, not to exceed 90 days,
27 as may in its discretion be allowed by the Commission, shall
28 forfeit up to \$100 for each and every day it may so be in
29 default if the utility collects less than \$100,000 annually in
30 gross revenue; and if the utility collects \$100,000 or more
31 annually in gross revenue, it shall forfeit \$1,000 per day for
32 each and every day it is in default.

33 Any person who willfully makes any false return or report
34 to the Commission or to any member, officer, or employee
35 thereof, any person who willfully, in a return or report,
36 withholds or fails to provide material information to which the

1 Commission is entitled under this Act and which information is
2 either required to be filed by statute, rule, regulation,
3 order, or decision of the Commission or has been requested by
4 the Commission, and any person who willfully aids or abets such
5 person shall be guilty of a Class A misdemeanor.

6 (Source: P.A. 93-132, eff. 7-10-03; 93-457, eff. 8-8-03;
7 revised 9-12-03.)

8 (220 ILCS 5/16-111)

9 Sec. 16-111. Rates and restructuring transactions during
10 mandatory transition period.

11 (a) During the mandatory transition period,
12 notwithstanding any provision of Article IX of this Act, and
13 except as provided in subsections (b), (d), (e), and (f) of
14 this Section, the Commission shall not (i) initiate, authorize
15 or order any change by way of increase (other than in
16 connection with a request for rate increase which was filed
17 after September 1, 1997 but prior to October 15, 1997, by an
18 electric utility serving less than 12,500 customers in this
19 State), (ii) initiate or, unless requested by the electric
20 utility, authorize or order any change by way of decrease,
21 restructuring or unbundling (except as provided in Section
22 16-109A), in the rates of any electric utility that were in
23 effect on October 1, 1996, or (iii) in any order approving any
24 application for a merger pursuant to Section 7-204 that was
25 pending as of May 16, 1997, impose any condition requiring any
26 filing for an increase, decrease, or change in, or other review
27 of, an electric utility's rates or enforce any such condition
28 of any such order; provided, however, that this subsection
29 shall not prohibit the Commission from:

30 (1) approving the application of an electric utility to
31 implement an alternative to rate of return regulation or a
32 regulatory mechanism that rewards or penalizes the
33 electric utility through adjustment of rates based on
34 utility performance, pursuant to Section 9-244;

35 (2) authorizing an electric utility to eliminate its

1 fuel adjustment clause and adjust its base rate tariffs in
2 accordance with subsection (b), (d), or (f) of Section
3 9-220 of this Act, to fix its fuel adjustment factor in
4 accordance with subsection (c) of Section 9-220 of this
5 Act, or to eliminate its fuel adjustment clause in
6 accordance with subsection (e) of Section 9-220 of this
7 Act;

8 (3) ordering into effect tariffs for delivery services
9 and transition charges in accordance with Sections 16-104
10 and 16-108, for real-time pricing in accordance with
11 Section 16-107, or the options required by Section 16-110
12 and subsection (n) of 16-112, allowing a billing experiment
13 in accordance with Section 16-106, or modifying delivery
14 services tariffs in accordance with Section 16-109; or

15 (4) ordering or allowing into effect any tariff to
16 recover charges pursuant to Sections 9-201.5, 9-220.1,
17 9-221, 9-222 (except as provided in Section 9-222.1),
18 16-108, and 16-114 of this Act, Section 5-5 of the
19 Electricity Infrastructure Maintenance Fee Law, Section
20 6-5 of the Renewable Energy, Energy Efficiency, and Coal
21 Resources Development Law of 1997, and Section 13 of the
22 Energy Assistance Act.

23 After December 31, 2004, the provisions of this subsection
24 (a) shall not apply to an electric utility whose average
25 residential retail rate was less than or equal to 90% of the
26 average residential retail rate for the "Midwest Utilities", as
27 that term is defined in subsection (b) of this Section, based
28 on data reported on Form 1 to the Federal Energy Regulatory
29 Commission for calendar year 1995, and which served between
30 150,000 and 250,000 retail customers in this State on January
31 1, 1995 unless the electric utility or its holding company has
32 been acquired by or merged with an affiliate of another
33 electric utility subsequent to January 1, 2002. This exemption
34 shall be limited to this subsection (a) and shall not extend to
35 any other provisions of this Act.

36 (b) Notwithstanding the provisions of subsection (a), each

1 Illinois electric utility serving more than 12,500 customers in
2 Illinois shall file tariffs (i) reducing, effective August 1,
3 1998, each component of its base rates to residential retail
4 customers by 15% from the base rates in effect immediately
5 prior to January 1, 1998 and (ii) if the public utility
6 provides electric service to (A) more than 500,000 customers
7 but less than 1,000,000 customers in this State on January 1,
8 1999, reducing, effective May 1, 2002, each component of its
9 base rates to residential retail customers by an additional 5%
10 from the base rates in effect immediately prior to January 1,
11 1998, or (B) at least 1,000,000 customers in this State on
12 January 1, 1999, reducing, effective October 1, 2001, each
13 component of its base rates to residential retail customers by
14 an additional 5% from the base rates in effect immediately
15 prior to January 1, 1998. Provided, however, that (A) if an
16 electric utility's average residential retail rate is less than
17 or equal to the average residential retail rate for a group of
18 Midwest Utilities (consisting of all investor-owned electric
19 utilities with annual system peaks in excess of 1000 megawatts
20 in the States of Illinois, Indiana, Iowa, Kentucky, Michigan,
21 Missouri, Ohio, and Wisconsin), based on data reported on Form
22 1 to the Federal Energy Regulatory Commission for calendar year
23 1995, then it shall only be required to file tariffs (i)
24 reducing, effective August 1, 1998, each component of its base
25 rates to residential retail customers by 5% from the base rates
26 in effect immediately prior to January 1, 1998, (ii) reducing,
27 effective October 1, 2000, each component of its base rates to
28 residential retail customers by the lesser of 5% of the base
29 rates in effect immediately prior to January 1, 1998 or the
30 percentage by which the electric utility's average residential
31 retail rate exceeds the average residential retail rate of the
32 Midwest Utilities, based on data reported on Form 1 to the
33 Federal Energy Regulatory Commission for calendar year 1999,
34 and (iii) reducing, effective October 1, 2002, each component
35 of its base rates to residential retail customers by an
36 additional amount equal to the lesser of 5% of the base rates

1 in effect immediately prior to January 1, 1998 or the
2 percentage by which the electric utility's average residential
3 retail rate exceeds the average residential retail rate of the
4 Midwest Utilities, based on data reported on Form 1 to the
5 Federal Energy Regulatory Commission for calendar year 2001;
6 and (B) if the average residential retail rate of an electric
7 utility serving between 150,000 and 250,000 retail customers in
8 this State on January 1, 1995 is less than or equal to 90% of
9 the average residential retail rate for the Midwest Utilities,
10 based on data reported on Form 1 to the Federal Energy
11 Regulatory Commission for calendar year 1995, then it shall
12 only be required to file tariffs (i) reducing, effective August
13 1, 1998, each component of its base rates to residential retail
14 customers by 2% from the base rates in effect immediately prior
15 to January 1, 1998; (ii) reducing, effective October 1, 2000,
16 each component of its base rates to residential retail
17 customers by 2% from the base rate in effect immediately prior
18 to January 1, 1998; and (iii) reducing, effective October 1,
19 2002, each component of its base rates to residential retail
20 customers by 1% from the base rates in effect immediately prior
21 to January 1, 1998. Provided, further, that any electric
22 utility for which a decrease in base rates has been or is
23 placed into effect between October 1, 1996 and the dates
24 specified in the preceding sentences of this subsection, other
25 than pursuant to the requirements of this subsection, shall be
26 entitled to reduce the amount of any reduction or reductions in
27 its base rates required by this subsection by the amount of
28 such other decrease. The tariffs required under this subsection
29 shall be filed 45 days in advance of the effective date.
30 Notwithstanding anything to the contrary in Section 9-220 of
31 this Act, no restatement of base rates in conjunction with the
32 elimination of a fuel adjustment clause under that Section
33 shall result in a lesser decrease in base rates than customers
34 would otherwise receive under this subsection had the electric
35 utility's fuel adjustment clause not been eliminated.

36 (c) Any utility reducing its base rates by 15% on August 1,

1 1998 pursuant to subsection (b) shall include the following
2 statement on its bills for residential customers from August 1
3 through December 31, 1998: "Effective August 1, 1998, your
4 rates have been reduced by 15% by the Electric Service Customer
5 Choice and Rate Relief Law of 1997 passed by the Illinois
6 General Assembly.". Any utility reducing its base rates by 5%
7 on August 1, 1998, pursuant to subsection (b) shall include the
8 following statement on its bills for residential customers from
9 August 1 through December 31, 1998: "Effective August 1, 1998,
10 your rates have been reduced by 5% by the Electric Service
11 Customer Choice and Rate Relief Law of 1997 passed by the
12 Illinois General Assembly."

13 Any utility reducing its base rates by 2% on August 1, 1998
14 pursuant to subsection (b) shall include the following
15 statement on its bills for residential customers from August 1
16 through December 31, 1998: "Effective August 1, 1998, your
17 rates have been reduced by 2% by the Electric Service Customer
18 Choice and Rate Relief Law of 1997 passed by the Illinois
19 General Assembly."

20 (d) During the mandatory transition period, but not before
21 January 1, 2000, and notwithstanding the provisions of
22 subsection (a), an electric utility may request an increase in
23 its base rates if the electric utility demonstrates that the
24 2-year average of its earned rate of return on common equity,
25 calculated as its net income applicable to common stock divided
26 by the average of its beginning and ending balances of common
27 equity using data reported in the electric utility's Form 1
28 report to the Federal Energy Regulatory Commission but adjusted
29 to remove the effects of accelerated depreciation or
30 amortization or other transition or mitigation measures
31 implemented by the electric utility pursuant to subsection (g)
32 of this Section and the effect of any refund paid pursuant to
33 subsection (e) of this Section, is below the 2-year average for
34 the same 2 years of the monthly average yields of 30-year U.S.
35 Treasury bonds published by the Board of Governors of the
36 Federal Reserve System in its weekly H.15 Statistical Release

1 or successor publication. The Commission shall review the
2 electric utility's request, and may review the justness and
3 reasonableness of all rates for tariffed services, in
4 accordance with the provisions of Article IX of this Act,
5 provided that the Commission shall consider any special or
6 negotiated adjustments to the revenue requirement agreed to
7 between the electric utility and the other parties to the
8 proceeding. In setting rates under this Section, the Commission
9 shall exclude the costs and revenues that are associated with
10 competitive services and any billing or pricing experiments
11 conducted under Section 16-106.

12 (e) For the purposes of this subsection (e) all
13 calculations and comparisons shall be performed for the
14 Illinois operations of multijurisdictional utilities. During
15 the mandatory transition period, notwithstanding the
16 provisions of subsection (a), if the 2-year average of an
17 electric utility's earned rate of return on common equity,
18 calculated as its net income applicable to common stock divided
19 by the average of its beginning and ending balances of common
20 equity using data reported in the electric utility's Form 1
21 report to the Federal Energy Regulatory Commission but adjusted
22 to remove the effect of any refund paid under this subsection
23 (e), and further adjusted to include the annual amortization of
24 any difference between the consideration received by an
25 affiliated interest of the electric utility in the sale of an
26 asset which had been sold or transferred by the electric
27 utility to the affiliated interest subsequent to the effective
28 date of this amendatory Act of 1997 and the consideration for
29 which such asset had been sold or transferred to the affiliated
30 interest, with such difference to be amortized ratably from the
31 date of the sale by the affiliated interest to December 31,
32 2006, exceeds the 2-year average of the Index for the same 2
33 years by 1.5 or more percentage points, the electric utility
34 shall make refunds to customers beginning the first billing day
35 of April in the following year in the manner described in
36 paragraph (3) of this subsection. For purposes of this

1 subsection (e), the "Index" shall be the sum of (A) the average
2 for the 12 months ended September 30 of the monthly average
3 yields of 30-year U.S. Treasury bonds published by the Board of
4 Governors of the Federal Reserve System in its weekly H.15
5 Statistical Release or successor publication for each year 1998
6 through 2006, and (B) (i) 4.00 percentage points for each of
7 the 12-month periods ending September 30, 1998 through
8 September 30, 1999 or 8.00 percentage points if the electric
9 utility's average residential retail rate is less than or equal
10 to 90% of the average residential retail rate for the "Midwest
11 Utilities", as that term is defined in subsection (b) of this
12 Section, based on data reported on Form 1 to the Federal Energy
13 Regulatory Commission for calendar year 1995, and the electric
14 utility served between 150,000 and 250,000 retail customers on
15 January 1, 1995, (ii) 7.00 percentage points for each of the
16 12-month periods ending September 30, 2000 through September
17 30, 2006 if the electric utility was providing service to at
18 least 1,000,000 customers in this State on January 1, 1999, or
19 9.00 percentage points if the electric utility's average
20 residential retail rate is less than or equal to 90% of the
21 average residential retail rate for the "Midwest Utilities", as
22 that term is defined in subsection (b) of this Section, based
23 on data reported on Form 1 to the Federal Energy Regulatory
24 Commission for calendar year 1995 and the electric utility
25 served between 150,000 and 250,000 retail customers in this
26 State on January 1, 1995, (iii) 11.00 percentage points for
27 each of the 12-month periods ending September 30, 2000 through
28 September 30, 2006, but only if the electric utility's average
29 residential retail rate is less than or equal to 90% of the
30 average residential retail rate for the "Midwest Utilities", as
31 that term is defined in subsection (b) of this Section, based
32 on data reported on Form 1 to the Federal Energy Regulatory
33 Commission for calendar year 1995, the electric utility served
34 between 150,000 and 250,000 retail customers in this State on
35 January 1, 1995, and the electric utility offers delivery
36 services on or before June 1, 2000 to retail customers whose

1 annual electric energy use comprises 33% of the kilowatt hour
2 sales to that group of retail customers that are classified
3 under Division D, Groups 20 through 39 of the Standard
4 Industrial Classifications set forth in the Standard
5 Industrial Classification Manual published by the United
6 States Office of Management and Budget, excluding the kilowatt
7 hour sales to those customers that are eligible for delivery
8 services pursuant to Section 16-104(a)(1)(i), and offers
9 delivery services to its remaining retail customers classified
10 under Division D, Groups 20 through 39 on or before October 1,
11 2000, and, provided further, that the electric utility commits
12 not to petition pursuant to Section 16-108(f) for entry of an
13 order by the Commission authorizing the electric utility to
14 implement transition charges for an additional period after
15 December 31, 2006, or (iv) 5.00 percentage points for each of
16 the 12-month periods ending September 30, 2000 through
17 September 30, 2006 for all other electric utilities or 7.00
18 percentage points for such utilities for each of the 12-month
19 periods ending September 30, 2000 through September 30, 2006
20 for any such utility that commits not to petition pursuant to
21 Section 16-108(f) for entry of an order by the Commission
22 authorizing the electric utility to implement transition
23 charges for an additional period after December 31, 2006 or
24 11.00 percentage points for each of the 12-month periods ending
25 September 30, 2005 and September 30, 2006 for each electric
26 utility providing service to fewer than 6,500, or between
27 75,000 and 150,000, electric retail customers in this State on
28 January 1, 1995 if such utility commits not to petition
29 pursuant to Section 16-108(f) for entry of an order by the
30 Commission authorizing the electric utility to implement
31 transition charges for an additional period after December 31,
32 2006.

33 (1) For purposes of this subsection (e), "excess
34 earnings" means the difference between (A) the 2-year
35 average of the electric utility's earned rate of return on
36 common equity, less (B) the 2-year average of the sum of

1 (i) the Index applicable to each of the 2 years and (ii)
2 1.5 percentage points; provided, that "excess earnings"
3 shall never be less than zero.

4 (2) On or before March 31 of each year 2000 through
5 2007 each electric utility shall file a report with the
6 Commission showing its earned rate of return on common
7 equity, calculated in accordance with this subsection, for
8 the preceding calendar year and the average for the
9 preceding 2 calendar years.

10 (3) If an electric utility has excess earnings,
11 determined in accordance with paragraphs (1) and (2) of
12 this subsection, the refunds which the electric utility
13 shall pay to its customers beginning the first billing day
14 of April in the following year shall be calculated and
15 applied as follows:

16 (i) The electric utility's excess earnings shall
17 be multiplied by the average of the beginning and
18 ending balances of the electric utility's common
19 equity for the 2-year period in which excess earnings
20 occurred.

21 (ii) The result of the calculation in (i) shall be
22 multiplied by 0.50 and then divided by a number equal
23 to 1 minus the electric utility's composite federal and
24 State income tax rate.

25 (iii) The result of the calculation in (ii) shall
26 be divided by the sum of the electric utility's
27 projected total kilowatt-hour sales to retail
28 customers plus projected kilowatt-hours to be
29 delivered to delivery services customers over a one
30 year period beginning with the first billing date in
31 April in the succeeding year to determine a cents per
32 kilowatt-hour refund factor.

33 (iv) The cents per kilowatt-hour refund factor
34 calculated in (iii) shall be credited to the electric
35 utility's customers by applying the factor on the
36 customer's monthly bills to each kilowatt-hour sold or

1 delivered until the total amount calculated in (ii) has
2 been paid to customers.

3 (f) During the mandatory transition period, an electric
4 utility may file revised tariffs reducing the price of any
5 tariffed service offered by the electric utility for all
6 customers taking that tariffed service, which shall be
7 effective 7 days after filing.

8 (g) During the mandatory transition period, an electric
9 utility may, without obtaining any approval of the Commission
10 other than that provided for in this subsection and
11 notwithstanding any other provision of this Act or any rule or
12 regulation of the Commission that would require such approval:

13 (1) implement a reorganization, other than a merger of
14 2 or more public utilities as defined in Section 3-105 or
15 their holding companies;

16 (2) retire generating plants from service;

17 (3) sell, assign, lease or otherwise transfer assets to
18 an affiliated or unaffiliated entity and as part of such
19 transaction enter into service agreements, power purchase
20 agreements, or other agreements with the transferee;
21 provided, however, that the prices, terms and conditions of
22 any power purchase agreement must be approved or allowed
23 into effect by the Federal Energy Regulatory Commission; or

24 (4) use any accelerated cost recovery method including
25 accelerated depreciation, accelerated amortization or
26 other capital recovery methods, or record reductions to the
27 original cost of its assets.

28 In order to implement a reorganization, retire generating
29 plants from service, or sell, assign, lease or otherwise
30 transfer assets pursuant to this Section, the electric utility
31 shall comply with subsections (c) and (d) of Section 16-128, if
32 applicable, and subsection (k) of this Section, if applicable,
33 and provide the Commission with at least 30 days notice of the
34 proposed reorganization or transaction, which notice shall
35 include the following information:

36 (i) a complete statement of the entries that the

1 electric utility will make on its books and records of
2 account to implement the proposed reorganization or
3 transaction together with a certification from an
4 independent certified public accountant that such
5 entries are in accord with generally accepted
6 accounting principles and, if the Commission has
7 previously approved guidelines for cost allocations
8 between the utility and its affiliates, a
9 certification from the chief accounting officer of the
10 utility that such entries are in accord with those cost
11 allocation guidelines;

12 (ii) a description of how the electric utility will
13 use proceeds of any sale, assignment, lease or transfer
14 to retire debt or otherwise reduce or recover the costs
15 of services provided by such electric utility;

16 (iii) a list of all federal approvals or approvals
17 required from departments and agencies of this State,
18 other than the Commission, that the electric utility
19 has or will obtain before implementing the
20 reorganization or transaction;

21 (iv) an irrevocable commitment by the electric
22 utility that it will not, as a result of the
23 transaction, impose any stranded cost charges that it
24 might otherwise be allowed to charge retail customers
25 under federal law or increase the transition charges
26 that it is otherwise entitled to collect under this
27 Article XVI; and

28 (v) if the electric utility proposes to sell,
29 assign, lease or otherwise transfer a generating plant
30 that brings the amount of net dependable generating
31 capacity transferred pursuant to this subsection to an
32 amount equal to or greater than 15% of the electric
33 utility's net dependable capacity as of the effective
34 date of this amendatory Act of 1997, and enters into a
35 power purchase agreement with the entity to which such
36 generating plant is sold, assigned, leased, or

1 otherwise transferred, the electric utility also
2 agrees, if its fuel adjustment clause has not already
3 been eliminated, to eliminate its fuel adjustment
4 clause in accordance with subsection (b) of Section
5 9-220 for a period of time equal to the length of any
6 such power purchase agreement or successor agreement,
7 or until January 1, 2005, whichever is longer; if the
8 capacity of the generating plant so transferred and
9 related power purchase agreement does not result in the
10 elimination of the fuel adjustment clause under this
11 subsection, and the fuel adjustment clause has not
12 already been eliminated, the electric utility shall
13 agree that the costs associated with the transferred
14 plant that are included in the calculation of the rate
15 per kilowatt-hour to be applied pursuant to the
16 electric utility's fuel adjustment clause during such
17 period shall not exceed the per kilowatt-hour cost
18 associated with such generating plant included in the
19 electric utility's fuel adjustment clause during the
20 full calendar year preceding the transfer, with such
21 limit to be adjusted each year thereafter by the Gross
22 Domestic Product Implicit Price Deflator.

23 (vi) In addition, if the electric utility proposes
24 to sell, assign, or lease, (A) either (1) an amount of
25 generating plant that brings the amount of net
26 dependable generating capacity transferred pursuant to
27 this subsection to an amount equal to or greater than
28 15% of its net dependable capacity on the effective
29 date of this amendatory Act of 1997, or (2) one or more
30 generating plants with a total net dependable capacity
31 of 1100 megawatts, or (B) transmission and
32 distribution facilities that either (1) bring the
33 amount of transmission and distribution facilities
34 transferred pursuant to this subsection to an amount
35 equal to or greater than 15% of the electric utility's
36 total depreciated original cost investment in such

1 facilities, or (2) represent an investment of
2 \$25,000,000 in terms of total depreciated original
3 cost, the electric utility shall provide, in addition
4 to the information listed in subparagraphs (i) through
5 (v), the following information: (A) a description of
6 how the electric utility will meet its service
7 obligations under this Act in a safe and reliable
8 manner and (B) the electric utility's projected earned
9 rate of return on common equity, calculated in
10 accordance with subsection (d) of this Section, for
11 each year from the date of the notice through December
12 31, 2006 both with and without the proposed
13 transaction. If the Commission has not issued an order
14 initiating a hearing on the proposed transaction
15 within 30 days after the date the electric utility's
16 notice is filed, the transaction shall be deemed
17 approved. The Commission may, after notice and
18 hearing, prohibit the proposed transaction if it makes
19 either or both of the following findings: (1) that the
20 proposed transaction will render the electric utility
21 unable to provide its tariffed services in a safe and
22 reliable manner, or (2) that there is a strong
23 likelihood that consummation of the proposed
24 transaction will result in the electric utility being
25 entitled to request an increase in its base rates
26 during the mandatory transition period pursuant to
27 subsection (d) of this Section. Any hearing initiated
28 by the Commission into the proposed transaction shall
29 be completed, and the Commission's final order
30 approving or prohibiting the proposed transaction
31 shall be entered, within 90 days after the date the
32 electric utility's notice was filed. Provided,
33 however, that a sale, assignment, or lease of
34 transmission facilities to an independent system
35 operator that meets the requirements of Section 16-126
36 shall not be subject to Commission approval under this

1 Section.

2 In any proceeding conducted by the Commission
3 pursuant to this subparagraph (vi), intervention shall
4 be limited to parties with a direct interest in the
5 transaction which is the subject of the hearing and any
6 statutory consumer protection agency as defined in
7 subsection (d) of Section 9-102.1. Notwithstanding the
8 provisions of Section 10-113 of this Act, any
9 application seeking rehearing of an order issued under
10 this subparagraph (vi), whether filed by the electric
11 utility or by an intervening party, shall be filed
12 within 10 days after service of the order.

13 The Commission shall not in any subsequent proceeding or
14 otherwise, review such a reorganization or other transaction
15 authorized by this Section, but shall retain the authority to
16 allocate costs as stated in Section 16-111(i). An entity to
17 which an electric utility sells, assigns, leases or transfers
18 assets pursuant to this subsection (g) shall not, as a result
19 of the transactions specified in this subsection (g), be deemed
20 a public utility as defined in Section 3-105. Nothing in this
21 subsection (g) shall change any requirement under the
22 jurisdiction of the Illinois Department of Nuclear Safety
23 including, but not limited to, the payment of fees. Nothing in
24 this subsection (g) shall exempt a utility from obtaining a
25 certificate pursuant to Section 8-406 of this Act for the
26 construction of a new electric generating facility. Nothing in
27 this subsection (g) is intended to exempt the transactions
28 hereunder from the operation of the federal or State antitrust
29 laws. Nothing in this subsection (g) shall require an electric
30 utility to use the procedures specified in this subsection for
31 any of the transactions specified herein. Any other procedure
32 available under this Act may, at the electric utility's
33 election, be used for any such transaction.

34 (h) During the mandatory transition period, the Commission
35 shall not establish or use any rates of depreciation, which for
36 purposes of this subsection shall include amortization, for any

1 electric utility other than those established pursuant to
2 subsection (c) of Section 5-104 of this Act or utilized
3 pursuant to subsection (g) of this Section. Provided, however,
4 that in any proceeding to review an electric utility's rates
5 for tariffed services pursuant to Section 9-201, 9-202, 9-250
6 or 16-111(d) of this Act, the Commission may establish new
7 rates of depreciation for the electric utility in the same
8 manner provided in subsection (d) of Section 5-104 of this Act.
9 An electric utility implementing an accelerated cost recovery
10 method including accelerated depreciation, accelerated
11 amortization or other capital recovery methods, or recording
12 reductions to the original cost of its assets, pursuant to
13 subsection (g) of this Section, shall file a statement with the
14 Commission describing the accelerated cost recovery method to
15 be implemented or the reduction in the original cost of its
16 assets to be recorded. Upon the filing of such statement, the
17 accelerated cost recovery method or the reduction in the
18 original cost of assets shall be deemed to be approved by the
19 Commission as though an order had been entered by the
20 Commission.

21 (i) Subsequent to the mandatory transition period, the
22 Commission, in any proceeding to establish rates and charges
23 for tariffed services offered by an electric utility, shall
24 consider only (1) the then current or projected revenues,
25 costs, investments and cost of capital directly or indirectly
26 associated with the provision of such tariffed services; (2)
27 collection of transition charges in accordance with Sections
28 16-102 and 16-108 of this Act; (3) recovery of any employee
29 transition costs as described in Section 16-128 which the
30 electric utility is continuing to incur, including recovery of
31 any unamortized portion of such costs previously incurred or
32 committed, with such costs to be equitably allocated among
33 bundled services, delivery services, and contracts with
34 alternative retail electric suppliers; and (4) recovery of the
35 costs associated with the electric utility's compliance with
36 decommissioning funding requirements; and shall not consider

1 any other revenues, costs, investments or cost of capital of
2 either the electric utility or of any affiliate of the electric
3 utility that are not associated with the provision of tariffed
4 services. In setting rates for tariffed services, the
5 Commission shall equitably allocate joint and common costs and
6 investments between the electric utility's competitive and
7 tariffed services. In determining the justness and
8 reasonableness of the electric power and energy component of an
9 electric utility's rates for tariffed services subsequent to
10 the mandatory transition period and prior to the time that the
11 provision of such electric power and energy is declared
12 competitive, the Commission shall consider the extent to which
13 the electric utility's tariffed rates for such component for
14 each customer class exceed the market value determined pursuant
15 to Section 16-112, and, if the electric power and energy
16 component of such tariffed rate exceeds the market value by
17 more than 10% for any customer class, may establish such
18 electric power and energy component at a rate equal to the
19 market value plus 10%. In any such case, the Commission may
20 also elect to extend the provisions of Section 16-111(e) for
21 any period in which the electric utility is collecting
22 transition charges, using information applicable to such
23 period.

24 (j) During the mandatory transition period, an electric
25 utility may elect to transfer to a non-operating income account
26 under the Commission's Uniform System of Accounts either or
27 both of (i) an amount of unamortized investment tax credit that
28 is in addition to the ratable amount which is credited to the
29 electric utility's operating income account for the year in
30 accordance with Section 46(f)(2) of the federal Internal
31 Revenue Code of 1986, as in effect prior to P.L. 101-508, or
32 (ii) "excess tax reserves", as that term is defined in Section
33 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided
34 that (A) the amount transferred may not exceed the amount of
35 the electric utility's assets that were created pursuant to
36 Statement of Financial Accounting Standards No. 71 which the

1 electric utility has written off during the mandatory
2 transition period, and (B) the transfer shall not be effective
3 until approved by the Internal Revenue Service. An electric
4 utility electing to make such a transfer shall file a statement
5 with the Commission stating the amount and timing of the
6 transfer for which it intends to request approval of the
7 Internal Revenue Service, along with a copy of its proposed
8 request to the Internal Revenue Service for a ruling. The
9 Commission shall issue an order within 14 days after the
10 electric utility's filing approving, subject to receipt of
11 approval from the Internal Revenue Service, the proposed
12 transfer.

13 (k) If an electric utility is selling or transferring to a
14 single buyer 5 or more generating plants located in this State
15 with a total net dependable capacity of 5000 megawatts or more
16 pursuant to subsection (g) of this Section and has obtained a
17 sale price or consideration that exceeds 200% of the book value
18 of such plants, the electric utility must provide to the
19 Governor, the President of the Illinois Senate, the Minority
20 Leader of the Illinois Senate, the Speaker of the Illinois
21 House of Representatives, and the Minority Leader of the
22 Illinois House of Representatives no later than 15 days after
23 filing its notice under subsection (g) of this Section or 5
24 days after the date on which this subsection (k) becomes law,
25 whichever is later, a written commitment in which such electric
26 utility agrees to expend \$2 billion outside the corporate
27 limits of any municipality with 1,000,000 or more inhabitants
28 within such electric utility's service area, over a 6-year
29 period beginning with the calendar year in which the notice is
30 filed, on projects, programs, and improvements within its
31 service area relating to transmission and distribution
32 including, without limitation, infrastructure expansion,
33 repair and replacement, capital investments, operations and
34 maintenance, and vegetation management.

35 (Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690,
36 eff. 7-18-02; revised 9-10-02)

1 Section 365. The Nursing and Advanced Practice Nursing Act
2 is amended by changing Section 10-30 as follows:

3 (225 ILCS 65/10-30)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 10-30. Qualifications for licensure.

6 (a) Each applicant who successfully meets the requirements
7 of this Section shall be entitled to licensure as a Registered
8 Nurse or Licensed Practical Nurse, whichever is applicable.

9 (b) An applicant for licensure by examination to practice
10 as a registered nurse or licensed practical nurse shall:

11 (1) submit a completed written application, on forms
12 provided by the Department and fees as established by the
13 Department;

14 (2) for registered nurse licensure, have graduated
15 from a professional nursing education program approved by
16 the Department;

17 (2.5) for licensed practical nurse licensure, have
18 graduated ~~graduate~~ from a practical nursing education
19 program approved by the Department;

20 (3) have not violated the provisions of Section 10-45
21 of this Act. The Department may take into consideration any
22 felony conviction of the applicant, but such a conviction
23 shall not operate as an absolute bar to licensure;

24 (4) meet all other requirements as established by rule;

25 (5) pay, either to the Department or its designated
26 testing service, a fee covering the cost of providing the
27 examination. Failure to appear for the examination on the
28 scheduled date at the time and place specified after the
29 applicant's application for examination has been received
30 and acknowledged by the Department or the designated
31 testing service shall result in the forfeiture of the
32 examination fee.

33 If an applicant neglects, fails, or refuses to take an
34 examination or fails to pass an examination for a license under

1 this Act within 3 years after filing the application, the
2 application shall be denied. However, the applicant may make a
3 new application accompanied by the required fee and provide
4 evidence of meeting the requirements in force at the time of
5 the new application.

6 An applicant may take and successfully complete a
7 Department-approved examination in another jurisdiction.
8 However, an applicant who has never been licensed previously in
9 any jurisdiction that utilizes a Department-approved
10 examination and who has taken and failed to pass the
11 examination within 3 years after filing the application must
12 submit proof of successful completion of a
13 Department-authorized nursing education program or
14 recompletion of an approved registered nursing program or
15 licensed practical nursing program, as appropriate, prior to
16 re-application.

17 An applicant shall have one year from the date of
18 notification of successful completion of the examination to
19 apply to the Department for a license. If an applicant fails to
20 apply within one year, the applicant shall be required to again
21 take and pass the examination unless licensed in another
22 jurisdiction of the United States within one year of passing
23 the examination.

24 (c) An applicant for licensure by endorsement who is a
25 registered professional nurse or a licensed practical nurse
26 licensed by examination under the laws of another state or
27 territory of the United States or a foreign country,
28 jurisdiction, territory, or province shall:

29 (1) submit a completed written application, on forms
30 supplied by the Department, and fees as established by the
31 Department;

32 (2) for registered nurse licensure, have graduated
33 from a professional nursing education program approved by
34 the Department;

35 (2.5) for licensed practical nurse licensure, have
36 graduated from a practical nursing education program

1 approved by the Department;

2 (3) submit verification of licensure status directly
3 from the United States jurisdiction of licensure, if
4 applicable, as defined by rule;

5 (4) have passed the examination authorized by the
6 Department;

7 (5) meet all other requirements as established by rule.

8 (d) All applicants for registered nurse licensure pursuant
9 to item (2) of subsection (b) and item (2) of subsection (c) of
10 this Section who are graduates of nursing educational programs
11 in a country other than the United States or its territories
12 must submit to the Department certification of successful
13 completion of the Commission of Graduates of Foreign Nursing
14 Schools (CGFNS) examination. An applicant who is unable to
15 provide appropriate documentation to satisfy CGFNS of her or
16 his educational qualifications for the CGFNS examination shall
17 be required to pass an examination to test competency in the
18 English language, which shall be prescribed by the Department,
19 if the applicant is determined by the Board to be educationally
20 prepared in nursing. The Board shall make appropriate inquiry
21 into the reasons for any adverse determination by CGFNS before
22 making its own decision.

23 An applicant licensed in another state or territory who is
24 applying for licensure and has received her or his education in
25 a country other than the United States or its territories shall
26 be exempt from the completion of the Commission of Graduates of
27 Foreign Nursing Schools (CGFNS) examination if the applicant
28 meets all of the following requirements:

29 (1) successful passage of the licensure examination
30 authorized by the Department;

31 (2) holds an active, unencumbered license in another
32 state; and

33 (3) has been actively practicing for a minimum of 2
34 years in another state.

35 (e) (Blank).

36 (f) Pending the issuance of a license under subsection (c)

1 of this Section, the Department may grant an applicant a
2 temporary license to practice nursing as a registered nurse or
3 as a licensed practical nurse if the Department is satisfied
4 that the applicant holds an active, unencumbered license in
5 good standing in another jurisdiction. If the applicant holds
6 more than one current active license, or one or more active
7 temporary licenses from other jurisdictions, the Department
8 shall not issue a temporary license until it is satisfied that
9 each current active license held by the applicant is
10 unencumbered. The temporary license, which shall be issued no
11 later than 14 working days following receipt by the Department
12 of an application for the temporary license, shall be granted
13 upon the submission of the following to the Department:

14 (1) a signed and completed application for licensure
15 under subsection (a) of this Section as a registered nurse
16 or a licensed practical nurse;

17 (2) proof of a current, active license in at least one
18 other jurisdiction and proof that each current active
19 license or temporary license held by the applicant within
20 the last 5 years is unencumbered;

21 (3) a signed and completed application for a temporary
22 license; and

23 (4) the required temporary license fee.

24 (g) The Department may refuse to issue an applicant a
25 temporary license authorized pursuant to this Section if,
26 within 14 working days following its receipt of an application
27 for a temporary license, the Department determines that:

28 (1) the applicant has been convicted of a crime under
29 the laws of a jurisdiction of the United States: (i) which
30 is a felony; or (ii) which is a misdemeanor directly
31 related to the practice of the profession, within the last
32 5 years;

33 (2) within the last 5 years the applicant has had a
34 license or permit related to the practice of nursing
35 revoked, suspended, or placed on probation by another
36 jurisdiction, if at least one of the grounds for revoking,

1 suspending, or placing on probation is the same or
2 substantially equivalent to grounds in Illinois; or

3 (3) it intends to deny licensure by endorsement.

4 For purposes of this Section, an "unencumbered license"
5 means a license against which no disciplinary action has been
6 taken or is pending and for which all fees and charges are paid
7 and current.

8 (h) The Department may revoke a temporary license issued
9 pursuant to this Section if:

10 (1) it determines that the applicant has been convicted
11 of a crime under the law of any jurisdiction of the United
12 States that is (i) a felony or (ii) a misdemeanor directly
13 related to the practice of the profession, within the last
14 5 years;

15 (2) it determines that within the last 5 years the
16 applicant has had a license or permit related to the
17 practice of nursing revoked, suspended, or placed on
18 probation by another jurisdiction, if at least one of the
19 grounds for revoking, suspending, or placing on probation
20 is the same or substantially equivalent to grounds in
21 Illinois; or

22 (3) it determines that it intends to deny licensure by
23 endorsement.

24 A temporary license shall expire 6 months from the date of
25 issuance. Further renewal may be granted by the Department in
26 hardship cases, as defined by rule and upon approval of the
27 Director. However, a temporary license shall automatically
28 expire upon issuance of the Illinois license or upon
29 notification that the Department intends to deny licensure,
30 whichever occurs first.

31 (i) Applicants have 3 years from the date of application to
32 complete the application process. If the process has not been
33 completed within 3 years from the date of application, the
34 application shall be denied, the fee forfeited, and the
35 applicant must reapply and meet the requirements in effect at
36 the time of reapplication.

1 (Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02;
2 revised 2-17-03.)

3 Section 370. The Pyrotechnic Operator Licensing Act is
4 amended by renumbering Section 99 as follows:

5 (225 ILCS 227/999)

6 Sec. 999 ~~99~~. Effective date. This Act takes effect upon
7 becoming law.

8 (Source: P.A. 93-263, eff. 7-22-03; revised 9-19-03.)

9 Section 375. The Elevator Safety and Regulation Act is
10 amended by changing Sections 15 and 25 as follows:

11 (225 ILCS 312/15)

12 (Section scheduled to be repealed on January 1, 2013)

13 Sec. 15. Definitions. For the purpose of this Act:

14 "Administrator" means the Office of the State Fire Marshal.

15 "ANSI A10.4" means the safety requirements for personnel
16 hoists, an American National Standard.

17 "ASCE 21" means the American Society of Civil Engineers
18 Automated People Mover Standards.

19 "ASME A17.1" means the Safety Code for Elevators and
20 Escalators, an American National Standard.

21 "ASME A17.3" means the Safety Code for Existing Elevators
22 and Escalators, an American National Standard.

23 "ASME A18.1" means the Safety Standard for Platform Lifts
24 and Stairway Chairlifts, an American National Standard.

25 "Automated people mover" means an installation as defined
26 as an "automated people mover" in ASCE 21.

27 "Board" means the Elevator Safety Review Board.

28 "Certificate of operation" means a certificate issued by
29 the Administrator that indicates that the conveyance has passed
30 the required safety inspection and tests and fees have been
31 paid as set forth in this Act. The Administrator may issue a
32 temporary certificate of operation that permits the temporary

1 use of a non-compliant conveyance by the general public for a
2 limited time of 30 days while minor repairs are being
3 completed.

4 "Conveyance" means any elevator, dumbwaiter, escalator,
5 moving sidewalk, platform lifts, stairway chairlifts and
6 automated people movers.

7 "Elevator" means an installation defined as an "elevator"
8 in ASME A17.1.

9 "Elevator contractor" means any person, firm, or
10 corporation who possesses an elevator contractor's license in
11 accordance with the provisions of Sections 40 and 55 of this
12 Act and who is engaged in the business of erecting,
13 constructing, installing, altering, servicing, repairing, or
14 maintaining elevators or related conveyance covered by this
15 Act.

16 "Elevator contractor's license" means a license issued to
17 an elevator contractor who has proven his or her qualifications
18 and ability and has been authorized by the Elevator Safety
19 Review Board to possess this type of license. It shall entitle
20 the holder thereof to engage in the business of erecting,
21 constructing, installing, altering, servicing, testing,
22 repairing, or maintaining elevators or related conveyance
23 covered by this Act. The Administrator may issue a limited
24 elevator contractor's license authorizing a firm or company
25 that employs individuals to carry on a business of erecting,
26 constructing, installing, altering, servicing, repairing, or
27 maintaining platform lifts and stairway chairlifts within any
28 building or structure, including but not limited to private
29 residences.

30 "Elevator inspector" means any person who possesses an
31 elevator inspector's license in accordance with the provisions
32 of this Act or any person who performs the duties and functions
33 of an elevator inspector for any unit of local government with
34 a population greater than 500,000 prior to or on the effective
35 date of this Act.

36 "Elevator mechanic" means any person who possesses an

1 elevator mechanic's license in accordance with the provisions
2 of Sections 40 and 45 of this Act and who is engaged in
3 erecting, constructing, installing, altering, servicing,
4 repairing, or maintaining elevators or related conveyance
5 covered by this Act.

6 "Elevator mechanic's license" means a license issued to a
7 person who has proven his or her qualifications and ability and
8 has been authorized by the Elevator Safety Review Board to work
9 on conveyance equipment. It shall entitle the holder thereof to
10 install, construct, alter, service, repair, test, maintain,
11 and perform electrical work on elevators or related conveyance
12 covered by this Act.

13 "Escalator" means an installation defined as an
14 "escalator" in ASME A17.1.

15 "Existing installation" means an installation defined as
16 an "installation, existing" in ASME A17.1.

17 "Inspector's license" means a license issued to a person
18 who has proven his or her qualifications and ability and has
19 been authorized by the Elevator Safety Review Board to possess
20 this type of license. It shall entitle the holder thereof to
21 engage in the business of inspecting elevators or related
22 conveyance covered by this Act.

23 "License" means a written license, duly issued by the
24 Administrator, authorizing a person, firm, or company to carry
25 on the business of erecting, constructing, installing,
26 altering, servicing, repairing, maintaining, or performing
27 inspections of elevators or related conveyance covered by this
28 Act.

29 "Material alteration" means an "alteration" as defined by
30 the Board.

31 "Moving walk" means an installation ~~as~~ defined as a "moving
32 walk" in ASME A17.1.

33 "Private residence" means a separate dwelling or a separate
34 apartment in a multiple dwelling that is occupied by members of
35 a single-family unit.

36 "Repair" has the meaning defined by the Board, which does

1 not require a permit.

2 "Temporarily dormant" means an elevator, dumbwaiter, or
3 escalator:

4 (1) with a power supply that has been disconnected by
5 removing fuses and placing a padlock on the mainline
6 disconnect switch in the "off" position;

7 (2) with a car that is parked and hoistway doors that
8 are in the closed and latched position;

9 (3) with a wire seal on the mainline disconnect switch
10 installed by a licensed elevator inspector;

11 (4) that shall not be used again until it has been put
12 in safe running order and is in condition for use;

13 (5) requiring annual inspections for the duration of
14 the temporarily dormant status by a licensed elevator
15 inspector;

16 (6) that has a "temporarily dormant" status that is
17 renewable on an annual basis, not to exceed a one-year
18 period;

19 (7) requiring the inspector to file a report with the
20 chief elevator inspector describing the current
21 conditions; and

22 (8) with a wire seal and padlock that shall not be
23 removed for any purpose without permission from the
24 elevator inspector.

25 (Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

26 (225 ILCS 312/25)

27 (Section scheduled to be repealed on January 1, 2013)

28 Sec. 25. Elevator Safety Review Board.

29 (a) There is hereby created within the Office of the State
30 Fire Marshal the Elevator Safety Review Board, consisting of 13
31 members. The Administrator shall appoint 3 members who shall be
32 representatives of ~~of a~~ fire service communities. The Governor
33 shall appoint the remaining 10 members of the Board as follows:
34 one representative from a major elevator manufacturing company
35 or its authorized representative; one representative from an

1 elevator servicing company; one representative of the
2 architectural design profession; one representative of the
3 general public; one representative of a municipality in this
4 State with a population over 500,000; one representative of a
5 municipality in this State with a population under 25,000; one
6 representative of a municipality in this State with a
7 population of 25,000 or over but under 50,000; one
8 representative of a municipality in this State with a
9 population of 50,000 or over but under 500,000; one
10 representative of a building owner or manager; and one
11 representative of labor involved in the installation,
12 maintenance, and repair of elevators.

13 (b) The members constituting the Board shall be appointed
14 for initial terms as follows:

15 (1) Of the members appointed by the Administrator, 2
16 shall serve for a term of 2 years, and one for a term of 4
17 years.

18 (2) Of the members appointed by the Governor, 2 shall
19 serve for a term of one year, 2 for terms of 2 years, 2 for
20 terms of 3 years, and 4 for terms of 4 years.

21 At the expiration of their initial terms of office, the
22 members or their successors shall be appointed for terms of 4
23 years each. Upon the expiration of a member's term of office,
24 the officer who appointed that member shall reappoint that
25 member or appoint a successor who is a representative of the
26 same interests with which his or her predecessor was
27 identified. The Administrator and the Governor may at any time
28 remove any of their respective appointees for inefficiency or
29 neglect of duty in office. Upon the death or incapacity of a
30 member, the officer who appointed that member shall fill the
31 vacancy for the remainder of the vacated term by appointing a
32 member who is a representative of the same interests with which
33 his or her predecessor was identified. The members shall serve
34 without salary, but shall receive from the State expenses
35 necessarily incurred by them in performance of their duties.
36 The Governor shall appoint one of the members to serve as

1 chairperson. The chairperson shall be the deciding vote in the
2 event of a tie vote.

3 (Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

4 Section 380. The Illinois Petroleum Education and
5 Marketing Act is amended by changing Section 10 as follows:

6 (225 ILCS 728/10)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 10. Illinois Petroleum Resources Board.

9 (a) There is hereby created until January 1, 2008, the
10 Illinois Petroleum Resources Board which shall be subject to
11 the provisions of the Regulatory Sunset Act. The purpose of the
12 Board is to coordinate a program designed to demonstrate to the
13 general public the importance of the Illinois oil exploration
14 and production industry, to encourage the wise and efficient
15 use of energy, to promote environmentally sound production
16 methods and technologies, to develop existing supplies of State
17 oil resources, and to support research and educational
18 activities concerning the oil exploration and production
19 industry.

20 (b) The Board shall be composed of 12 members to be
21 appointed by the Governor. The Governor shall make appointments
22 from a list of names submitted by qualified producer
23 associations, of which 10 shall be oil and gas producers.

24 (c) A member of the Board shall:

25 (1) be at least 25 years of age;

26 (2) be a resident of the State of Illinois; and

27 (3) have at least 5 years of active experience in the
28 oil industry.

29 (d) Members shall serve for a term of 3 years, except that
30 of the initial appointments, 4 members shall serve for one
31 year, 4 members for 2 years, and 4 members for 3 years.

32 (e) Vacancies shall be filled for the unexpired term of
33 office in the same manner as the original appointment.

34 (f) The Board shall, at its first meeting, elect one of its

1 members as chairperson, who shall preside over meetings of the
2 Board and perform other duties that may be required by the
3 Board. The first meeting of the Board shall be called by the
4 Governor.

5 (g) No member of the Board shall receive a salary or
6 reimbursement for duties performed as a member of the Board,
7 except that members are eligible to receive reimbursement for
8 travel expenses incurred in the performance of Board duties.

9 (Source: P.A. 92-610, eff. 7-1-02; 92-651, eff. 7-11-02;
10 revised 8-12-02.)

11 Section 385. The Liquor Control Act of 1934 is amended by
12 changing Sections 6-11, 6-15, and 6-16.2 as follows:

13 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

14 Sec. 6-11. Sale near churches, schools, and hospitals.

15 (a) No license shall be issued for the sale at retail of
16 any alcoholic liquor within 100 feet of any church, school
17 other than an institution of higher learning, hospital, home
18 for aged or indigent persons or for veterans, their spouses or
19 children or any military or naval station, provided, that this
20 prohibition shall not apply to hotels offering restaurant
21 service, regularly organized clubs, or to restaurants, food
22 shops or other places where sale of alcoholic liquors is not
23 the principal business carried on if the place of business so
24 exempted is not located in a municipality of more than 500,000
25 persons, unless required by local ordinance; nor to the renewal
26 of a license for the sale at retail of alcoholic liquor on
27 premises within 100 feet of any church or school where the
28 church or school has been established within such 100 feet
29 since the issuance of the original license. In the case of a
30 church, the distance of 100 feet shall be measured to the
31 nearest part of any building used for worship services or
32 educational programs and not to property boundaries.

33 (b) Nothing in this Section shall prohibit the issuance of
34 a retail license authorizing the sale of alcoholic liquor to a

1 restaurant, the primary business of which is the sale of goods
2 baked on the premises if (i) the restaurant is newly
3 constructed and located on a lot of not less than 10,000 square
4 feet, (ii) the restaurant costs at least \$1,000,000 to
5 construct, (iii) the licensee is the titleholder to the
6 premises and resides on the premises, and (iv) the construction
7 of the restaurant is completed within 18 months of the
8 effective date of this amendatory Act of 1998.

9 (c) Nothing in this Section shall prohibit the issuance of
10 a retail license authorizing the sale of alcoholic liquor
11 incidental to a restaurant if (1) the primary business of the
12 restaurant consists of the sale of food where the sale of
13 liquor is incidental to the sale of food and the applicant is a
14 completely new owner of the restaurant, (2) the immediately
15 prior owner or operator of the premises where the restaurant is
16 located operated the premises as a restaurant and held a valid
17 retail license authorizing the sale of alcoholic liquor at the
18 restaurant for at least part of the 24 months before the change
19 of ownership, and (3) the restaurant is located 75 or more feet
20 from a school.

21 (d) In the interest of further developing Illinois' economy
22 in the area of commerce, tourism, convention, and banquet
23 business, nothing in this Section shall prohibit issuance of a
24 retail license authorizing the sale of alcoholic beverages to a
25 restaurant, banquet facility, grocery store, or hotel having
26 not fewer than 150 guest room accommodations located in a
27 municipality of more than 500,000 persons, notwithstanding the
28 proximity of such hotel, restaurant, banquet facility, or
29 grocery store to any church or school, if the licensed premises
30 described on the license are located within an enclosed mall or
31 building of a height of at least 6 stories, or 60 feet in the
32 case of a building that has been registered as a national
33 landmark, or in a grocery store having a minimum of 56,010
34 square feet of floor space in a single story building in an
35 open mall of at least 3.96 acres that is adjacent to a public
36 school that opened as a boys technical high school in 1934, and

1 in each of these cases if the sale of alcoholic liquors is not
2 the principal business carried on by the licensee.

3 For purposes of this Section, a "banquet facility" is any
4 part of a building that caters to private parties and where the
5 sale of alcoholic liquors is not the principal business.

6 (e) Nothing in this Section shall prohibit the issuance of
7 a license to a church or private school to sell at retail
8 alcoholic liquor if any such sales are limited to periods when
9 groups are assembled on the premises solely for the promotion
10 of some common object other than the sale or consumption of
11 alcoholic liquors.

12 (f) Nothing in this Section shall prohibit a church or
13 church affiliated school located in a home rule municipality or
14 in a municipality with 75,000 or more inhabitants from locating
15 within 100 feet of a property for which there is a preexisting
16 license to sell alcoholic liquor at retail. In these instances,
17 the local zoning authority may, by ordinance adopted
18 simultaneously with the granting of an initial special use
19 zoning permit for the church or church affiliated school,
20 provide that the 100-foot restriction in this Section shall not
21 apply to that church or church affiliated school and future
22 retail liquor licenses.

23 (g) Nothing in this Section shall prohibit the issuance of
24 a retail license authorizing the sale of alcoholic liquor at
25 premises within 100 feet, but not less than 90 feet, of a
26 public school if (1) the premises have been continuously
27 licensed to sell alcoholic liquor for a period of at least 50
28 years, (2) the premises are located in a municipality having a
29 population of over 500,000 inhabitants, (3) the licensee is an
30 individual who is a member of a family that has held the
31 previous 3 licenses for that location for more than 25 years,
32 (4) the principal of the school and the alderman of the ward in
33 which the school is located have delivered a written statement
34 to the local liquor control commissioner stating that they do
35 not object to the issuance of a license under this subsection
36 (g), and (5) the local liquor control commissioner has received

1 the written consent of a majority of the registered voters who
2 live within 200 feet of the premises.

3 (Source: P.A. 91-357, eff. 7-29-99; 91-623, eff. 1-1-00;
4 92-720, eff. 7-25-02; 92-813, eff. 8-21-02; revised 9-18-02.)

5 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

6 (Text of Section before amendment by P.A. 93-627)

7 Sec. 6-15. No alcoholic liquors shall be sold or delivered
8 in any building belonging to or under the control of the State
9 or any political subdivision thereof except as provided in this
10 Act. The corporate authorities of any city, village,
11 incorporated town or township may provide by ordinance,
12 however, that alcoholic liquor may be sold or delivered in any
13 specifically designated building belonging to or under the
14 control of the municipality or township, or in any building
15 located on land under the control of the municipality; provided
16 that such township complies with all applicable local
17 ordinances in any incorporated area of the township. Alcoholic
18 liquors may be delivered to and sold at any airport belonging
19 to or under the control of a municipality of more than 25,000
20 inhabitants, or in any building or on any golf course owned by
21 a park district organized under the Park District Code, subject
22 to the approval of the governing board of the district, or in
23 any building or on any golf course owned by a forest preserve
24 district organized under the Downstate Forest Preserve
25 District Act, subject to the approval of the governing board of
26 the district, or on the grounds within 500 feet of any building
27 owned by a forest preserve district organized under the
28 Downstate Forest Preserve District Act during times when food
29 is dispensed for consumption within 500 feet of the building
30 from which the food is dispensed, subject to the approval of
31 the governing board of the district, or in a building owned by
32 a Local Mass Transit District organized under the Local Mass
33 Transit District Act, subject to the approval of the governing
34 Board of the District, or in Bicentennial Park, or on the
35 premises of the City of Mendota Lake Park located adjacent to

1 Route 51 in Mendota, Illinois, or on the premises of Camden
2 Park in Milan, Illinois, or in the community center owned by
3 the City of Loves Park that is located at 1000 River Park Drive
4 in Loves Park, Illinois, or, in connection with the operation
5 of an established food serving facility during times when food
6 is dispensed for consumption on the premises, and at the
7 following aquarium and museums located in public parks: Art
8 Institute of Chicago, Chicago Academy of Sciences, Chicago
9 Historical Society, Field Museum of Natural History, Museum of
10 Science and Industry, DuSable Museum of African American
11 History, John G. Shedd Aquarium and Adler Planetarium, or at
12 Lakeview Museum of Arts and Sciences in Peoria, or in
13 connection with the operation of the facilities of the Chicago
14 Zoological Society or the Chicago Horticultural Society on land
15 owned by the Forest Preserve District of Cook County, or on any
16 land used for a golf course or for recreational purposes owned
17 by the Forest Preserve District of Cook County, subject to the
18 control of the Forest Preserve District Board of Commissioners
19 and applicable local law, provided that dram shop liability
20 insurance is provided at maximum coverage limits so as to hold
21 the District harmless from all financial loss, damage, and
22 harm, or in any building located on land owned by the Chicago
23 Park District if approved by the Park District Commissioners,
24 or on any land used for a golf course or for recreational
25 purposes and owned by the Illinois International Port District
26 if approved by the District's governing board, or at any
27 airport, golf course, faculty center, or facility in which
28 conference and convention type activities take place belonging
29 to or under control of any State university or public community
30 college district, provided that with respect to a facility for
31 conference and convention type activities alcoholic liquors
32 shall be limited to the use of the convention or conference
33 participants or participants in cultural, political or
34 educational activities held in such facilities, and provided
35 further that the faculty or staff of the State university or a
36 public community college district, or members of an

1 organization of students, alumni, faculty or staff of the State
2 university or a public community college district are active
3 participants in the conference or convention, or in Memorial
4 Stadium on the campus of the University of Illinois at
5 Urbana-Champaign during games in which the Chicago Bears
6 professional football team is playing in that stadium during
7 the renovation of Soldier Field, not more than one and a half
8 hours before the start of the game and not after the end of the
9 third quarter of the game, or by a catering establishment which
10 has rented facilities from a board of trustees of a public
11 community college district, or, if approved by the District
12 board, on land owned by the Metropolitan Sanitary District of
13 Greater Chicago and leased to others for a term of at least 20
14 years. Nothing in this Section precludes the sale or delivery
15 of alcoholic liquor in the form of original packaged goods in
16 premises located at 500 S. Racine in Chicago belonging to the
17 University of Illinois and used primarily as a grocery store by
18 a commercial tenant during the term of a lease that predates
19 the University's acquisition of the premises; but the
20 University shall have no power or authority to renew, transfer,
21 or extend the lease with terms allowing the sale of alcoholic
22 liquor; and the sale of alcoholic liquor shall be subject to
23 all local laws and regulations. After the acquisition by
24 Winnebago County of the property located at 404 Elm Street in
25 Rockford, a commercial tenant who sold alcoholic liquor at
26 retail on a portion of the property under a valid license at
27 the time of the acquisition may continue to do so for so long
28 as the tenant and the County may agree under existing or future
29 leases, subject to all local laws and regulations regarding the
30 sale of alcoholic liquor. Each facility shall provide dram shop
31 liability in maximum insurance coverage limits so as to save
32 harmless the State, municipality, State university, airport,
33 golf course, faculty center, facility in which conference and
34 convention type activities take place, park district, Forest
35 Preserve District, public community college district,
36 aquarium, museum, or sanitary district from all financial loss,

1 damage or harm. Alcoholic liquors may be sold at retail in
2 buildings of golf courses owned by municipalities in connection
3 with the operation of an established food serving facility
4 during times when food is dispensed for consumption upon the
5 premises. Alcoholic liquors may be delivered to and sold at
6 retail in any building owned by a fire protection district
7 organized under the Fire Protection District Act, provided that
8 such delivery and sale is approved by the board of trustees of
9 the district, and provided further that such delivery and sale
10 is limited to fundraising events and to a maximum of 6 events
11 per year.

12 Alcoholic liquor may be delivered to and sold at retail in
13 the Dorchester Senior Business Center owned by the Village of
14 Dolton if the alcoholic liquor is sold or dispensed only in
15 connection with organized functions for which the planned
16 attendance is 20 or more persons, and if the person or facility
17 selling or dispensing the alcoholic liquor has provided dram
18 shop liability insurance in maximum limits so as to hold
19 harmless the Village of Dolton and the State from all financial
20 loss, damage and harm.

21 Alcoholic liquors may be delivered to and sold at retail in
22 any building used as an Illinois State Armory provided:

23 (i) the Adjutant General's written consent to the
24 issuance of a license to sell alcoholic liquor in such
25 building is filed with the Commission;

26 (ii) the alcoholic liquor is sold or dispensed only in
27 connection with organized functions held on special
28 occasions;

29 (iii) the organized function is one for which the
30 planned attendance is 25 or more persons; and

31 (iv) the facility selling or dispensing the alcoholic
32 liquors has provided dram shop liability insurance in
33 maximum limits so as to save harmless the facility and the
34 State from all financial loss, damage or harm.

35 Alcoholic liquors may be delivered to and sold at retail in
36 the Chicago Civic Center, provided that:

1 (i) the written consent of the Public Building
2 Commission which administers the Chicago Civic Center is
3 filed with the Commission;

4 (ii) the alcoholic liquor is sold or dispensed only in
5 connection with organized functions held on special
6 occasions;

7 (iii) the organized function is one for which the
8 planned attendance is 25 or more persons;

9 (iv) the facility selling or dispensing the alcoholic
10 liquors has provided dram shop liability insurance in
11 maximum limits so as to hold harmless the Civic Center, the
12 City of Chicago and the State from all financial loss,
13 damage or harm; and

14 (v) all applicable local ordinances are complied with.

15 Alcoholic liquors may be delivered or sold in any building
16 belonging to or under the control of any city, village or
17 incorporated town where more than 75% of the physical
18 properties of the building is used for commercial or
19 recreational purposes, and the building is located upon a pier
20 extending into or over the waters of a navigable lake or stream
21 or on the shore of a navigable lake or stream. Alcoholic liquor
22 may be sold in buildings under the control of the Department of
23 Natural Resources when written consent to the issuance of a
24 license to sell alcoholic liquor in such buildings is filed
25 with the Commission by the Department of Natural Resources.
26 Alcoholic liquor may be served or delivered in buildings and
27 facilities under the control of the Department of Natural
28 Resources upon the written approval of the Director of Natural
29 Resources acting as the controlling government authority. The
30 Director of Natural Resources may specify conditions on that
31 approval, including but not limited to requirements for
32 insurance and hours of operation. Notwithstanding any other
33 provision of this Act, alcoholic liquor sold by a United States
34 Army Corps of Engineers or Department of Natural Resources
35 concessionaire who was operating on June 1, 1991 for
36 on-premises consumption only is not subject to the provisions

1 of Articles IV and IX. Beer and wine may be sold on the
2 premises of the Joliet Park District Stadium owned by the
3 Joliet Park District when written consent to the issuance of a
4 license to sell beer and wine in such premises is filed with
5 the local liquor commissioner by the Joliet Park District. Beer
6 and wine may be sold in buildings on the grounds of State
7 veterans' homes when written consent to the issuance of a
8 license to sell beer and wine in such buildings is filed with
9 the Commission by the Department of Veterans' Affairs, and the
10 facility shall provide dram shop liability in maximum insurance
11 coverage limits so as to save the facility harmless from all
12 financial loss, damage or harm. Such liquors may be delivered
13 to and sold at any property owned or held under lease by a
14 Metropolitan Pier and Exposition Authority or Metropolitan
15 Exposition and Auditorium Authority.

16 Beer and wine may be sold and dispensed at professional
17 sporting events and at professional concerts and other
18 entertainment events conducted on premises owned by the Forest
19 Preserve District of Kane County, subject to the control of the
20 District Commissioners and applicable local law, provided that
21 dram shop liability insurance is provided at maximum coverage
22 limits so as to hold the District harmless from all financial
23 loss, damage and harm.

24 Nothing in this Section shall preclude the sale or delivery
25 of beer and wine at a State or county fair or the sale or
26 delivery of beer or wine at a city fair in any otherwise lawful
27 manner.

28 Alcoholic liquors may be sold at retail in buildings in
29 State parks under the control of the Department of Natural
30 Resources, provided:

31 a. the State park has overnight lodging facilities with
32 some restaurant facilities or, not having overnight
33 lodging facilities, has restaurant facilities which serve
34 complete luncheon and dinner or supper meals,

35 b. consent to the issuance of a license to sell
36 alcoholic liquors in the buildings has been filed with the

1 commission by the Department of Natural Resources, and

2 c. the alcoholic liquors are sold by the State park
3 lodge or restaurant concessionaire only during the hours
4 from 11 o'clock a.m. until 12 o'clock midnight.
5 Notwithstanding any other provision of this Act, alcoholic
6 liquor sold by the State park or restaurant concessionaire
7 is not subject to the provisions of Articles IV and IX.

8 Alcoholic liquors may be sold at retail in buildings on
9 properties under the control of the Historic Sites and
10 Preservation Division of the Historic Preservation Agency or
11 the Abraham Lincoln Presidential Library and Museum provided:

12 a. the property has overnight lodging facilities with
13 some restaurant facilities or, not having overnight
14 lodging facilities, has restaurant facilities which serve
15 complete luncheon and dinner or supper meals,

16 b. consent to the issuance of a license to sell
17 alcoholic liquors in the buildings has been filed with the
18 commission by the Historic Sites and Preservation Division
19 of the Historic Preservation Agency or the Abraham Lincoln
20 Presidential Library and Museum, and

21 c. the alcoholic liquors are sold by the lodge or
22 restaurant concessionaire only during the hours from 11
23 o'clock a.m. until 12 o'clock midnight.

24 The sale of alcoholic liquors pursuant to this Section does
25 not authorize the establishment and operation of facilities
26 commonly called taverns, saloons, bars, cocktail lounges, and
27 the like except as a part of lodge and restaurant facilities in
28 State parks or golf courses owned by Forest Preserve Districts
29 with a population of less than 3,000,000 or municipalities or
30 park districts.

31 Alcoholic liquors may be sold at retail in the Springfield
32 Administration Building of the Department of Transportation
33 and the Illinois State Armory in Springfield; provided, that
34 the controlling government authority may consent to such sales
35 only if

36 a. the request is from a not-for-profit organization;

1 b. such sales would not impede normal operations of the
2 departments involved;

3 c. the not-for-profit organization provides dram shop
4 liability in maximum insurance coverage limits and agrees
5 to defend, save harmless and indemnify the State of
6 Illinois from all financial loss, damage or harm;

7 d. no such sale shall be made during normal working
8 hours of the State of Illinois; and

9 e. the consent is in writing.

10 Alcoholic liquors may be sold at retail in buildings in
11 recreational areas of river conservancy districts under the
12 control of, or leased from, the river conservancy districts.
13 Such sales are subject to reasonable local regulations as
14 provided in Article IV; however, no such regulations may
15 prohibit or substantially impair the sale of alcoholic liquors
16 on Sundays or Holidays.

17 Alcoholic liquors may be provided in long term care
18 facilities owned or operated by a county under Division 5-21 or
19 5-22 of the Counties Code, when approved by the facility
20 operator and not in conflict with the regulations of the
21 Illinois Department of Public Health, to residents of the
22 facility who have had their consumption of the alcoholic
23 liquors provided approved in writing by a physician licensed to
24 practice medicine in all its branches.

25 Alcoholic liquors may be delivered to and dispensed in
26 State housing assigned to employees of the Department of
27 Corrections. No person shall furnish or allow to be furnished
28 any alcoholic liquors to any prisoner confined in any jail,
29 reformatory, prison or house of correction except upon a
30 physician's prescription for medicinal purposes.

31 Alcoholic liquors may be sold at retail or dispensed at the
32 Willard Ice Building in Springfield, at the State Library in
33 Springfield, and at Illinois State Museum facilities by (1) an
34 agency of the State, whether legislative, judicial or
35 executive, provided that such agency first obtains written
36 permission to sell or dispense alcoholic liquors from the

1 controlling government authority, or by (2) a not-for-profit
2 organization, provided that such organization:

3 a. Obtains written consent from the controlling
4 government authority;

5 b. Sells or dispenses the alcoholic liquors in a manner
6 that does not impair normal operations of State offices
7 located in the building;

8 c. Sells or dispenses alcoholic liquors only in
9 connection with an official activity in the building;

10 d. Provides, or its catering service provides, dram
11 shop liability insurance in maximum coverage limits and in
12 which the carrier agrees to defend, save harmless and
13 indemnify the State of Illinois from all financial loss,
14 damage or harm arising out of the selling or dispensing of
15 alcoholic liquors.

16 Nothing in this Act shall prevent a not-for-profit
17 organization or agency of the State from employing the services
18 of a catering establishment for the selling or dispensing of
19 alcoholic liquors at authorized functions.

20 The controlling government authority for the Willard Ice
21 Building in Springfield shall be the Director of the Department
22 of Revenue. The controlling government authority for Illinois
23 State Museum facilities shall be the Director of the Illinois
24 State Museum. The controlling government authority for the
25 State Library in Springfield shall be the Secretary of State.

26 Alcoholic liquors may be delivered to and sold at retail or
27 dispensed at any facility, property or building under the
28 jurisdiction of the Historic Sites and Preservation Division of
29 the Historic Preservation Agency or the Abraham Lincoln
30 Presidential Library and Museum where the delivery, sale or
31 dispensing is by (1) an agency of the State, whether
32 legislative, judicial or executive, provided that such agency
33 first obtains written permission to sell or dispense alcoholic
34 liquors from a controlling government authority, or by (2) a
35 not-for-profit organization provided that such organization:

36 a. Obtains written consent from the controlling

1 government authority;

2 b. Sells or dispenses the alcoholic liquors in a manner
3 that does not impair normal workings of State offices or
4 operations located at the facility, property or building;

5 c. Sells or dispenses alcoholic liquors only in
6 connection with an official activity of the not-for-profit
7 organization in the facility, property or building;

8 d. Provides, or its catering service provides, dram
9 shop liability insurance in maximum coverage limits and in
10 which the carrier agrees to defend, save harmless and
11 indemnify the State of Illinois from all financial loss,
12 damage or harm arising out of the selling or dispensing of
13 alcoholic liquors.

14 The controlling government authority for the Historic
15 Sites and Preservation Division of the Historic Preservation
16 Agency shall be the Director of the Historic Sites and
17 Preservation, and the controlling government authority for the
18 Abraham Lincoln Presidential Library and Museum shall be the
19 Director of the Abraham Lincoln Presidential Library and
20 Museum.

21 Alcoholic liquors may be sold at retail or dispensed at the
22 James R. Thompson Center in Chicago, subject to the provisions
23 of Section 7.4 of the State Property Control Act, and 222 South
24 College Street in Springfield, Illinois by (1) a commercial
25 tenant or subtenant conducting business on the premises under a
26 lease or sublease made pursuant to Section 405-315 of the
27 Department of Central Management Services Law (20 ILCS
28 405/405-315), provided that such tenant or subtenant who sells
29 or dispenses alcoholic liquors shall procure and maintain dram
30 shop liability insurance in maximum coverage limits and in
31 which the carrier agrees to defend, indemnify and save harmless
32 the State of Illinois from all financial loss, damage or harm
33 arising out of the sale or dispensing of alcoholic liquors, or
34 by (2) an agency of the State, whether legislative, judicial or
35 executive, provided that such agency first obtains written
36 permission to sell or dispense alcoholic liquors from the

1 Director of Central Management Services, or by (3) a
2 not-for-profit organization, provided that such organization:

3 a. Obtains written consent from the Department of
4 Central Management Services;

5 b. Sells or dispenses the alcoholic liquors in a manner
6 that does not impair normal operations of State offices
7 located in the building;

8 c. Sells or dispenses alcoholic liquors only in
9 connection with an official activity in the building;

10 d. Provides, or its catering service provides, dram
11 shop liability insurance in maximum coverage limits and in
12 which the carrier agrees to defend, save harmless and
13 indemnify the State of Illinois from all financial loss,
14 damage or harm arising out of the selling or dispensing of
15 alcoholic liquors.

16 Nothing in this Act shall prevent a not-for-profit
17 organization or agency of the State from employing the services
18 of a catering establishment for the selling or dispensing of
19 alcoholic liquors at functions authorized by the Director of
20 Central Management Services.

21 Alcoholic liquors may be sold or delivered at any facility
22 owned by the Illinois Sports Facilities Authority provided that
23 dram shop liability insurance has been made available in a
24 form, with such coverage and in such amounts as the Authority
25 reasonably determines is necessary.

26 Alcoholic liquors may be sold at retail or dispensed at the
27 Rockford State Office Building by (1) an agency of the State,
28 whether legislative, judicial or executive, provided that such
29 agency first obtains written permission to sell or dispense
30 alcoholic liquors from the Department of Central Management
31 Services, or by (2) a not-for-profit organization, provided
32 that such organization:

33 a. Obtains written consent from the Department of
34 Central Management Services;

35 b. Sells or dispenses the alcoholic liquors in a manner
36 that does not impair normal operations of State offices

1 located in the building;

2 c. Sells or dispenses alcoholic liquors only in
3 connection with an official activity in the building;

4 d. Provides, or its catering service provides, dram
5 shop liability insurance in maximum coverage limits and in
6 which the carrier agrees to defend, save harmless and
7 indemnify the State of Illinois from all financial loss,
8 damage or harm arising out of the selling or dispensing of
9 alcoholic liquors.

10 Nothing in this Act shall prevent a not-for-profit
11 organization or agency of the State from employing the services
12 of a catering establishment for the selling or dispensing of
13 alcoholic liquors at functions authorized by the Department of
14 Central Management Services.

15 Alcoholic liquors may be sold or delivered in a building
16 that is owned by McLean County, situated on land owned by the
17 county in the City of Bloomington, and used by the McLean
18 County Historical Society if the sale or delivery is approved
19 by an ordinance adopted by the county board, and the
20 municipality in which the building is located may not prohibit
21 that sale or delivery, notwithstanding any other provision of
22 this Section. The regulation of the sale and delivery of
23 alcoholic liquor in a building that is owned by McLean County,
24 situated on land owned by the county, and used by the McLean
25 County Historical Society as provided in this paragraph is an
26 exclusive power and function of the State and is a denial and
27 limitation under Article VII, Section 6, subsection (h) of the
28 Illinois Constitution of the power of a home rule municipality
29 to regulate that sale and delivery.

30 Alcoholic liquors may be sold or delivered in any building
31 situated on land held in trust for any school district
32 organized under Article 34 of the School Code, if the building
33 is not used for school purposes and if the sale or delivery is
34 approved by the board of education.

35 Alcoholic liquors may be sold or delivered in buildings
36 owned by the Community Building Complex Committee of Boone

1 County, Illinois if the person or facility selling or
2 dispensing the alcoholic liquor has provided dram shop
3 liability insurance with coverage and in amounts that the
4 Committee reasonably determines are necessary.

5 Alcoholic liquors may be sold or delivered in the building
6 located at 1200 Centerville Avenue in Belleville, Illinois and
7 occupied by either the Belleville Area Special Education
8 District or the Belleville Area Special Services Cooperative.

9 (Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02;
10 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04;
11 revised 8-1-03.)

12 (Text of Section after amendment by P.A. 93-627)

13 Sec. 6-15. No alcoholic liquors shall be sold or delivered
14 in any building belonging to or under the control of the State
15 or any political subdivision thereof except as provided in this
16 Act. The corporate authorities of any city, village,
17 incorporated town or township may provide by ordinance,
18 however, that alcoholic liquor may be sold or delivered in any
19 specifically designated building belonging to or under the
20 control of the municipality or township, or in any building
21 located on land under the control of the municipality; provided
22 that such township complies with all applicable local
23 ordinances in any incorporated area of the township. Alcoholic
24 liquors may be delivered to and sold at any airport belonging
25 to or under the control of a municipality of more than 25,000
26 inhabitants, or in any building or on any golf course owned by
27 a park district organized under the Park District Code, subject
28 to the approval of the governing board of the district, or in
29 any building or on any golf course owned by a forest preserve
30 district organized under the Downstate Forest Preserve
31 District Act, subject to the approval of the governing board of
32 the district, or on the grounds within 500 feet of any building
33 owned by a forest preserve district organized under the
34 Downstate Forest Preserve District Act during times when food
35 is dispensed for consumption within 500 feet of the building

1 from which the food is dispensed, subject to the approval of
2 the governing board of the district, or in a building owned by
3 a Local Mass Transit District organized under the Local Mass
4 Transit District Act, subject to the approval of the governing
5 Board of the District, or in Bicentennial Park, or on the
6 premises of the City of Mendota Lake Park located adjacent to
7 Route 51 in Mendota, Illinois, or on the premises of Camden
8 Park in Milan, Illinois, or in the community center owned by
9 the City of Loves Park that is located at 1000 River Park Drive
10 in Loves Park, Illinois, or, in connection with the operation
11 of an established food serving facility during times when food
12 is dispensed for consumption on the premises, and at the
13 following aquarium and museums located in public parks: Art
14 Institute of Chicago, Chicago Academy of Sciences, Chicago
15 Historical Society, Field Museum of Natural History, Museum of
16 Science and Industry, DuSable Museum of African American
17 History, John G. Shedd Aquarium and Adler Planetarium, or at
18 Lakeview Museum of Arts and Sciences in Peoria, or in
19 connection with the operation of the facilities of the Chicago
20 Zoological Society or the Chicago Horticultural Society on land
21 owned by the Forest Preserve District of Cook County, or on any
22 land used for a golf course or for recreational purposes owned
23 by the Forest Preserve District of Cook County, subject to the
24 control of the Forest Preserve District Board of Commissioners
25 and applicable local law, provided that dram shop liability
26 insurance is provided at maximum coverage limits so as to hold
27 the District harmless from all financial loss, damage, and
28 harm, or in any building located on land owned by the Chicago
29 Park District if approved by the Park District Commissioners,
30 or on any land used for a golf course or for recreational
31 purposes and owned by the Illinois International Port District
32 if approved by the District's governing board, or at any
33 airport, golf course, faculty center, or facility in which
34 conference and convention type activities take place belonging
35 to or under control of any State university or public community
36 college district, provided that with respect to a facility for

1 conference and convention type activities alcoholic liquors
2 shall be limited to the use of the convention or conference
3 participants or participants in cultural, political or
4 educational activities held in such facilities, and provided
5 further that the faculty or staff of the State university or a
6 public community college district, or members of an
7 organization of students, alumni, faculty or staff of the State
8 university or a public community college district are active
9 participants in the conference or convention, or in Memorial
10 Stadium on the campus of the University of Illinois at
11 Urbana-Champaign during games in which the Chicago Bears
12 professional football team is playing in that stadium during
13 the renovation of Soldier Field, not more than one and a half
14 hours before the start of the game and not after the end of the
15 third quarter of the game, or by a catering establishment which
16 has rented facilities from a board of trustees of a public
17 community college district, or, if approved by the District
18 board, on land owned by the Metropolitan Sanitary District of
19 Greater Chicago and leased to others for a term of at least 20
20 years. Nothing in this Section precludes the sale or delivery
21 of alcoholic liquor in the form of original packaged goods in
22 premises located at 500 S. Racine in Chicago belonging to the
23 University of Illinois and used primarily as a grocery store by
24 a commercial tenant during the term of a lease that predates
25 the University's acquisition of the premises; but the
26 University shall have no power or authority to renew, transfer,
27 or extend the lease with terms allowing the sale of alcoholic
28 liquor; and the sale of alcoholic liquor shall be subject to
29 all local laws and regulations. After the acquisition by
30 Winnebago County of the property located at 404 Elm Street in
31 Rockford, a commercial tenant who sold alcoholic liquor at
32 retail on a portion of the property under a valid license at
33 the time of the acquisition may continue to do so for so long
34 as the tenant and the County may agree under existing or future
35 leases, subject to all local laws and regulations regarding the
36 sale of alcoholic liquor. Each facility shall provide dram shop

1 liability in maximum insurance coverage limits so as to save
2 harmless the State, municipality, State university, airport,
3 golf course, faculty center, facility in which conference and
4 convention type activities take place, park district, Forest
5 Preserve District, public community college district,
6 aquarium, museum, or sanitary district from all financial loss,
7 damage or harm. Alcoholic liquors may be sold at retail in
8 buildings of golf courses owned by municipalities in connection
9 with the operation of an established food serving facility
10 during times when food is dispensed for consumption upon the
11 premises. Alcoholic liquors may be delivered to and sold at
12 retail in any building owned by a fire protection district
13 organized under the Fire Protection District Act, provided that
14 such delivery and sale is approved by the board of trustees of
15 the district, and provided further that such delivery and sale
16 is limited to fundraising events and to a maximum of 6 events
17 per year.

18 Alcoholic liquor may be delivered to and sold at retail in
19 the Dorchester Senior Business Center owned by the Village of
20 Dolton if the alcoholic liquor is sold or dispensed only in
21 connection with organized functions for which the planned
22 attendance is 20 or more persons, and if the person or facility
23 selling or dispensing the alcoholic liquor has provided dram
24 shop liability insurance in maximum limits so as to hold
25 harmless the Village of Dolton and the State from all financial
26 loss, damage and harm.

27 Alcoholic liquors may be delivered to and sold at retail in
28 any building used as an Illinois State Armory provided:

29 (i) the Adjutant General's written consent to the
30 issuance of a license to sell alcoholic liquor in such
31 building is filed with the Commission;

32 (ii) the alcoholic liquor is sold or dispensed only in
33 connection with organized functions held on special
34 occasions;

35 (iii) the organized function is one for which the
36 planned attendance is 25 or more persons; and

1 (iv) the facility selling or dispensing the alcoholic
2 liquors has provided dram shop liability insurance in
3 maximum limits so as to save harmless the facility and the
4 State from all financial loss, damage or harm.

5 Alcoholic liquors may be delivered to and sold at retail in
6 the Chicago Civic Center, provided that:

7 (i) the written consent of the Public Building
8 Commission which administers the Chicago Civic Center is
9 filed with the Commission;

10 (ii) the alcoholic liquor is sold or dispensed only in
11 connection with organized functions held on special
12 occasions;

13 (iii) the organized function is one for which the
14 planned attendance is 25 or more persons;

15 (iv) the facility selling or dispensing the alcoholic
16 liquors has provided dram shop liability insurance in
17 maximum limits so as to hold harmless the Civic Center, the
18 City of Chicago and the State from all financial loss,
19 damage or harm; and

20 (v) all applicable local ordinances are complied with.

21 Alcoholic liquors may be delivered or sold in any building
22 belonging to or under the control of any city, village or
23 incorporated town where more than 75% of the physical
24 properties of the building is used for commercial or
25 recreational purposes, and the building is located upon a pier
26 extending into or over the waters of a navigable lake or stream
27 or on the shore of a navigable lake or stream. Alcoholic liquor
28 may be sold in buildings under the control of the Department of
29 Natural Resources when written consent to the issuance of a
30 license to sell alcoholic liquor in such buildings is filed
31 with the Commission by the Department of Natural Resources.
32 Alcoholic liquor may be served or delivered in buildings and
33 facilities under the control of the Department of Natural
34 Resources upon the written approval of the Director of Natural
35 Resources acting as the controlling government authority. The
36 Director of Natural Resources may specify conditions on that

1 approval, including but not limited to requirements for
2 insurance and hours of operation. Notwithstanding any other
3 provision of this Act, alcoholic liquor sold by a United States
4 Army Corps of Engineers or Department of Natural Resources
5 concessionaire who was operating on June 1, 1991 for
6 on-premises consumption only is not subject to the provisions
7 of Articles IV and IX. Beer and wine may be sold on the
8 premises of the Joliet Park District Stadium owned by the
9 Joliet Park District when written consent to the issuance of a
10 license to sell beer and wine in such premises is filed with
11 the local liquor commissioner by the Joliet Park District. Beer
12 and wine may be sold in buildings on the grounds of State
13 veterans' homes when written consent to the issuance of a
14 license to sell beer and wine in such buildings is filed with
15 the Commission by the Department of Veterans' Affairs, and the
16 facility shall provide dram shop liability in maximum insurance
17 coverage limits so as to save the facility harmless from all
18 financial loss, damage or harm. Such liquors may be delivered
19 to and sold at any property owned or held under lease by a
20 Metropolitan Pier and Exposition Authority or Metropolitan
21 Exposition and Auditorium Authority.

22 Beer and wine may be sold and dispensed at professional
23 sporting events and at professional concerts and other
24 entertainment events conducted on premises owned by the Forest
25 Preserve District of Kane County, subject to the control of the
26 District Commissioners and applicable local law, provided that
27 dram shop liability insurance is provided at maximum coverage
28 limits so as to hold the District harmless from all financial
29 loss, damage and harm.

30 Nothing in this Section shall preclude the sale or delivery
31 of beer and wine at a State or county fair or the sale or
32 delivery of beer or wine at a city fair in any otherwise lawful
33 manner.

34 Alcoholic liquors may be sold at retail in buildings in
35 State parks under the control of the Department of Natural
36 Resources, provided:

1 a. the State park has overnight lodging facilities with
2 some restaurant facilities or, not having overnight
3 lodging facilities, has restaurant facilities which serve
4 complete luncheon and dinner or supper meals,

5 b. consent to the issuance of a license to sell
6 alcoholic liquors in the buildings has been filed with the
7 commission by the Department of Natural Resources, and

8 c. the alcoholic liquors are sold by the State park
9 lodge or restaurant concessionaire only during the hours
10 from 11 o'clock a.m. until 12 o'clock midnight.
11 Notwithstanding any other provision of this Act, alcoholic
12 liquor sold by the State park or restaurant concessionaire
13 is not subject to the provisions of Articles IV and IX.

14 Alcoholic liquors may be sold at retail in buildings on
15 properties under the control of the Historic Sites and
16 Preservation Division of the Historic Preservation Agency or
17 the Abraham Lincoln Presidential Library and Museum provided:

18 a. the property has overnight lodging facilities with
19 some restaurant facilities or, not having overnight
20 lodging facilities, has restaurant facilities which serve
21 complete luncheon and dinner or supper meals,

22 b. consent to the issuance of a license to sell
23 alcoholic liquors in the buildings has been filed with the
24 commission by the Historic Sites and Preservation Division
25 of the Historic Preservation Agency or the Abraham Lincoln
26 Presidential Library and Museum, and

27 c. the alcoholic liquors are sold by the lodge or
28 restaurant concessionaire only during the hours from 11
29 o'clock a.m. until 12 o'clock midnight.

30 The sale of alcoholic liquors pursuant to this Section does
31 not authorize the establishment and operation of facilities
32 commonly called taverns, saloons, bars, cocktail lounges, and
33 the like except as a part of lodge and restaurant facilities in
34 State parks or golf courses owned by Forest Preserve Districts
35 with a population of less than 3,000,000 or municipalities or
36 park districts.

1 Alcoholic liquors may be sold at retail in the Springfield
2 Administration Building of the Department of Transportation
3 and the Illinois State Armory in Springfield; provided, that
4 the controlling government authority may consent to such sales
5 only if

6 a. the request is from a not-for-profit organization;

7 b. such sales would not impede normal operations of the
8 departments involved;

9 c. the not-for-profit organization provides dram shop
10 liability in maximum insurance coverage limits and agrees
11 to defend, save harmless and indemnify the State of
12 Illinois from all financial loss, damage or harm;

13 d. no such sale shall be made during normal working
14 hours of the State of Illinois; and

15 e. the consent is in writing.

16 Alcoholic liquors may be sold at retail in buildings in
17 recreational areas of river conservancy districts under the
18 control of, or leased from, the river conservancy districts.
19 Such sales are subject to reasonable local regulations as
20 provided in Article IV; however, no such regulations may
21 prohibit or substantially impair the sale of alcoholic liquors
22 on Sundays or Holidays.

23 Alcoholic liquors may be provided in long term care
24 facilities owned or operated by a county under Division 5-21 or
25 5-22 of the Counties Code, when approved by the facility
26 operator and not in conflict with the regulations of the
27 Illinois Department of Public Health, to residents of the
28 facility who have had their consumption of the alcoholic
29 liquors provided approved in writing by a physician licensed to
30 practice medicine in all its branches.

31 Alcoholic liquors may be delivered to and dispensed in
32 State housing assigned to employees of the Department of
33 Corrections. No person shall furnish or allow to be furnished
34 any alcoholic liquors to any prisoner confined in any jail,
35 reformatory, prison or house of correction except upon a
36 physician's prescription for medicinal purposes.

1 Alcoholic liquors may be sold at retail or dispensed at the
2 Willard Ice Building in Springfield, at the State Library in
3 Springfield, and at Illinois State Museum facilities by (1) an
4 agency of the State, whether legislative, judicial or
5 executive, provided that such agency first obtains written
6 permission to sell or dispense alcoholic liquors from the
7 controlling government authority, or by (2) a not-for-profit
8 organization, provided that such organization:

9 a. Obtains written consent from the controlling
10 government authority;

11 b. Sells or dispenses the alcoholic liquors in a manner
12 that does not impair normal operations of State offices
13 located in the building;

14 c. Sells or dispenses alcoholic liquors only in
15 connection with an official activity in the building;

16 d. Provides, or its catering service provides, dram
17 shop liability insurance in maximum coverage limits and in
18 which the carrier agrees to defend, save harmless and
19 indemnify the State of Illinois from all financial loss,
20 damage or harm arising out of the selling or dispensing of
21 alcoholic liquors.

22 Nothing in this Act shall prevent a not-for-profit
23 organization or agency of the State from employing the services
24 of a catering establishment for the selling or dispensing of
25 alcoholic liquors at authorized functions.

26 The controlling government authority for the Willard Ice
27 Building in Springfield shall be the Director of the Department
28 of Revenue. The controlling government authority for Illinois
29 State Museum facilities shall be the Director of the Illinois
30 State Museum. The controlling government authority for the
31 State Library in Springfield shall be the Secretary of State.

32 Alcoholic liquors may be delivered to and sold at retail or
33 dispensed at any facility, property or building under the
34 jurisdiction of the Historic Sites and Preservation Division of
35 the Historic Preservation Agency or the Abraham Lincoln
36 Presidential Library and Museum where the delivery, sale or

1 dispensing is by (1) an agency of the State, whether
2 legislative, judicial or executive, provided that such agency
3 first obtains written permission to sell or dispense alcoholic
4 liquors from a controlling government authority, or by (2) a
5 not-for-profit organization provided that such organization:

6 a. Obtains written consent from the controlling
7 government authority;

8 b. Sells or dispenses the alcoholic liquors in a manner
9 that does not impair normal workings of State offices or
10 operations located at the facility, property or building;

11 c. Sells or dispenses alcoholic liquors only in
12 connection with an official activity of the not-for-profit
13 organization in the facility, property or building;

14 d. Provides, or its catering service provides, dram
15 shop liability insurance in maximum coverage limits and in
16 which the carrier agrees to defend, save harmless and
17 indemnify the State of Illinois from all financial loss,
18 damage or harm arising out of the selling or dispensing of
19 alcoholic liquors.

20 The controlling government authority for the Historic
21 Sites and Preservation Division of the Historic Preservation
22 Agency shall be the Director of the Historic Sites and
23 Preservation, and the controlling government authority for the
24 Abraham Lincoln Presidential Library and Museum shall be the
25 Director of the Abraham Lincoln Presidential Library and
26 Museum.

27 Alcoholic liquors may be delivered to and sold at retail or
28 dispensed for consumption at the Michael Bilandic Building at
29 160 North LaSalle Street, Chicago IL 60601, after the normal
30 business hours of any day care or child care facility located
31 in the building, by (1) a commercial tenant or subtenant
32 conducting business on the premises under a lease made pursuant
33 to Section 405-315 of the Department of Central Management
34 Services Law (20 ILCS 405/405-315), provided that such tenant
35 or subtenant who accepts delivery of, sells, or dispenses
36 alcoholic liquors shall procure and maintain dram shop

1 liability insurance in maximum coverage limits and in which the
2 carrier agrees to defend, indemnify, and save harmless the
3 State of Illinois from all financial loss, damage, or harm
4 arising out of the delivery, sale, or dispensing of alcoholic
5 liquors, or by (2) an agency of the State, whether legislative,
6 judicial, or executive, provided that such agency first obtains
7 written permission to accept delivery of and sell or dispense
8 alcoholic liquors from the Director of Central Management
9 Services, or by (3) a not-for-profit organization, provided
10 that such organization:

11 a. obtains written consent from the Department of
12 Central Management Services;

13 b. accepts delivery of and sells or dispenses the
14 alcoholic liquors in a manner that does not impair normal
15 operations of State offices located in the building;

16 c. accepts delivery of and sells or dispenses alcoholic
17 liquors only in connection with an official activity in the
18 building; and

19 d. provides, or its catering service provides, dram
20 shop liability insurance in maximum coverage limits and in
21 which the carrier agrees to defend, save harmless, and
22 indemnify the State of Illinois from all financial loss,
23 damage, or harm arising out of the selling or dispensing of
24 alcoholic liquors.

25 Nothing in this Act shall prevent a not-for-profit
26 organization or agency of the State from employing the services
27 of a catering establishment for the selling or dispensing of
28 alcoholic liquors at functions authorized by the Director of
29 Central Management Services.

30 Alcoholic liquors may be sold at retail or dispensed at the
31 James R. Thompson Center in Chicago, subject to the provisions
32 of Section 7.4 of the State Property Control Act, and 222 South
33 College Street in Springfield, Illinois by (1) a commercial
34 tenant or subtenant conducting business on the premises under a
35 lease or sublease made pursuant to Section 405-315 of the
36 Department of Central Management Services Law (20 ILCS

1 405/405-315), provided that such tenant or subtenant who sells
2 or dispenses alcoholic liquors shall procure and maintain dram
3 shop liability insurance in maximum coverage limits and in
4 which the carrier agrees to defend, indemnify and save harmless
5 the State of Illinois from all financial loss, damage or harm
6 arising out of the sale or dispensing of alcoholic liquors, or
7 by (2) an agency of the State, whether legislative, judicial or
8 executive, provided that such agency first obtains written
9 permission to sell or dispense alcoholic liquors from the
10 Director of Central Management Services, or by (3) a
11 not-for-profit organization, provided that such organization:

12 a. Obtains written consent from the Department of
13 Central Management Services;

14 b. Sells or dispenses the alcoholic liquors in a manner
15 that does not impair normal operations of State offices
16 located in the building;

17 c. Sells or dispenses alcoholic liquors only in
18 connection with an official activity in the building;

19 d. Provides, or its catering service provides, dram
20 shop liability insurance in maximum coverage limits and in
21 which the carrier agrees to defend, save harmless and
22 indemnify the State of Illinois from all financial loss,
23 damage or harm arising out of the selling or dispensing of
24 alcoholic liquors.

25 Nothing in this Act shall prevent a not-for-profit
26 organization or agency of the State from employing the services
27 of a catering establishment for the selling or dispensing of
28 alcoholic liquors at functions authorized by the Director of
29 Central Management Services.

30 Alcoholic liquors may be sold or delivered at any facility
31 owned by the Illinois Sports Facilities Authority provided that
32 dram shop liability insurance has been made available in a
33 form, with such coverage and in such amounts as the Authority
34 reasonably determines is necessary.

35 Alcoholic liquors may be sold at retail or dispensed at the
36 Rockford State Office Building by (1) an agency of the State,

1 whether legislative, judicial or executive, provided that such
2 agency first obtains written permission to sell or dispense
3 alcoholic liquors from the Department of Central Management
4 Services, or by (2) a not-for-profit organization, provided
5 that such organization:

6 a. Obtains written consent from the Department of
7 Central Management Services;

8 b. Sells or dispenses the alcoholic liquors in a manner
9 that does not impair normal operations of State offices
10 located in the building;

11 c. Sells or dispenses alcoholic liquors only in
12 connection with an official activity in the building;

13 d. Provides, or its catering service provides, dram
14 shop liability insurance in maximum coverage limits and in
15 which the carrier agrees to defend, save harmless and
16 indemnify the State of Illinois from all financial loss,
17 damage or harm arising out of the selling or dispensing of
18 alcoholic liquors.

19 Nothing in this Act shall prevent a not-for-profit
20 organization or agency of the State from employing the services
21 of a catering establishment for the selling or dispensing of
22 alcoholic liquors at functions authorized by the Department of
23 Central Management Services.

24 Alcoholic liquors may be sold or delivered in a building
25 that is owned by McLean County, situated on land owned by the
26 county in the City of Bloomington, and used by the McLean
27 County Historical Society if the sale or delivery is approved
28 by an ordinance adopted by the county board, and the
29 municipality in which the building is located may not prohibit
30 that sale or delivery, notwithstanding any other provision of
31 this Section. The regulation of the sale and delivery of
32 alcoholic liquor in a building that is owned by McLean County,
33 situated on land owned by the county, and used by the McLean
34 County Historical Society as provided in this paragraph is an
35 exclusive power and function of the State and is a denial and
36 limitation under Article VII, Section 6, subsection (h) of the

1 Illinois Constitution of the power of a home rule municipality
2 to regulate that sale and delivery.

3 Alcoholic liquors may be sold or delivered in any building
4 situated on land held in trust for any school district
5 organized under Article 34 of the School Code, if the building
6 is not used for school purposes and if the sale or delivery is
7 approved by the board of education.

8 Alcoholic liquors may be sold or delivered in buildings
9 owned by the Community Building Complex Committee of Boone
10 County, Illinois if the person or facility selling or
11 dispensing the alcoholic liquor has provided dram shop
12 liability insurance with coverage and in amounts that the
13 Committee reasonably determines are necessary.

14 Alcoholic liquors may be sold or delivered in the building
15 located at 1200 Centerville Avenue in Belleville, Illinois and
16 occupied by either the Belleville Area Special Education
17 District or the Belleville Area Special Services Cooperative.

18 Alcoholic liquors may be delivered to and sold at the Louis
19 Joliet Renaissance Center, City Center Campus, located at 214
20 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts
21 Department facilities, Main Campus, located at 1215 Houbolt
22 Road, Joliet, owned by or under the control of Joliet Junior
23 College, Illinois Community College District No. 525.

24 (Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02;
25 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04;
26 93-627, eff. 6-1-04; revised 1-12-04.)

27 (235 ILCS 5/6-16.2)

28 Sec. 6-16.2. Prohibited entry to a licensed premises. A
29 municipality or county may prohibit a licensee or any officer,
30 associate, member, representative, agent, or employee of a
31 licensee from permitting a person under the age of 21 years to
32 enter and remain in that portion of a licensed premises that
33 sells, gives, or delivers alcoholic liquor for consumption on
34 the premises. No prohibition under this Section, however, shall
35 apply to any licensed premises, such as without limitation a

1 restaurant or food shop, where selling, giving, or delivering
2 alcoholic liquor is not the principal business of the licensee
3 at those premises.

4 In those instances where a person under the age of 21 years
5 is prohibited from entering and remaining on the premises,
6 proof that the defendant-licensee, or his employee or agent,
7 demanded, was shown, and reasonably relied upon adequate
8 written evidence for purposes of entering and remaining on the
9 licensed premises is an affirmative defense in any criminal
10 prosecution therefor or to any proceedings for the suspension
11 or revocation of any license based thereon. It shall not,
12 however, be an affirmative defense if the defendant-licensee
13 ~~defendant-licensee~~, or his agent or employee, accepted the
14 written evidence knowing it to be false or fraudulent.

15 Adequate written evidence of age and identity of the person
16 is a document issued by a federal, state, county, or municipal
17 government, or subdivision or agency thereof, including, but
18 not limited to, a motor vehicle operator's license, a
19 registration certificate issued under the Federal Selective
20 Service Act, or an identification card issued to a member of
21 the armed forces.

22 If a false or fraudulent Illinois driver's license or
23 Illinois identification card is presented by a person less than
24 21 years of age to a licensee or the licensee's agent or
25 employee for the purpose of obtaining entry and remaining on a
26 licensed premises, the law enforcement officer or agency
27 investigating the incident shall, upon the conviction of the
28 person who presented the fraudulent license or identification,
29 make a report of the matter to the Secretary of State on a form
30 provided by the Secretary of State.

31 (Source: P.A. 90-617, eff. 7-10-98; revised 1-14-04.)

32 Section 390. The Illinois Public Aid Code is amended by
33 changing Sections 9A-7, 10-8.1, 10-10, 10-11, 11-3, 11-3.3, and
34 12-13.05 and setting forth and renumbering multiple versions of
35 Section 5-5.23 as follows:

1 (305 ILCS 5/5-5.23)

2 Sec. 5-5.23. Children's mental health services.

3 (a) The Department of Public Aid, by rule, shall require
4 the screening and assessment of a child prior to any
5 Medicaid-funded admission to an inpatient hospital for
6 psychiatric services to be funded by Medicaid. The screening
7 and assessment shall include a determination of the
8 appropriateness and availability of out-patient support
9 services for necessary treatment. The Department, by rule,
10 shall establish methods and standards of payment for the
11 screening, assessment, and necessary alternative support
12 services.

13 (b) The Department of Public Aid, to the extent allowable
14 under federal law, shall secure federal financial
15 participation for Individual Care Grant expenditures made by
16 the Department of Human Services for the Medicaid optional
17 service authorized under Section 1905(h) of the federal Social
18 Security Act, pursuant to the provisions of Section 7.1 of the
19 Mental Health and Developmental Disabilities Administrative
20 Act.

21 (c) The Department of Public Aid shall work jointly with
22 the Department of Human Services to implement subsections (a)
23 and (b).

24 (Source: P.A. 93-495, eff. 8-8-03.)

25 (305 ILCS 5/5-5.24)

26 Sec. 5-5.24 ~~5-5.23~~. Prenatal and perinatal care. The
27 Department of Public Aid may provide reimbursement under this
28 Article for all prenatal and perinatal health care services
29 that are provided for the purpose of preventing low-birthweight
30 infants, reducing the need for neonatal intensive care hospital
31 services, and promoting perinatal health. These services may
32 include comprehensive risk assessments for pregnant women,
33 women with infants, and infants, lactation counseling,
34 nutrition counseling, childbirth support, psychosocial

1 counseling, treatment and prevention of periodontal disease,
2 and other support services that have been proven to improve
3 birth outcomes. The Department shall maximize the use of
4 preventive prenatal and perinatal health care services
5 consistent with federal statutes, rules, and regulations. The
6 Department shall develop a plan for prenatal and perinatal
7 preventive health care and shall present the plan to the
8 General Assembly by January 1, 2004. On or before January 1,
9 2006 and every 2 years thereafter, the Department shall report
10 to the General Assembly concerning the effectiveness of
11 prenatal and perinatal health care services reimbursed under
12 this Section in preventing low-birthweight infants and
13 reducing the need for neonatal intensive care hospital
14 services. Each such report shall include an evaluation of how
15 the ratio of expenditures for treating low-birthweight infants
16 compared with the investment in promoting healthy births and
17 infants in local community areas throughout Illinois relates to
18 healthy infant development in those areas.

19 (Source: P.A. 93-536, eff. 8-18-03; revised 9-25-03.)

20 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

21 Sec. 9A-7. Good Cause and Pre-Sanction Process.

22 (a) The Department shall establish by rule what constitutes
23 good cause for failure to participate in education, training
24 and employment programs, failure to accept suitable employment
25 or terminating employment or reducing earnings.

26 The Department shall establish, by rule, a pre-sanction
27 process to assist in resolving disputes over proposed sanctions
28 and in determining if good cause exists. Good cause shall
29 include, but not be limited to:

30 (1) temporary illness for its duration;

31 (2) court required appearance or temporary
32 incarceration;

33 (3) (blank);

34 (4) death in the family;

35 (5) (blank);

1 (6) (blank);

2 (7) (blank);

3 (8) (blank);

4 (9) extreme inclement weather;

5 (10) (blank);

6 (11) lack of any support service even though the
7 necessary service is not specifically provided under the
8 Department program, to the extent the lack of the needed
9 service presents a significant barrier to participation;

10 (12) if an individual is engaged in employment or
11 training or both that is consistent with the employment
12 related goals of the program, if such employment and
13 training is later approved by Department staff;

14 (13) (blank);

15 (14) failure of Department staff to correctly forward
16 the information to other Department staff;

17 (15) failure of the participant to cooperate because of
18 attendance at a test or a mandatory class or function at an
19 educational program (including college), when an education
20 or training program is officially approved by the
21 Department;

22 (16) failure of the participant due to his or her
23 illiteracy;

24 (17) failure of the participant because it is
25 determined that he or she should be in a different
26 activity;

27 (18) non-receipt by the participant of a notice
28 advising him or her of a participation requirement. If the
29 non-receipt of mail occurs frequently, the Department
30 shall explore an alternative means of providing notices of
31 participation requests to participants;

32 (19) (blank);

33 (20) non-comprehension of English, either written or
34 oral or both;

35 (21) (blank);

36 (22) (blank);

1 (23) child care (or day care for an incapacitated
2 individual living in the same home as a dependent child) is
3 necessary for the participation or employment and such care
4 is not available for a child under age 13;

5 (24) failure to participate in an activity due to a
6 scheduled job interview, medical appointment for the
7 participant or a household member, or school appointment;

8 (25) the individual is homeless. Homeless individuals
9 (including the family) have no current residence and no
10 expectation of acquiring one in the next 30 days. This
11 includes individuals residing in overnight and
12 transitional (temporary) shelters. This does not include
13 individuals who are sharing a residence with friends or
14 relatives on a continuing basis;

15 (26) circumstances beyond the control of the
16 participant which prevent the participant from completing
17 program requirements; or

18 (27) (blank).

19 (b) (Blank).

20 (c) (1) The Department shall establish a reconciliation
21 procedure to assist in resolving disputes related to any
22 aspect of participation, including exemptions, good cause,
23 sanctions or proposed sanctions, supportive services,
24 assessments, responsibility and service plans, assignment
25 to activities, suitability of employment, or refusals of
26 offers of employment. Through the reconciliation process
27 the Department shall have a mechanism to identify good
28 cause, ensure that the client is aware of the issue, and
29 enable the client to perform required activities without
30 facing sanction.

31 (2) A participant may request reconciliation and
32 receive notice in writing of a meeting. At least one
33 face-to-face meeting may be scheduled to resolve
34 misunderstandings or disagreements related to program
35 participation and situations which may lead to a potential
36 sanction. The meeting will address the underlying reason

1 for the dispute and plan a resolution to enable the
2 individual to participate in TANF employment and work
3 activity requirements.

4 (2.5) If the individual fails to appear at the
5 reconciliation meeting without good cause, the
6 reconciliation is unsuccessful and a sanction shall be
7 imposed.

8 (3) The reconciliation process shall continue after it
9 is determined that the individual did not have good cause
10 for non-cooperation. Any necessary demonstration of
11 cooperation on the part of the participant will be part of
12 the reconciliation process. Failure to demonstrate
13 cooperation will result in immediate sanction.

14 (4) For the first instance of non-cooperation, if the
15 client reaches agreement to cooperate, the client shall be
16 allowed 30 days to demonstrate cooperation before any
17 sanction activity may be imposed. In any subsequent
18 instances of non-cooperation, the client shall be provided
19 the opportunity to show good cause or remedy the situation
20 by immediately complying with the requirement.

21 (5) The Department shall document in the case record
22 the proceedings of the reconciliation and provide the
23 client in writing with a reconciliation agreement.

24 (6) If reconciliation resolves the dispute, no
25 sanction shall be imposed. If the client fails to comply
26 with the reconciliation agreement, the Department shall
27 then immediately impose the original sanction. If the
28 dispute cannot be resolved during reconciliation, a
29 sanction shall not be imposed until the reconciliation
30 process is complete.

31 (Source: P.A. 93-598, eff. 8-26-03; revised 10-9-03.)

32 (305 ILCS 5/10-8.1)

33 Sec. 10-8.1. Temporary order for child support.
34 Notwithstanding any other law to the contrary, pending the
35 outcome of an administrative determination of parentage, the

1 Illinois Department shall issue a temporary order for child
2 support, upon motion by a party and a showing of clear and
3 convincing evidence of paternity. In determining the amount of
4 the temporary child support award, the Illinois Department
5 shall use the guidelines and standards set forth in subsection
6 (a) of Section 505 and in Section 505.2 of the Illinois
7 Marriage and Dissolution of Marriage Act.

8 Any new or existing support order entered by the Illinois
9 Department under this Section shall be deemed to be a series of
10 judgments against the person obligated to pay support
11 thereunder, each such judgment to be in the amount of each
12 payment or installment of support and each judgment to be
13 deemed entered as of the date the corresponding payment or
14 installment becomes due under the terms of the support order.
15 Each such judgment shall have the full force, effect, and
16 attributes of any other judgment of this State, including the
17 ability to be enforced. Any such judgment is subject to
18 modification or termination only in accordance with Section 510
19 of the Illinois Marriage and Dissolution of Marriage Act. A
20 lien arises by operation of law against the real and personal
21 property of the noncustodial parent for each installment of
22 overdue support owed by the noncustodial parent.

23 All orders for support entered or modified in a case in
24 which a party is receiving child support enforcement services
25 under this Article X shall include a provision requiring the
26 non-custodial parent to notify the Illinois Department, within
27 7 days, (i) of the name, address, and telephone number of any
28 new employer of the non-custodial parent, (ii) whether the
29 non-custodial parent has access to health insurance coverage
30 through the employer or other group coverage, and, if so, the
31 policy name and number and the names of persons covered under
32 the policy, and (iii) of any new residential or mailing address
33 or telephone number of the non-custodial parent.

34 In any subsequent action to enforce a support order, upon
35 sufficient showing that diligent effort has been made to
36 ascertain the location of the non-custodial parent, service of

1 process or provision of notice necessary in that action may be
2 made at the last known address of the non-custodial parent, in
3 any manner expressly provided by the Code of Civil Procedure or
4 this Act, which service shall be sufficient for purposes of due
5 process.

6 An order for support shall include a date on which the
7 current support obligation terminates. The termination date
8 shall be no earlier than the date on which the child covered by
9 the order will attain the age of 18. However, if the child will
10 not graduate from high school until after attaining the age of
11 18, then the termination date shall be no earlier than the
12 earlier of the date on which the child's high school graduation
13 will occur or the date on which the child will attain the age
14 of 19. The order for support shall state that the termination
15 date does not apply to any arrearage that may remain unpaid on
16 that date. Nothing in this paragraph shall be construed to
17 prevent the Illinois Department from modifying the order or
18 terminating the order in the event the child is otherwise
19 emancipated.

20 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised
21 9-27-03.)

22 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

23 Sec. 10-10. Court enforcement; applicability also to
24 persons who are not applicants or recipients. Except where the
25 Illinois Department, by agreement, acts for the local
26 governmental unit, as provided in Section 10-3.1, local
27 governmental units shall refer to the State's Attorney or to
28 the proper legal representative of the governmental unit, for
29 judicial enforcement as herein provided, instances of
30 non-support or insufficient support when the dependents are
31 applicants or recipients under Article VI. The Child and Spouse
32 Support Unit established by Section 10-3.1 may institute in
33 behalf of the Illinois Department any actions under this
34 Section for judicial enforcement of the support liability when
35 the dependents are (a) applicants or recipients under Articles

1 III, IV, V or VII; (b) applicants or recipients in a local
2 governmental unit when the Illinois Department, by agreement,
3 acts for the unit; or (c) non-applicants or non-recipients who
4 are receiving child support enforcement services under this
5 Article X, as provided in Section 10-1. Where the Child and
6 Spouse Support Unit has exercised its option and discretion not
7 to apply the provisions of Sections 10-3 through 10-8, the
8 failure by the Unit to apply such provisions shall not be a bar
9 to bringing an action under this Section.

10 Action shall be brought in the circuit court to obtain
11 support, or for the recovery of aid granted during the period
12 such support was not provided, or both for the obtainment of
13 support and the recovery of the aid provided. Actions for the
14 recovery of aid may be taken separately or they may be
15 consolidated with actions to obtain support. Such actions may
16 be brought in the name of the person or persons requiring
17 support, or may be brought in the name of the Illinois
18 Department or the local governmental unit, as the case
19 requires, in behalf of such persons.

20 The court may enter such orders for the payment of moneys
21 for the support of the person as may be just and equitable and
22 may direct payment thereof for such period or periods of time
23 as the circumstances require, including support for a period
24 before the date the order for support is entered. The order may
25 be entered against any or all of the defendant responsible
26 relatives and may be based upon the proportionate ability of
27 each to contribute to the person's support.

28 The Court shall determine the amount of child support
29 (including child support for a period before the date the order
30 for child support is entered) by using the guidelines and
31 standards set forth in subsection (a) of Section 505 and in
32 Section 505.2 of the Illinois Marriage and Dissolution of
33 Marriage Act. For purposes of determining the amount of child
34 support to be paid for a period before the date the order for
35 child support is entered, there is a rebuttable presumption
36 that the responsible relative's net income for that period was

1 the same as his or her net income at the time the order is
2 entered.

3 If (i) the responsible relative was properly served with a
4 request for discovery of financial information relating to the
5 responsible relative's ability to provide child support, (ii)
6 the responsible relative failed to comply with the request,
7 despite having been ordered to do so by the court, and (iii)
8 the responsible relative is not present at the hearing to
9 determine support despite having received proper notice, then
10 any relevant financial information concerning the responsible
11 relative's ability to provide child support that was obtained
12 pursuant to subpoena and proper notice shall be admitted into
13 evidence without the need to establish any further foundation
14 for its admission.

15 An order entered under this Section shall include a
16 provision requiring the obligor to report to the obligee and to
17 the clerk of court within 10 days each time the obligor obtains
18 new employment, and each time the obligor's employment is
19 terminated for any reason. The report shall be in writing and
20 shall, in the case of new employment, include the name and
21 address of the new employer. Failure to report new employment
22 or the termination of current employment, if coupled with
23 nonpayment of support for a period in excess of 60 days, is
24 indirect criminal contempt. For any obligor arrested for
25 failure to report new employment bond shall be set in the
26 amount of the child support that should have been paid during
27 the period of unreported employment. An order entered under
28 this Section shall also include a provision requiring the
29 obligor and obligee parents to advise each other of a change in
30 residence within 5 days of the change except when the court
31 finds that the physical, mental, or emotional health of a party
32 or that of a minor child, or both, would be seriously
33 endangered by disclosure of the party's address.

34 The Court shall determine the amount of maintenance using
35 the standards set forth in Section 504 of the Illinois Marriage
36 and Dissolution of Marriage Act.

1 Any new or existing support order entered by the court
2 under this Section shall be deemed to be a series of judgments
3 against the person obligated to pay support thereunder, each
4 such judgment to be in the amount of each payment or
5 installment of support and each such judgment to be deemed
6 entered as of the date the corresponding payment or installment
7 becomes due under the terms of the support order. Each such
8 judgment shall have the full force, effect and attributes of
9 any other judgment of this State, including the ability to be
10 enforced. Any such judgment is subject to modification or
11 termination only in accordance with Section 510 of the Illinois
12 Marriage and Dissolution of Marriage Act. A lien arises by
13 operation of law against the real and personal property of the
14 noncustodial parent for each installment of overdue support
15 owed by the noncustodial parent.

16 When an order is entered for the support of a minor, the
17 court may provide therein for reasonable visitation of the
18 minor by the person or persons who provided support pursuant to
19 the order. Whoever willfully refuses to comply with such
20 visitation order or willfully interferes with its enforcement
21 may be declared in contempt of court and punished therefor.

22 Except where the local governmental unit has entered into
23 an agreement with the Illinois Department for the Child and
24 Spouse Support Unit to act for it, as provided in Section
25 10-3.1, support orders entered by the court in cases involving
26 applicants or recipients under Article VI shall provide that
27 payments thereunder be made directly to the local governmental
28 unit. Orders for the support of all other applicants or
29 recipients shall provide that payments thereunder be made
30 directly to the Illinois Department. In accordance with federal
31 law and regulations, the Illinois Department may continue to
32 collect current maintenance payments or child support
33 payments, or both, after those persons cease to receive public
34 assistance and until termination of services under Article X.
35 The Illinois Department shall pay the net amount collected to
36 those persons after deducting any costs incurred in making the

1 collection or any collection fee from the amount of any
2 recovery made. In both cases the order shall permit the local
3 governmental unit or the Illinois Department, as the case may
4 be, to direct the responsible relative or relatives to make
5 support payments directly to the needy person, or to some
6 person or agency in his behalf, upon removal of the person from
7 the public aid rolls or upon termination of services under
8 Article X.

9 If the notice of support due issued pursuant to Section
10 10-7 directs that support payments be made directly to the
11 needy person, or to some person or agency in his behalf, and
12 the recipient is removed from the public aid rolls, court
13 action may be taken against the responsible relative hereunder
14 if he fails to furnish support in accordance with the terms of
15 such notice.

16 Actions may also be brought under this Section in behalf of
17 any person who is in need of support from responsible
18 relatives, as defined in Section 2-11 of Article II who is not
19 an applicant for or recipient of financial aid under this Code.
20 In such instances, the State's Attorney of the county in which
21 such person resides shall bring action against the responsible
22 relatives hereunder. If the Illinois Department, as authorized
23 by Section 10-1, extends the child support enforcement services
24 provided by this Article to spouses and dependent children who
25 are not applicants or recipients under this Code, the Child and
26 Spouse Support Unit established by Section 10-3.1 shall bring
27 action against the responsible relatives hereunder and any
28 support orders entered by the court in such cases shall provide
29 that payments thereunder be made directly to the Illinois
30 Department.

31 Whenever it is determined in a proceeding to establish or
32 enforce a child support or maintenance obligation that the
33 person owing a duty of support is unemployed, the court may
34 order the person to seek employment and report periodically to
35 the court with a diary, listing or other memorandum of his or
36 her efforts in accordance with such order. Additionally, the

1 court may order the unemployed person to report to the
2 Department of Employment Security for job search services or to
3 make application with the local Job Training Partnership Act
4 provider for participation in job search, training or work
5 programs and where the duty of support is owed to a child
6 receiving child support enforcement services under this
7 Article X, the court may order the unemployed person to report
8 to the Illinois Department for participation in job search,
9 training or work programs established under Section 9-6 and
10 Article IXA of this Code.

11 Whenever it is determined that a person owes past-due
12 support for a child receiving assistance under this Code, the
13 court shall order at the request of the Illinois Department:

14 (1) that the person pay the past-due support in
15 accordance with a plan approved by the court; or

16 (2) if the person owing past-due support is unemployed,
17 is subject to such a plan, and is not incapacitated, that
18 the person participate in such job search, training, or
19 work programs established under Section 9-6 and Article IXA
20 of this Code as the court deems appropriate.

21 A determination under this Section shall not be
22 administratively reviewable by the procedures specified in
23 Sections 10-12, and 10-13 to 10-13.10. Any determination under
24 these Sections, if made the basis of court action under this
25 Section, shall not affect the de novo judicial determination
26 required under this Section.

27 A one-time charge of 20% is imposable upon the amount of
28 past-due child support owed on July 1, 1988 which has accrued
29 under a support order entered by the court. The charge shall be
30 imposed in accordance with the provisions of Section 10-21 of
31 this Code and shall be enforced by the court upon petition.

32 All orders for support, when entered or modified, shall
33 include a provision requiring the non-custodial parent to
34 notify the court and, in cases in which a party is receiving
35 child support enforcement services under this Article X, the
36 Illinois Department, within 7 days, (i) of the name, address,

1 and telephone number of any new employer of the non-custodial
2 parent, (ii) whether the non-custodial parent has access to
3 health insurance coverage through the employer or other group
4 coverage and, if so, the policy name and number and the names
5 of persons covered under the policy, and (iii) of any new
6 residential or mailing address or telephone number of the
7 non-custodial parent. In any subsequent action to enforce a
8 support order, upon a sufficient showing that a diligent effort
9 has been made to ascertain the location of the non-custodial
10 parent, service of process or provision of notice necessary in
11 the case may be made at the last known address of the
12 non-custodial parent in any manner expressly provided by the
13 Code of Civil Procedure or this Code, which service shall be
14 sufficient for purposes of due process.

15 An order for support shall include a date on which the
16 current support obligation terminates. The termination date
17 shall be no earlier than the date on which the child covered by
18 the order will attain the age of 18. However, if the child will
19 not graduate from high school until after attaining the age of
20 18, then the termination date shall be no earlier than the
21 earlier of the date on which the child's high school graduation
22 will occur or the date on which the child will attain the age
23 of 19. The order for support shall state that the termination
24 date does not apply to any arrearage that may remain unpaid on
25 that date. Nothing in this paragraph shall be construed to
26 prevent the court from modifying the order or terminating the
27 order in the event the child is otherwise emancipated.

28 Upon notification in writing or by electronic transmission
29 from the Illinois Department to the clerk of the court that a
30 person who is receiving support payments under this Section is
31 receiving services under the Child Support Enforcement Program
32 established by Title IV-D of the Social Security Act, any
33 support payments subsequently received by the clerk of the
34 court shall be transmitted in accordance with the instructions
35 of the Illinois Department until the Illinois Department gives
36 notice to the clerk of the court to cease the transmittal.

1 After providing the notification authorized under this
2 paragraph, the Illinois Department shall be entitled as a party
3 to notice of any further proceedings in the case. The clerk of
4 the court shall file a copy of the Illinois Department's
5 notification in the court file. The clerk's failure to file a
6 copy of the notification in the court file shall not, however,
7 affect the Illinois Department's right to receive notice of
8 further proceedings.

9 Payments under this Section to the Illinois Department
10 pursuant to the Child Support Enforcement Program established
11 by Title IV-D of the Social Security Act shall be paid into the
12 Child Support Enforcement Trust Fund. All payments under this
13 Section to the Illinois Department of Human Services shall be
14 deposited in the DHS Recoveries Trust Fund. Disbursements from
15 these funds shall be as provided in Sections 12-9.1 and 12-10.2
16 of this Code. Payments received by a local governmental unit
17 shall be deposited in that unit's General Assistance Fund.

18 To the extent the provisions of this Section are
19 inconsistent with the requirements pertaining to the State
20 Disbursement Unit under Sections 10-10.4 and 10-26 of this
21 Code, the requirements pertaining to the State Disbursement
22 Unit shall apply.

23 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; 92-876,
24 eff. 6-1-03; revised 9-27-03.)

25 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

26 Sec. 10-11. Administrative Orders. In lieu of actions for
27 court enforcement of support under Section 10-10, the Child and
28 Spouse Support Unit of the Illinois Department, in accordance
29 with the rules of the Illinois Department, may issue an
30 administrative order requiring the responsible relative to
31 comply with the terms of the determination and notice of
32 support due, determined and issued under Sections 10-6 and
33 10-7. The Unit may also enter an administrative order under
34 subsection (b) of Section 10-7. The administrative order shall
35 be served upon the responsible relative by United States

1 registered or certified mail. In cases in which the responsible
2 relative appeared at the office of the Child and Spouse Support
3 Unit in response to the notice of support obligation issued
4 under Section 10-4, however, or in cases of default in which
5 the notice was served on the responsible relative by certified
6 mail, return receipt requested, or by any method provided by
7 law for service of summons, the administrative determination of
8 paternity or administrative support order may be sent to the
9 responsible relative by ordinary mail addressed to the
10 responsible relative's last known address.

11 If a responsible relative or a person receiving child
12 support enforcement services under this Article fails to
13 petition the Illinois Department for release from or
14 modification of the administrative order, as provided in
15 Section 10-12 or Section 10-12.1, the order shall become final
16 and there shall be no further administrative or judicial
17 remedy. Likewise a decision by the Illinois Department as a
18 result of an administrative hearing, as provided in Sections
19 10-13 to 10-13.10, shall become final and enforceable if not
20 judicially reviewed under the Administrative Review Law, as
21 provided in Section 10-14.

22 Any new or existing support order entered by the Illinois
23 Department under this Section shall be deemed to be a series of
24 judgments against the person obligated to pay support
25 thereunder, each such judgment to be in the amount of each
26 payment or installment of support and each such judgment to be
27 deemed entered as of the date the corresponding payment or
28 installment becomes due under the terms of the support order.
29 Each such judgment shall have the full force, effect and
30 attributes of any other judgment of this State, including the
31 ability to be enforced. Any such judgment is subject to
32 modification or termination only in accordance with Section 510
33 of the Illinois Marriage and Dissolution of Marriage Act. A
34 lien arises by operation of law against the real and personal
35 property of the noncustodial parent for each installment of
36 overdue support owed by the noncustodial parent.

1 An order entered under this Section shall include a
2 provision requiring the obligor to report to the obligee and to
3 the clerk of court within 10 days each time the obligor obtains
4 new employment, and each time the obligor's employment is
5 terminated for any reason. The report shall be in writing and
6 shall, in the case of new employment, include the name and
7 address of the new employer. Failure to report new employment
8 or the termination of current employment, if coupled with
9 nonpayment of support for a period in excess of 60 days, is
10 indirect criminal contempt. For any obligor arrested for
11 failure to report new employment bond shall be set in the
12 amount of the child support that should have been paid during
13 the period of unreported employment. An order entered under
14 this Section shall also include a provision requiring the
15 obligor and obligee parents to advise each other of a change in
16 residence within 5 days of the change except when the court
17 finds that the physical, mental, or emotional health of a party
18 or that of a minor child, or both, would be seriously
19 endangered by disclosure of the party's address.

20 A one-time charge of 20% is imposable upon the amount of
21 past-due child support owed on July 1, 1988, which has accrued
22 under a support order entered by the Illinois Department under
23 this Section. The charge shall be imposed in accordance with
24 the provisions of Section 10-21 and shall be enforced by the
25 court in a suit filed under Section 10-15.

26 An order for support shall include a date on which the
27 support obligation terminates. The termination date shall be no
28 earlier than the date on which the child covered by the order
29 will attain the age of 18. However, if the child will not
30 graduate from high school until after attaining the age of 18,
31 then the termination date shall be no earlier than the earlier
32 of the date that the child's graduation will occur or the date
33 on which the child will attain the age of 19. The order for
34 support shall state that the termination date does not apply to
35 any arrearage that may remain unpaid on that date. Nothing in
36 this paragraph shall be construed to prevent the Illinois

1 Department from modifying the order or terminating the order in
2 the event the child is otherwise emancipated.

3 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised
4 9-27-03.)

5 (305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

6 Sec. 11-3. Assignment and attachment of aid prohibited.
7 Except as provided below in this Section and in Section 11-3.3,
8 all financial aid given under Articles III, IV, V, and VI and
9 money payments for child care services provided by a child care
10 provider under Articles IX and IXA shall not be subject to
11 assignment, sale, attachment, garnishment, or otherwise.
12 Provided, however, that a medical vendor may use his right to
13 receive vendor payments as collateral for loans from financial
14 institutions so long as such arrangements do not constitute any
15 activity prohibited under Section 1902(a)(32) of the Social
16 Security Act and regulations promulgated thereunder, or any
17 other applicable laws or regulations. Provided further,
18 however, that a medical or other vendor or a service provider
19 may assign, reassign, sell, pledge or grant a security interest
20 in any such financial aid, vendor payments or money payments or
21 grants which he has a right to receive ~~to the Illinois Finance~~
22 ~~Authority, in connection with any financing program undertaken~~
23 ~~by the Illinois Finance Authority, or~~ to the Illinois Finance
24 Authority, in connection with any financing program undertaken
25 by the Illinois Finance Authority. Each Authority may utilize a
26 trustee or agent to accept, accomplish, effectuate or realize
27 upon any such assignment, reassignment, sale, pledge or grant
28 on that Authority's behalf. Provided further, however, that
29 nothing herein shall prevent the Illinois Department from
30 collecting any assessment, fee, interest or penalty due under
31 Article V-A, V-B, V-C, or V-E by withholding financial aid as
32 payment of such assessment, fee, interest, or penalty. Any
33 alienation in contravention of this statute does not diminish
34 and does not affect the validity, legality or enforceability of
35 any underlying obligations for which such alienation may have

1 been made as collateral between the parties to the alienation.
2 This amendatory Act shall be retroactive in application and
3 shall pertain to obligations existing prior to its enactment.

4 (Source: P.A. 92-111, eff. 1-1-02; 93-205 (Sections 890-25 and
5 890-40), eff. 1-1-04; revised 9-23-03.)

6 (305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)

7 Sec. 11-3.3. Payment to provider or governmental agency or
8 entity. Payments under this Code shall be made to the
9 provider, except that the Department may issue or may agree to
10 issue the payment directly to ~~the Illinois Finance Authority,~~
11 the Illinois Finance Authority, or any other governmental
12 agency or entity, including any bond trustee for that agency or
13 entity, to whom the provider has assigned, reassigned, sold,
14 pledged or granted a security interest in the payments that the
15 provider has a right to receive, provided that the issuance or
16 agreement to issue is not prohibited under Section 1902(a)(32)
17 of the Social Security Act.

18 (Source: P.A. 93-205 (Sections 890-25 and 890-40), eff. 1-1-04;
19 revised 9-23-03.)

20 (305 ILCS 5/12-13.05)

21 Sec. 12-13.05. Rules for Temporary Assistance for Needy
22 Families. All rules regulating the Temporary Assistance for
23 Needy Families program and all other rules regulating the
24 amendatory changes to this Code made by this amendatory Act of
25 1997 shall be promulgated pursuant to this Section. All rules
26 regulating the Temporary Assistance for Needy Families program
27 and all other rules regulating the amendatory changes to this
28 Code made by this amendatory Act of 1997 are repealed on July
29 1, 2006. On and after July 1, 2006, the Illinois Department may
30 not promulgate any rules regulating the Temporary Assistance
31 for Needy Families program or regulating the amendatory changes
32 to this Code made by this amendatory Act of 1997.

33 (Source: P.A. 91-5, eff. 5-27-99; 92-111, eff. 1-1-02; 92-597,
34 eff. 6-28-02; revised 11-06-02.)

1 Section 395. The Elder Abuse and Neglect Act is amended by
2 changing Sections 2 and 7 as follows:

3 (320 ILCS 20/2) (from Ch. 23, par. 6602)

4 Sec. 2. Definitions. As used in this Act, unless the
5 context requires otherwise:

6 (a) "Abuse" means causing any physical, mental or sexual
7 injury to an eligible adult, including exploitation of such
8 adult's financial resources.

9 Nothing in this Act shall be construed to mean that an
10 eligible adult is a victim of abuse or neglect for the sole
11 reason that he or she is being furnished with or relies upon
12 treatment by spiritual means through prayer alone, in
13 accordance with the tenets and practices of a recognized church
14 or religious denomination.

15 Nothing in this Act shall be construed to mean that an
16 eligible adult is a victim of abuse because of health care
17 services provided or not provided by licensed health care
18 professionals.

19 (a-5) "Abuser" means a person who abuses, neglects, or
20 financially exploits an eligible adult.

21 (a-7) "Caregiver" means a person who either as a result of
22 a family relationship, voluntarily, or in exchange for
23 compensation has assumed responsibility for all or a portion of
24 the care of an eligible adult who needs assistance with
25 activities of daily living.

26 (b) "Department" means the Department on Aging of the State
27 of Illinois.

28 (c) "Director" means the Director of the Department.

29 (d) "Domestic living situation" means a residence where the
30 eligible adult lives alone or with his or her family or a
31 caregiver, or others, or a board and care home or other
32 community-based unlicensed facility, but is not:

33 (1) A licensed facility as defined in Section 1-113 of
34 the Nursing Home Care Act;

1 (2) A "life care facility" as defined in the Life Care
2 Facilities Act;

3 (3) A home, institution, or other place operated by the
4 federal government or agency thereof or by the State of
5 Illinois;

6 (4) A hospital, sanitarium, or other institution, the
7 principal activity or business of which is the diagnosis,
8 care, and treatment of human illness through the
9 maintenance and operation of organized facilities
10 therefor, which is required to be licensed under the
11 Hospital Licensing Act;

12 (5) A "community living facility" as defined in the
13 Community Living Facilities Licensing Act;

14 (6) A "community residential alternative" as defined
15 in the Community Residential Alternatives Licensing Act;
16 and

17 (7) A "community-integrated living arrangement" as
18 defined in the Community-Integrated Living Arrangements
19 Licensure and Certification Act.

20 (e) "Eligible adult" means a person 60 years of age or
21 older who resides in a domestic living situation and is, or is
22 alleged to be, abused, neglected, or financially exploited by
23 another individual.

24 (f) "Emergency" means a situation in which an eligible
25 adult is living in conditions presenting a risk of death or
26 physical, mental or sexual injury and the provider agency has
27 reason to believe the eligible adult is unable to consent to
28 services which would alleviate that risk.

29 (f-5) "Mandated reporter" means any of the following
30 persons while engaged in carrying out their professional
31 duties:

32 (1) a professional or professional's delegate while
33 engaged in: (i) social services, (ii) law enforcement,
34 (iii) education, (iv) the care of an eligible adult or
35 eligible adults, or (v) any of the occupations required to
36 be licensed under the Clinical Psychologist Licensing Act,

1 the Clinical Social Work and Social Work Practice Act, the
2 Illinois Dental Practice Act, the Dietetic and Nutrition
3 Services Practice Act, the Marriage and Family Therapy
4 Licensing Act, the Medical Practice Act of 1987, the
5 Naprapathic Practice Act, the Nursing and Advanced
6 Practice Nursing Act, the Nursing Home Administrators
7 Licensing and Disciplinary Act, the Illinois Occupational
8 Therapy Practice Act, the Illinois Optometric Practice Act
9 of 1987, the Pharmacy Practice Act of 1987, the Illinois
10 Physical Therapy Act, the Physician Assistant Practice Act
11 of 1987, the Podiatric Medical Practice Act of 1987, the
12 Respiratory Care Practice Act, the Professional Counselor
13 and Clinical Professional Counselor Licensing Act, the
14 Illinois Speech-Language Pathology and Audiology Practice
15 Act, the Veterinary Medicine and Surgery Practice Act of
16 2004, and the Illinois Public Accounting Act;

17 (2) an employee of a vocational rehabilitation
18 facility prescribed or supervised by the Department of
19 Human Services;

20 (3) an administrator, employee, or person providing
21 services in or through an unlicensed community based
22 facility;

23 (4) a Christian Science Practitioner;

24 (5) field personnel of the Department of Public Aid,
25 Department of Public Health, and Department of Human
26 Services, and any county or municipal health department;

27 (6) personnel of the Department of Human Services, the
28 Guardianship and Advocacy Commission, the State Fire
29 Marshal, local fire departments, the Department on Aging
30 and its subsidiary Area Agencies on Aging and provider
31 agencies, and the Office of State Long Term Care Ombudsman;

32 (7) any employee of the State of Illinois not otherwise
33 specified herein who is involved in providing services to
34 eligible adults, including professionals providing medical
35 or rehabilitation services and all other persons having
36 direct contact with eligible adults;

1 (8) a person who performs the duties of a coroner or
2 medical examiner; or

3 (9) a person who performs the duties of a paramedic or
4 an emergency medical technician.

5 (g) "Neglect" means another individual's failure to
6 provide an eligible adult with or willful withholding from an
7 eligible adult the necessities of life including, but not
8 limited to, food, clothing, shelter or medical care. This
9 subsection does not create any new affirmative duty to provide
10 support to eligible adults. Nothing in this Act shall be
11 construed to mean that an eligible adult is a victim of neglect
12 because of health care services provided or not provided by
13 licensed health care professionals.

14 (h) "Provider agency" means any public or nonprofit agency
15 in a planning and service area appointed by the regional
16 administrative agency with prior approval by the Department on
17 Aging to receive and assess reports of alleged or suspected
18 abuse, neglect, or financial exploitation.

19 (i) "Regional administrative agency" means any public or
20 nonprofit agency in a planning and service area so designated
21 by the Department, provided that the designated Area Agency on
22 Aging shall be designated the regional administrative agency if
23 it so requests. The Department shall assume the functions of
24 the regional administrative agency for any planning and service
25 area where another agency is not so designated.

26 (j) "Substantiated case" means a reported case of alleged
27 or suspected abuse, neglect, or financial exploitation in which
28 a provider agency, after assessment, determines that there is
29 reason to believe abuse, neglect, or financial exploitation has
30 occurred.

31 (Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03;
32 93-300, eff. 1-1-04; revised 9-22-03.)

33 (320 ILCS 20/7) (from Ch. 23, par. 6607)

34 Sec. 7. Review. All services provided to an eligible adult
35 shall be reviewed by the provider agency on at least a

1 quarterly basis for up to one year to determine whether the
2 service care plan should be continued or modified, except that,
3 upon review, the Department on Aging, ~~upon review,~~ may grant a
4 waiver to extend the service care plan for up to one ~~an~~
5 additional ~~one~~ year period.

6 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04; revised
7 9-22-03.)

8 Section 400. The Senior Citizens and Disabled Persons
9 Prescription Drug Discount Program Act is amended by
10 renumbering Section 990 as follows:

11 (320 ILCS 55/90) (was 320 ILCS 55/990)

12 Sec. 90 ~~990~~. (Amendatory provisions; text omitted).

13 (Source: P.A. 93-18, eff. 7-1-03; text omitted; revised
14 9-28-03.)

15 Section 405. The Abused and Neglected Child Reporting Act
16 is amended by changing Section 4 as follows:

17 (325 ILCS 5/4) (from Ch. 23, par. 2054)

18 Sec. 4. Persons required to report; privileged
19 communications; transmitting false report. Any physician,
20 resident, intern, hospital, hospital administrator and
21 personnel engaged in examination, care and treatment of
22 persons, surgeon, dentist, dentist hygienist, osteopath,
23 chiropractor, podiatrist, physician assistant, substance abuse
24 treatment personnel, funeral home director or employee,
25 coroner, medical examiner, emergency medical technician,
26 acupuncturist, crisis line or hotline personnel, school
27 personnel, educational advocate assigned to a child pursuant to
28 the School Code, truant officers, social worker, social
29 services administrator, domestic violence program personnel,
30 registered nurse, licensed practical nurse, respiratory care
31 practitioner, advanced practice nurse, home health aide,
32 director or staff assistant of a nursery school or a child day

1 care center, recreational program or facility personnel, law
2 enforcement officer, licensed professional counselor, licensed
3 clinical professional counselor, registered psychologist and
4 assistants working under the direct supervision of a
5 psychologist, psychiatrist, or field personnel of the Illinois
6 Department of Public Aid, Public Health, Human Services (acting
7 as successor to the Department of Mental Health and
8 Developmental Disabilities, Rehabilitation Services, or Public
9 Aid), Corrections, Human Rights, or Children and Family
10 Services, supervisor and administrator of general assistance
11 under the Illinois Public Aid Code, probation officer, or any
12 other foster parent, homemaker or child care worker having
13 reasonable cause to believe a child known to them in their
14 professional or official capacity may be an abused child or a
15 neglected child shall immediately report or cause a report to
16 be made to the Department.

17 Any member of the clergy having reasonable cause to believe
18 that a child known to that member of the clergy in his or her
19 professional capacity may be an abused child as defined in item
20 (c) of the definition of "abused child" in Section 3 of this
21 Act shall immediately report or cause a report to be made to
22 the Department.

23 Whenever such person is required to report under this Act
24 in his capacity as a member of the staff of a medical or other
25 public or private institution, school, facility or agency, or
26 as a member of the clergy, he shall make report immediately to
27 the Department in accordance with the provisions of this Act
28 and may also notify the person in charge of such institution,
29 school, facility or agency, or church, synagogue, temple,
30 mosque, or other religious institution, or his designated agent
31 that such report has been made. Under no circumstances shall
32 any person in charge of such institution, school, facility or
33 agency, or church, synagogue, temple, mosque, or other
34 religious institution, or his designated agent to whom such
35 notification has been made, exercise any control, restraint,
36 modification or other change in the report or the forwarding of

1 such report to the Department.

2 The privileged quality of communication between any
3 professional person required to report and his patient or
4 client shall not apply to situations involving abused or
5 neglected children and shall not constitute grounds for failure
6 to report as required by this Act.

7 A member of the clergy may claim the privilege under
8 Section 8-803 of the Code of Civil Procedure.

9 In addition to the above persons required to report
10 suspected cases of abused or neglected children, any other
11 person may make a report if such person has reasonable cause to
12 believe a child may be an abused child or a neglected child.

13 Any person who enters into employment on and after July 1,
14 1986 and is mandated by virtue of that employment to report
15 under this Act, shall sign a statement on a form prescribed by
16 the Department, to the effect that the employee has knowledge
17 and understanding of the reporting requirements of this Act.
18 The statement shall be signed prior to commencement of the
19 employment. The signed statement shall be retained by the
20 employer. The cost of printing, distribution, and filing of the
21 statement shall be borne by the employer.

22 The Department shall provide copies of this Act, upon
23 request, to all employers employing persons who shall be
24 required under the provisions of this Section to report under
25 this Act.

26 Any person who knowingly transmits a false report to the
27 Department commits the offense of disorderly conduct under
28 subsection (a)(7) of Section 26-1 of the "Criminal Code of
29 1961". Any person who violates this provision a second or
30 subsequent time shall be guilty of a Class 3 felony.

31 Any person who knowingly and willfully violates any
32 provision of this Section other than a second or subsequent
33 violation of transmitting a false report as described in the
34 preceding paragraph, is guilty of a Class A misdemeanor for a
35 first violation and a Class 4 felony for a second or subsequent
36 violation; except that if the person acted as part of a plan or

1 scheme having as its object the prevention of discovery of an
2 abused or neglected child by lawful authorities for the purpose
3 of protecting or insulating any person or entity from arrest or
4 prosecution, the person is guilty of a Class 4 felony for a
5 first offense and a Class 3 felony for a second or subsequent
6 offense (regardless of whether the second or subsequent offense
7 involves any of the same facts or persons as the first or other
8 prior offense).

9 A child whose parent, guardian or custodian in good faith
10 selects and depends upon spiritual means through prayer alone
11 for the treatment or cure of disease or remedial care may be
12 considered neglected or abused, but not for the sole reason
13 that his parent, guardian or custodian accepts and practices
14 such beliefs.

15 A child shall not be considered neglected or abused solely
16 because the child is not attending school in accordance with
17 the requirements of Article 26 of the School Code, as amended.
18 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;
19 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
20 8-5-03; revised 9-12-03.)

21 Section 410. The Lead Poisoning Prevention Act is amended
22 by changing Section 14 as follows:

23 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

24 Sec. 14. Departmental regulations and activities. The
25 Department shall establish and publish regulations and
26 guidelines governing permissible limits of lead in and about
27 residential buildings and dwellings.

28 The Department shall also initiate activities that:

29 (a) Will either provide for or support the monitoring and
30 validation of all medical laboratories and, private and public
31 hospitals that perform lead determination tests on human blood
32 or other tissues.†

33 (b) Will, subject to Section 7.2 of this Act, provide
34 laboratory testing of blood specimens for lead content,† to any

1 physician, hospital, clinic, free clinic, municipality, or
2 private organization ~~organizations~~ that cannot secure or
3 provide the services through other sources. The Department
4 shall not assume responsibility for blood lead analysis
5 required in programs currently in operation.†

6 (c) Will develop or encourage the development of
7 appropriate programs and studies to identify sources of lead
8 intoxication and assist other entities in the identification of
9 lead in children's blood and the sources of that intoxication.†

10 (d) May provide technical assistance and consultation to
11 local, county, or regional governmental or private agencies for
12 the promotion and development of lead poisoning prevention
13 programs.

14 (e) Will provide recommendations by the Department on the
15 subject of identification and treatment of ~~for~~ lead poisoning.

16 (f) Will maintain a clearinghouse of information, and will
17 develop additional educational materials, on (i) lead hazards
18 to children, (ii) lead poisoning prevention, (iii) lead
19 poisoning screening, (iv) lead mitigation, abatement, and
20 disposal, and (v) ~~on~~ health hazards during abatement. The
21 Department shall make this information available to the general
22 public.

23 (Source: P.A. 87-175; 87-1144; revised 1-20-03.)

24 Section 415. The AIDS Confidentiality Act is amended by
25 changing Section 3 as follows:

26 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

27 Sec. 3. When used in this Act:

28 (a) "Department" means the Illinois Department of Public
29 Health.

30 (b) "AIDS" means acquired immunodeficiency syndrome.

31 (c) "HIV" means the Human Immunodeficiency Virus or any
32 other identified causative agent of AIDS.

33 (d) "Written informed consent" means an agreement in
34 writing executed by the subject of a test or the subject's

1 legally authorized representative without undue inducement or
2 any element of force, fraud, deceit, duress or other form of
3 constraint or coercion, which entails at least the following:

4 (1) a fair explanation of the test, including its purpose,
5 potential uses, limitations and the meaning of its results; and

6 (2) a fair explanation of the procedures to be followed,
7 including the voluntary nature of the test, the right to
8 withdraw consent to the testing process at any time, the right
9 to anonymity to the extent provided by law with respect to
10 participation in the test and disclosure of test results, and
11 the right to confidential treatment of information identifying
12 the subject of the test and the results of the test, to the
13 extent provided by law.

14 (e) "Health facility" means a hospital, nursing home, blood
15 bank, blood center, sperm bank, or other health care
16 institution, including any "health facility" as that term is
17 defined in the Illinois Finance Authority Act.

18 (f) "Health care provider" means any health care
19 professional, nurse, paramedic, psychologist or other person
20 providing medical, nursing, psychological, or other health
21 care services of any kind.

22 (f-5) "Health care professional" means (i) a licensed
23 physician, (ii) a physician assistant to whom the physician
24 assistant's supervising physician has delegated the provision
25 of AIDS and HIV-related health services, (iii) an advanced
26 practice registered nurse who has a written collaborative
27 agreement with a collaborating physician which authorizes the
28 provision of AIDS and HIV-related health services, (iv) a
29 licensed dentist, (v) a licensed podiatrist, or (vi) an
30 individual certified to provide HIV testing and counseling by a
31 state or local public health department.

32 (g) "Test" or "HIV test" means a test to determine the
33 presence of the antibody or antigen to HIV, or of HIV
34 infection.

35 (h) "Person" includes any natural person, partnership,
36 association, joint venture, trust, governmental entity, public

1 or private corporation, health facility or other legal entity.
2 (Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised
3 9-12-03.)

4 Section 420. The Environmental Protection Act is amended by
5 changing Sections 5, 42, 55.8, 57.2, 57.8, 57.10, and 58.7 as
6 follows:

7 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

8 Sec. 5. Pollution Control Board.

9 (a) There is hereby created an independent board to be
10 known as the Pollution Control Board.

11 Until July 1, 2003 or when all of the new members to be
12 initially appointed under this amendatory Act of the 93rd
13 General Assembly have been appointed by the Governor, whichever
14 occurs later, the Board shall consist of 7 technically
15 qualified members, no more than 4 of whom may be of the same
16 political party, to be appointed by the Governor with the
17 advice and consent of the Senate.

18 The term of each appointed member of the Board who is in
19 office on June 30, 2003 shall terminate at the close of
20 business on that date or when all of the new members to be
21 initially appointed under this amendatory Act of the 93rd
22 General Assembly have been appointed by the Governor, whichever
23 occurs later.

24 Beginning on July 1, 2003 or when all of the new members to
25 be initially appointed under this amendatory Act of the 93rd
26 General Assembly have been appointed by the Governor, whichever
27 occurs later, the Board shall consist of 5 technically
28 qualified members, no more than 3 of whom may be of the same
29 political party, to be appointed by the Governor with the
30 advice and consent of the Senate. Members shall have verifiable
31 technical, academic, or actual experience in the field of
32 pollution control or environmental law and regulation.

33 Of the members initially appointed pursuant to this
34 amendatory Act of the 93rd General Assembly, one shall be

1 appointed for a term ending July 1, 2004, 2 shall be appointed
2 for terms ending July 1, 2005, and 2 shall be appointed for
3 terms ending July 1, 2006. Thereafter, all members shall hold
4 office for 3 years from the first day of July in the year in
5 which they were appointed, except in case of an appointment to
6 fill a vacancy. In case of a vacancy in the office when the
7 Senate is not in session, the Governor may make a temporary
8 appointment until the next meeting of the Senate, when he or
9 she shall nominate some person to fill such office; and any
10 person so nominated, who is confirmed by the Senate, shall hold
11 the office during the remainder of the term.

12 Members of the Board shall hold office until their
13 respective successors have been appointed and qualified. Any
14 member may resign from office, such resignation to take effect
15 when a successor has been appointed and has qualified.

16 Board members shall be paid \$37,000 per year or an amount
17 set by the Compensation Review Board, whichever is greater, and
18 the Chairman shall be paid \$43,000 per year or an amount set by
19 the Compensation Review Board, whichever is greater. Each
20 member shall devote his or her entire time to the duties of the
21 office, and shall hold no other office or position of profit,
22 nor engage in any other business, employment, or vocation. Each
23 member shall be reimbursed for expenses necessarily incurred
24 and shall make a financial disclosure upon appointment.

25 Each Board member may employ one secretary and one
26 assistant, and the Chairman one secretary and 2 assistants. The
27 Board also may employ and compensate hearing officers to
28 preside at hearings under this Act, and such other personnel as
29 may be necessary. Hearing officers shall be attorneys licensed
30 to practice law in Illinois.

31 The Board may have an Executive Director; if so, the
32 Executive Director shall be appointed by the Governor with the
33 advice and consent of the Senate. The salary and duties of the
34 Executive Director shall be fixed by the Board.

35 The Governor shall designate one Board member to be
36 Chairman, who shall serve at the pleasure of the Governor.

1 The Board shall hold at least one meeting each month and
2 such additional meetings as may be prescribed by Board rules.
3 In addition, special meetings may be called by the Chairman or
4 by any 2 Board members, upon delivery of 24 hours written
5 notice to the office of each member. All Board meetings shall
6 be open to the public, and public notice of all meetings shall
7 be given at least 24 hours in advance of each meeting. In
8 emergency situations in which a majority of the Board certifies
9 that exigencies of time require the requirements of public
10 notice and of 24 hour written notice to members may be
11 dispensed with, and Board members shall receive such notice as
12 is reasonable under the circumstances.

13 If there is no vacancy on the Board, 4 members of the Board
14 shall constitute a quorum to transact business; otherwise, a
15 majority of the Board shall constitute a quorum to transact
16 business, and no vacancy shall impair the right of the
17 remaining members to exercise all of the powers of the Board.
18 Every action approved by a majority of the members of the Board
19 shall be deemed to be the action of the Board. The Board shall
20 keep a complete and accurate record of all its meetings.

21 (b) The Board shall determine, define and implement the
22 environmental control standards applicable in the State of
23 Illinois and may adopt rules and regulations in accordance with
24 Title VII of this Act.

25 (c) The Board shall have authority to act for the State in
26 regard to the adoption of standards for submission to the
27 United States under any federal law respecting environmental
28 protection. Such standards shall be adopted in accordance with
29 Title VII of the Act and upon adoption shall be forwarded to
30 the Environmental Protection Agency for submission to the
31 United States pursuant to subsections (l) and (m) of Section 4
32 of this Act. Nothing in this paragraph shall limit the
33 discretion of the Governor to delegate authority granted to the
34 Governor under any federal law.

35 (d) The Board shall have authority to conduct proceedings
36 upon complaints charging violations of this Act, any rule or

1 regulation adopted under this Act, any permit or term or
2 condition of a permit, or any Board order; upon administrative
3 citations; upon petitions for variances or adjusted standards;
4 upon petitions for review of the Agency's final determinations
5 on permit applications in accordance with Title X of this Act;
6 upon petitions to remove seals under Section 34 of this Act;
7 and upon other petitions for review of final determinations
8 which are made pursuant to this Act or Board rule and which
9 involve a subject which the Board is authorized to regulate.
10 The Board may also conduct other proceedings as may be provided
11 by this Act or any other statute or rule.

12 (e) In connection with any proceeding pursuant to
13 subsection (b) or (d) of this Section, the Board may subpoena
14 and compel the attendance of witnesses and the production of
15 evidence reasonably necessary to resolution of the matter under
16 consideration. The Board shall issue such subpoenas upon the
17 request of any party to a proceeding under subsection (d) of
18 this Section or upon its own motion.

19 (f) The Board may prescribe reasonable fees for permits
20 required pursuant to this Act. Such fees in the aggregate may
21 not exceed the total cost to the Agency for its inspection and
22 permit systems. The Board may not prescribe any permit fees
23 which are different in amount from those established by this
24 Act.

25 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03;
26 93-509, eff. 8-11-03; revised 9-11-03.)

27 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

28 Sec. 42. Civil penalties.

29 (a) Except as provided in this Section, any person that
30 violates any provision of this Act or any regulation adopted by
31 the Board, or any permit or term or condition thereof, or that
32 violates any order of the Board pursuant to this Act, shall be
33 liable for a civil penalty of not to exceed \$50,000 for the
34 violation and an additional civil penalty of not to exceed
35 \$10,000 for each day during which the violation continues; such

1 penalties may, upon order of the Board or a court of competent
2 jurisdiction, be made payable to the Environmental Protection
3 Trust Fund, to be used in accordance with the provisions of the
4 Environmental Protection Trust Fund Act.

5 (b) Notwithstanding the provisions of subsection (a) of
6 this Section:

7 (1) Any person that violates Section 12(f) of this Act
8 or any NPDES permit or term or condition thereof, or any
9 filing requirement, regulation or order relating to the
10 NPDES permit program, shall be liable to a civil penalty of
11 not to exceed \$10,000 per day of violation.

12 (2) Any person that violates Section 12(g) of this Act
13 or any UIC permit or term or condition thereof, or any
14 filing requirement, regulation or order relating to the
15 State UIC program for all wells, except Class II wells as
16 defined by the Board under this Act, shall be liable to a
17 civil penalty not to exceed \$2,500 per day of violation;
18 provided, however, that any person who commits such
19 violations relating to the State UIC program for Class II
20 wells, as defined by the Board under this Act, shall be
21 liable to a civil penalty of not to exceed \$10,000 for the
22 violation and an additional civil penalty of not to exceed
23 \$1,000 for each day during which the violation continues.

24 (3) Any person that violates Sections 21(f), 21(g),
25 21(h) or 21(i) of this Act, or any RCRA permit or term or
26 condition thereof, or any filing requirement, regulation
27 or order relating to the State RCRA program, shall be
28 liable to a civil penalty of not to exceed \$25,000 per day
29 of violation.

30 (4) In an administrative citation action under Section
31 31.1 of this Act, any person found to have violated any
32 provision of subsection (o) of Section 21 of this Act shall
33 pay a civil penalty of \$500 for each violation of each such
34 provision, plus any hearing costs incurred by the Board and
35 the Agency. Such penalties shall be made payable to the
36 Environmental Protection Trust Fund, to be used in

1 accordance with the provisions of the Environmental
2 Protection Trust Fund Act; except that if a unit of local
3 government issued the administrative citation, 50% of the
4 civil penalty shall be payable to the unit of local
5 government.

6 (4-5) In an administrative citation action under
7 Section 31.1 of this Act, any person found to have violated
8 any provision of subsection (p) of Section 21 of this Act
9 shall pay a civil penalty of \$1,500 for each violation of
10 each such provision, plus any hearing costs incurred by the
11 Board and the Agency, except that the civil penalty amount
12 shall ~~be~~ ~~be a~~ \$3,000 for each violation of any provision of
13 subsection (p) of Section 21 that is the person's second ~~a~~
14 ~~second~~ or subsequent adjudication violation of that
15 provision. The penalties shall be deposited into the
16 Environmental Protection Trust Fund, to be used in
17 accordance with the provisions of the Environmental
18 Protection Trust Fund Act; except that if a unit of local
19 government issued the administrative citation, 50% of the
20 civil penalty shall be payable to the unit of local
21 government.

22 (5) Any person who violates subsection 6 of Section
23 39.5 of this Act or any CAAPP permit, or term or condition
24 thereof, or any fee or filing requirement, or any duty to
25 allow or carry out inspection, entry or monitoring
26 activities, or any regulation or order relating to the
27 CAAPP shall be liable for a civil penalty not to exceed
28 \$10,000 per day of violation.

29 (b.5) In lieu of the penalties set forth in subsections (a)
30 and (b) of this Section, any person who fails to file, in a
31 timely manner, toxic chemical release forms with the Agency
32 pursuant to Section 25b-2 of this Act shall be liable for a
33 civil penalty of \$100 per day for each day the forms are late,
34 not to exceed a maximum total penalty of \$6,000. This daily
35 penalty shall begin accruing on the thirty-first day after the
36 date that the person receives the warning notice issued by the

1 Agency pursuant to Section 25b-6 of this Act; and the penalty
2 shall be paid to the Agency. The daily accrual of penalties
3 shall cease as of January 1 of the following year. All
4 penalties collected by the Agency pursuant to this subsection
5 shall be deposited into the Environmental Protection Permit and
6 Inspection Fund.

7 (c) Any person that violates this Act, any rule or
8 regulation adopted under this Act, any permit or term or
9 condition of a permit, or any Board order and causes the death
10 of fish or aquatic life shall, in addition to the other
11 penalties provided by this Act, be liable to pay to the State
12 an additional sum for the reasonable value of the fish or
13 aquatic life destroyed. Any money so recovered shall be placed
14 in the Wildlife and Fish Fund in the State Treasury.

15 (d) The penalties provided for in this Section may be
16 recovered in a civil action.

17 (e) The State's Attorney of the county in which the
18 violation occurred, or the Attorney General, may, at the
19 request of the Agency or on his own motion, institute a civil
20 action for an injunction to restrain violations of this Act,
21 any rule or regulation adopted under this Act, any permit or
22 term or condition of a permit, or any Board order.

23 (f) The State's Attorney of the county in which the
24 violation occurred, or the Attorney General, shall bring such
25 actions in the name of the people of the State of Illinois.
26 Without limiting any other authority which may exist for the
27 awarding of attorney's fees and costs, the Board or a court of
28 competent jurisdiction may award costs and reasonable
29 attorney's fees, including the reasonable costs of expert
30 witnesses and consultants, to the State's Attorney or the
31 Attorney General in a case where he has prevailed against a
32 person who has committed a wilful, knowing or repeated
33 violation of this Act, any rule or regulation adopted under
34 this Act, any permit or term or condition of a permit, or any
35 Board order.

36 Any funds collected under this subsection (f) in which the

1 Attorney General has prevailed shall be deposited in the
2 Hazardous Waste Fund created in Section 22.2 of this Act. Any
3 funds collected under this subsection (f) in which a State's
4 Attorney has prevailed shall be retained by the county in which
5 he serves.

6 (g) All final orders imposing civil penalties pursuant to
7 this Section shall prescribe the time for payment of such
8 penalties. If any such penalty is not paid within the time
9 prescribed, interest on such penalty at the rate set forth in
10 subsection (a) of Section 1003 of the Illinois Income Tax Act,
11 shall be paid for the period from the date payment is due until
12 the date payment is received. However, if the time for payment
13 is stayed during the pendency of an appeal, interest shall not
14 accrue during such stay.

15 (h) In determining the appropriate civil penalty to be
16 imposed under subdivisions (a), (b) (1), (b) (2), (b) (3), or
17 (b) (5) of this Section, the Board is authorized to consider any
18 matters of record in mitigation or aggravation of penalty,
19 including but not limited to the following factors:

20 (1) the duration and gravity of the violation;

21 (2) the presence or absence of due diligence on the
22 part of the respondent in attempting to comply with
23 requirements of this Act and regulations thereunder or to
24 secure relief therefrom as provided by this Act;

25 (3) any economic benefits accrued by the respondent
26 because of delay in compliance with requirements, in which
27 case the economic benefits shall be determined by the
28 lowest cost alternative for achieving compliance;

29 (4) the amount of monetary penalty which will serve to
30 deter further violations by the respondent and to otherwise
31 aid in enhancing voluntary compliance with this Act by the
32 respondent and other persons similarly subject to the Act;

33 (5) the number, proximity in time, and gravity of
34 previously adjudicated violations of this Act by the
35 respondent;

36 (6) whether the respondent voluntarily self-disclosed,

1 in accordance with subsection (i) of this Section, the
2 non-compliance to the Agency; and

3 (7) whether the respondent has agreed to undertake a
4 "supplemental environmental project," which means an
5 environmentally beneficial project that a respondent
6 agrees to undertake in settlement of an enforcement action
7 brought under this Act, but which the respondent is not
8 otherwise legally required to perform.

9 In determining the appropriate civil penalty to be imposed
10 under subsection (a) or paragraph (1), (2), (3), or (5) of
11 subsection (b) of this Section, the Board shall ensure, in all
12 cases, that the penalty is at least as great as the economic
13 benefits, if any, accrued by the respondent as a result of the
14 violation, unless the Board finds that imposition of such
15 penalty would result in an arbitrary or unreasonable financial
16 hardship. However, such civil penalty may be off-set in whole
17 or in part pursuant to a supplemental environmental project
18 agreed to by the complainant and the respondent.

19 (i) A person who voluntarily self-discloses non-compliance
20 to the Agency, of which the Agency had been unaware, is
21 entitled to a 100% reduction in the portion of the penalty that
22 is not based on the economic benefit of non-compliance if the
23 person can establish the following:

24 (1) that the non-compliance was discovered through an
25 environmental audit, as defined in Section 52.2 of this
26 Act, and the person waives the environmental audit
27 privileges as provided in that Section with respect to that
28 non-compliance;

29 (2) that the non-compliance was disclosed in writing
30 within 30 days of the date on which the person discovered
31 it;

32 (3) that the non-compliance was discovered and
33 disclosed prior to:

34 (i) the commencement of an Agency inspection,
35 investigation, or request for information;

36 (ii) notice of a citizen suit;

1 (iii) the filing of a complaint by a citizen, the
2 Illinois Attorney General, or the State's Attorney of
3 the county in which the violation occurred;

4 (iv) the reporting of the non-compliance by an
5 employee of the person without that person's
6 knowledge; or

7 (v) imminent discovery of the non-compliance by
8 the Agency;

9 (4) that the non-compliance is being corrected and any
10 environmental harm is being remediated in a timely fashion;

11 (5) that the person agrees to prevent a recurrence of
12 the non-compliance;

13 (6) that no related non-compliance events have
14 occurred in the past 3 years at the same facility or in the
15 past 5 years as part of a pattern at multiple facilities
16 owned or operated by the person;

17 (7) that the non-compliance did not result in serious
18 actual harm or present an imminent and substantial
19 endangerment to human health or the environment or violate
20 the specific terms of any judicial or administrative order
21 or consent agreement;

22 (8) that the person cooperates as reasonably requested
23 by the Agency after the disclosure; and

24 (9) that the non-compliance was identified voluntarily
25 and not through a monitoring, sampling, or auditing
26 procedure that is required by statute, rule, permit,
27 judicial or administrative order, or consent agreement.

28 If a person can establish all of the elements under this
29 subsection except the element set forth in paragraph (1) of
30 this subsection, the person is entitled to a 75% reduction in
31 the portion of the penalty that is not based upon the economic
32 benefit of non-compliance.

33 (Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04;
34 revised 9-11-03.)

1 Sec. 55.8. Tire retailers.

2 (a) ~~Beginning July 1, 1992,~~ Any person selling new or used
3 tires at retail or offering new or used tires for retail sale
4 in this State shall:

5 (1) beginning on June 20, 2003 (the effective date of
6 Public Act 93-32), collect from retail customers a fee of
7 \$2 per new or ~~and~~ used tire sold and delivered in this
8 State, to be paid to the Department of Revenue and
9 deposited into the Used Tire Management Fund, less a
10 collection allowance of 10 cents per tire to be retained by
11 the retail seller and a collection allowance of 10 cents
12 per tire to be retained by the Department of Revenue and
13 paid into the General Revenue Fund;

14 (1.5) beginning on July 1, 2003, collect from retail
15 customers an additional 50 cents per new or used tire sold
16 and delivered in this State. The money collected from this
17 fee shall be deposited into the Emergency Public Health
18 Fund. This fee shall no longer be collected beginning on
19 January 1, 2008;~~;~~

20 (2) accept for recycling used tires from customers, at
21 the point of transfer, in a quantity equal to the number of
22 new tires purchased; and

23 (3) post in a conspicuous place a written notice at
24 least 8.5 by 11 inches in size that includes the universal
25 recycling symbol and the following statements: "DO NOT put
26 used tires in the trash."; "Recycle your used tires."; and
27 "State law requires us to accept used tires for recycling,
28 in exchange for new tires purchased."

29 (b) A person who accepts used tires for recycling under
30 subsection (a) shall not allow the tires to accumulate for
31 periods of more than 90 days.

32 (c) The requirements of subsection (a) of this Section do
33 not apply to mail order sales nor shall the retail sale of a
34 motor vehicle be considered to be the sale of tires at retail
35 or offering of tires for retail sale. Instead of filing
36 returns, retailers of tires may remit the tire user fee of

1 \$1.00 per tire to their suppliers of tires if the supplier of
2 tires is a registered retailer of tires and agrees or otherwise
3 arranges to collect and remit the tire fee to the Department of
4 Revenue, notwithstanding the fact that the sale of the tire is
5 a sale for resale and not a sale at retail. A tire supplier who
6 enters into such an arrangement with a tire retailer shall be
7 liable for the tax on all tires sold to the tire retailer and
8 must (i) provide the tire retailer with a receipt that
9 separately reflects the tire tax collected from the retailer on
10 each transaction and (ii) accept used tires for recycling from
11 the retailer's customers. The tire supplier shall be entitled
12 to the collection allowance of 10 cents per tire.

13 The retailer of the tires must maintain in its books and
14 records evidence that the appropriate fee was paid to the tire
15 supplier and that the tire supplier has agreed to remit the fee
16 to the Department of Revenue for each tire sold by the
17 retailer. Otherwise, the tire retailer shall be directly liable
18 for the fee on all tires sold at retail. Tire retailers paying
19 the fee to their suppliers are not entitled to the collection
20 allowance of 10 cents per tire.

21 (d) The requirements of subsection (a) of this Section
22 shall apply exclusively to tires to be used for vehicles
23 defined in Section 1-217 of the Illinois Vehicle Code, aircraft
24 tires, special mobile equipment, and implements of husbandry.

25 (e) The requirements of paragraph (1) of subsection (a) do
26 not apply to the sale of reprocessed tires. For purposes of
27 this Section, "reprocessed tire" means a used tire that has
28 been recapped, retreaded, or regrooved and that has not been
29 placed on a vehicle wheel rim.

30 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised
31 10-13-03.)

32 (415 ILCS 5/57.2)

33 Sec. 57.2. Definitions. As used in this Title:

34 "Audit" means a systematic inspection or examination of
35 plans, reports, records, or documents to determine the

1 completeness and accuracy of the data and conclusions contained
2 therein.

3 "Bodily injury" means bodily injury, sickness, or disease
4 sustained by a person, including death at any time, resulting
5 from a release of petroleum from an underground storage tank.

6 "Release" means any spilling, leaking, emitting,
7 discharging, escaping, leaching or disposing of petroleum from
8 an underground storage tank into groundwater, surface water or
9 subsurface soils.

10 "Fill material" means non-native or disturbed materials
11 used to bed and backfill around an underground storage tank.

12 "Fund" means the Underground Storage Tank Fund.

13 "Heating Oil" means petroleum that is No. 1, No. 2, No. 4 -
14 light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6
15 technical grades of fuel oil; and other residual fuel oils
16 including Navy Special Fuel Oil and Bunker C.

17 "Indemnification" means indemnification of an owner or
18 operator for the amount of any judgment entered against the
19 owner or operator in a court of law, for the amount of any
20 final order or determination made against the owner or operator
21 by an agency of State government or any subdivision thereof, or
22 for the amount of any settlement entered into by the owner or
23 operator, if the judgment, order, determination, or settlement
24 arises out of bodily injury or property damage suffered as a
25 result of a release of petroleum from an underground storage
26 tank owned or operated by the owner or operator.

27 "Corrective action" means activities associated with
28 compliance with the provisions of Sections 57.6 and 57.7 of
29 this Title.

30 "Occurrence" means an accident, including continuous or
31 repeated exposure to conditions, that results in a sudden or
32 nonsudden release from an underground storage tank.

33 When used in connection with, or when otherwise relating
34 to, underground storage tanks, the terms "facility", "owner",
35 "operator", "underground storage tank", "(UST)", "petroleum"
36 and "regulated substance" shall have the meanings ascribed to

1 them in Subtitle I of the Hazardous and Solid Waste Amendments
2 of 1984 (P.L. 98-616), of the Resource Conservation and
3 Recovery Act of 1976 (P.L. 94-580); provided however that the
4 term "underground storage tank" shall also mean an underground
5 storage tank used exclusively to store heating oil for
6 consumptive use on the premises where stored and which serves
7 other than a farm or residential unit.

8 "Licensed Professional Engineer" means a person,
9 corporation, or partnership licensed under the laws of the
10 State of Illinois to practice professional engineering.

11 "Licensed Professional Geologist" means a person licensed
12 under the laws of the State of Illinois to practice as a
13 professional geologist.

14 "Site" means any single location, place, tract of land or
15 parcel of property including contiguous property not separated
16 by a public right-of-way.

17 "Site investigation" means activities associated with
18 compliance with the provisions of subsection (a) of Section
19 57.7.

20 "Property damage" means physical injury to, destruction
21 of, or contamination of tangible property, including all
22 resulting loss of use of that property; or loss of use of
23 tangible property that is not physically injured, destroyed, or
24 contaminated, but has been evacuated, withdrawn from use, or
25 rendered inaccessible because of a release of petroleum from an
26 underground storage tank.

27 "Class I Groundwater" means groundwater that meets the
28 Class I: Potable Resource Groundwater criteria set forth in the
29 Board regulations adopted pursuant to the Illinois Groundwater
30 Protection Act.

31 "Class III Groundwater" means groundwater that meets the
32 Class III: Special Resource Groundwater criteria set forth in
33 the Board regulations adopted pursuant to the Illinois
34 Groundwater Protection Act.

35 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;
36 revised 9-9-02.)

1 (415 ILCS 5/57.8)

2 Sec. 57.8. Underground Storage Tank Fund; payment; options
3 for State payment; deferred correction election to commence
4 corrective action upon availability of funds. If an owner or
5 operator is eligible to access the Underground Storage Tank
6 Fund pursuant to an Office of State Fire Marshal
7 eligibility/deductible final determination letter issued in
8 accordance with Section 57.9, the owner or operator may submit
9 a complete application for final or partial payment to the
10 Agency for activities taken in response to a confirmed release.
11 An owner or operator may submit a request for partial or final
12 payment regarding a site no more frequently than once every 90
13 days.

14 (a) Payment after completion of corrective action
15 measures. The owner or operator may submit an application for
16 payment for activities performed at a site after completion of
17 the requirements of Sections 57.6 and 57.7, or after completion
18 of any other required activities at the underground storage
19 tank site.

20 (1) In the case of any approved plan and budget for
21 which payment is being sought, the Agency shall make a
22 payment determination within 120 days of receipt of the
23 application. Such determination shall be considered a
24 final decision. The Agency's review shall be limited to
25 generally accepted auditing and accounting practices. In
26 no case shall the Agency conduct additional review of any
27 plan which was completed within the budget, beyond auditing
28 for adherence to the corrective action measures in the
29 proposal. If the Agency fails to approve the payment
30 application within 120 days, such application shall be
31 deemed approved by operation of law and the Agency shall
32 proceed to reimburse the owner or operator the amount
33 requested in the payment application. However, in no event
34 shall the Agency reimburse the owner or operator an amount
35 greater than the amount approved in the plan.

1 (2) If sufficient funds are available in the
2 Underground Storage Tank Fund, the Agency shall, within 60
3 days, forward to the Office of the State Comptroller a
4 voucher in the amount approved under the payment
5 application.

6 (3) In the case of insufficient funds, the Agency shall
7 form a priority list for payment and shall notify persons
8 in such priority list monthly of the availability of funds
9 and when payment shall be made. Payment shall be made to
10 the owner or operator at such time as sufficient funds
11 become available for the costs associated with site
12 investigation and corrective action and costs expended for
13 activities performed where no proposal is required, if
14 applicable. Such priority list shall be available to any
15 owner or operator upon request. Priority for payment shall
16 be determined by the date the Agency receives a complete
17 request for partial or final payment. Upon receipt of
18 notification from the Agency that the requirements of this
19 Title have been met, the Comptroller shall make payment to
20 the owner or operator of the amount approved by the Agency,
21 if sufficient money exists in the Fund. If there is
22 insufficient money in the Fund, then payment shall not be
23 made. If the owner or operator appeals a final Agency
24 payment determination and it is determined that the owner
25 or operator is eligible for payment or additional payment,
26 the priority date for the payment or additional payment
27 shall be the same as the priority date assigned to the
28 original request for partial or final payment.

29 (4) Any deductible, as determined pursuant to the
30 Office of the State Fire Marshal's eligibility and
31 deductibility final determination in accordance with
32 Section 57.9, shall be subtracted from any payment invoice
33 paid to an eligible owner or operator. Only one deductible
34 shall apply per underground storage tank site.

35 (5) In the event that costs are or will be incurred in
36 addition to those approved by the Agency, or after payment,

1 the owner or operator may submit successive plans
2 containing amended budgets. The requirements of Section
3 57.7 shall apply to any amended plans.

4 (6) For purposes of this Section, a complete
5 application shall consist of:

6 (A) A certification from a Licensed Professional
7 Engineer or Licensed Professional Geologist as
8 required under this Title and acknowledged by the owner
9 or operator.

10 (B) A statement of the amounts approved in the
11 budget and the amounts actually sought for payment
12 along with a certified statement by the owner or
13 operator that the amounts so sought were expended in
14 conformance with the approved budget.

15 (C) A copy of the Office of the State Fire
16 Marshal's eligibility and deductibility determination.

17 (D) Proof that approval of the payment requested
18 will not result in the limitations set forth in
19 subsection (g) of this Section being exceeded.

20 (E) A federal taxpayer identification number and
21 legal status disclosure certification on a form
22 prescribed and provided by the Agency.

23 (b) Commencement of site investigation or corrective
24 action upon availability of funds. The Board shall adopt
25 regulations setting forth procedures based on risk to human
26 health or the environment under which the owner or operator who
27 has received approval for any budget plan submitted pursuant to
28 Section 57.7, and who is eligible for payment from the
29 Underground Storage Tank Fund pursuant to an Office of the
30 State Fire Marshal eligibility and deductibility
31 determination, may elect to defer site investigation or
32 corrective action activities until funds are available in an
33 amount equal to the amount approved in the budget. The
34 regulations shall establish criteria based on risk to human
35 health or the environment to be used for determining on a
36 site-by-site basis whether deferral is appropriate. The

1 regulations also shall establish the minimum investigatory
 2 requirements for determining whether the risk based criteria
 3 are present at a site considering deferral and procedures for
 4 the notification of owners or operators of insufficient funds,
 5 Agency review of request for deferral, notification of Agency
 6 final decisions, returning deferred sites to active status, and
 7 earmarking of funds for payment.

8 (c) When the owner or operator requests indemnification for
 9 payment of costs incurred as a result of a release of petroleum
 10 from an underground storage tank, if the owner or operator has
 11 satisfied the requirements of subsection (a) of this Section,
 12 the Agency shall forward a copy of the request to the Attorney
 13 General. The Attorney General shall review and approve the
 14 request for indemnification if:

15 (1) there is a legally enforceable judgment entered
 16 against the owner or operator and such judgment was entered
 17 due to harm caused by a release of petroleum from an
 18 underground storage tank and such judgment was not entered
 19 as a result of fraud; or

20 (2) a settlement with a third party due to a release of
 21 petroleum from an underground storage tank is reasonable.

22 (d) Notwithstanding any other provision of this Title, the
 23 Agency shall not approve payment to an owner or operator from
 24 the Fund for costs of corrective action or indemnification
 25 incurred during a calendar year in excess of the following
 26 aggregate amounts based on the number of petroleum underground
 27 storage tanks owned or operated by such owner or operator in
 28 Illinois.

Amount	Number of Tanks
\$2,000,000	fewer than 101
\$3,000,000	101 or more

32 (1) Costs incurred in excess of the aggregate amounts
 33 set forth in paragraph (1) of this subsection shall not be
 34 eligible for payment in subsequent years.

35 (2) For purposes of this subsection, requests
 36 submitted by any of the agencies, departments, boards,

1 committees or commissions of the State of Illinois shall be
2 acted upon as claims from a single owner or operator.

3 (3) For purposes of this subsection, owner or operator
4 includes (i) any subsidiary, parent, or joint stock company
5 of the owner or operator and (ii) any company owned by any
6 parent, subsidiary, or joint stock company of the owner or
7 operator.

8 (e) Costs of corrective action or indemnification incurred
9 by an owner or operator which have been paid to an owner or
10 operator under a policy of insurance, another written
11 agreement, or a court order are not eligible for payment under
12 this Section. An owner or operator who receives payment under a
13 policy of insurance, another written agreement, or a court
14 order shall reimburse the State to the extent such payment
15 covers costs for which payment was received from the Fund. Any
16 monies received by the State under this subsection (e) shall be
17 deposited into the Fund.

18 (f) (Blank.)

19 (g) The Agency shall not approve any payment from the Fund
20 to pay an owner or operator:

21 (1) for costs of corrective action incurred by such
22 owner or operator in an amount in excess of \$1,500,000 per
23 occurrence; and

24 (2) for costs of indemnification of such owner or
25 operator in an amount in excess of \$1,500,000 per
26 occurrence.

27 (h) Payment of any amount from the Fund for corrective
28 action or indemnification shall be subject to the State
29 acquiring by subrogation the rights of any owner, operator, or
30 other person to recover the costs of corrective action or
31 indemnification for which the Fund has compensated such owner,
32 operator, or person from the person responsible or liable for
33 the release.

34 (i) If the Agency refuses to pay or authorizes only a
35 partial payment, the affected owner or operator may petition
36 the Board for a hearing in the manner provided for the review

1 of permit decisions in Section 40 of this Act.

2 (j) Costs of corrective action or indemnification incurred
3 by an owner or operator prior to July 28, 1989, shall not be
4 eligible for payment or reimbursement under this Section.

5 (k) The Agency shall not pay costs of corrective action or
6 indemnification incurred before providing notification of the
7 release of petroleum in accordance with the provisions of this
8 Title.

9 (l) Corrective action does not include legal defense costs.
10 Legal defense costs include legal costs for seeking payment
11 under this Title unless the owner or operator prevails before
12 the Board in which case the Board may authorize payment of
13 legal fees.

14 (m) The Agency may apportion payment of costs for plans
15 submitted under Section 57.7 if:

16 (1) the owner or operator was deemed eligible to access
17 the Fund for payment of corrective action costs for some,
18 but not all, of the underground storage tanks at the site;
19 and

20 (2) the owner or operator failed to justify all costs
21 attributable to each underground storage tank at the site.

22 (n) The Agency shall not pay costs associated with a
23 corrective action plan incurred after the Agency provides
24 notification to the owner or operator pursuant to item (7) of
25 subsection (b) of Section 57.7 that a revised corrective action
26 plan is required. Costs associated with any subsequently
27 approved corrective action plan shall be eligible for
28 reimbursement if they meet the requirements of this Title.

29 (Source: P.A. 91-357, eff. 7-29-99; 92-554, eff. 6-24-02;
30 92-574, eff. 6-26-02; 92-735, eff. 7-25-02; revised 10-3-02.)

31 (415 ILCS 5/57.10)

32 Sec. 57.10. Professional Engineer or Professional
33 Geologist certification; presumptions against liability.

34 (a) Within 120 days of the Agency's receipt of a corrective
35 action completion report, the Agency shall issue to the owner

1 or operator a "no further remediation letter" unless the Agency
2 has requested a modification, issued a rejection under
3 subsection (d) of this Section, or the report has been rejected
4 by operation of law.

5 (b) By certifying such a statement, a Licensed Professional
6 Engineer or Licensed Professional Geologist shall in no way be
7 liable thereon, unless the engineer or geologist gave such
8 certification despite his or her actual knowledge that the
9 performed measures were not in compliance with applicable
10 statutory or regulatory requirements or any plan submitted to
11 the Agency.

12 (c) The Agency's issuance of a no further remediation
13 letter shall signify, based on the certification of the
14 Licensed Professional Engineer, that:

15 (1) all statutory and regulatory corrective action
16 requirements applicable to the occurrence have been
17 complied with;

18 (2) all corrective action concerning the remediation
19 of the occurrence has been completed; and

20 (3) no further corrective action concerning the
21 occurrence is necessary for the protection of human health,
22 safety and the environment.

23 (d) The no further remediation letter issued under this
24 Section shall apply in favor of the following parties:

25 (1) The owner or operator to whom the letter was
26 issued.

27 (2) Any parent corporation or subsidiary of such owner
28 or operator.

29 (3) Any co-owner or co-operator, either by joint
30 tenancy, right-of-survivorship, or any other party sharing
31 a legal relationship with the owner or operator to whom the
32 letter is issued.

33 (4) Any holder of a beneficial interest of a land trust
34 or inter vivos trust whether revocable or irrevocable.

35 (5) Any mortgagee or trustee of a deed of trust of such
36 owner or operator.

1 (6) Any successor-in-interest of such owner or
2 operator.

3 (7) Any transferee of such owner or operator whether
4 the transfer was by sale, bankruptcy proceeding,
5 partition, dissolution of marriage, settlement or
6 adjudication of any civil action, charitable gift, or
7 bequest.

8 (8) Any heir or devisee or such owner or operator.

9 (e) If the Agency notifies the owner or operator that the
10 "no further remediation" letter has been rejected, the grounds
11 for such rejection shall be described in the notice. Such a
12 decision shall be a final determination which may be appealed
13 by the owner or operator.

14 (f) The Board shall adopt rules setting forth the criteria
15 under which the Agency may require an owner or operator to
16 conduct further investigation or remediation related to a
17 release for which a no further remediation letter has been
18 issued.

19 (g) Holders of security interests in sites subject to the
20 requirements of this Title XVI shall be entitled to the same
21 protections and subject to the same responsibilities provided
22 under general regulations promulgated under Subtitle I of the
23 Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of
24 the Resource Conservation and Recovery Act of 1976 (P.L.
25 94-580).

26 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;
27 revised 9-25-03.)

28 (415 ILCS 5/58.7)

29 Sec. 58.7. Review and approvals.

30 (a) Requirements. All plans and reports that are submitted
31 pursuant to this Title shall be submitted for review or
32 approval in accordance with this Section.

33 (b) Review and evaluation by the Agency.

34 (1) Except for sites excluded under subdivision (a) (2)
35 of Section 58.1, the Agency shall, subject to available

1 resources, agree to provide review and evaluation services
2 for activities carried out pursuant to this Title for which
3 the RA requested the services in writing. As a condition
4 for providing such services, the Agency may require that
5 the RA for a site:

6 (A) Conform with the procedures of this Title;

7 (B) Allow for or otherwise arrange site visits or
8 other site evaluation by the Agency when so requested;

9 (C) Agree to perform the Remedial Action Plan as
10 approved under this Title;

11 (D) Agree to pay any reasonable costs incurred and
12 documented by the Agency in providing such services;

13 (E) Make an advance partial payment to the Agency
14 for such anticipated services in an amount, acceptable
15 to the Agency, but not to exceed \$5,000 or one-half of
16 the total anticipated costs of the Agency, whichever
17 sum is less; and

18 (F) Demonstrate, if necessary, authority to act on
19 behalf of or in lieu of the owner or operator.

20 (2) Any moneys received by the State for costs incurred
21 by the Agency in performing review or evaluation services
22 for actions conducted pursuant to this Title shall be
23 deposited in the Hazardous Waste Fund.

24 (3) An RA requesting services under subdivision (b) (1)
25 of this Section may, at any time, notify the Agency, in
26 writing, that Agency services previously requested are no
27 longer wanted. Within 180 days after receipt of the notice,
28 the Agency shall provide the RA with a final invoice for
29 services provided until the date of such notifications.

30 (4) The Agency may invoice or otherwise request or
31 demand payment from a RA for costs incurred by the Agency
32 in performing review or evaluation services for actions by
33 the RA at sites only if:

34 (A) The Agency has incurred costs in performing
35 response actions, other than review or evaluation
36 services, due to the failure of the RA to take response

1 action in accordance with a notice issued pursuant to
2 this Act;

3 (B) The RA has agreed in writing to the payment of
4 such costs;

5 (C) The RA has been ordered to pay such costs by
6 the Board or a court of competent jurisdiction pursuant
7 to this Act; or

8 (D) The RA has requested or has consented to Agency
9 review or evaluation services under subdivision (b)
10 (1) of this Section.

11 (5) The Agency may, subject to available resources,
12 agree to provide review and evaluation services for
13 response actions if there is a written agreement among
14 parties to a legal action or if a notice to perform a
15 response action has been issued by the Agency.

16 (c) Review and evaluation by a Licensed Professional
17 Engineer or Licensed Professional Geologist. A RA may elect to
18 contract with a Licensed Professional Engineer or, in the case
19 of a site investigation report only, a Licensed Professional
20 Geologist, who will perform review and evaluation services on
21 behalf of and under the direction of the Agency relative to the
22 site activities.

23 (1) Prior to entering into the contract with the
24 RELPEG, the RA shall notify the Agency of the RELPEG to be
25 selected. The Agency and the RA shall discuss the potential
26 terms of the contract.

27 (2) At a minimum, the contract with the RELPEG shall
28 provide that the RELPEG will submit any reports directly to
29 the Agency, will take his or her directions for work
30 assignments from the Agency, and will perform the assigned
31 work on behalf of the Agency.

32 (3) Reasonable costs incurred by the Agency shall be
33 paid by the RA directly to the Agency in accordance with
34 the terms of the review and evaluation services agreement
35 entered into under subdivision (b) (1) of Section 58.7.

36 (4) In no event shall the RELPEG acting on behalf of

1 the Agency be an employee of the RA or the owner or
2 operator of the site or be an employee of any other person
3 the RA has contracted to provide services relative to the
4 site.

5 (d) Review and approval. All reviews required under this
6 Title shall be carried out by the Agency or a RELPEG, both
7 under the direction of a Licensed Professional Engineer or, in
8 the case of the review of a site investigation only, a Licensed
9 Professional Geologist.

10 (1) All review activities conducted by the Agency or a
11 RELPEG shall be carried out in conformance with this Title
12 and rules promulgated under Section 58.11.

13 (2) Subject to the limitations in subsection (c) and
14 this subsection (d), the specific plans, reports, and
15 activities that the Agency or a RELPEG may review include:

16 (A) Site Investigation Reports and related
17 activities;

18 (B) Remediation Objectives Reports;

19 (C) Remedial Action Plans and related activities;

20 and

21 (D) Remedial Action Completion Reports and related
22 activities.

23 (3) Only the Agency shall have the authority to
24 approve, disapprove, or approve with conditions a plan or
25 report as a result of the review process including those
26 plans and reports reviewed by a RELPEG. If the Agency
27 disapproves a plan or report or approves a plan or report
28 with conditions, the written notification required by
29 subdivision (d) (4) of this Section shall contain the
30 following information, as applicable:

31 (A) An explanation of the Sections of this Title
32 that may be violated if the plan or report was
33 approved;

34 (B) An explanation of the provisions of the rules
35 promulgated under this Title that may be violated if
36 the plan or report was approved;

1 (C) An explanation of the specific type of
2 information, if any, that the Agency deems the
3 applicant did not provide the Agency;

4 (D) A statement of specific reasons why the Title
5 and regulations might not be met if the plan or report
6 were approved; and

7 (E) An explanation of the reasons for conditions if
8 conditions are required.

9 (4) Upon approving, disapproving, or approving with
10 conditions a plan or report, the Agency shall notify the RA
11 in writing of its decision. In the case of approval or
12 approval with conditions of a Remedial Action Completion
13 Report, the Agency shall prepare a No Further Remediation
14 Letter that meets the requirements of Section 58.10 and
15 send a copy of the letter to the RA.

16 (5) All reviews undertaken by the Agency or a RELPEG
17 shall be completed and the decisions communicated to the RA
18 within 60 days of the request for review or approval. The
19 RA may waive the deadline upon a request from the Agency.
20 If the Agency disapproves or approves with conditions a
21 plan or report or fails to issue a final decision within
22 the 60 day period and the RA has not agreed to a waiver of
23 the deadline, the RA may, within 35 days, file an appeal to
24 the Board. Appeals to the Board shall be in the manner
25 provided for the review of permit decisions in Section 40
26 of this Act.

27 (e) Standard of review. In making determinations, the
28 following factors, and additional factors as may be adopted by
29 the Board in accordance with Section 58.11, shall be considered
30 by the Agency when reviewing or approving plans, reports, and
31 related activities, or the RELPEG, when reviewing plans,
32 reports, and related activities:

33 (1) Site Investigation Reports and related activities:
34 Whether investigations have been conducted and the results
35 compiled in accordance with the appropriate procedures and
36 whether the interpretations and conclusions reached are

1 supported by the information gathered. In making the
2 determination, the following factors shall be considered:

3 (A) The adequacy of the description of the site and
4 site characteristics that were used to evaluate the
5 site;

6 (B) The adequacy of the investigation of potential
7 pathways and risks to receptors identified at the site;
8 and

9 (C) The appropriateness of the sampling and
10 analysis used.

11 (2) Remediation Objectives Reports: Whether the
12 remediation objectives are consistent with the
13 requirements of the applicable method for selecting or
14 determining remediation objectives under Section 58.5. In
15 making the determination, the following factors shall be
16 considered:

17 (A) If the objectives were based on the
18 determination of area background levels under
19 subsection (b) of Section 58.5, whether the review of
20 current and historic conditions at or in the immediate
21 vicinity of the site has been thorough and whether the
22 site sampling and analysis has been performed in a
23 manner resulting in accurate determinations;

24 (B) If the objectives were calculated on the basis
25 of predetermined equations using site specific data,
26 whether the calculations were accurately performed and
27 whether the site specific data reflect actual site
28 conditions; and

29 (C) If the objectives were determined using a site
30 specific risk assessment procedure, whether the
31 procedure used is nationally recognized and accepted,
32 whether the calculations were accurately performed,
33 and whether the site specific data reflect actual site
34 conditions.

35 (3) Remedial Action Plans and related activities:
36 Whether the plan will result in compliance with this Title,

1 and rules adopted under it and attainment of the applicable
2 remediation objectives. In making the determination, the
3 following factors shall be considered:

4 (A) The likelihood that the plan will result in the
5 attainment of the applicable remediation objectives;

6 (B) Whether the activities proposed are consistent
7 with generally accepted engineering practices; and

8 (C) The management of risk relative to any
9 remaining contamination, including but not limited to,
10 provisions for the long-term enforcement, operation,
11 and maintenance of institutional and engineering
12 controls, if relied on.

13 (4) Remedial Action Completion Reports and related
14 activities: Whether the remedial activities have been
15 completed in accordance with the approved Remedial Action
16 Plan and whether the applicable remediation objectives
17 have been attained.

18 (f) All plans and reports submitted for review shall
19 include a Licensed Professional Engineer's certification that
20 all investigations and remedial activities were carried out
21 under his or her direction and, to the best of his or her
22 knowledge and belief, the work described in the plan or report
23 has been completed in accordance with generally accepted
24 engineering practices, and the information presented is
25 accurate and complete. In the case of a site investigation
26 report prepared or supervised by a Licensed Professional
27 Geologist, the required certification may be made by the
28 Licensed Professional Geologist (rather than a Licensed
29 Professional Engineer) and based upon generally accepted
30 principles of professional geology.

31 (g) In accordance with Section 58.11, the Agency shall
32 propose and the Board shall adopt rules to carry out the
33 purposes of this Section. At a minimum, the rules shall detail
34 the types of services the Agency may provide in response to
35 requests under subdivision (b) (1) of this Section and the
36 recordkeeping it will utilize in documenting to the RA the

1 costs incurred by the Agency in providing such services.

2 (h) Public participation.

3 (1) The Agency shall develop guidance to assist RA's in
4 the implementation of a community relations plan to address
5 activity at sites undergoing remedial action pursuant to
6 this Title.

7 (2) The RA may elect to enter into a services agreement
8 with the Agency for Agency assistance in community outreach
9 efforts.

10 (3) The Agency shall maintain a registry listing those
11 sites undergoing remedial action pursuant to this Title.

12 (4) Notwithstanding any provisions of this Section,
13 the RA of a site undergoing remedial activity pursuant to
14 this Title may elect to initiate a community outreach
15 effort for the site.

16 (Source: P.A. 92-574, eff. 6-26-02; 92-735, eff. 7-25-02;
17 revised 9-9-02.)

18 Section 425. The Gasoline Storage Act is amended by
19 changing Section 2 as follows:

20 (430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

21 Sec. 2. Jurisdiction; regulation of tanks.

22 (1) (a) Except as otherwise provided in this Act, the
23 jurisdiction of the Office of the State Fire Marshal under this
24 Act shall be concurrent with that of municipalities and other
25 political subdivisions. The Office of the State Fire Marshal
26 has power to promulgate, pursuant to the Illinois
27 Administrative Procedure Act, reasonable rules and regulations
28 governing the keeping, storage, transportation, sale or use of
29 gasoline and volatile oils. Nothing in this Act shall relieve
30 any person, corporation, or other entity from complying with
31 any zoning ordinance of a municipality or home rule unit
32 enacted pursuant to Section 11-13-1 of the Illinois Municipal
33 Code or any ordinance enacted pursuant to Section 11-8-4 of the
34 Illinois Municipal Code.

1 (b) The rulemaking power shall include the power to
2 promulgate rules providing for the issuance and revocation of
3 permits allowing the self service dispensing of motor fuels as
4 such term is defined in the Motor Fuel Tax Law in retail
5 service stations or any other place of business where motor
6 fuels are dispensed into the fuel tanks of motor vehicles,
7 internal combustion engines or portable containers. Such rules
8 shall specify the requirements that must be met both prior and
9 subsequent to the issuance of such permits in order to insure
10 the safety and welfare of the general public. The operation of
11 such service stations without a permit shall be unlawful. The
12 Office of the State Fire Marshal shall revoke such permit if
13 the self service operation of such a service station is found
14 to pose a significant risk to the safety and welfare of the
15 general public.

16 (c) However, except in any county with a population of
17 1,000,000 or more, the Office of the State Fire Marshal shall
18 not have the authority to prohibit the operation of a service
19 station solely on the basis that it is an unattended
20 self-service station which utilizes key or card operated
21 self-service motor fuel dispensing devices. Nothing in this
22 paragraph shall prohibit the Office of the State Fire Marshal
23 from adopting reasonable rules and regulations governing the
24 safety of self-service motor fuel dispensing devices.

25 (d) The State Fire Marshal shall not prohibit the
26 dispensing or delivery of flammable or combustible motor
27 vehicle fuels directly into the fuel tanks of vehicles from
28 tank trucks, tank wagons, or other portable tanks. The State
29 Fire Marshal shall adopt rules (i) for the issuance of permits
30 for the dispensing of motor vehicle fuels in the manner
31 described in this paragraph (d), (ii) that establish fees for
32 permits and inspections, and provide for those fees to be
33 deposited into the Fire Prevention Fund, (iii) that require the
34 dispensing of motor fuel in the manner described in this
35 paragraph (d) to meet conditions consistent with nationally
36 recognized standards such as those of the National Fire

1 Protection Association, and (iv) that restrict the dispensing
2 of motor vehicle fuels in the manner described in this
3 paragraph (d) to the following:

4 (A) agriculture sites for agricultural purposes,

5 (B) construction sites for refueling construction
6 equipment used at the construction site,

7 (C) sites used for the parking, operation, or
8 maintenance of a commercial vehicle fleet, but only if the
9 site is located in a county with 3,000,000 or more
10 inhabitants or a county contiguous to a county with
11 3,000,000 or more inhabitants and the site is not normally
12 accessible to the public, and

13 (D) sites used for the refueling of police, fire, or
14 emergency medical services vehicles or other vehicles that
15 are owned, leased, or operated by (or operated under
16 contract with) the State, a unit of local government, or a
17 school district, or any agency of the State and that are
18 not normally accessible to the public.

19 (2) (a) The Office of the State Fire Marshal shall adopt
20 rules and regulations regarding underground storage tanks and
21 associated piping and no municipality or other political
22 subdivision shall adopt or enforce any ordinances or
23 regulations regarding such underground tanks and piping other
24 than those which are identical to the rules and regulations of
25 the Office of the State Fire Marshal. It is declared to be the
26 law of this State, pursuant to paragraphs (h) and (i) of
27 Section 6 of Article VII of the Illinois Constitution, that the
28 establishment and enforcement of standards regarding
29 underground storage tanks and associated piping within the
30 jurisdiction of the Office of the State Fire Marshal is an
31 exclusive State function which may not be exercised
32 concurrently by a home rule unit except as expressly permitted
33 in this Act.

34 (b) The Office of the State Fire Marshal may enter into
35 written contracts with municipalities of over 500,000 in
36 population to enforce the rules and regulations adopted under

1 this subsection.

2 (3) (a) The Office of the State Fire Marshal shall have
3 authority over underground storage tanks which contain, have
4 contained, or are designed to contain petroleum, hazardous
5 substances and regulated substances as those terms are used in
6 Subtitle I of the Hazardous and Solid Waste Amendments of 1984
7 (P.L. 98-616), as amended by the Superfund Amendments and
8 Reauthorization Act of 1986 (P.L. 99-499). The Office shall
9 have the power with regard to underground storage tanks to
10 require any person who tests, installs, repairs, replaces,
11 relines, or removes any underground storage tank system
12 containing, formerly containing, or which is designed to
13 contain petroleum or other regulated substances, to obtain a
14 permit to install, repair, replace, reline, or remove the
15 particular tank system, and to pay a fee set by the Office for
16 a permit to install, repair, replace, reline, upgrade, test, or
17 remove any portion of an underground storage tank system. All
18 persons who do repairs above grade level for themselves need
19 not pay a fee or be certified. All fees received by the Office
20 from certification and permits shall be deposited in the Fire
21 Prevention Fund for the exclusive use of the Office in
22 administering the Underground Storage Tank program.

23 (b) (i) Within 120 days after the promulgation of
24 regulations or amendments thereto by the Administrator of the
25 United States Environmental Protection Agency to implement
26 Section 9003 of Subtitle I of the Hazardous and Solid Waste
27 Amendments of 1984 (P.L. 98-616) of the Resource Conservation
28 and Recovery Act of 1976 (P.L. 94-580 ~~95-580~~), as amended, the
29 Office of the State Fire Marshal shall adopt regulations or
30 amendments thereto which are identical in substance. The
31 rulemaking provisions of Section 5-35 of the Illinois
32 Administrative Procedure Act shall not apply to regulations or
33 amendments thereto adopted pursuant to this subparagraph (i).

34 (ii) The Office of the State Fire Marshal may adopt
35 additional regulations relating to an underground storage tank
36 program that are not inconsistent with and at least as

1 stringent as Section 9003 of Subtitle I of the Hazardous and
2 Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource
3 Conservation and Recovery Act of 1976 (P.L. 94-580), as
4 amended, or regulations adopted thereunder. Except as provided
5 otherwise in subparagraph (i) of this paragraph (b), the Office
6 of the State Fire Marshal shall not adopt regulations relating
7 to corrective action at underground storage tanks. Regulations
8 adopted pursuant to this subsection shall be adopted in
9 accordance with the procedures for rulemaking in Section 5-35
10 of the Illinois Administrative Procedure Act.

11 (c) The Office of the State Fire Marshal shall require any
12 person, corporation or other entity who tests an underground
13 tank or its piping or cathodic protection for another to report
14 the results of such test to the Office.

15 (d) In accordance with constitutional limitations, the
16 Office shall have authority to enter at all reasonable times
17 upon any private or public property for the purpose of:

18 (i) Inspecting and investigating to ascertain possible
19 violations of this Act, of regulations thereunder or of
20 permits or terms or conditions thereof; or

21 (ii) In accordance with the provisions of this Act,
22 taking whatever emergency action, that is necessary or
23 appropriate, to assure that the public health or safety is
24 not threatened whenever there is a release or a substantial
25 threat of a release of petroleum or a regulated substance
26 from an underground storage tank.

27 (e) The Office of the State Fire Marshal may issue an
28 Administrative Order to any person who it reasonably believes
29 has violated the rules and regulations governing underground
30 storage tanks, including the installation, repair, leak
31 detection, cathodic protection tank testing, removal or
32 release notification. Such an order shall be served by
33 registered or certified mail or in person. Any person served
34 with such an order may appeal such order by submitting in
35 writing any such appeal to the Office within 10 days of the
36 date of receipt of such order. The Office shall conduct an

1 administrative hearing governed by the Illinois Administrative
2 Procedure Act and enter an order to sustain, modify or revoke
3 such order. Any appeal from such order shall be to the circuit
4 court of the county in which the violation took place and shall
5 be governed by the Administrative Review Law.

6 (f) The Office of the State Fire Marshal shall not require
7 the removal of an underground tank system taken out of
8 operation before January 2, 1974, except in the case in which
9 the office of the State Fire Marshal has determined that a
10 release from the underground tank system poses a current or
11 potential threat to human health and the environment. In that
12 case, and upon receipt of an Order from the Office of the State
13 Fire Marshal, the owner or operator of the nonoperational
14 underground tank system shall assess the excavation zone and
15 close the system in accordance with regulations promulgated by
16 the Office of the State Fire Marshal.

17 (4) (a) The Office of the State Fire Marshal shall adopt
18 rules and regulations regarding aboveground storage tanks and
19 associated piping and no municipality or other political
20 subdivision shall adopt or enforce any ordinances or
21 regulations regarding such aboveground tanks and piping other
22 than those which are identical to the rules and regulations of
23 the Office of the State Fire Marshal unless, in the interest of
24 fire safety, the Office of the State Fire Marshal delegates
25 such authority to municipalities, political subdivisions or
26 home rule units. It is declared to be the law of this State,
27 pursuant to paragraphs (h) and (i) of Section 6 of Article VII
28 of the Illinois Constitution, that the establishment of
29 standards regarding aboveground storage tanks and associated
30 piping within the jurisdiction of the Office of the State Fire
31 Marshal is an exclusive State function which may not be
32 exercised concurrently by a home rule unit except as expressly
33 permitted in this Act.

34 (b) The Office of the State Fire Marshal shall enforce its
35 rules and regulations concerning aboveground storage tanks and
36 associated piping; however, municipalities may enforce any of

1 their zoning ordinances or zoning regulations regarding
2 aboveground tanks. The Office of the State Fire Marshal may
3 issue an administrative order to any owner of an aboveground
4 storage tank and associated piping it reasonably believes to be
5 in violation of such rules and regulations to remedy or remove
6 any such violation. Such an order shall be served by registered
7 or certified mail or in person. Any person served with such an
8 order may appeal such order by submitting in writing any such
9 appeal to the Office within 10 days of the date of receipt of
10 such order. The Office shall conduct an administrative hearing
11 governed by the Illinois Administrative Procedure Act and enter
12 an order to sustain, modify or revoke such order. Any appeal
13 from such order shall be to the circuit court of the county in
14 which the violation took place and shall be governed by the
15 Administrative Review Law.

16 (Source: P.A. 91-851, eff. 1-1-01; 92-618, eff. 7-11-02;
17 revised 10-9-03.)

18 Section 430. The Animal Control Act is amended by changing
19 Section 10 as follows:

20 (510 ILCS 5/10) (from Ch. 8, par. 360)

21 Sec. 10. Impoundment; redemption. When dogs or cats are
22 apprehended and impounded by the Administrator, they must be
23 scanned for the presence of a microchip. The Administrator
24 shall make every reasonable attempt to contact the owner as
25 soon as possible. The Administrator shall give notice of not
26 less than 7 business days to the owner prior to disposal of the
27 animal. Such notice shall be mailed to the last known address
28 of the owner. Testimony of the Administrator, or his or her
29 authorized agent, who mails such notice shall be evidence of
30 the receipt of such notice by the owner of the animal.

31 In case the owner of any impounded dog or cat desires to
32 make redemption thereof, he or she may do so by doing ~~on~~ the
33 following ~~conditions~~:

34 a. presenting ~~present~~ proof of current rabies

- 1 inoculation ~~and registration, if applicable;~~ ~~or~~
- 2 b. paying ~~pay~~ for the rabies inoculation of the dog or
- 3 cat ~~and registration, if applicable;~~ ~~and~~
- 4 c. paying ~~pay~~ the pound for the board of the dog or cat
- 5 for the period it was impounded;~~;~~
- 6 d. paying ~~pay~~ into the Animal Control Fund an
- 7 additional impoundment fee as prescribed by the Board as a
- 8 penalty for the first offense and for each subsequent
- 9 offense; and
- 10 e. paying ~~pay~~ for microchipping and registration if not
- 11 already done.

12 Animal control facilities that are open to the public 7

13 days per week for animal reclamation are exempt from the

14 business day requirement.

15 The payments required for redemption under this Section

16 shall be in addition to any other penalties invoked under this

17 Act.

18 (Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)

19 Section 435. The Humane Care for Animals Act is amended by

20 changing Section 4.01 as follows:

21 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

22 Sec. 4.01. Animals in entertainment. This Section does not

23 apply when the only animals involved are dogs. (Section 26-5 of

24 the Criminal Code of 1961, rather than this Section, applies

25 when the only animals involved are dogs.)

26 (a) No person may own, capture, breed, train, or lease any

27 animal which he or she knows or should know is intended for use

28 in any show, exhibition, program, or other activity featuring

29 or otherwise involving a fight between such animal and any

30 other animal or human, or the intentional killing of any animal

31 for the purpose of sport, wagering, or entertainment.

32 (b) No person shall promote, conduct, carry on, advertise,

33 collect money for or in any other manner assist or aid in the

34 presentation for purposes of sport, wagering, or

1 entertainment, any show, exhibition, program, or other
2 activity involving a fight between 2 or more animals or any
3 animal and human, or the intentional killing of any animal.

4 (c) No person shall sell or offer for sale, ship,
5 transport, or otherwise move, or deliver or receive any animal
6 which he or she knows or should know has been captured, bred,
7 or trained, or will be used, to fight another animal or human
8 or be intentionally killed, for the purpose of sport, wagering,
9 or entertainment.

10 (d) No person shall manufacture for sale, shipment,
11 transportation or delivery any device or equipment which that
12 person knows or should know is intended for use in any show,
13 exhibition, program, or other activity featuring or otherwise
14 involving a fight between 2 or more animals, or any human and
15 animal, or the intentional killing of any animal for purposes
16 of sport, wagering or entertainment.

17 (e) No person shall own, possess, sell or offer for sale,
18 ship, transport, or otherwise move any equipment or device
19 which such person knows or should know is intended for use in
20 connection with any show, exhibition, program, or activity
21 featuring or otherwise involving a fight between 2 or more
22 animals, or any animal and human, or the intentional killing of
23 any animal for purposes of sport, wagering or entertainment.

24 (f) No person shall make available any site, structure, or
25 facility, whether enclosed or not, which he or she knows or
26 should know is intended to be used for the purpose of
27 conducting any show, exhibition, program, or other activity
28 involving a fight between 2 or more animals, or any animal and
29 human, or the intentional killing of any animal.

30 (g) No person shall attend or otherwise patronize any show,
31 exhibition, program, or other activity featuring or otherwise
32 involving a fight between 2 or more animals, or any animal and
33 human, or the intentional killing of any animal for the
34 purposes of sport, wagering or entertainment.

35 (h) (Blank).

36 (i) Any animals or equipment involved in a violation of

1 this Section shall be immediately seized and impounded under
2 Section 12 by the Department when located at any show,
3 exhibition, program, or other activity featuring or otherwise
4 involving an animal fight for the purposes of sport, wagering,
5 or entertainment.

6 (j) Any vehicle or conveyance other than a common carrier
7 that is used in violation of this Section shall be seized,
8 held, and offered for sale at public auction by the sheriff's
9 department of the proper jurisdiction, and the proceeds from
10 the sale shall be remitted to the general fund of the county
11 where the violation took place.

12 (k) Any veterinarian in this State who is presented with an
13 animal for treatment of injuries or wounds resulting from
14 fighting where there is a reasonable possibility that the
15 animal was engaged in or utilized for a fighting event for the
16 purposes of sport, wagering, or entertainment shall file a
17 report with the Department and cooperate by furnishing the
18 owners' names, dates, and descriptions of the animal or animals
19 involved. Any veterinarian who in good faith complies with the
20 requirements of this subsection has immunity from any
21 liability, civil, criminal, or otherwise, that may result from
22 his or her actions. For the purposes of any proceedings, civil
23 or criminal, the good faith of the veterinarian shall be
24 rebuttably presumed.

25 (l) No person shall solicit a minor to violate this
26 Section.

27 (m) The penalties for violations of this Section shall be
28 as follows:

29 (1) A person convicted of violating subsection (a),
30 (b), or (c) of this Section or any rule, regulation, or
31 order of the Department pursuant thereto is guilty of a
32 Class A misdemeanor for the first offense. A second or
33 subsequent offense involving the violation of subsection
34 (a), (b), or (c) of this Section or any rule, regulation,
35 or order of the Department pursuant thereto is a Class 4
36 felony.

1 (2) A person convicted of violating subsection (d),
2 (e), or (f) of this Section or any rule, regulation, or
3 order of the Department pursuant thereto is guilty of a
4 Class A misdemeanor for the first offense. A second or
5 subsequent violation is a Class 4 felony.

6 (3) A person convicted of violating subsection (g) of
7 this Section or any rule, regulation, or order of the
8 Department pursuant thereto is guilty of a Class C
9 misdemeanor.

10 (4) A person convicted of violating subsection (l) of
11 this Section is guilty of a Class A misdemeanor.

12 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
13 eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

14 Section 440. The Wildlife Code is amended by changing
15 Section 2.25 as follows:

16 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

17 Sec. 2.25. It shall be unlawful for any person to take deer
18 except (i) with a shotgun, handgun, or muzzleloading rifle or
19 (ii) as provided by administrative rule, with a bow and arrow,
20 or crossbow device for handicapped persons as defined in
21 Section 2.33, during the open season of not more than 14 days
22 which will be set annually by the Director between the dates of
23 November 1st and December 31st, both inclusive. For the
24 purposes of this Section, legal handguns include any centerfire
25 handguns of .30 caliber or larger with a minimum barrel length
26 of 4 inches. The only legal ammunition for a centerfire handgun
27 is a cartridge of .30 caliber or larger with a capability of at
28 least 500 foot pounds of energy at the muzzle. Full metal
29 jacket bullets may not be used to harvest deer.

30 The Department shall make administrative rules concerning
31 management restrictions applicable to the firearm and bow and
32 arrow season.

33 It shall be unlawful for any person to take deer except
34 with a bow and arrow, or crossbow device for handicapped

1 persons (as defined in Section 2.33), during the open season
2 for bow and arrow set annually by the Director between the
3 dates of September 1st and January 31st, both inclusive.

4 It shall be unlawful for any person to take deer except
5 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
6 crossbow device for handicapped persons as defined in Section
7 2.33, during the open season for muzzleloading rifles set
8 annually by the Director.

9 The Director shall cause an administrative rule setting
10 forth the prescribed rules and regulations, including bag and
11 possession limits and those counties of the State where open
12 seasons are established, to be published in accordance with
13 Sections 1.3 and 1.13 of this Act.

14 The Department may establish separate harvest periods for
15 the purpose of managing or eradicating disease that has been
16 found in the deer herd. This season shall be restricted to gun
17 or bow and arrow hunting only. The Department shall publicly
18 announce, via statewide news release, the season dates and
19 shooting hours, the counties and sites open to hunting, permit
20 requirements, application dates, hunting rules, legal weapons,
21 and reporting requirements.

22 The Department is authorized to establish a separate
23 harvest period at specific sites within the State for the
24 purpose of harvesting surplus deer that cannot be taken during
25 the regular season provided for the taking of deer. This season
26 shall be restricted to gun or bow and arrow hunting only and
27 shall be established during the period of September 1st to
28 February 15th, both inclusive. The Department shall publish
29 suitable prescribed rules and regulations established by
30 administrative rule pertaining to management restrictions
31 applicable to this special harvest program.

32 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;
33 revised 9-15-03.)

34 Section 445. The Illinois Open Land Trust Act is amended by
35 changing Section 10 as follows:

1 (525 ILCS 33/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Conservation and recreation purposes" means activities
4 that are consistent with the protection and preservation of
5 open lands, natural areas, wetlands, prairies, forests,
6 watersheds, resource-rich areas, greenways, and fish and
7 wildlife habitats, including multiple use such as hunting,
8 fishing, trapping, and other recreational uses.

9 "Conservation easement" means a nonpossessory interest in
10 real property imposing limitations or affirmative obligations
11 the purposes of which include retaining or protecting natural,
12 scenic, or open-space values of real property, assuring its
13 availability for forest, recreational, or open-space use,
14 protecting natural resources, maintaining or enhancing air or
15 water quality, or preserving the natural, historical,
16 architectural, archaeological ~~archaeological~~, or cultural
17 aspects of real property. A conservation easement may be
18 released at any time by mutual consent of the parties.

19 "Department" means the Department of Natural Resources.

20 "Natural area" means an area of land that either retains or
21 has recovered to a substantial degree its original natural or
22 primeval character, though it need not be completely
23 undisturbed, or has floral, faunal, ecological, geological, or
24 archaeological features of scientific, educational, scenic, or
25 esthetic interest.

26 "Open space" means those undeveloped or minimally
27 developed lands that conserve and protect valuable natural
28 features or processes.

29 "Real property" means land, including improvements
30 existing on the land.

31 "Units of local government" means counties, townships,
32 municipalities, park districts, conservation districts, forest
33 preserve districts, river conservancy districts, and any other
34 units of local government empowered to expend public funds for
35 the acquisition and development of land for public outdoor

1 park, recreation, or conservation purposes.

2 (Source: P.A. 91-220, eff. 7-21-99; revised 10-9-03.)

3 Section 450. The Illinois Highway Code is amended by
4 changing Sections 5-701.2, 6-201.7, and 6-201.21 as follows:

5 (605 ILCS 5/5-701.2) (from Ch. 121, par. 5-701.2)

6 Sec. 5-701.2. Any county board, with the approval of the
7 Department, may also use motor fuel tax money allotted to it
8 for construction of State highways within the county.

9 (Source: Laws 1959, p. 196; revised 1-21-04.)

10 (605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

11 Sec. 6-201.7. Construct, maintain and repair and be
12 responsible for the construction, maintenance and repair of
13 roads within the district, let contracts, employ labor and
14 purchase material and machinery therefor, subject to the
15 limitations provided in this Code. Contracts, labor,
16 machinery, disposal, and incidental expenses related to
17 special services under Section 6-201.21 of this Code constitute
18 maintenance, for purposes of this Section.

19 Except for professional services, when the cost of
20 construction, materials, supplies, new machinery or equipment
21 exceeds \$10,000, the contract for such construction,
22 materials, supplies, machinery or equipment shall be let to the
23 lowest responsible bidder after advertising for bids at least
24 once, and at least 10 days prior to the time set for the
25 opening of such bids, in a newspaper published within the
26 township or road district, or, if no newspaper is published
27 within the township or road district then in one published
28 within the county, or, if no newspaper is published within the
29 county then in a newspaper having general circulation within
30 the township or road district, but, in case of an emergency,
31 such contract may be let without advertising for bids. For
32 purposes of this Section "new machinery or equipment" shall be
33 defined as that which has been previously untitled or that

1 which shows fewer than 200 hours on its operating clock and
2 that is accompanied by a new equipment manufacturer's warranty.
3 (Source: P.A. 92-268, eff. 1-1-02; 93-109, eff. 7-8-03; 93-164,
4 eff. 7-10-03; 93-610, eff. 11-18-03; revised 12-4-03.)

5 (605 ILCS 5/6-201.21)

6 Sec. 6-201.21. Special services; disaster relief. Subject
7 to Section 30-117 of the Township Code, the highway
8 commissioner has authority to provide for orderly collection
9 and disposal of brush and leaves that have been properly placed
10 for collection along the road district rights-of-way in
11 accordance with local guidelines in those townships or counties
12 that regulate by ordinance open burning of brush or leaves.
13 Further, the highway commissioner has authority to provide
14 necessary relief services following the occurrence of an event
15 that has been declared a disaster by State or local officials.
16 The highway commissioner has purchasing authority, subject to
17 Section 6-201.6, and contractual authority as defined in ~~of~~
18 Section 6-201.7 of this Code.

19 (Source: P.A. 93-109, eff. 7-8-03; 93-610, eff. 11-18-03;
20 revised 12-4-03.)

21 Section 455. The Illinois Vehicle Code is amended by
22 changing Sections 2-123, 3-412, 3-413, 3-621, 3-622, 3-625,
23 3-803, 3-815.1, 6-411, 6-500, 6-508, 11-501, 11-605, 11-1201,
24 11-1414, 15-111, and 18b-105 and setting forth and renumbering
25 multiple versions of Sections 3-648, 3-653, and 3-654 as
26 follows:

27 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

28 Sec. 2-123. Sale and Distribution of Information.

29 (a) Except as otherwise provided in this Section, the
30 Secretary may make the driver's license, vehicle and title
31 registration lists, in part or in whole, and any statistical
32 information derived from these lists available to local
33 governments, elected state officials, state educational

1 institutions, and all other governmental units of the State and
2 Federal Government requesting them for governmental purposes.
3 The Secretary shall require any such applicant for services to
4 pay for the costs of furnishing such services and the use of
5 the equipment involved, and in addition is empowered to
6 establish prices and charges for the services so furnished and
7 for the use of the electronic equipment utilized.

8 (b) The Secretary is further empowered to and he may, in
9 his discretion, furnish to any applicant, other than listed in
10 subsection (a) of this Section, vehicle or driver data on a
11 computer tape, disk, other electronic format or computer
12 processable medium, or printout at a fixed fee of \$250 for
13 orders received before October 1, 2003 and \$500 for orders
14 received on or after October 1, 2003, in advance, and require
15 in addition a further sufficient deposit based upon the
16 Secretary of State's estimate of the total cost of the
17 information requested and a charge of \$25 for orders received
18 before October 1, 2003 and \$50 for orders received on or after
19 October 1, 2003, per 1,000 units or part thereof identified or
20 the actual cost, whichever is greater. The Secretary is
21 authorized to refund any difference between the additional
22 deposit and the actual cost of the request. This service shall
23 not be in lieu of an abstract of a driver's record nor of a
24 title or registration search. This service may be limited to
25 entities purchasing a minimum number of records as required by
26 administrative rule. The information sold pursuant to this
27 subsection shall be the entire vehicle or driver data list, or
28 part thereof. The information sold pursuant to this subsection
29 shall not contain personally identifying information unless
30 the information is to be used for one of the purposes
31 identified in subsection (f-5) of this Section. Commercial
32 purchasers of driver and vehicle record databases shall enter
33 into a written agreement with the Secretary of State that
34 includes disclosure of the commercial use of the information to
35 be purchased.

36 (c) Secretary of State may issue registration lists. The

1 Secretary of State shall compile and publish, at least
2 annually, a list of all registered vehicles. Each list of
3 registered vehicles shall be arranged serially according to the
4 registration numbers assigned to registered vehicles and shall
5 contain in addition the names and addresses of registered
6 owners and a brief description of each vehicle including the
7 serial or other identifying number thereof. Such compilation
8 may be in such form as in the discretion of the Secretary of
9 State may seem best for the purposes intended.

10 (d) The Secretary of State shall furnish no more than 2
11 current available lists of such registrations to the sheriffs
12 of all counties and to the chiefs of police of all cities and
13 villages and towns of 2,000 population and over in this State
14 at no cost. Additional copies may be purchased by the sheriffs
15 or chiefs of police at the fee of \$500 each or at the cost of
16 producing the list as determined by the Secretary of State.
17 Such lists are to be used for governmental purposes only.

18 (e) (Blank).

19 (e-1) (Blank).

20 (f) The Secretary of State shall make a title or
21 registration search of the records of his office and a written
22 report on the same for any person, upon written application of
23 such person, accompanied by a fee of \$5 for each registration
24 or title search. The written application shall set forth the
25 intended use of the requested information. No fee shall be
26 charged for a title or registration search, or for the
27 certification thereof requested by a government agency. The
28 report of the title or registration search shall not contain
29 personally identifying information unless the request for a
30 search was made for one of the purposes identified in
31 subsection (f-5) of this Section.

32 The Secretary of State shall certify a title or
33 registration record upon written request. The fee for
34 certification shall be \$5 in addition to the fee required for a
35 title or registration search. Certification shall be made under
36 the signature of the Secretary of State and shall be

1 authenticated by Seal of the Secretary of State.

2 The Secretary of State may notify the vehicle owner or
3 registrant of the request for purchase of his title or
4 registration information as the Secretary deems appropriate.

5 No information shall be released to the requestor until
6 expiration of a 10 day period. This 10 day period shall not
7 apply to requests for information made by law enforcement
8 officials, government agencies, financial institutions,
9 attorneys, insurers, employers, automobile associated
10 businesses, persons licensed as a private detective or firms
11 licensed as a private detective agency under the Private
12 Detective, Private Alarm, Private Security, and Locksmith Act
13 of 2004, who are employed by or are acting on behalf of law
14 enforcement officials, government agencies, financial
15 institutions, attorneys, insurers, employers, automobile
16 associated businesses, and other business entities for
17 purposes consistent with the Illinois Vehicle Code, the vehicle
18 owner or registrant or other entities as the Secretary may
19 exempt by rule and regulation.

20 Any misrepresentation made by a requestor of title or
21 vehicle information shall be punishable as a petty offense,
22 except in the case of persons licensed as a private detective
23 or firms licensed as a private detective agency which shall be
24 subject to disciplinary sanctions under Section 40-10 of the
25 Private Detective, Private Alarm, Private Security, and
26 Locksmith Act of 2004.

27 (f-5) The Secretary of State shall not disclose or
28 otherwise make available to any person or entity any personally
29 identifying information obtained by the Secretary of State in
30 connection with a driver's license, vehicle, or title
31 registration record unless the information is disclosed for one
32 of the following purposes:

33 (1) For use by any government agency, including any
34 court or law enforcement agency, in carrying out its
35 functions, or any private person or entity acting on behalf
36 of a federal, State, or local agency in carrying out its

1 functions.

2 (2) For use in connection with matters of motor vehicle
3 or driver safety and theft; motor vehicle emissions; motor
4 vehicle product alterations, recalls, or advisories;
5 performance monitoring of motor vehicles, motor vehicle
6 parts, and dealers; and removal of non-owner records from
7 the original owner records of motor vehicle manufacturers.

8 (3) For use in the normal course of business by a
9 legitimate business or its agents, employees, or
10 contractors, but only:

11 (A) to verify the accuracy of personal information
12 submitted by an individual to the business or its
13 agents, employees, or contractors; and

14 (B) if such information as so submitted is not
15 correct or is no longer correct, to obtain the correct
16 information, but only for the purposes of preventing
17 fraud by, pursuing legal remedies against, or
18 recovering on a debt or security interest against, the
19 individual.

20 (4) For use in research activities and for use in
21 producing statistical reports, if the personally
22 identifying information is not published, redisclosed, or
23 used to contact individuals.

24 (5) For use in connection with any civil, criminal,
25 administrative, or arbitral proceeding in any federal,
26 State, or local court or agency or before any
27 self-regulatory body, including the service of process,
28 investigation in anticipation of litigation, and the
29 execution or enforcement of judgments and orders, or
30 pursuant to an order of a federal, State, or local court.

31 (6) For use by any insurer or insurance support
32 organization or by a self-insured entity or its agents,
33 employees, or contractors in connection with claims
34 investigation activities, antifraud activities, rating, or
35 underwriting.

36 (7) For use in providing notice to the owners of towed

1 or impounded vehicles.

2 (8) For use by any private investigative agency or
3 security service licensed in Illinois for any purpose
4 permitted under this subsection.

5 (9) For use by an employer or its agent or insurer to
6 obtain or verify information relating to a holder of a
7 commercial driver's license that is required under chapter
8 313 of title 49 of the United States Code.

9 (10) For use in connection with the operation of
10 private toll transportation facilities.

11 (11) For use by any requester, if the requester
12 demonstrates it has obtained the written consent of the
13 individual to whom the information pertains.

14 (12) For use by members of the news media, as defined
15 in Section 1-148.5, for the purpose of newsgathering when
16 the request relates to the operation of a motor vehicle or
17 public safety.

18 (13) For any other use specifically authorized by law,
19 if that use is related to the operation of a motor vehicle
20 or public safety.

21 (g) 1. The Secretary of State may, upon receipt of a
22 written request and a fee of \$6 before October 1, 2003 and
23 a fee of \$12 on and after October 1, 2003, furnish to the
24 person or agency so requesting a driver's record. Such
25 document may include a record of: current driver's license
26 issuance information, except that the information on
27 judicial driving permits shall be available only as
28 otherwise provided by this Code; convictions; orders
29 entered revoking, suspending or cancelling a driver's
30 license or privilege; and notations of accident
31 involvement. All other information, unless otherwise
32 permitted by this Code, shall remain confidential.
33 Information released pursuant to a request for a driver's
34 record shall not contain personally identifying
35 information, unless the request for the driver's record was
36 made for one of the purposes set forth in subsection (f-5)

1 of this Section.

2 2. The Secretary of State may certify an abstract of a
3 driver's record upon written request therefor. Such
4 certification shall be made under the signature of the
5 Secretary of State and shall be authenticated by the Seal
6 of his office.

7 3. All requests for driving record information shall be
8 made in a manner prescribed by the Secretary and shall set
9 forth the intended use of the requested information.

10 The Secretary of State may notify the affected driver
11 of the request for purchase of his driver's record as the
12 Secretary deems appropriate.

13 No information shall be released to the requester until
14 expiration of a 10 day period. This 10 day period shall not
15 apply to requests for information made by law enforcement
16 officials, government agencies, financial institutions,
17 attorneys, insurers, employers, automobile associated
18 businesses, persons licensed as a private detective or
19 firms licensed as a private detective agency under the
20 Private Detective, Private Alarm, Private Security, and
21 Locksmith Act of 2004, who are employed by or are acting on
22 behalf of law enforcement officials, government agencies,
23 financial institutions, attorneys, insurers, employers,
24 automobile associated businesses, and other business
25 entities for purposes consistent with the Illinois Vehicle
26 Code, the affected driver or other entities as the
27 Secretary may exempt by rule and regulation.

28 Any misrepresentation made by a requestor of driver
29 information shall be punishable as a petty offense, except
30 in the case of persons licensed as a private detective or
31 firms licensed as a private detective agency which shall be
32 subject to disciplinary sanctions under Section 40-10 of
33 the Private Detective, Private Alarm, Private Security,
34 and Locksmith Act of 2004.

35 4. The Secretary of State may furnish without fee, upon
36 the written request of a law enforcement agency, any

1 information from a driver's record on file with the
2 Secretary of State when such information is required in the
3 enforcement of this Code or any other law relating to the
4 operation of motor vehicles, including records of
5 dispositions; documented information involving the use of
6 a motor vehicle; whether such individual has, or previously
7 had, a driver's license; and the address and personal
8 description as reflected on said driver's record.

9 5. Except as otherwise provided in this Section, the
10 Secretary of State may furnish, without fee, information
11 from an individual driver's record on file, if a written
12 request therefor is submitted by any public transit system
13 or authority, public defender, law enforcement agency, a
14 state or federal agency, or an Illinois local
15 intergovernmental association, if the request is for the
16 purpose of a background check of applicants for employment
17 with the requesting agency, or for the purpose of an
18 official investigation conducted by the agency, or to
19 determine a current address for the driver so public funds
20 can be recovered or paid to the driver, or for any other
21 purpose set forth in subsection (f-5) of this Section.

22 The Secretary may also furnish the courts a copy of an
23 abstract of a driver's record, without fee, subsequent to
24 an arrest for a violation of Section 11-501 or a similar
25 provision of a local ordinance. Such abstract may include
26 records of dispositions; documented information involving
27 the use of a motor vehicle as contained in the current
28 file; whether such individual has, or previously had, a
29 driver's license; and the address and personal description
30 as reflected on said driver's record.

31 6. Any certified abstract issued by the Secretary of
32 State or transmitted electronically by the Secretary of
33 State pursuant to this Section, to a court or on request of
34 a law enforcement agency, for the record of a named person
35 as to the status of the person's driver's license shall be
36 prima facie evidence of the facts therein stated and if the

1 name appearing in such abstract is the same as that of a
2 person named in an information or warrant, such abstract
3 shall be prima facie evidence that the person named in such
4 information or warrant is the same person as the person
5 named in such abstract and shall be admissible for any
6 prosecution under this Code and be admitted as proof of any
7 prior conviction or proof of records, notices, or orders
8 recorded on individual driving records maintained by the
9 Secretary of State.

10 7. Subject to any restrictions contained in the
11 Juvenile Court Act of 1987, and upon receipt of a proper
12 request and a fee of \$6 before October 1, 2003 and a fee of
13 \$12 on or after October 1, 2003, the Secretary of State
14 shall provide a driver's record to the affected driver, or
15 the affected driver's attorney, upon verification. Such
16 record shall contain all the information referred to in
17 paragraph 1 of this subsection (g) plus: any recorded
18 accident involvement as a driver; information recorded
19 pursuant to subsection (e) of Section 6-117 and paragraph
20 (4) of subsection (a) of Section 6-204 of this Code. All
21 other information, unless otherwise permitted by this
22 Code, shall remain confidential.

23 (h) The Secretary shall not disclose social security
24 numbers except pursuant to a written request by, or with the
25 prior written consent of, the individual except: (1) to
26 officers and employees of the Secretary who have a need to know
27 the social security numbers in performance of their official
28 duties, (2) to law enforcement officials for a lawful, civil or
29 criminal law enforcement investigation, and if the head of the
30 law enforcement agency has made a written request to the
31 Secretary specifying the law enforcement investigation for
32 which the social security numbers are being sought, (3) to the
33 United States Department of Transportation, or any other State,
34 pursuant to the administration and enforcement of the
35 Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to
36 the order of a court of competent jurisdiction, or (5) to the

1 Department of Public Aid for utilization in the child support
2 enforcement duties assigned to that Department under
3 provisions of the Public Aid Code after the individual has
4 received advanced meaningful notification of what redisclosure
5 is sought by the Secretary in accordance with the federal
6 Privacy Act.

7 (i) (Blank).

8 (j) Medical statements or medical reports received in the
9 Secretary of State's Office shall be confidential. No
10 confidential information may be open to public inspection or
11 the contents disclosed to anyone, except officers and employees
12 of the Secretary who have a need to know the information
13 contained in the medical reports and the Driver License Medical
14 Advisory Board, unless so directed by an order of a court of
15 competent jurisdiction.

16 (k) All fees collected under this Section shall be paid
17 into the Road Fund of the State Treasury, except that (i) for
18 fees collected before October 1, 2003, \$3 of the \$6 fee for a
19 driver's record shall be paid into the Secretary of State
20 Special Services Fund, (ii) for fees collected on and after
21 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
22 be paid into the Secretary of State Special Services Fund and
23 \$6 shall be paid into the General Revenue Fund, and (iii) for
24 fees collected on and after October 1, 2003, 50% of the amounts
25 collected pursuant to subsection (b) shall be paid into the
26 General Revenue Fund.

27 (l) (Blank).

28 (m) Notations of accident involvement that may be disclosed
29 under this Section shall not include notations relating to
30 damage to a vehicle or other property being transported by a
31 tow truck. This information shall remain confidential,
32 provided that nothing in this subsection (m) shall limit
33 disclosure of any notification of accident involvement to any
34 law enforcement agency or official.

35 (n) Requests made by the news media for driver's license,
36 vehicle, or title registration information may be furnished

1 without charge or at a reduced charge, as determined by the
2 Secretary, when the specific purpose for requesting the
3 documents is deemed to be in the public interest. Waiver or
4 reduction of the fee is in the public interest if the principal
5 purpose of the request is to access and disseminate information
6 regarding the health, safety, and welfare or the legal rights
7 of the general public and is not for the principal purpose of
8 gaining a personal or commercial benefit. The information
9 provided pursuant to this subsection shall not contain
10 personally identifying information unless the information is
11 to be used for one of the purposes identified in subsection
12 (f-5) of this Section.

13 (o) The redisclosure of personally identifying information
14 obtained pursuant to this Section is prohibited, except to the
15 extent necessary to effectuate the purpose for which the
16 original disclosure of the information was permitted.

17 (p) The Secretary of State is empowered to adopt rules to
18 effectuate this Section.

19 (Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32,
20 eff. 7-1-03; 93-438, eff. 8-5-03; revised 9-23-03.)

21 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

22 Sec. 3-412. Registration plates and registration stickers
23 to be furnished by the Secretary of State.

24 (a) The Secretary of State upon registering a vehicle
25 subject to annual registration for the first time shall issue
26 or shall cause to be issued to the owner one registration plate
27 for a motorcycle, trailer, semitrailer, motorized pedalcycle
28 or truck-tractor, 2 registration plates for other motor
29 vehicles and, where applicable, current registration stickers
30 for motor vehicles of the first division. The provisions of
31 this Section may be made applicable to such vehicles of the
32 second division, as the Secretary of State may, from time to
33 time, in his discretion designate. On subsequent annual
34 registrations during the term of the registration plate as
35 provided in Section 3-414.1, the Secretary shall issue or cause

1 to be issued registration stickers as evidence of current
2 registration. However, the issuance of annual registration
3 stickers to vehicles registered under the provisions of
4 Sections 3-402.1 and 3-405.3 of this Code may not be required
5 if the Secretary deems the issuance unnecessary.

6 (b) Every registration plate shall have displayed upon it
7 the registration number assigned to the vehicle for which it is
8 issued, the name of this State, which may be abbreviated, the
9 year number for which it was issued, which may be abbreviated,
10 the phrase "Land of Lincoln" (except as otherwise provided in
11 this Code ~~Chapter 3~~), and such other letters or numbers as the
12 Secretary may prescribe. However, for apportionment plates
13 issued to vehicles registered under Section 3-402.1 and fleet
14 plates issued to vehicles registered under Section 3-405.3, the
15 phrase "Land of Lincoln" may be omitted to allow for the word
16 "apportioned", the word "fleet", or other similar language to
17 be displayed. Registration plates issued to a vehicle
18 registered as a fleet vehicle may display a designation
19 determined by the Secretary.

20 The Secretary may in his discretion prescribe that letters
21 be used as prefixes only on registration plates issued to
22 vehicles of the first division which are registered under this
23 Code and only as suffixes on registration plates issued to
24 other vehicles. Every registration sticker issued as evidence
25 of current registration shall designate the year number for
26 which it is issued and such other letters or numbers as the
27 Secretary may prescribe and shall be of a contrasting color
28 with the registration plates and registration stickers of the
29 previous year.

30 (c) Each registration plate and the required letters and
31 numerals thereon, except the year number for which issued,
32 shall be of sufficient size to be plainly readable from a
33 distance of 100 feet during daylight, and shall be coated with
34 reflectorizing material. The dimensions of the plate issued to
35 vehicles of the first division shall be 6 by 12 inches.

36 (d) The Secretary of State shall issue for every passenger

1 motor vehicle rented without a driver the same type of
2 registration plates as the type of plates issued for a private
3 passenger vehicle.

4 (e) The Secretary of State shall issue for every passenger
5 car used as a taxicab or livery, distinctive registration
6 plates.

7 (f) The Secretary of State shall issue for every motorcycle
8 distinctive registration plates distinguishing between
9 motorcycles having 150 or more cubic centimeters piston
10 displacement, or having less than 150 cubic centimeter piston
11 displacement.

12 (g) Registration plates issued to vehicles for-hire may
13 display a designation as determined by the Secretary that such
14 vehicles are for-hire.

15 (h) The Secretary of State shall issue for each electric
16 vehicle distinctive registration plates which shall
17 distinguish between electric vehicles having a maximum
18 operating speed of 45 miles per hour or more and those having a
19 maximum operating speed of less than 45 miles per hour.

20 (i) The Secretary of State shall issue for every public and
21 private ambulance registration plates identifying the vehicle
22 as an ambulance. The Secretary shall forward to the Department
23 of Public Aid registration information for the purpose of
24 verification of claims filed with the Department by ambulance
25 owners for payment for services to public assistance
26 recipients.

27 (j) The Secretary of State shall issue for every public and
28 private medical carrier or rescue vehicle livery registration
29 plates displaying numbers within ranges of numbers reserved
30 respectively for medical carriers and rescue vehicles. The
31 Secretary shall forward to the Department of Public Aid
32 registration information for the purpose of verification of
33 claims filed with the Department by owners of medical carriers
34 or rescue vehicles for payment for services to public
35 assistance recipients.

36 (Source: P.A. 92-629, eff. 7-1-03; 92-651, eff. 7-11-02;

1 revised 9-27-03.)

2 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

3 Sec. 3-413. Display of registration plates, registration
4 stickers and drive-away permits.

5 (a) Registration plates issued for a motor vehicle other
6 than a motorcycle, trailer, semitrailer, truck-tractor,
7 apportioned bus, or apportioned truck shall be attached
8 thereto, one in the front and one in the rear. The registration
9 plate issued for a motorcycle, trailer or semitrailer required
10 to be registered hereunder and any apportionment plate issued
11 to a bus under the provisions of this Code shall be attached to
12 the rear thereof. The registration plate issued for a
13 truck-tractor or an apportioned truck required to be registered
14 hereunder shall be attached to the front thereof.

15 (b) Every registration plate shall at all times be securely
16 fastened in a horizontal position to the vehicle for which it
17 is issued so as to prevent the plate from swinging and at a
18 height of not less than 5 inches from the ground, measuring
19 from the bottom of such plate, in a place and position to be
20 clearly visible and shall be maintained in a condition to be
21 clearly legible, free from any materials that would obstruct
22 the visibility of the plate, including, but not limited to,
23 glass covers and tinted plastic covers. Clear plastic covers
24 are permissible as long as they remain clear and do not
25 obstruct the visibility of the plates. Registration stickers
26 issued as evidence of renewed annual registration shall be
27 attached to registration plates as required by the Secretary of
28 State, and be clearly visible at all times.

29 (c) Every drive-away permit issued pursuant to this Code
30 shall be firmly attached to the motor vehicle in the manner
31 prescribed by the Secretary of State. If a drive-away permit is
32 affixed to a motor vehicle in any other manner the permit shall
33 be void and of no effect.

34 (d) The Illinois prorated decal issued to a foreign
35 registered vehicle part of a fleet prorated or apportioned with

1 Illinois, shall be displayed on a registration plate and
2 displayed on the front of such vehicle in the same manner as an
3 Illinois registration plate.

4 (e) The registration plate issued for a camper body mounted
5 on a truck displaying registration plates shall be attached to
6 the rear of the camper body.

7 (f) No person shall operate a vehicle, nor permit the
8 operation of a vehicle, upon which is displayed an Illinois
9 registration plate, plates or registration stickers after the
10 termination of the registration period for which issued or
11 after the expiration date set pursuant to Sections 3-414 and
12 3-414.1 of this Code.

13 (Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02;
14 revised 10-2-02.)

15 (625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

16 Sec. 3-621. The Secretary, upon receipt of an application,
17 made in the form prescribed by the Secretary of State, may
18 issue to members of the Illinois National Guard, and to
19 Illinois residents who are either former members of the
20 Illinois National Guard or the surviving spouses of Illinois
21 National Guard members, special registration plates. The
22 special plates issued pursuant to this Section shall be affixed
23 only to passenger vehicles of the first division, motorcycles,
24 or motor vehicles of the second division weighing not more than
25 8,000 pounds subject to the staggered registration system.

26 The design and color of such plates shall be wholly within
27 the discretion of the Secretary of State.

28 (Source: P.A. 92-545, eff. 6-12-02; 92-699, 1-1-03; revised
29 8-23-02.)

30 (625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

31 Sec. 3-622. The Secretary, upon receipt of an application
32 made in the form prescribed by the Secretary of State, may
33 issue to members of the United States Armed Forces Reserves who
34 reside in Illinois, and to Illinois residents who are either

1 former members of the United States Armed Forces Reserves or
2 the surviving spouses of United States Armed Forces Reserve
3 members who resided in Illinois, special registration plates.
4 The special plates issued pursuant to this Section shall be
5 affixed only to passenger vehicles of the first division,
6 motorcycles, or motor vehicles of the second division weighing
7 not more than 8,000 pounds subject to the staggered
8 registration system. The design and color of such plates shall
9 be wholly within the discretion of the Secretary of State.

10 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;
11 revised 8-23-02.)

12 (625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

13 Sec. 3-625. Pearl Harbor Plates. The Secretary, upon
14 receipt of an application made in the form prescribed by the
15 Secretary of State, may issue special registration plates to
16 any Illinois resident who, while a member of the armed forces
17 of the United States, participated in the battle of Pearl
18 Harbor on December 7, 1941, or to the widowed spouse of any
19 Illinois resident who, while a member of the armed forces of
20 the United States, participated in the battle of Pearl Harbor
21 on December 7, 1941, provided that the widowed spouse was
22 married to the battle of Pearl Harbor participant at the time
23 of the participant's death and is a single person at the time
24 of application. The special plates issued pursuant to this
25 Section should be affixed only to passenger vehicles of the 1st
26 division, motorcycles, or motor vehicles of the 2nd division
27 weighing not more than 8,000 pounds.

28 The design and color of such plates shall be wholly within
29 the discretion of the Secretary of State. Appropriate
30 documentation, as determined by the Secretary, and the
31 appropriate registration fee shall accompany the application.

32 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;
33 revised 8-23-02.)

34 (625 ILCS 5/3-648)

1 Sec. 3-648. Education license plates.

2 (a) The Secretary, upon receipt of an application made in
3 the form prescribed by the Secretary, may issue special
4 registration plates designated as Education license plates.
5 The special plates issued under this Section shall be affixed
6 only to passenger vehicles of the first division and motor
7 vehicles of the second division weighing not more than 8,000
8 pounds. Plates issued under this Section shall expire according
9 to the multi-year procedure established by Section 3-414.1 of
10 this Code.

11 (b) The design and color of the plates shall be determined
12 by a contest that every elementary school pupil in the State of
13 Illinois is eligible to enter. The designs submitted for the
14 contest shall be judged on September 30, 2002, and the winning
15 design shall be selected by a committee composed of the
16 Secretary, the Director of State Police, 2 members of the
17 Senate, one member chosen by the President of the Senate and
18 one member chosen by the Senate Minority Leader, and 2 members
19 of the House of Representatives, one member chosen by the
20 Speaker of the House and one member chosen by the House
21 Minority Leader. The Secretary may allow the plates to be
22 issued as vanity or personalized plates under Section 3-405.1
23 of the Code. The Secretary shall prescribe stickers or decals
24 as provided under Section 3-412 of this Code.

25 (c) An applicant for the special plate shall be charged a
26 \$40 fee for original issuance, in addition to the appropriate
27 registration fee. Of this \$40 additional original issuance fee,
28 \$15 shall be deposited into the Secretary of State Special
29 License Plate Fund, to be used by the Secretary to help defray
30 the administrative processing costs, and \$25 shall be deposited
31 into the Illinois Future Teacher Corps Scholarship Fund. For
32 each registration renewal period, a \$40 fee, in addition to the
33 appropriate registration fee, shall be charged. Of this \$40
34 additional renewal fee, \$2 shall be deposited into the
35 Secretary of State Special License Plate Fund and \$38 shall be
36 deposited into the Illinois Future Teacher Corps Scholarship

1 Fund. Each fiscal year, once deposits from the additional
2 original issuance and renewal fees into the Secretary of State
3 Special License Plate Fund have reached \$500,000, all the
4 amounts received for the additional fees for the balance of the
5 fiscal year shall be deposited into the Illinois Future Teacher
6 Corps Scholarship Fund.

7 (d) The Illinois Future Teacher Corps Scholarship Fund is
8 created as a special fund in the State treasury. Ninety-five
9 percent of the moneys in the Illinois Future Teacher Corps
10 Scholarship Fund shall be appropriated to the Illinois Student
11 Assistance Commission for scholarships under Section 52 of the
12 Higher Education Student Assistance Act, and 5% of the moneys
13 in the Illinois Future Teacher Corps Scholarship Fund shall be
14 appropriated to the State Board of Education for grants to the
15 Golden Apple Foundation for Excellence in Teaching, a
16 recognized charitable organization that meets the requirements
17 of Title 26, Section 501(c)(3) of the United States Code.

18 (Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02;
19 92-845, eff. 1-1-03; 93-21, eff. 7-1-03.)

20 (625 ILCS 5/3-653)

21 Sec. 3-653. Pet Friendly license plates.

22 (a) The Secretary, upon receipt of an application made in
23 the form prescribed by the Secretary, may issue special
24 registration plates designated as Pet Friendly license plates.
25 The special plates issued under this Section shall be affixed
26 only to passenger vehicles of the first division, motor
27 vehicles of the second division weighing not more than 8,000
28 pounds, and recreational vehicles as defined in Section 1-169
29 of this Code. Plates issued under this Section shall expire
30 according to the multi-year procedure established by Section
31 3-414.1 of this Code.

32 (b) The design and color of the plates is wholly within the
33 discretion of the Secretary, except that the phrase "I am pet
34 friendly" shall be on the plates. The Secretary may allow the
35 plates to be issued as vanity plates or personalized plates

1 under Section 3-405.1 of the Code. The Secretary shall
2 prescribe stickers or decals as provided under Section 3-412 of
3 this Code.

4 (c) An applicant for the special plate shall be charged a
5 \$40 fee for original issuance in addition to the appropriate
6 registration fee. Of this additional fee, \$25 shall be
7 deposited into the Pet Overpopulation Control Fund and \$15
8 shall be deposited into the Secretary of State Special License
9 Plate Fund, to be used by the Secretary to help defray the
10 administrative processing costs.

11 For each registration renewal period, a \$27 fee, in
12 addition to the appropriate registration fee, shall be charged.
13 Of this additional fee, \$25 shall be deposited into the Pet
14 Overpopulation Control Fund and \$2 shall be deposited into the
15 Secretary of State Special License Plate Fund.

16 (d) The Pet Overpopulation Control Fund is created as a
17 special fund in the State treasury. All moneys in the Pet
18 Overpopulation Control Fund shall be paid, subject to
19 appropriation by the General Assembly and approval by the
20 Secretary, as grants to humane societies exempt from federal
21 income taxation under Section 501(c)(3) of the Internal Revenue
22 Code to be used solely for the humane sterilization of dogs and
23 cats in the State of Illinois. In approving grants under this
24 subsection (d), the Secretary shall consider recommendations
25 for grants made by a volunteer board appointed by the Secretary
26 that shall consist of 5 Illinois residents who are officers or
27 directors of humane societies operating in different regions in
28 Illinois.

29 (Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

30 (625 ILCS 5/3-654)

31 Sec. 3-654. Illinois Public Broadcasting System Stations
32 special license plates.

33 (a) The Secretary, upon receipt of all applicable fees and
34 applications made in the form prescribed by the Secretary, may
35 issue special registration plates designated as Illinois

1 Public Broadcasting System Stations special license plates.
2 The special plates issued under this Section shall be affixed
3 only to passenger vehicles of the first division or motor
4 vehicles of the second division weighing not more than 8,000
5 pounds. Plates issued under this Section shall expire according
6 to the multi-year procedure established by Section 3-414.1 of
7 this Code.

8 (b) The design and color of the special plates shall be
9 wholly within the discretion of the Secretary. The Secretary
10 may, in his or her discretion, allow the plates to be issued as
11 vanity or personalized plates in accordance with Section
12 3-405.1 of this Code. The plates are not required to designate
13 "Land of Lincoln", as prescribed in subsection (b) of Section
14 3-412 of this Code. The Secretary, in his or her discretion,
15 shall approve and prescribe stickers or decals as provided
16 under Section 3-412.

17 (c) An applicant for the special plate shall be charged a
18 \$40 fee for original issuance in addition to the appropriate
19 registration fee. Of this fee, \$25 shall be deposited into the
20 Public Broadcasting Fund and \$15 shall be deposited into the
21 Secretary of State Special License Plate Fund, to be used by
22 the Secretary to help defray the administrative processing
23 costs.

24 For each registration renewal period, a \$27 fee, in
25 addition to the appropriate registration fee, shall be charged.
26 Of this fee, \$25 shall be deposited into the Public
27 Broadcasting Fund and \$2 shall be deposited into the Secretary
28 of State Special License Plate Fund.

29 (d) The Public Broadcasting Fund is created as a special
30 fund in the State treasury. Subject to appropriation by the
31 General Assembly and approval by the Secretary, the Secretary
32 shall pay all moneys in the Public Broadcasting Fund to the
33 various Public Broadcasting System stations in Illinois for
34 operating costs.

35 (Source: P.A. 92-695, eff. 1-1-03.)

1 (625 ILCS 5/3-655)

2 Sec. 3-655 ~~3-648~~. Hospice license plates.

3 (a) The Secretary, upon receipt of an application made in
4 the form prescribed by the Secretary, may issue special
5 registration plates designated as Hospice license plates. The
6 special plates issued under this Section shall be affixed only
7 to passenger vehicles of the first division and motor vehicles
8 of the second division weighing not more than 8,000 pounds.
9 Plates issued under this Section shall expire according to the
10 multi-year procedure established by Section 3-414.1 of this
11 Code.

12 (b) The color of the plates is wholly within the discretion
13 of the Secretary. The design of the plates shall include the
14 word "Hospice" above drawings of two lilies and a butterfly.
15 The Secretary may allow the plates to be issued as vanity
16 plates or personalized under Section 3-405.1 of the Code. The
17 Secretary shall prescribe stickers or decals as provided under
18 Section 3-412 of this Code.

19 (c) An applicant for the special plate shall be charged a
20 \$25 fee for original issuance in addition to the appropriate
21 registration fee. Of this fee, \$10 shall be deposited into the
22 Hospice Fund and \$15 shall be deposited into the Secretary of
23 State Special License Plate Fund, to be used by the Secretary
24 to help defray the administrative processing costs.

25 For each registration renewal period, a \$25 fee, in
26 addition to the appropriate registration fee, shall be charged.
27 Of this fee, \$23 shall be deposited into the Hospice Fund and
28 \$2 shall be deposited into the Secretary of State Special
29 License Plate Fund.

30 (d) The Hospice Fund is created as a special fund in the
31 State treasury. All money in the Hospice Fund shall be paid,
32 subject to appropriation by the General Assembly and approval
33 by the Secretary, to the Department of Public Health for
34 distribution as grants for hospice services as defined in the
35 Hospice Program Licensing Act. The Director of Public Health
36 shall adopt rules for the distribution of these grants.

1 (Source: P.A. 92-693, eff. 1-1-03; revised 8-23-02.)

2 (625 ILCS 5/3-656)

3 Sec. 3-656 ~~3-653~~. Lewis and Clark Bicentennial license
4 plates.

5 (a) In addition to any other special license plate, the
6 Secretary, upon receipt of all applicable fees and applications
7 made in the form prescribed by the Secretary of State, may
8 issue special registration plates designated as Lewis and Clark
9 Bicentennial license plates to residents of Illinois. The
10 special plate issued under this Section shall be affixed only
11 to passenger vehicles of the first division, motor vehicles of
12 the second division weighing not more than 8,000 pounds, and
13 recreational vehicles as defined by Section 1-169 of this Code.
14 Plates issued under this Section shall expire according to the
15 staggered multi-year procedure established by Section 3-414.1
16 of this Code.

17 (b) The Secretary of State shall confer with the Governor's
18 Illinois Lewis and Clark Bicentennial Commission regarding the
19 design, color, and format of the plates. The Secretary may, in
20 his or her discretion, allow the plates to be issued as vanity
21 or personalized plates in accordance with Section 3-405.1 of
22 this Code. The plates are not required to designate "Land Of
23 Lincoln", as prescribed in subsection (b) of Section 3-412 of
24 this Code. The Secretary, in his or her discretion, shall
25 approve and prescribe stickers or decals as provided under
26 Section 3-412.

27 (c) An applicant shall be charged a \$40 fee for original
28 issuance in addition to the applicable registration fee. Of
29 this additional fee, \$15 shall be deposited into the Secretary
30 of State Special License Plate Fund and \$25 shall be deposited
31 into the Lewis and Clark Bicentennial Fund. For each
32 registration renewal period, a \$27 fee, in addition to the
33 appropriate registration fee, shall be charged. Of this
34 additional fee, \$2 shall be deposited into the Secretary of
35 State Special License Plate Fund and \$25 shall be deposited

1 into the Lewis and Clark Bicentennial Fund.

2 (d) The Secretary of State shall issue special license
3 plates under this Section on and before September 1, 2008. The
4 Secretary may not issue special plates under this Section after
5 September 1, 2008.

6 (e) The Lewis and Clark Bicentennial Fund is created as a
7 special fund in the State treasury. All moneys in the Lewis and
8 Clark Bicentennial Fund shall, subject to appropriation by the
9 General Assembly and approval by the Secretary, be used by the
10 Department of Commerce and Economic Opportunity ~~Community~~
11 ~~Affairs~~ to promote tourism and education related to the Lewis
12 and Clark Expedition and for historic preservation purposes
13 related to the Expedition.

14 The State Treasurer shall transfer any moneys remaining in
15 the Lewis and Clark Bicentennial Fund on September 1, 2009 and
16 any moneys received for deposit into that Fund on or after
17 September 1, 2009 into the Secretary of State Special License
18 Plate Fund.

19 (Source: P.A. 92-694, eff. 1-1-03; revised 10-15-03.)

20 (625 ILCS 5/3-657)

21 Sec. 3-657 ~~3-654~~. Park District Youth Program license
22 plates.

23 (a) In addition to any other special license plate, the
24 Secretary, upon receipt of all applicable fees and applications
25 made in the form prescribed by the Secretary of State, may
26 issue Park District Youth Program license plates. The special
27 Park District Youth Program plate issued under this Section
28 shall be affixed only to passenger vehicles of the first
29 division and motor vehicles of the second division weighing not
30 more than 8,000 pounds. Plates issued under this Section shall
31 expire according to the staggered multi-year procedure
32 established by Section 3-414.1 of this Code.

33 (b) The design, color, and format of the plates shall be
34 wholly within the discretion of the Secretary of State.
35 Appropriate documentation, as determined by the Secretary,

1 must accompany each application. The Secretary, in his or her
2 discretion, shall approve and prescribe stickers or decals as
3 provided under Section 3-412.

4 (c) An applicant for the special plate shall be charged a
5 \$40 fee for original issuance in addition to the appropriate
6 registration fee. Of this fee, \$25 shall be deposited into the
7 Park District Youth Program Fund and \$15 shall be deposited
8 into the Secretary of State Special License Plate Fund, to be
9 used by the Secretary to help defray the administrative
10 processing costs.

11 For each registration renewal period, a \$27 fee, in
12 addition to the appropriate registration fee, shall be charged.
13 Of this fee, \$25 shall be deposited into the Park District
14 Youth Program Fund and \$2 shall be deposited into the Secretary
15 of State Special License Plate Fund.

16 (d) The Park District Youth Program Fund is created as a
17 special fund in the State treasury. All money in the Park
18 District Youth Program Fund shall be paid, subject to
19 appropriation by the General Assembly and approval by the
20 Secretary, as grants to the Illinois Association of Park
21 Districts, a not-for-profit corporation, for grants to park
22 districts and recreation agencies providing innovative after
23 school programming for Illinois youth.

24 (Source: P.A. 92-697, eff. 7-19-02; revised 8-23-02.)

25 (625 ILCS 5/3-658)

26 Sec. 3-658 ~~3-654~~. Professional Sports Teams license
27 plates.

28 (a) The Secretary, upon receipt of an application made in
29 the form prescribed by the Secretary, may issue special
30 registration plates designated as Professional Sports Teams
31 license plates. The special plates issued under this Section
32 shall be affixed only to passenger vehicles of the first
33 division and motor vehicles of the second division weighing not
34 more than 8,000 pounds. Plates issued under this Section shall
35 expire according to the multi-year procedure established by

1 Section 3-414.1 of this Code.

2 (b) The design and color of the plates is wholly within the
3 discretion of the Secretary, except that the plates shall,
4 subject to the permission of the applicable team owner, display
5 the logo of the Chicago Bears, the Chicago Bulls, the Chicago
6 Blackhawks ~~Black Hawks~~, the Chicago Cubs, the Chicago White
7 Sox, the St. Louis Rams, or the St. Louis Cardinals, at the
8 applicant's option. The Secretary may allow the plates to be
9 issued as vanity or personalized plates under Section 3-405.1
10 of the Code. The Secretary shall prescribe stickers or decals
11 as provided under Section 3-412 of this Code.

12 (c) An applicant for the special plate shall be charged a
13 \$40 fee for original issuance in addition to the appropriate
14 registration fee. Of this fee, \$25 shall be deposited into the
15 Professional Sports Teams Education Fund and \$15 shall be
16 deposited into the Secretary of State Special License Plate
17 Fund, to be used by the Secretary to help defray the
18 administrative processing costs.

19 For each registration renewal period, a \$27 fee, in
20 addition to the appropriate registration fee, shall be charged.
21 Of this fee, \$25 shall be deposited into the Professional
22 Sports Teams Education Fund and \$2 shall be deposited into the
23 Secretary of State Special License Plate Fund.

24 (d) The Professional Sports Teams Education Fund is created
25 as a special fund in the State treasury. All moneys in the
26 Professional Sports Teams Education Fund shall, subject to
27 appropriation by the General Assembly and approval by the
28 Secretary, be deposited every 6 months into the Common School
29 Fund.

30 (Source: P.A. 92-699, eff. 1-1-03; revised 10-28-02.)

31 (625 ILCS 5/3-659)

32 Sec. 3-659 ~~3-654~~. Pan Hellenic license plates.

33 (a) The Secretary, upon receipt of all applicable fees and
34 applications made in the form prescribed by the Secretary, may
35 issue special registration plates designated as Pan Hellenic

1 license plates. The special plates issued under this Section
2 shall be affixed only to passenger vehicles of the first
3 division or motor vehicles of the second division weighing not
4 more than 8,000 pounds. Plates issued under this Section shall
5 expire according to the multi-year procedure established by
6 Section 3-414.1 of this Code.

7 (b) The design and color of the special plates shall be
8 wholly within the discretion of the Secretary, except that an
9 emblem of a Pan Hellenic eligible member shall be on the plate.
10 Appropriate documentation, as determined by the Secretary,
11 shall accompany each application. The Secretary may, in his or
12 her discretion, allow the plates to be issued as vanity or
13 personalized plates in accordance with Section 3-405.1 of this
14 Code. The plates are not required to designate "Land of
15 Lincoln" as prescribed in subsection (b) of Section 3-412 of
16 this Code. The Secretary, in his or her discretion, may
17 prescribe rules governing the requirements and approval of the
18 special plates.

19 (c) An applicant for the special plate shall be charged a
20 \$40 fee for original issuance in addition to the appropriate
21 registration fee. Of this fee, \$25 shall be deposited into the
22 Illinois Pan Hellenic Trust Fund and \$15 shall be deposited
23 into the Secretary of State Special License Plate Fund, to be
24 used by the Secretary to help defray the administrative
25 processing costs. For each registration renewal period, a \$27
26 fee, in addition to the appropriate registration fee, shall be
27 charged. Of this fee, \$25 shall be deposited into the Illinois
28 Pan Hellenic Trust Fund and \$2 shall be deposited into the
29 Secretary of State Special License Plate Fund.

30 (d) The Illinois Pan Hellenic Trust Fund is created as a
31 special fund in the State Treasury. The State Treasurer shall
32 create separate accounts within the Illinois Pan Hellenic Trust
33 Fund for each eligible member for which Pan Hellenic license
34 plates have been issued. Moneys in the Illinois Pan Hellenic
35 Trust Fund shall be allocated to each account in proportion to
36 the number of plates sold in regard to each fraternity or

1 sorority. All moneys in the Illinois Pan Hellenic Trust Fund
2 shall be distributed, subject to appropriation by the General
3 Assembly and approval by the Secretary, as grants to the
4 Illinois Alpha Kappa Alpha Charitable Foundation, Illinois
5 Delta Sigma Theta Charitable Foundation, Illinois Zeta Phi Beta
6 Charitable Foundation, Illinois Sigma Gamma Rho Charitable
7 Foundation, Illinois Alpha Phi Alpha Charitable Foundation,
8 Illinois Omega Psi Phi Charitable Foundation, Illinois Kappa
9 Alpha Psi Charitable Foundation, Illinois Phi Beta Sigma
10 Charitable Foundation, or Illinois Iota Phi Theta Charitable
11 Foundation for charitable purposes sponsored by the
12 African-American fraternity or sorority.

13 (Source: P.A. 92-702, eff. 1-1-03; revised 8-23-02.)

14 (625 ILCS 5/3-660)

15 Sec. 3-660 ~~3-653~~. September 11th license plates.

16 (a) Beginning on September 11, 2002, the Secretary, upon
17 receipt of all applicable fees and applications made in the
18 form prescribed by the Secretary, may issue special
19 registration plates designated as September 11th license
20 plates.

21 The special plates issued under this Section shall be
22 affixed only to passenger vehicles of the first division or
23 motor vehicles of the second division weighing not more than
24 8,000 pounds.

25 Plates issued under this Section shall expire according to
26 the multi-year procedure established by Section 3-414.1 of this
27 Code.

28 (b) The design and color of the special plates shall be
29 wholly within the discretion of the Secretary. The Secretary
30 may allow the plates to be issued as vanity or personalized
31 plates under Section 3-405.1 of this Code. The Secretary shall
32 prescribe stickers or decals as provided under Section 3-412 of
33 this Code.

34 (c) An applicant for the special plate shall be charged a
35 \$40 fee for original issuance in addition to the appropriate

1 registration fee. Of this fee, \$25 shall be deposited into the
2 September 11th Fund and \$15 shall be deposited into the
3 Secretary of State Special License Plate Fund, to be used by
4 the Secretary to help defray the administrative processing
5 costs.

6 For each registration renewal period, a \$27 fee, in
7 addition to the appropriate registration fee, shall be charged.
8 Of this fee, \$25 shall be deposited into the September 11th
9 Fund and \$2 shall be deposited into the Secretary of State
10 Special License Plate Fund.

11 (d) The September 11th Fund is created as a special fund in
12 the State treasury. Subject to appropriation by the General
13 Assembly and approval by the Secretary, the Director of
14 Commerce and Economic Opportunity ~~Community Affairs~~ shall pay
15 all moneys in the September 11th Fund as grants to aid victims
16 of terrorism and as grants to local governments to cover the
17 costs of training, equipment, and other items related to public
18 safety initiatives intended to prevent further acts of
19 terrorism or to respond to further acts of terrorism or other
20 disasters or emergency situations in Illinois.

21 (Source: P.A. 92-704, eff. 7-19-02; revised 10-15-03.)

22 (625 ILCS 5/3-661)

23 Sec. 3-661 ~~3-653~~. Illinois Route 66 license plates.

24 (a) The Secretary, upon receipt of all applicable fees and
25 applications made in the form prescribed by the Secretary, may
26 issue special registration plates designated as Illinois Route
27 66 license plates. The special plates issued under this Section
28 shall be affixed only to passenger vehicles of the first
29 division or motor vehicles of the second division weighing not
30 more than 8,000 pounds. Plates issued under this Section shall
31 expire according to the multi-year procedure established by
32 Section 3-414.1 of this Code.

33 (b) The design and color of the special plates shall be
34 wholly within the discretion of the Secretary. The Secretary
35 may, in his or her discretion, allow the plates to be issued as

1 vanity or personalized plates in accordance with Section
2 3-405.1 of this Code. The plates are not required to designate
3 "Land of Lincoln", as prescribed in subsection (b) of Section
4 3-412 of this Code. The Secretary, in his or her discretion,
5 shall approve and prescribe stickers or decals as provided
6 under Section 3-412.

7 (c) An applicant for the special plate shall be charged a
8 \$40 fee for original issuance in addition to the appropriate
9 registration fee. Of this fee, \$25 shall be deposited into the
10 Illinois Route 66 Heritage Project Fund and \$15 shall be
11 deposited into the Secretary of State Special License Plate
12 Fund, to be used by the Secretary to help defray the
13 administrative processing costs.

14 For each registration renewal period, a \$27 fee, in
15 addition to the appropriate registration fee, shall be charged.
16 Of this fee, \$25 shall be deposited into the Illinois Route 66
17 Heritage Project Fund and \$2 shall be deposited into the
18 Secretary of State Special License Plate Fund.

19 (d) The Illinois Route 66 Heritage Project Fund is created
20 as a special fund in the State treasury. Subject to
21 appropriation by the General Assembly and approval by the
22 Secretary, Illinois Route 66 Heritage Project, Inc. shall use
23 all moneys in the Illinois Route 66 Heritage Project Fund for
24 the development of tourism, through education and
25 interpretation, preservation, and promotion of the former U.S.
26 Route 66 in Illinois.

27 (Source: P.A. 92-706, eff. 1-1-03; revised 8-23-02.)

28 (625 ILCS 5/3-662)

29 Sec. 3-662 ~~3-654~~. Stop Neuroblastoma license plates.

30 (a) The Secretary, upon receipt of an application made in
31 the form prescribed by the Secretary, may issue special
32 registration plates designated as Stop Neuroblastoma license
33 plates. The special plates issued under this Section shall be
34 affixed only to passenger vehicles of the first division and
35 motor vehicles of the second division weighing not more than

1 8,000 pounds. Plates issued under this Section shall expire
2 according to the multi-year procedure established by Section
3 3-414.1 of this Code.

4 (b) The design and color of the plates is wholly within the
5 discretion of the Secretary, except that the following phrases
6 shall be on the plates: (i) "Stop Neuroblastoma" and (ii) "Stop
7 Cancer". The Secretary may allow the plates to be issued as
8 vanity plates or personalized under Section 3-405.1 of this
9 Code. The Secretary shall prescribe stickers or decals as
10 provided under Section 3-412 of this Code.

11 (c) An applicant for the special plate shall be charged a
12 \$25 fee for original issuance in addition to the appropriate
13 registration fee. Of this fee, \$10 shall be deposited into the
14 Stop Neuroblastoma Fund and \$15 shall be deposited into the
15 Secretary of State Special License Plate Fund, to be used by
16 the Secretary to help defray the administrative processing
17 costs.

18 For each registration renewal period, a \$25 fee, in
19 addition to the appropriate registration fee, shall be charged.
20 Of this fee, \$23 shall be deposited into the Stop Neuroblastoma
21 Fund and \$2 shall be deposited into the Secretary of State
22 Special License Plate Fund.

23 (d) The Stop Neuroblastoma Fund is created as a special
24 fund in the State treasury. All money in the Stop Neuroblastoma
25 Fund shall be paid, subject to appropriation by the General
26 Assembly and approval by the Secretary, as grants to the
27 American Cancer Society for neuroblastoma and cancer research,
28 education, screening, and treatment.

29 (Source: P.A. 92-711, eff. 7-19-02; revised 8-23-02.)

30 (625 ILCS 5/3-803) (from Ch. 95 1/2, par. 3-803)

31 Sec. 3-803. Reductions.

32 (a) Reduction of fees and taxes prescribed in this Chapter
33 shall be applicable only to vehicles newly-acquired by the
34 owner after the beginning of a registration period or which
35 become subject to registration after the beginning of a

1 registration period as specified in this Act. The Secretary of
2 State may deny a reduction as to any vehicle operated in this
3 State without being properly and timely registered in Illinois
4 under this Chapter, of a vehicle in violation of any provision
5 of this Chapter, or upon detection of such violation by an
6 audit, or upon determining that such vehicle was operated in
7 Illinois before such violation. Bond or other security in the
8 proper amount may be required by the Secretary of State while
9 the matter is under investigation. Reductions shall be granted
10 if a person becomes the owner after the dates specified or if a
11 vehicle becomes subject to registration under this Act, as
12 amended, after the dates specified.

13 (b) Vehicles of the First Division. The annual fees and
14 taxes prescribed by Section 3-806 shall be reduced by 50% on
15 and after June 15, except as provided in Sections 3-414 and
16 3-802 of this Act.

17 (c) Vehicles of the Second Division. The annual fees and
18 taxes prescribed by Sections 3-402, 3-402.1, 3-815 and 3-819
19 and paid on a calendar year for such vehicles shall be reduced
20 on a quarterly basis if the vehicle becomes subject to
21 registration on and after March 31, June 30 or September 30.
22 Where such fees and taxes are payable on a fiscal year basis,
23 they shall be reduced on a quarterly basis on and after
24 September 30, December 31 or March 31.

25 (d) Two-year Registrations. The fees and taxes prescribed
26 by Section 3-808 for 2-year registrations shall not be reduced
27 in any event. However, the fees and taxes prescribed for all
28 other 2-year registrations by this Act, shall be reduced as
29 follows:

30 By 25% on and after June 15;

31 By 50% on and after December 15;

32 By 75% on and after the next ensuing June 15.

33 (e) The registration fees and taxes imposed upon certain
34 vehicles shall not be reduced by any amount in any event in the
35 following instances:

36 Permits under Sections 3-403 and 3-811;

1 Municipal Buses under Section 3-807;
2 Governmental or charitable vehicles under Section 3-808;
3 Farm Machinery under Section 3-809;
4 Soil and conservation equipment under Section 3-809.1;
5 Special Plates under Section 3-810;
6 Permanently mounted equipment under Section 3-812;
7 Registration fee under Section 3-813;
8 Semitrailer fees under Section 3-814;
9 Farm trucks under Section 3-815;
10 Mileage weight tax option under Section 3-818;
11 Farm trailers under Section 3-819;
12 Duplicate plates under Section 3-820;
13 Fees under Section 3-821;
14 Security Fees under Section 3-822;
15 Search Fees under Section 3-823.

16 (f) The reductions provided for shall not apply to any
17 vehicle of the first or second division registered by the same
18 applicant in the prior registration year.

19 The changes to this Section made by Public Act 84-210 take
20 ~~This bill takes~~ effect with the 1986 Calendar Registration
21 Year.

22 (g) Reductions shall in no event result in payment of a fee
23 or tax less than \$6, and the Secretary of State shall
24 promulgate schedules of fees reflecting applicable reductions.
25 Where any reduced amount is not stated in full dollars, the
26 Secretary of State may adjust the amount due to the nearest
27 full dollar amount.

28 (h) The reductions provided for in subsections (a) through
29 (g) of this Section shall not apply to those vehicles of the
30 first or second division registered on a staggered registration
31 basis.

32 (i) A vehicle which becomes subject to registration during
33 the last month of the current registration year is exempt from
34 any applicable reduced fourth quarter or second semiannual
35 registration fee, and may register for the subsequent
36 registration year as its initial registration. This subsection

1 does not include those apportioned and prorated fees under
2 Sections 3-402 and 3-402.1 of this Code.

3 (Source: P.A. 84-1311; revised 2-25-02.)

4 (625 ILCS 5/3-815.1)

5 Sec. 3-815.1. Commercial distribution fee. Beginning July
6 1, 2003, in addition to any tax or fee imposed under this Code:

7 (a) Vehicles of the second division with a gross
8 vehicle weight that exceeds 8,000 pounds and that incur any
9 tax or fee under subsection (a) of Section 3-815 of this
10 Code or subsection (a) of Section 3-818 of this Code, as
11 applicable, ~~and~~ shall pay to the Secretary of State a
12 commercial distribution fee, for each registration year,
13 for the use of the public highways, State infrastructure,
14 and State services, in an amount equal to 36% of the taxes
15 and fees incurred under subsection (a) of Section 3-815 of
16 this Code, or subsection (a) of Section 3-818 of this Code,
17 as applicable, rounded up to the nearest whole dollar.

18 (b) Vehicles of the second division with a gross
19 vehicle weight of 8,000 pounds or less and that incur any
20 tax or fee under subsection (a) of Section 3-815 of this
21 Code or subsection (a) of Section 3-818 of this Code, as
22 applicable, and have claimed the rolling stock exemption
23 under the Retailers' Occupation Tax Act, Use Tax Act,
24 Service Occupation Tax Act, or Service Use Tax Act shall
25 pay to the Illinois Department of Revenue (or the Secretary
26 of State under an intergovernmental agreement) a
27 commercial distribution fee, for each registration year,
28 for the use of the public highways, State infrastructure,
29 and State services, in an amount equal to 36% of the taxes
30 and fees incurred under subsection (a) of Section 3-815 of
31 this Code or subsection (a) of Section 3-818 of this Code,
32 as applicable, rounded up to the nearest whole dollar.

33 The fees paid under this Section shall be deposited by the
34 Secretary of State into the General Revenue Fund.

35 (Source: P.A. 93-23, eff. 6-20-03; revised 10-9-03.)

1 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

2 Sec. 6-411. Qualifications of Driver Training Instructors.
3 In order to qualify for a license as an instructor for a
4 driving school, an applicant must:

5 (a) Be of good moral character;

6 (b) Authorize an investigation to include a fingerprint
7 based background check to determine if the applicant has ever
8 been convicted of a crime and if so, the disposition of those
9 convictions; this authorization shall indicate the scope of the
10 inquiry and the agencies which may be contacted. Upon this
11 authorization the Secretary of State may request and receive
12 information and assistance from any federal, state or local
13 governmental agency as part of the authorized investigation.
14 Each applicant shall submit ~~have~~ his or her fingerprints
15 ~~submitted~~ to the Department of State Police in the form and
16 manner prescribed by the Department of State Police. These
17 fingerprints shall be checked against the fingerprint records
18 now and hereafter filed in the Department of State Police and
19 Federal Bureau of Investigation criminal history records
20 ~~record information~~ databases. The Department of State Police
21 shall charge a fee for conducting the criminal history records
22 check, which shall be deposited in the State Police Services
23 Fund and shall not exceed the actual cost of the records check.
24 The applicant shall be required to pay all related fingerprint
25 fees including, but not limited to, the amounts established by
26 the Department of State Police and the Federal Bureau of
27 Investigation to process fingerprint based criminal background
28 investigations. The Department of State Police shall provide
29 information concerning any criminal convictions, and their
30 disposition, brought against the applicant upon request of the
31 Secretary of State when the request is made in the form and
32 manner required by the Department of State Police. Unless
33 otherwise prohibited by law, the information derived from this
34 investigation including the source of this information, and any
35 conclusions or recommendations derived from this information

1 by the Secretary of State shall be provided to the applicant,
2 or his designee, upon request to the Secretary of State, prior
3 to any final action by the Secretary of State on the
4 application. Any criminal convictions and their disposition
5 information obtained by the Secretary of State shall be
6 confidential and may not be transmitted outside the Office of
7 the Secretary of State, except as required herein, and may not
8 be transmitted to anyone within the Office of the Secretary of
9 State except as needed for the purpose of evaluating the
10 applicant. The information obtained from this investigation
11 may be maintained by the Secretary of State or any agency to
12 which such information was transmitted. Only information and
13 standards which bear a reasonable and rational relation to the
14 performance of a driver training instructor shall be used by
15 the Secretary of State. Any employee of the Secretary of State
16 who gives or causes to be given away any confidential
17 information concerning any criminal charges and their
18 disposition of an applicant shall be guilty of a Class A
19 misdemeanor unless release of such information is authorized by
20 this Section;

21 (c) Pass such examination as the Secretary of State shall
22 require on (1) traffic laws, (2) safe driving practices, (3)
23 operation of motor vehicles, and (4) qualifications of teacher;

24 (d) Be physically able to operate safely a motor vehicle
25 and to train others in the operation of motor vehicles. An
26 instructors license application must be accompanied by a
27 medical examination report completed by a competent physician
28 licensed to practice in the State of Illinois;

29 (e) Hold a valid Illinois drivers license;

30 (f) Have graduated from an accredited high school after at
31 least 4 years of high school education or the equivalent; and

32 (g) Pay to the Secretary of State an application and
33 license fee of \$70.

34 If a driver training school class room instructor teaches
35 an approved driver education course, as defined in Section
36 1-103 of this Code, to students under 18 years of age, he or

1 she shall furnish to the Secretary of State a certificate
2 issued by the State Board of Education that the said instructor
3 is qualified and meets the minimum educational standards for
4 teaching driver education courses in the local public or
5 parochial school systems, except that no State Board of
6 Education certification shall be required of any instructor who
7 teaches exclusively in a commercial driving school. On and
8 after July 1, 1986, the existing rules and regulations of the
9 State Board of Education concerning commercial driving schools
10 shall continue to remain in effect but shall be administered by
11 the Secretary of State until such time as the Secretary of
12 State shall amend or repeal the rules in accordance with The
13 Illinois Administrative Procedure Act. Upon request, the
14 Secretary of State shall issue a certificate of completion to a
15 student under 18 years of age who has completed an approved
16 driver education course at a commercial driving school.

17 (Source: P.A. 93-408, eff. 1-1-04; 93-418, eff. 1-1-04; revised
18 9-15-03.)

19 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

20 Sec. 6-500. Definitions of words and phrases.
21 Notwithstanding the definitions set forth elsewhere in this
22 Code, for purposes of the Uniform Commercial Driver's License
23 Act (UCDLA), the words and phrases listed below have the
24 meanings ascribed to them as follows:

25 (1) Alcohol. "Alcohol" means any substance containing any
26 form of alcohol, including but not limited to ethanol,
27 methanol, propanol, and isopropanol.

28 (2) Alcohol concentration. "Alcohol concentration" means:

29 (A) the number of grams of alcohol per 210 liters of
30 breath; or

31 (B) the number of grams of alcohol per 100 milliliters
32 of blood; or

33 (C) the number of grams of alcohol per 67 milliliters
34 of urine.

35 Alcohol tests administered within 2 hours of the driver

1 being "stopped or detained" shall be considered that driver's
2 "alcohol concentration" for the purposes of enforcing this
3 UCCLA.

4 (3) (Blank).

5 (4) (Blank).

6 (5) (Blank).

7 (6) Commercial Motor Vehicle.

8 (A) "Commercial motor vehicle" means a motor vehicle,
9 except those referred to in subdivision (B), designed to
10 transport passengers or property if:

11 (i) the vehicle has a GVWR of 26,001 pounds or more
12 or such a lesser GVWR as subsequently determined by
13 federal regulations or the Secretary of State; or any
14 combination of vehicles with a GCWR of 26,001 pounds or
15 more, provided the GVWR of any vehicle or vehicles
16 being towed is 10,001 pounds or more; or

17 (ii) the vehicle is designed to transport 16 or
18 more persons; or

19 (iii) the vehicle is transporting hazardous
20 materials and is required to be placarded in accordance
21 with 49 C.F.R. Part 172, subpart F.

22 (B) Pursuant to the interpretation of the Commercial
23 Motor Vehicle Safety Act of 1986 by the Federal Highway
24 Administration, the definition of "commercial motor
25 vehicle" does not include:

26 (i) recreational vehicles, when operated primarily
27 for personal use;

28 (ii) United States Department of Defense vehicles
29 being operated by non-civilian personnel. This
30 includes any operator on active military duty; members
31 of the Reserves; National Guard; personnel on
32 part-time training; and National Guard military
33 technicians (civilians who are required to wear
34 military uniforms and are subject to the Code of
35 Military Justice); or

36 (iii) firefighting and other emergency equipment

1 with audible and visual signals, owned or operated by
2 or for a governmental entity, which is necessary to the
3 preservation of life or property or the execution of
4 emergency governmental functions which are normally
5 not subject to general traffic rules and regulations.

6 (7) Controlled Substance. "Controlled substance" shall
7 have the same meaning as defined in Section 102 of the Illinois
8 Controlled Substances Act, and shall also include cannabis as
9 defined in Section 3 of the Cannabis Control Act.

10 (8) Conviction. "Conviction" means an unvacated
11 adjudication of guilt or a determination that a person has
12 violated or failed to comply with the law in a court of
13 original jurisdiction or an authorized administrative
14 tribunal; an unvacated forfeiture of bail or collateral
15 deposited to secure the person's appearance in court; the
16 payment of a fine or court cost regardless of whether the
17 imposition of sentence is deferred and ultimately a judgment
18 dismissing the underlying charge is entered; or a violation of
19 a condition of release without bail, regardless of whether or
20 not the penalty is rebated, suspended or probated.

21 (9) (Blank).

22 (10) (Blank).

23 (11) (Blank).

24 (12) (Blank).

25 (13) Driver. "Driver" means any person who drives,
26 operates, or is in physical control of a commercial motor
27 vehicle, or who is required to hold a CDL.

28 (14) Employee. "Employee" means a person who is employed as
29 a commercial motor vehicle driver. A person who is
30 self-employed as a commercial motor vehicle driver must comply
31 with the requirements of this UCCLA pertaining to employees. An
32 owner-operator on a long-term lease shall be considered an
33 employee.

34 (15) Employer. "Employer" means a person (including the
35 United States, a State or a local authority) who owns or leases
36 a commercial motor vehicle or assigns employees to operate such

1 a vehicle. A person who is self-employed as a commercial motor
2 vehicle driver must comply with the requirements of this UCCLA.

3 (16) (Blank).

4 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
5 sovereign jurisdiction that does not fall within the definition
6 of "State".

7 (18) (Blank).

8 (19) (Blank).

9 (20) Hazardous Material. Upon a finding by the United
10 States Secretary of Transportation, in his or her discretion,
11 under 49 App. U.S.C. 5103(a), that the transportation of a
12 particular quantity and form of material in commerce may pose
13 an unreasonable risk to health and safety or property, he or
14 she shall designate the quantity and form of material or group
15 or class of the materials as a hazardous material. The
16 materials so designated may include but are not limited to
17 explosives, radioactive materials, etiologic agents, flammable
18 liquids or solids, combustible liquids or solids, poisons,
19 oxidizing or corrosive materials, and compressed gases.

20 (21) Long-term lease. "Long-term lease" means a lease of a
21 commercial motor vehicle by the owner-lessor to a lessee, for a
22 period of more than 29 days.

23 (22) Motor Vehicle. "Motor vehicle" means every vehicle
24 which is self-propelled, and every vehicle which is propelled
25 by electric power obtained from over head trolley wires but not
26 operated upon rails, except vehicles moved solely by human
27 power and motorized wheel chairs.

28 (23) Non-resident CDL. "Non-resident CDL" means a
29 commercial driver's license issued by a state to an individual
30 who is domiciled in a foreign jurisdiction.

31 (24) (Blank).

32 (25) (Blank).

33 (25.5) Railroad-Highway Grade Crossing Violation.
34 "Railroad-highway grade crossing violation" means a violation,
35 while operating a commercial motor vehicle, of any of the
36 following:

1 (A) Section 11-1201, 11-1202, or 11-1425 of this
2 Code.

3 (B) ~~(C) (D) (E) (F) (G) (H)~~ Any other similar law
4 or local ordinance of any state relating to
5 railroad-highway grade crossing. ~~(A) (G)~~

6 (26) Serious Traffic Violation. "Serious traffic
7 violation" means:

8 (A) a conviction when operating a commercial motor
9 vehicle of:

10 (i) a violation relating to excessive speeding,
11 involving a single speeding charge of 15 miles per hour
12 or more above the legal speed limit; or

13 (ii) a violation relating to reckless driving; or

14 (iii) a violation of any State law or local
15 ordinance relating to motor vehicle traffic control
16 (other than parking violations) arising in connection
17 with a fatal traffic accident; or

18 (iv) a violation of Section 6-501, relating to
19 having multiple driver's licenses; or

20 (v) a violation of paragraph (a) of Section 6-507,
21 relating to the requirement to have a valid CDL; or

22 (vi) a violation relating to improper or erratic
23 traffic lane changes; or

24 (vii) a violation relating to following another
25 vehicle too closely; or

26 (B) any other similar violation of a law or local
27 ordinance of any state relating to motor vehicle traffic
28 control, other than a parking violation, which the
29 Secretary of State determines by administrative rule to be
30 serious.

31 (27) State. "State" means a state of the United States, the
32 District of Columbia and any province or territory of Canada.

33 (28) (Blank).

34 (29) (Blank).

35 (30) (Blank).

36 (31) (Blank).

1 (Source: P.A. 92-249, eff. 1-1-02; 92-651, eff. 7-11-02;
2 92-834, eff. 8-22-02; revised 8-26-02.)

3 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

4 (Text of Section before amendment by P.A. 93-644)

5 Sec. 6-508. Commercial Driver's License (CDL) -
6 qualification standards.

7 (a) Testing.

8 (1) General. No person shall be issued an original or
9 renewal CDL unless that person is domiciled in this State.
10 The Secretary shall cause to be administered such tests as
11 the Secretary deems necessary to meet the requirements of
12 49 C.F.R. Part 383, subparts G and H.

13 (2) Third party testing. The Secretary of state may
14 authorize a "third party tester", pursuant to 49 C.F.R.
15 Part 383.75, to administer the skills test or tests
16 specified by Federal Highway Administration pursuant to
17 the Commercial Motor Vehicle Safety Act of 1986 and any
18 appropriate federal rule.

19 (b) Waiver of Skills Test. The Secretary of State may waive
20 the skills test specified in this Section for a commercial
21 driver license applicant who meets the requirements of 49
22 C.F.R. Part 383.77.

23 (c) Limitations on issuance of a CDL. A CDL, or a
24 commercial driver instruction permit, shall not be issued to a
25 person while the person is subject to a disqualification from
26 driving a commercial motor vehicle, or unless otherwise
27 permitted by this Code, while the person's driver's license is
28 suspended, revoked or cancelled in any state, or any territory
29 or province of Canada; nor may a CDL be issued to a person who
30 has a CDL issued by any other state, or foreign jurisdiction,
31 unless the person first surrenders all such licenses. No CDL
32 shall be issued to or renewed for a person who does not meet
33 the requirement of 49 CFR 391.41(b)(11). The requirement may be
34 met with the aid of a hearing aid.

35 (c-1) The Secretary may issue a CDL with a school bus

1 driver endorsement to allow a person to drive the type of bus
2 described in subsection (d-5) of Section 6-104 of this Code.
3 The CDL with a school bus driver endorsement may be issued only
4 to a person meeting the following requirements:

5 (1) the person has submitted his or her fingerprints to
6 the Department of State Police for fingerprint based
7 criminal background checks on current and future
8 information available in the state system and current
9 information available through the Federal Bureau of
10 Investigation's system;

11 (2) the person has passed a written test, administered
12 by the Secretary of State, on charter bus operation,
13 charter bus safety, and certain special traffic laws
14 relating to school buses determined by the Secretary of
15 State to be relevant to charter buses, and submitted to a
16 review of the applicant's driving habits by the Secretary
17 of State at the time the written test is given;

18 (3) the person has demonstrated physical fitness to
19 operate school buses by submitting the results of a medical
20 examination, including tests for drug use; and

21 (4) the person has not been convicted of committing or
22 attempting to commit any one or more of the following
23 offenses: (i) those offenses defined in Sections 9-1,
24 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
25 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
26 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
27 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
28 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,
29 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
30 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,
31 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,
32 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and
33 subsection (b), clause (1), of Section 12-4 of the Criminal
34 Code of 1961; (ii) those offenses defined in the Cannabis
35 Control Act except those offenses defined in subsections
36 (a) and (b) of Section 4, and subsection (a) of Section 5

1 of the Cannabis Control Act; (iii) those offenses defined
2 in the Illinois Controlled Substances Act; (iv) any offense
3 committed or attempted in any other state or against the
4 laws of the United States, which if committed or attempted
5 in this State would be punishable as one or more of the
6 foregoing offenses; (v) the offenses defined in Sections
7 4.1 and 5.1 of the Wrongs to Children Act and (vi) those
8 offenses defined in Section 6-16 of the Liquor Control Act
9 of 1934.

10 (d) Commercial driver instruction permit. A commercial
11 driver instruction permit may be issued to any person holding a
12 valid Illinois driver's license if such person successfully
13 passes such tests as the Secretary determines to be necessary.
14 A commercial driver instruction permit shall not be issued to a
15 person who does not meet the requirements of 49 CFR
16 391.41(b)(11), except for the renewal of a commercial driver
17 instruction permit for a person who possesses a commercial
18 instruction permit prior to the effective date of this
19 amendatory Act of 1999.

20 (Source: P.A. 93-476, eff. 1-1-04.)

21 (Text of Section after amendment by P.A. 93-644)

22 Sec. 6-508. Commercial Driver's License (CDL) -
23 qualification standards.

24 (a) Testing.

25 (1) General. No person shall be issued an original or
26 renewal CDL unless that person is domiciled in this State.
27 The Secretary shall cause to be administered such tests as
28 the Secretary deems necessary to meet the requirements of
29 49 C.F.R. Part 383, subparts G and H.

30 (2) Third party testing. The Secretary of state may
31 authorize a "third party tester", pursuant to 49 C.F.R.
32 Part 383.75, to administer the skills test or tests
33 specified by Federal Highway Administration pursuant to
34 the Commercial Motor Vehicle Safety Act of 1986 and any
35 appropriate federal rule.

1 (b) Waiver of Skills Test. The Secretary of State may waive
2 the skills test specified in this Section for a commercial
3 driver license applicant who meets the requirements of 49
4 C.F.R. Part 383.77.

5 (c) Limitations on issuance of a CDL. A CDL, or a
6 commercial driver instruction permit, shall not be issued to a
7 person while the person is subject to a disqualification from
8 driving a commercial motor vehicle, or unless otherwise
9 permitted by this Code, while the person's driver's license is
10 suspended, revoked or cancelled in any state, or any territory
11 or province of Canada; nor may a CDL be issued to a person who
12 has a CDL issued by any other state, or foreign jurisdiction,
13 unless the person first surrenders all such licenses. No CDL
14 shall be issued to or renewed for a person who does not meet
15 the requirement of 49 CFR 391.41(b)(11). The requirement may be
16 met with the aid of a hearing aid.

17 (c-1) The Secretary may issue a CDL with a school bus
18 driver endorsement to allow a person to drive the type of bus
19 described in subsection (d-5) of Section 6-104 of this Code.
20 The CDL with a school bus driver endorsement may be issued only
21 to a person meeting the following requirements:

22 (1) the person has submitted his or her fingerprints to
23 the Department of State Police in the form and manner
24 prescribed by the Department of State Police. These
25 fingerprints shall be checked against the fingerprint
26 records now and hereafter filed in the Department of State
27 Police and Federal Bureau of Investigation criminal
28 history records databases ~~for fingerprint based criminal~~
29 ~~background checks on current and future information~~
30 ~~available in the state system and current information~~
31 ~~available through the Federal Bureau of Investigation's~~
32 ~~system;~~

33 (2) the person has passed a written test, administered
34 by the Secretary of State, on charter bus operation,
35 charter bus safety, and certain special traffic laws
36 relating to school buses determined by the Secretary of

1 State to be relevant to charter buses, and submitted to a
2 review of the applicant's driving habits by the Secretary
3 of State at the time the written test is given;

4 (3) the person has demonstrated physical fitness to
5 operate school buses by submitting the results of a medical
6 examination, including tests for drug use; and

7 (4) the person has not been convicted of committing or
8 attempting to commit any one or more of the following
9 offenses: (i) those offenses defined in Sections 9-1,
10 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
11 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
12 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
13 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
14 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,
15 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
16 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,
17 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,
18 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and
19 subsection (b), clause (1), of Section 12-4 of the Criminal
20 Code of 1961; (ii) those offenses defined in the Cannabis
21 Control Act except those offenses defined in subsections
22 (a) and (b) of Section 4, and subsection (a) of Section 5
23 of the Cannabis Control Act; (iii) those offenses defined
24 in the Illinois Controlled Substances Act; (iv) any offense
25 committed or attempted in any other state or against the
26 laws of the United States, which if committed or attempted
27 in this State would be punishable as one or more of the
28 foregoing offenses; (v) the offenses defined in Sections
29 4.1 and 5.1 of the Wrongs to Children Act and (vi) those
30 offenses defined in Section 6-16 of the Liquor Control Act
31 of 1934.

32 The Department of State Police shall charge a fee for
33 conducting the criminal history records check, which shall be
34 deposited into the State Police Services Fund and may not
35 exceed the actual cost of the records check.

36 (d) Commercial driver instruction permit. A commercial

1 driver instruction permit may be issued to any person holding a
2 valid Illinois driver's license if such person successfully
3 passes such tests as the Secretary determines to be necessary.
4 A commercial driver instruction permit shall not be issued to a
5 person who does not meet the requirements of 49 CFR 391.41
6 (b)(11), except for the renewal of a commercial driver
7 instruction permit for a person who possesses a commercial
8 instruction permit prior to the effective date of this
9 amendatory Act of 1999.

10 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised
11 1-13-04.)

12 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

13 Sec. 11-501. Driving while under the influence of alcohol,
14 other drug or drugs, intoxicating compound or compounds or any
15 combination thereof.

16 (a) A person shall not drive or be in actual physical
17 control of any vehicle within this State while:

18 (1) the alcohol concentration in the person's blood or
19 breath is 0.08 or more based on the definition of blood and
20 breath units in Section 11-501.2;

21 (2) under the influence of alcohol;

22 (3) under the influence of any intoxicating compound or
23 combination of intoxicating compounds to a degree that
24 renders the person incapable of driving safely;

25 (4) under the influence of any other drug or
26 combination of drugs to a degree that renders the person
27 incapable of safely driving;

28 (5) under the combined influence of alcohol, other drug
29 or drugs, or intoxicating compound or compounds to a degree
30 that renders the person incapable of safely driving; or

31 (6) there is any amount of a drug, substance, or
32 compound in the person's breath, blood, or urine resulting
33 from the unlawful use or consumption of cannabis listed in
34 the Cannabis Control Act, a controlled substance listed in
35 the Illinois Controlled Substances Act, or an intoxicating

1 compound listed in the Use of Intoxicating Compounds Act.

2 (b) The fact that any person charged with violating this
3 Section is or has been legally entitled to use alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or any
5 combination thereof, shall not constitute a defense against any
6 charge of violating this Section.

7 (c) Except as provided under paragraphs (c-3), (c-4), and
8 (d) of this Section, every person convicted of violating this
9 Section or a similar provision of a local ordinance, shall be
10 guilty of a Class A misdemeanor and, in addition to any other
11 criminal or administrative action, for any second conviction of
12 violating this Section or a similar provision of a law of
13 another state or local ordinance committed within 5 years of a
14 previous violation of this Section or a similar provision of a
15 local ordinance shall be mandatorily sentenced to a minimum of
16 5 days of imprisonment or assigned to a minimum of 30 days of
17 community service as may be determined by the court. Every
18 person convicted of violating this Section or a similar
19 provision of a local ordinance shall be subject to an
20 additional mandatory minimum fine of \$500 and an additional
21 mandatory 5 days of community service in a program benefiting
22 children if the person committed a violation of paragraph (a)
23 or a similar provision of a local ordinance while transporting
24 a person under age 16. Every person convicted a second time for
25 violating this Section or a similar provision of a local
26 ordinance within 5 years of a previous violation of this
27 Section or a similar provision of a law of another state or
28 local ordinance shall be subject to an additional mandatory
29 minimum fine of \$500 and an additional 10 days of mandatory
30 community service in a program benefiting children if the
31 current offense was committed while transporting a person under
32 age 16. The imprisonment or assignment under this subsection
33 shall not be subject to suspension nor shall the person be
34 eligible for probation in order to reduce the sentence or
35 assignment.

36 (c-1) (1) A person who violates this Section during a

1 period in which his or her driving privileges are revoked
2 or suspended, where the revocation or suspension was for a
3 violation of this Section, Section 11-501.1, paragraph (b)
4 of Section 11-401, or Section 9-3 of the Criminal Code of
5 1961 is guilty of a Class 4 felony.

6 (2) A person who violates this Section a third time
7 during a period in which his or her driving privileges are
8 revoked or suspended where the revocation or suspension was
9 for a violation of this Section, Section 11-501.1,
10 paragraph (b) of Section 11-401, or Section 9-3 of the
11 Criminal Code of 1961 is guilty of a Class 3 felony.

12 (3) A person who violates this Section a fourth or
13 subsequent time during a period in which his or her driving
14 privileges are revoked or suspended where the revocation or
15 suspension was for a violation of this Section, Section
16 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
17 of the Criminal Code of 1961 is guilty of a Class 2 felony.

18 (c-2) (Blank).

19 (c-3) Every person convicted of violating this Section or a
20 similar provision of a local ordinance who had a child under
21 age 16 in the vehicle at the time of the offense shall have his
22 or her punishment under this Act enhanced by 2 days of
23 imprisonment for a first offense, 10 days of imprisonment for a
24 second offense, 30 days of imprisonment for a third offense,
25 and 90 days of imprisonment for a fourth or subsequent offense,
26 in addition to the fine and community service required under
27 subsection (c) and the possible imprisonment required under
28 subsection (d). The imprisonment or assignment under this
29 subsection shall not be subject to suspension nor shall the
30 person be eligible for probation in order to reduce the
31 sentence or assignment.

32 (c-4) When a person is convicted of violating Section
33 11-501 of this Code or a similar provision of a local
34 ordinance, the following penalties apply when his or her blood,
35 breath, or urine was .16 or more based on the definition of
36 blood, breath, or urine units in Section 11-501.2 or when that

1 person is convicted of violating this Section while
2 transporting a child under the age of 16:

3 (1) A person who is convicted of violating subsection
4 (a) of Section 11-501 of this Code a first time, in
5 addition to any other penalty that may be imposed under
6 subsection (c), is subject to a mandatory minimum of 100
7 hours of community service and a minimum fine of \$500.

8 (2) A person who is convicted of violating subsection
9 (a) of Section 11-501 of this Code a second time within 10
10 years, in addition to any other penalty that may be imposed
11 under subsection (c), is subject to a mandatory minimum of
12 2 days of imprisonment and a minimum fine of \$1,250.

13 (3) A person who is convicted of violating subsection
14 (a) of Section 11-501 of this Code a third time within 20
15 years is guilty of a Class 4 felony and, in addition to any
16 other penalty that may be imposed under subsection (c), is
17 subject to a mandatory minimum of 90 days of imprisonment
18 and a minimum fine of \$2,500.

19 (4) A person who is convicted of violating this
20 subsection (c-4) a fourth or subsequent time is guilty of a
21 Class 2 felony and, in addition to any other penalty that
22 may be imposed under subsection (c), is not eligible for a
23 sentence of probation or conditional discharge and is
24 subject to a minimum fine of \$2,500.

25 (d) (1) Every person convicted of committing a violation of
26 this Section shall be guilty of aggravated driving under
27 the influence of alcohol, other drug or drugs, or
28 intoxicating compound or compounds, or any combination
29 thereof if:

30 (A) the person committed a violation of this
31 Section, or a similar provision of a law of another
32 state or a local ordinance when the cause of action is
33 the same as or substantially similar to this Section,
34 for the third or subsequent time;

35 (B) the person committed a violation of paragraph
36 (a) while driving a school bus with children on board;

1 (C) the person in committing a violation of
2 paragraph (a) was involved in a motor vehicle accident
3 that resulted in great bodily harm or permanent
4 disability or disfigurement to another, when the
5 violation was a proximate cause of the injuries;

6 (D) the person committed a violation of paragraph
7 (a) for a second time and has been previously convicted
8 of violating Section 9-3 of the Criminal Code of 1961
9 relating to reckless homicide in which the person was
10 determined to have been under the influence of alcohol,
11 other drug or drugs, or intoxicating compound or
12 compounds as an element of the offense or the person
13 has previously been convicted under subparagraph (C)
14 or subparagraph (F) of this paragraph (1);

15 (E) the person, in committing a violation of
16 paragraph (a) while driving at any speed in a school
17 speed zone at a time when a speed limit of 20 miles per
18 hour was in effect under subsection (a) of Section
19 11-605 of this Code, was involved in a motor vehicle
20 accident that resulted in bodily harm, other than great
21 bodily harm or permanent disability or disfigurement,
22 to another person, when the violation of paragraph (a)
23 was a proximate cause of the bodily harm; or

24 (F) the person, in committing a violation of
25 paragraph (a), was involved in a motor vehicle,
26 snowmobile, all-terrain vehicle, or watercraft
27 accident that resulted in the death of another person,
28 when the violation of paragraph (a) was a proximate
29 cause of the death.

30 (2) Except as provided in this paragraph (2),
31 aggravated driving under the influence of alcohol, other
32 drug or drugs, or intoxicating compound or compounds, or
33 any combination thereof is a Class 4 felony. For a
34 violation of subparagraph (C) of paragraph (1) of this
35 subsection (d), the defendant, if sentenced to a term of
36 imprisonment, shall be sentenced to not less than one year

1 nor more than 12 years. Aggravated driving under the
2 influence of alcohol, other drug or drugs, or intoxicating
3 compound or compounds, or any combination thereof as
4 defined in subparagraph (F) of paragraph (1) of this
5 subsection (d) is a Class 2 felony, for which the
6 defendant, if sentenced to a term of imprisonment, shall be
7 sentenced to: (A) a term of imprisonment of not less than 3
8 years and not more than 14 years if the violation resulted
9 in the death of one person; or (B) a term of imprisonment
10 of not less than 6 years and not more than 28 years if the
11 violation resulted in the deaths of 2 or more persons. For
12 any prosecution under this subsection (d), a certified copy
13 of the driving abstract of the defendant shall be admitted
14 as proof of any prior conviction.

15 (e) After a finding of guilt and prior to any final
16 sentencing, or an order for supervision, for an offense based
17 upon an arrest for a violation of this Section or a similar
18 provision of a local ordinance, individuals shall be required
19 to undergo a professional evaluation to determine if an
20 alcohol, drug, or intoxicating compound abuse problem exists
21 and the extent of the problem, and undergo the imposition of
22 treatment as appropriate. Programs conducting these
23 evaluations shall be licensed by the Department of Human
24 Services. The cost of any professional evaluation shall be paid
25 for by the individual required to undergo the professional
26 evaluation.

27 (e-1) Any person who is found guilty of or pleads guilty to
28 violating this Section, including any person receiving a
29 disposition of court supervision for violating this Section,
30 may be required by the Court to attend a victim impact panel
31 offered by, or under contract with, a County State's Attorney's
32 office, a probation and court services department, Mothers
33 Against Drunk Driving, or the Alliance Against Intoxicated
34 Motorists. All costs generated by the victim impact panel shall
35 be paid from fees collected from the offender or as may be
36 determined by the court.

1 (f) Every person found guilty of violating this Section,
2 whose operation of a motor vehicle while in violation of this
3 Section proximately caused any incident resulting in an
4 appropriate emergency response, shall be liable for the expense
5 of an emergency response as provided under Section 5-5-3 of the
6 Unified Code of Corrections.

7 (g) The Secretary of State shall revoke the driving
8 privileges of any person convicted under this Section or a
9 similar provision of a local ordinance.

10 (h) Every person sentenced under paragraph (2) or (3) of
11 subsection (c-1) of this Section or subsection (d) of this
12 Section and who receives a term of probation or conditional
13 discharge shall be required to serve a minimum term of either
14 60 days community service or 10 days of imprisonment as a
15 condition of the probation or conditional discharge. This
16 mandatory minimum term of imprisonment or assignment of
17 community service shall not be suspended and shall not be
18 subject to reduction by the court.

19 (i) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by an
21 individual who has been convicted of a second or subsequent
22 offense of this Section or a similar provision of a local
23 ordinance. The Secretary shall establish by rule and regulation
24 the procedures for certification and use of the interlock
25 system.

26 (j) In addition to any other penalties and liabilities, a
27 person who is found guilty of or pleads guilty to violating
28 this Section, including any person placed on court supervision
29 for violating this Section, shall be fined \$100, payable to the
30 circuit clerk, who shall distribute the money to the law
31 enforcement agency that made the arrest. If the person has been
32 previously convicted of violating this Section or a similar
33 provision of a local ordinance, the fine shall be \$200. In the
34 event that more than one agency is responsible for the arrest,
35 the \$100 or \$200 shall be shared equally. Any moneys received
36 by a law enforcement agency under this subsection (j) shall be

1 used to purchase law enforcement equipment that will assist in
2 the prevention of alcohol related criminal violence throughout
3 the State. This shall include, but is not limited to, in-car
4 video cameras, radar and laser speed detection devices, and
5 alcohol breath testers. Any moneys received by the Department
6 of State Police under this subsection (j) shall be deposited
7 into the State Police DUI Fund and shall be used to purchase
8 law enforcement equipment that will assist in the prevention of
9 alcohol related criminal violence throughout the State.

10 (k) The Secretary of State Police DUI Fund is created as a
11 special fund in the State treasury. All moneys received by the
12 Secretary of State Police under subsection (j) of this Section
13 shall be deposited into the Secretary of State Police DUI Fund
14 and, subject to appropriation, shall be used to purchase law
15 enforcement equipment to assist in the prevention of alcohol
16 related criminal violence throughout the State.

17 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
18 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
19 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
20 7-18-03; 93-584, eff. 8-22-03; revised 8-27-03.)

21 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

22 Sec. 11-605. Special speed limit while passing schools or
23 while traveling through highway construction or maintenance
24 zones.

25 (a) For the purpose of this Section, "school" means the
26 following entities:

27 (1) A public or private primary or secondary school.

28 (2) A primary or secondary school operated by a
29 religious institution.

30 (3) A public, private, or religious nursery school.

31 On a school day when school children are present and so
32 close thereto that a potential hazard exists because of the
33 close proximity of the motorized traffic, no person shall drive
34 a motor vehicle at a speed in excess of 20 miles per hour while
35 passing a school zone or while traveling on a roadway on public

1 school property or upon any public thoroughfare where children
2 pass going to and from school.

3 For the purpose of this Section a school day shall begin at
4 seven ante meridian and shall conclude at four post meridian.

5 This Section shall not be applicable unless appropriate
6 signs are posted upon streets and highways under their
7 respective jurisdiction and maintained by the Department,
8 township, county, park district, city, village or incorporated
9 town wherein the school zone is located. With regard to the
10 special speed limit while passing schools, such signs shall
11 give proper due warning that a school zone is being approached
12 and shall indicate the school zone and the maximum speed limit
13 in effect during school days when school children are present.

14 (b) No person shall operate a motor vehicle in a
15 construction or maintenance zone at a speed in excess of the
16 posted speed limit when workers are present and so close to the
17 moving traffic that a potential hazard exists because of the
18 motorized traffic.

19 (c) Nothing in this Chapter shall prohibit the use of
20 electronic speed-detecting devices within 500 feet of signs
21 within a special school speed zone or a construction or
22 maintenance zone indicating such zone, as defined in this
23 Section, nor shall evidence obtained thereby be inadmissible in
24 any prosecution for speeding provided the use of such device
25 shall apply only to the enforcement of the speed limit in such
26 special school speed zone or a construction or maintenance
27 zone.

28 (d) For the purpose of this Section, a construction or
29 maintenance zone is an area in which the Department, Toll
30 Highway Authority, or local agency has determined that the
31 preexisting established speed limit through a highway
32 construction or maintenance project is greater than is
33 reasonable or safe with respect to the conditions expected to
34 exist in the construction or maintenance zone and has posted a
35 lower speed limit with a highway construction or maintenance
36 zone special speed limit sign.

1 Highway construction or maintenance zone special speed
2 limit signs shall be of a design approved by the Department.
3 The signs shall give proper due warning that a construction or
4 maintenance zone is being approached and shall indicate the
5 maximum speed limit in effect. The signs shall also state the
6 amount of the minimum fine for a violation when workers are
7 present.

8 (e) A first violation of this Section is a petty offense
9 with a minimum fine of \$150. A second or subsequent violation
10 of this Section is a petty offense with a minimum fine of \$300.

11 (f) When a fine for a violation of subsection (a) is \$150
12 or greater, the person who violates subsection (a) shall be
13 charged an additional \$50 to be paid to the unit school
14 district where the violation occurred for school safety
15 purposes. If the violation occurred in a dual school district,
16 \$25 of the surcharge shall be paid to the elementary school
17 district for school safety purposes and \$25 of the surcharge
18 shall be paid to the high school district for school safety
19 purposes. Notwithstanding any other provision of law, the
20 entire \$50 surcharge shall be paid to the appropriate school
21 district or districts.

22 For purposes of this subsection (f), "school safety
23 purposes" includes the costs associated with school zone safety
24 education and the purchase, installation, and maintenance of
25 caution lights which are mounted on school speed zone signs.

26 (g) When a fine for a violation of subsection (b) is \$150
27 or greater, the person who violates subsection (b) shall be
28 charged an additional \$50. The \$50 surcharge shall be deposited
29 into the Transportation Safety Highway Hire-back Fund.

30 (h) The Transportation Safety Highway Hire-back Fund is
31 created as a special fund in the State treasury. Subject to
32 appropriation by the General Assembly and approval by the
33 Secretary, the Secretary of Transportation shall use all moneys
34 in the Transportation Safety Highway Hire-back Fund to hire
35 off-duty Department of State Police officers to monitor
36 construction or maintenance zones.

1 (Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02; 92-619,
2 eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)

3 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

4 Sec. 11-1201. Obedience to signal indicating approach of
5 train.

6 (a) Whenever any person driving a vehicle approaches a
7 railroad grade crossing where the driver is not always required
8 to stop, the person must exercise due care and caution as the
9 existence of a railroad track across a highway is a warning of
10 danger, and under any of the circumstances stated in this
11 Section, the driver shall stop within 50 feet but not less than
12 15 feet from the nearest rail of the railroad and shall not
13 proceed until the tracks are clear and he or she can do so
14 safely. The foregoing requirements shall apply when:

15 1. A clearly visible electric or mechanical signal
16 device gives warning of the immediate approach of a
17 railroad train;

18 2. A crossing gate is lowered or a human flagman gives
19 or continues to give a signal of the approach or passage of
20 a railroad train;

21 3. A railroad train approaching a highway crossing
22 emits a warning signal and such railroad train, by reason
23 of its speed or nearness to such crossing, is an immediate
24 hazard;

25 4. An approaching railroad train is plainly visible and
26 is in hazardous proximity to such crossing;

27 5. A railroad train is approaching so closely that an
28 immediate hazard is created.

29 (a-5) Whenever a person driving a vehicle approaches a
30 railroad grade crossing where the driver is not always required
31 to stop but must slow down, the person must exercise due care
32 and caution as the existence of a railroad track across a
33 highway is a warning of danger, and under any of the
34 circumstances stated in this Section, the driver shall slow
35 down within 50 feet but not less than 15 feet from the nearest

1 rail of the railroad and shall not proceed until he or she
2 checks that the tracks are clear of an approaching train.

3 (b) No person shall drive any vehicle through, around or
4 under any crossing gate or barrier at a railroad crossing while
5 such gate or barrier is closed or is being opened or closed.

6 (c) The Department, and local authorities with the approval
7 of the Department, are hereby authorized to designate
8 particularly dangerous highway grade crossings of railroads
9 and to erect stop signs thereat. When such stop signs are
10 erected the driver of any vehicle shall stop within 50 feet but
11 not less than 15 feet from the nearest rail of such railroad
12 and shall proceed only upon exercising due care.

13 (d) At any railroad grade crossing provided with railroad
14 crossbuck signs, without automatic, electric, or mechanical
15 signal devices, crossing gates, or a human flagman giving a
16 signal of the approach or passage of a train, the driver of a
17 vehicle shall in obedience to the railroad crossbuck sign,
18 yield the right-of-way and slow down to a speed reasonable for
19 the existing conditions and shall stop, if required for safety,
20 at a clearly marked stopped line, or if no stop line, within 50
21 feet but not less than 15 feet from the nearest rail of the
22 railroad and shall not proceed until he or she can do so
23 safely. If a driver is involved in a collision at a railroad
24 crossing or interferes with the movement of a train after
25 driving past the railroad crossbuck sign, the collision or
26 interference is prima facie evidence of the driver's failure to
27 yield right-of-way.

28 (d-1) No person shall, while driving a commercial motor
29 vehicle, fail to negotiate a railroad-highway grade railroad
30 crossing because of insufficient undercarriage clearance.

31 (d-5) (Blank).

32 (e) It is unlawful to violate any part of this Section.

33 (1) A violation of this Section is a petty offense for
34 which a fine of \$250 shall be imposed for a first
35 violation, and a fine of \$500 shall be imposed for a second
36 or subsequent violation. The court may impose 25 hours of

1 community service in place of the \$250 fine for the first
2 violation.

3 (2) For a second or subsequent violation, the Secretary
4 of State may suspend the driving privileges of the offender
5 for a minimum of 6 months.

6 (f) Corporate authorities of municipal corporations
7 regulating operators of vehicles that fail to obey signals
8 indicating the presence, approach, passage, or departure of a
9 train shall impose fines as established in subsection (e) of
10 this Section.

11 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; 92-651,
12 eff. 7-11-02; 92-814, eff. 1-1-03; 92-834, eff. 8-22-02;
13 revised 8-26-02.)

14 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

15 Sec. 11-1414. Approaching, overtaking, and passing school
16 bus.

17 (a) The driver of a vehicle shall stop such vehicle before
18 meeting or overtaking, from either direction, any school bus
19 stopped at any location for the purpose of receiving or
20 discharging pupils. Such stop is required before reaching the
21 school bus when there is in operation on the school bus the
22 visual signals as specified in Sections 12-803 and 12-805 of
23 this Code. The driver of the vehicle shall not proceed until
24 the school bus resumes motion or the driver of the vehicle is
25 signaled by the school bus driver to proceed or the visual
26 signals are no longer actuated.

27 (b) The stop signal arm required by Section 12-803 of this
28 Code shall be extended after the school bus has come to a
29 complete stop for the purpose of loading or discharging pupils
30 and shall be closed before the school bus is placed in motion
31 again. The stop signal arm shall not be extended at any other
32 time.

33 (c) The alternately flashing red signal lamps of an 8-lamp
34 flashing signal system required by Section 12-805 of this Code
35 shall be actuated after the school bus has come to a complete

1 stop for the purpose of loading or discharging pupils and shall
2 be turned off before the school bus is placed in motion again.
3 The red signal lamps shall not be actuated at any other time
4 except as provided in paragraph (d) of this Section.

5 (d) The alternately flashing amber signal lamps of an
6 8-lamp flashing signal system required by Section 12-805 of
7 this Code shall be actuated continuously during not less than
8 the last 100 feet traveled by the school bus before stopping
9 for the purpose of loading or discharging pupils within an
10 urban area and during not less than the last 200 feet traveled
11 by the school bus outside an urban area. The amber signal lamps
12 shall remain actuated until the school bus is stopped. The
13 amber signal lamps shall not be actuated at any other time.

14 (d-5) The alternately flashing head lamps permitted by
15 Section 12-805 of this Code may be operated while the
16 alternately flashing red or amber signal lamps required by that
17 Section are actuated.

18 (e) The driver of a vehicle upon a highway having 4 or more
19 lanes which permits at least 2 lanes of traffic to travel in
20 opposite directions need not stop such vehicle upon meeting a
21 school bus which is stopped in the opposing roadway; and need
22 not stop such vehicle when driving upon a controlled access
23 highway when passing a school bus traveling in either direction
24 that is stopped in a loading zone adjacent to the surfaced or
25 improved part of the controlled access highway where
26 pedestrians are not permitted to cross.

27 (f) Beginning with the effective date of this amendatory
28 Act of 1985, the Secretary of State shall suspend for a period
29 of 3 months the driving privileges of any person convicted of a
30 violation of subsection (a) of this Section or a similar
31 provision of a local ordinance; the Secretary shall suspend for
32 a period of one year the driving privileges of any person
33 convicted of a second or subsequent violation of subsection (a)
34 of this Section or a similar provision of a local ordinance if
35 the second or subsequent violation occurs within 5 years of a
36 prior conviction for the same offense. In addition to the

1 suspensions authorized by this Section, any person convicted of
2 violating this Section or a similar provision of a local
3 ordinance shall be subject to a mandatory fine of \$150 or, upon
4 a second or subsequent violation, \$500. The Secretary may also
5 grant, for the duration of any suspension issued under this
6 subsection, a restricted driving permit granting the privilege
7 of driving a motor vehicle between the driver's residence and
8 place of employment or within other proper limits that the
9 Secretary of State shall find necessary to avoid any undue
10 hardship. A restricted driving permit issued hereunder shall be
11 subject to cancellation, revocation and suspension by the
12 Secretary of State in like manner and for like cause as a
13 driver's license may be cancelled, revoked or suspended; except
14 that a conviction upon one or more offenses against laws or
15 ordinances regulating the movement of traffic shall be deemed
16 sufficient cause for the revocation, suspension or
17 cancellation of the restricted driving permit. The Secretary of
18 State may, as a condition to the issuance of a restricted
19 driving permit, require the applicant to participate in a
20 designated driver remedial or rehabilitative program. Any
21 conviction for a violation of this subsection shall be included
22 as an offense for the purposes of determining suspension action
23 under any other provision of this Code, provided however, that
24 the penalties provided under this subsection shall be imposed
25 unless those penalties imposed under other applicable
26 provisions are greater.

27 The owner of any vehicle alleged to have violated paragraph
28 (a) of this Section shall, upon appropriate demand by the
29 State's Attorney or other authorized prosecutor acting in
30 response to a signed complaint, provide a written statement or
31 deposition identifying the operator of the vehicle if such
32 operator was not the owner at the time of the alleged
33 violation. Failure to supply such information shall be
34 construed to be the same as a violation of paragraph (a) and
35 shall be subject to the same penalties herein provided. In the
36 event the owner has assigned control for the use of the vehicle

1 to another, the person to whom control was assigned shall
2 comply with the provisions of this paragraph and be subject to
3 the same penalties as herein provided.

4 (Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04;
5 revised 8-12-03.)

6 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

7 Sec. 15-111. Wheel and axle loads and gross weights.

8 (a) On non-designated highways, no vehicle or combination
9 of vehicles equipped with pneumatic tires may be operated,
10 unladen or with load, when the total weight transmitted to the
11 road surface exceeds 18,000 pounds on a single axle or 32,000
12 pounds on a tandem axle with no axle within the tandem
13 exceeding 18,000 pounds except:

14 (1) when a different limit is established and posted in
15 accordance with Section 15-316 of this Code;

16 (2) vehicles for which the Department of
17 Transportation and local authorities issue overweight
18 permits under authority of Section 15-301 of this Code;

19 (3) tow trucks subject to the conditions provided in
20 subsection (d) may not exceed 24,000 pounds on a single
21 rear axle or 44,000 pounds on a tandem rear axle;

22 (4) any single axle of a 2-axle truck weighing 36,000
23 pounds or less and not a part of a combination of vehicles,
24 shall not exceed 20,000 pounds;

25 (5) any single axle of a 2-axle truck equipped with a
26 personnel lift or digger derrick, weighing 36,000 pounds or
27 less, owned and operated by a public utility, shall not
28 exceed 20,000 pounds;

29 (6) any single axle of a 2-axle truck specially
30 equipped with a front loading compactor used exclusively
31 for garbage, refuse, or recycling may not exceed 20,000
32 pounds per axle, provided that the gross weight of the
33 vehicle does not exceed 40,000 pounds;

34 (7) a truck, not in combination and specially equipped
35 with a selfcompactor or an industrial roll-off hoist and

1 roll-off container, used exclusively for garbage or refuse
2 operations may, when laden, transmit upon the road surface
3 the following maximum weights: 22,000 pounds on a single
4 axle; 40,000 pounds on a tandem axle;

5 (8) a truck, not in combination and used exclusively
6 for the collection of rendering materials, may, when laden,
7 transmit upon the road surface the following maximum
8 weights: 22,000 pounds on a single axle; 40,000 pounds on a
9 tandem axle;

10 (9) tandem axles on a 3-axle truck registered as a
11 Special Hauling Vehicle, manufactured prior to or in the
12 model year of 2014 and first registered in Illinois prior
13 to January 1, 2015, with a distance greater than 72 inches
14 but not more than 96 inches between any series of 2 axles,
15 is allowed a combined weight on the series not to exceed
16 36,000 pounds and neither axle of the series may exceed
17 18,000 pounds. Any vehicle of this type manufactured after
18 the model year of 2014 or first registered in Illinois
19 after December 31, 2014 may not exceed a combined weight of
20 32,000 pounds through the series of 2 axles and neither
21 axle of the series may exceed 18,000 pounds;

22 (10) tandem axles on a 4-axle truck mixer, whose fourth
23 axle is a road surface engaging mixer trailing axle,
24 registered as a Special Hauling Vehicle, used exclusively
25 for the mixing and transportation of concrete and
26 manufactured prior to or in the model year of 2014 and
27 first registered in Illinois prior to January 1, 2015, with
28 a distance greater than 72 inches but not more than 96
29 inches between any series of 2 axles, is allowed a combined
30 weight on the series not to exceed 36,000 pounds and
31 neither axle of the series may exceed 18,000 pounds. Any
32 vehicle of this type manufactured after the model year of
33 2014 or first registered in Illinois after December 31,
34 2014 may not exceed a combined weight of 32,000 pounds
35 through the series of 2 axles and neither axle of the
36 series may exceed 18,000 pounds;

1 (11) 4-axle vehicles or a 5 or more axle combination of
 2 vehicles: The weight transmitted upon the road surface
 3 through any series of 3 axles whose centers are more than
 4 96 inches apart, measured between extreme axles in the
 5 series, may not exceed those allowed in the table contained
 6 in subsection (f) of this Section. No axle or tandem axle
 7 of the series may exceed the maximum weight permitted under
 8 this Section for a single or tandem axle.

9 No vehicle or combination of vehicles equipped with other
 10 than pneumatic tires may be operated, unladen or with load,
 11 upon the highways of this State when the gross weight on the
 12 road surface through any wheel exceeds 800 pounds per inch
 13 width of tire tread or when the gross weight on the road
 14 surface through any axle exceeds 16,000 pounds.

15 (b) On non-designated highways, the gross weight of
 16 vehicles and combination of vehicles including the weight of
 17 the vehicle or combination and its maximum load shall be
 18 subject to the foregoing limitations and further shall not
 19 exceed the following gross weights dependent upon the number of
 20 axles and distance between extreme axles of the vehicle or
 21 combination measured longitudinally to the nearest foot.

22 VEHICLES HAVING 2 AXLES 36,000 pounds

23 VEHICLES OR COMBINATIONS			
24 HAVING 3 AXLES			
25 With Tandem		25 With or	
26 Axles		26 Without	
		27 Tandem Axles	
28 Minimum		28 Minimum	
29 distance to	29 Maximum	29 distance to	29 Maximum
30 nearest foot	30 Gross	30 nearest foot	30 Gross
31 between	31 Weight	31 between	31 Weight
32 extreme axles	32 (pounds)	32 extreme axles	32 (pounds)
33 10 feet	33 41,000	33 16 feet	33 46,000
34 11	34 42,000	34 17	34 47,000

1	12	43,000	18	47,500
2	13	44,000	19	48,000
3	14	44,500	20	49,000
4	15	45,000	21 feet or more	50,000

5

6 VEHICLES OR COMBINATIONS HAVING 4 AXLES

7	Minimum		Minimum	
8	distance to	Maximum	distance to	Maximum
9	nearest foot	Gross	nearest foot	Gross
10	between	Weight	between	Weight
11	extreme axles	(pounds)	extreme axles	(pounds)
12	15 feet	50,000	26 feet	57,500
13	16	50,500	27	58,000
14	17	51,500	28	58,500
15	18	52,000	29	59,500
16	19	52,500	30	60,000
17	20	53,500	31	60,500
18	21	54,000	32	61,500
19	22	54,500	33	62,000
20	23	55,500	34	62,500
21	24	56,000	35	63,500
22	25	56,500	36 feet or more	64,000

23 A vehicle not in a combination having more than 4 axles may
 24 not exceed the weight in the table in this subsection (b) for 4
 25 axles measured between the extreme axles of the vehicle.

26

27 COMBINATIONS HAVING 5 OR MORE AXLES

28	Minimum distance to	Maximum
29	nearest foot between	Gross Weight
30	extreme axles	(pounds)
31	42 feet or less	72,000
32	43	73,000
33	44 feet or more	73,280

34 VEHICLES OPERATING ON CRAWLER TYPE TRACKS 40,000 pounds

1 TRUCKS EQUIPPED WITH SELFCOMPACTORS
 2 OR ROLL-OFF HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE
 3 OR REFUSE HAULS ONLY AND TRUCKS USED FOR
 4 THE COLLECTION OF RENDERING MATERIALS
 5 On Highway Not Part of National System
 6 of Interstate and Defense Highways
 7 with 2 axles 36,000 pounds
 8 with 3 axles 54,000 pounds

9 TWO AXLE TRUCKS EQUIPPED WITH
 10 A FRONT LOADING COMPACTOR USED EXCLUSIVELY
 11 FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING
 12 with 2 axles 40,000 pounds

13 (c) Cities having a population of more than 50,000 may
 14 permit by ordinance axle loads on 2 axle motor vehicles 33 1/2%
 15 above those provided for herein, but the increase shall not
 16 become effective until the city has officially notified the
 17 Department of the passage of the ordinance and shall not apply
 18 to those vehicles when outside of the limits of the city, nor
 19 shall the gross weight of any 2 axle motor vehicle operating
 20 over any street of the city exceed 40,000 pounds.

21 (d) Weight limitations shall not apply to vehicles
 22 (including loads) operated by a public utility when
 23 transporting equipment required for emergency repair of public
 24 utility facilities or properties or water wells.

25 A combination of vehicles, including a tow truck and a
 26 disabled vehicle or disabled combination of vehicles, that
 27 exceeds the weight restriction imposed by this Code, may be
 28 operated on a public highway in this State provided that
 29 neither the disabled vehicle nor any vehicle being towed nor
 30 the tow truck itself shall exceed the weight limitations
 31 permitted under this Chapter. During the towing operation,
 32 neither the tow truck nor the vehicle combination shall exceed
 33 24,000 pounds on a single rear axle and 44,000 pounds on a
 34 tandem rear axle, provided the towing vehicle:

1 (1) is specifically designed as a tow truck having a
2 gross vehicle weight rating of at least 18,000 pounds and
3 is equipped with air brakes, provided that air brakes are
4 required only if the towing vehicle is towing a vehicle,
5 semitrailer, or tractor-trailer combination that is
6 equipped with air brakes;

7 (2) is equipped with flashing, rotating, or
8 oscillating amber lights, visible for at least 500 feet in
9 all directions;

10 (3) is capable of utilizing the lighting and braking
11 systems of the disabled vehicle or combination of vehicles;
12 and

13 (4) does not engage in a tow exceeding 20 miles from
14 the initial point of wreck or disablement. Any additional
15 movement of the vehicles may occur only upon issuance of
16 authorization for that movement under the provisions of
17 Sections 15-301 through 15-319 of this Code.

18 Gross weight limits shall not apply to the combination of
19 the tow truck and vehicles being towed. The tow truck license
20 plate must cover the operating empty weight of the tow truck
21 only. The weight of each vehicle being towed shall be covered
22 by a valid license plate issued to the owner or operator of the
23 vehicle being towed and displayed on that vehicle. If no valid
24 plate issued to the owner or operator of that vehicle is
25 displayed on that vehicle, or the plate displayed on that
26 vehicle does not cover the weight of the vehicle, the weight of
27 the vehicle shall be covered by the third tow truck plate
28 issued to the owner or operator of the tow truck and
29 temporarily affixed to the vehicle being towed.

30 The Department may by rule or regulation prescribe
31 additional requirements. However, nothing in this Code shall
32 prohibit a tow truck under instructions of a police officer
33 from legally clearing a disabled vehicle, that may be in
34 violation of weight limitations of this Chapter, from the
35 roadway to the berm or shoulder of the highway. If in the
36 opinion of the police officer that location is unsafe, the

1 officer is authorized to have the disabled vehicle towed to the
2 nearest place of safety.

3 For the purpose of this subsection, gross vehicle weight
4 rating, or GVWR, shall mean the value specified by the
5 manufacturer as the loaded weight of the tow truck.

6 (e) No vehicle or combination of vehicles equipped with
7 pneumatic tires shall be operated, unladen or with load, upon
8 the highways of this State in violation of the provisions of
9 any permit issued under the provisions of Sections 15-301
10 through 15-319 of this Chapter.

11 (f) On designated Class I, II, or III highways and the
12 National System of Interstate and Defense Highways, no vehicle
13 or combination of vehicles with pneumatic tires may be
14 operated, unladen or with load, when the total weight on the
15 road surface exceeds the following: 20,000 pounds on a single
16 axle; 34,000 pounds on a tandem axle with no axle within the
17 tandem exceeding 20,000 pounds; 80,000 pounds gross weight for
18 vehicle combinations of 5 or more axles; or a total weight on a
19 group of 2 or more consecutive axles in excess of that weight
20 produced by the application of the following formula: $W = 500$
21 times the sum of $(LN \text{ divided by } N-1) + 12N + 36$, where "W"
22 equals overall total weight on any group of 2 or more
23 consecutive axles to the nearest 500 pounds, "L" equals the
24 distance measured to the nearest foot between extremes of any
25 group of 2 or more consecutive axles, and "N" equals the number
26 of axles in the group under consideration.

27 The above formula when expressed in tabular form results in
28 allowable loads as follows:

29	Distance measured	
30	to the nearest	
31	foot between the	
32	extremes of any	Maximum weight in pounds
33	group of 2 or	of any group of
34	more consecutive	2 or more consecutive axles
35	axles	

	feet	2 axles	3 axles	4 axles	5 axles	6 axles
1						
2	4	34,000				
3	5	34,000				
4	6	34,000				
5	7	34,000				
6	8	38,000*	42,000			
7	9	39,000	42,500			
8	10	40,000	43,500			
9	11		44,000			
10	12		45,000	50,000		
11	13		45,500	50,500		
12	14		46,500	51,500		
13	15		47,000	52,000		
14	16		48,000	52,500	58,000	
15	17		48,500	53,500	58,500	
16	18		49,500	54,000	59,000	
17	19		50,000	54,500	60,000	
18	20		51,000	55,500	60,500	66,000
19	21		51,500	56,000	61,000	66,500
20	22		52,500	56,500	61,500	67,000
21	23		53,000	57,500	62,500	68,000
22	24		54,000	58,000	63,000	68,500
23	25		54,500	58,500	63,500	69,000
24	26		55,500	59,500	64,000	69,500
25	27		56,000	60,000	65,000	70,000
26	28		57,000	60,500	65,500	71,000
27	29		57,500	61,500	66,000	71,500
28	30		58,500	62,000	66,500	72,000
29	31		59,000	62,500	67,500	72,500
30	32		60,000	63,500	68,000	73,000
31	33			64,000	68,500	74,000
32	34			64,500	69,000	74,500
33	35			65,500	70,000	75,000
34	36			66,000	70,500	75,500
35	37			66,500	71,000	76,000
36	38			67,500	72,000	77,000

1	39	68,000	72,500	77,500
2	40	68,500	73,000	78,000
3	41	69,500	73,500	78,500
4	42	70,000	74,000	79,000
5	43	70,500	75,000	80,000
6	44	71,500	75,500	
7	45	72,000	76,000	
8	46	72,500	76,500	
9	47	73,500	77,500	
10	48	74,000	78,000	
11	49	74,500	78,500	
12	50	75,500	79,000	
13	51	76,000	80,000	
14	52	76,500		
15	53	77,500		
16	54	78,000		
17	55	78,500		
18	56	79,500		
19	57	80,000		

20 *If the distance between 2 axles is 96 inches or less, the 2
 21 axles are tandem axles and the maximum total weight may not
 22 exceed 34,000 pounds, notwithstanding the higher limit
 23 resulting from the application of the formula.

24 Vehicles not in a combination having more than 4 axles may
 25 not exceed the weight in the table in this subsection (f) for 4
 26 axles measured between the extreme axles of the vehicle.

27 Vehicles in a combination having more than 6 axles may not
 28 exceed the weight in the table in this subsection (f) for 6
 29 axles measured between the extreme axles of the combination.

30 Local authorities, with respect to streets and highways
 31 under their jurisdiction, without additional fees, may also by
 32 ordinance or resolution allow the weight limitations of this
 33 subsection, provided the maximum gross weight on any one axle
 34 shall not exceed 20,000 pounds and the maximum total weight on
 35 any tandem axle shall not exceed 34,000 pounds, on designated
 36 highways when appropriate regulatory signs giving notice are

1 erected upon the street or highway or portion of any street or
2 highway affected by the ordinance or resolution.

3 The following are exceptions to the above formula:

4 (1) Two consecutive sets of tandem axles may carry a
5 total weight of 34,000 pounds each if the overall distance
6 between the first and last axles of the consecutive sets of
7 tandem axles is 36 feet or more.

8 (2) Vehicles for which a different limit is established
9 and posted in accordance with Section 15-316 of this Code.

10 (3) Vehicles for which the Department of
11 Transportation and local authorities issue overweight
12 permits under authority of Section 15-301 of this Code.
13 These vehicles are not subject to the bridge formula.

14 (4) Tow trucks subject to the conditions provided in
15 subsection (d) may not exceed 24,000 pounds on a single
16 rear axle or 44,000 pounds on a tandem rear axle.

17 (5) A tandem axle on a 3-axle truck registered as a
18 Special Hauling Vehicle, manufactured prior to or in the
19 model year of 2014, and registered in Illinois prior to
20 January 1, 2015, with a distance between 2 axles in a
21 series greater than 72 inches but not more than 96 inches
22 may not exceed a total weight of 36,000 pounds and neither
23 axle of the series may exceed 18,000 pounds.

24 (6) A truck not in combination, equipped with a self
25 compactor or an industrial roll-off hoist and roll-off
26 container, used exclusively for garbage or refuse
27 operations, may, when laden, transmit upon the road
28 surface, except when on part of the National System of
29 Interstate and Defense Highways, the following maximum
30 weights: 22,000 pounds on a single axle; 40,000 pounds on a
31 tandem axle; 36,000 pounds gross weight on a 2-axle
32 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.
33 This vehicle is not subject to the bridge formula.

34 (7) Combinations of vehicles, registered as Special
35 Hauling Vehicles that include a semitrailer manufactured
36 prior to or in the model year of 2014, and registered in

1 Illinois prior to January 1, 2015, having 5 axles with a
2 distance of 42 feet or less between extreme axles, may not
3 exceed the following maximum weights: 18,000 pounds on a
4 single axle; 32,000 pounds on a tandem axle; and 72,000
5 pounds gross weight. This combination of vehicles is not
6 subject to the bridge formula. For all those combinations
7 of vehicles that include a semitrailer manufactured after
8 the effective date of this amendatory Act of the 92nd
9 General Assembly, the overall distance between the first
10 and last axles of the 2 sets of tandems must be 18 feet 6
11 inches or more. Any combination of vehicles that has had
12 its cargo container replaced in its entirety after December
13 31, 2014 may not exceed the weights allowed by the bridge
14 formula.

15 No vehicle or combination of vehicles equipped with other
16 than pneumatic tires may be operated, unladen or with load,
17 upon the highways of this State when the gross weight on the
18 road surface through any wheel exceeds 800 pounds per inch
19 width of tire tread or when the gross weight on the road
20 surface through any axle exceeds 16,000 pounds.

21 (f-1) A vehicle and load not exceeding 73,280 pounds is
22 allowed access as follows:

23 (1) From any State designated highway onto any county,
24 township, or municipal highway for a distance of 5 highway
25 miles for the purpose of loading and unloading, provided:

26 (A) The vehicle and load does not exceed 8 feet 6
27 inches in width and 65 feet overall length.

28 (B) There is no sign prohibiting that access.

29 (C) The route is not being used as a thoroughfare
30 between State designated highways.

31 (2) From any State designated highway onto any county
32 or township highway for a distance of 5 highway miles, or
33 any municipal highway for a distance of one highway mile
34 for the purpose of food, fuel, repairs, and rest, provided:

35 (A) The vehicle and load does not exceed 8 feet 6
36 inches in width and 65 feet overall length.

1 (B) There is no sign prohibiting that access.

2 (C) The route is not being used as a thoroughfare
3 between State designated highways.

4 (f-2) A vehicle and load greater than 73,280 pounds in
5 weight but not exceeding 80,000 pounds is allowed access as
6 follows:

7 (1) From a Class I highway onto any street or highway
8 for a distance of one highway mile for the purpose of
9 loading, unloading, food, fuel, repairs, and rest,
10 provided there is no sign prohibiting that access.

11 (2) From a Class I, II, or III highway onto any State
12 highway or any local designated highway for a distance of 5
13 highway miles for the purpose of loading, unloading, food,
14 fuel, repairs, and rest.

15 Section 5-35 of the Illinois Administrative Procedure Act
16 relating to procedures for rulemaking shall not apply to the
17 designation of highways under this subsection.

18 (g) No person shall operate a vehicle or combination of
19 vehicles over a bridge or other elevated structure constituting
20 part of a highway with a gross weight that is greater than the
21 maximum weight permitted by the Department, when the structure
22 is sign posted as provided in this Section.

23 (h) The Department upon request from any local authority
24 shall, or upon its own initiative may, conduct an investigation
25 of any bridge or other elevated structure constituting a part
26 of a highway, and if it finds that the structure cannot with
27 safety to itself withstand the weight of vehicles otherwise
28 permissible under this Code the Department shall determine and
29 declare the maximum weight of vehicles that the structures can
30 withstand, and shall cause or permit suitable signs stating
31 maximum weight to be erected and maintained before each end of
32 the structure. No person shall operate a vehicle or combination
33 of vehicles over any structure with a gross weight that is
34 greater than the posted maximum weight.

35 (i) Upon the trial of any person charged with a violation
36 of subsections (g) or (h) of this Section, proof of the

1 determination of the maximum allowable weight by the Department
2 and the existence of the signs, constitutes conclusive evidence
3 of the maximum weight that can be maintained with safety to the
4 bridge or structure.

5 (Source: P.A. 92-417, eff. 1-1-02; 93-177, eff. 7-11-03;
6 93-186, eff. 1-1-04; revised 1-22-04.)

7 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

8 Sec. 18b-105. Rules and Regulations.

9 (a) The Department is authorized to make and adopt
10 reasonable rules and regulations and orders consistent with law
11 necessary to carry out the provisions of this Chapter.

12 (b) The following parts of Title 49 of the Code of Federal
13 Regulations, as now in effect, are hereby adopted by reference
14 as though they were set out in full:

15 Part 383 - Commercial Driver's License Standards,
16 Requirements, and Penalties;

17 Part 385 - Safety Fitness Procedures;

18 Part 390 - Federal Motor Carrier Safety Regulations:
19 General;

20 Part 391 - Qualifications of Drivers;

21 Part 392 - Driving of Motor Vehicles;

22 Part 393 - Parts and Accessories Necessary for Safe
23 Operation;

24 Part 395 - Hours of Service of Drivers, except as provided
25 in Section 18b-106.1; and

26 Part 396 - Inspection, Repair and Maintenance.

27 (b-5) Individuals who meet the requirements set forth in
28 the definition of "medical examiner" in Section 390.5 of Part
29 390 of Title 49 of the Code of Federal Regulations may act as
30 medical examiners in accordance with Part 391 of Title 49 of
31 the Code of Federal Regulations.

32 (c) The following parts and Sections of the Federal Motor
33 Carrier Safety Regulations shall not apply to those intrastate
34 carriers, drivers or vehicles subject to subsection (b).

35 (1) Section 393.93 of Part 393 for those vehicles

1 manufactured before June 30, 1972.

2 (2) Section 393.86 of Part 393 for those vehicles which
3 are registered as farm trucks under subsection (c) of
4 Section 3-815 of this Code.

5 (3) (Blank).

6 (4) (Blank).

7 (5) Paragraph (b) (1) of Section 391.11 of Part 391.

8 (6) All of Part 395 for all agricultural movements as
9 defined in Chapter 1, between the period of February 1
10 through November 30 each year, and all farm to market
11 agricultural transportation as defined in Chapter 1 and for
12 grain hauling operations within a radius of 200 air miles
13 of the normal work reporting location.

14 (7) Paragraphs (b) (3) (insulin dependent diabetic) and
15 (b) (10) (minimum visual acuity) of Section 391.41 of part
16 391, but only for any driver who immediately prior to July
17 29, 1986 was eligible and licensed to operate a motor
18 vehicle subject to this Section and was engaged in
19 operating such vehicles, and who was disqualified on July
20 29, 1986 by the adoption of Part 391 by reason of the
21 application of paragraphs (b) (3) and (b) (10) of Section
22 391.41 with respect to a physical condition existing at
23 that time unless such driver has a record of accidents
24 which would indicate a lack of ability to operate a motor
25 vehicle in a safe manner.

26 (d) Intrastate carriers subject to the recording
27 provisions of Section 395.8 of Part 395 of the Federal Motor
28 Carrier Safety Regulations shall be exempt as established under
29 paragraph (1) of Section 395.8; provided, however, for the
30 purpose of this Code, drivers shall operate within a 150
31 air-mile radius of the normal work reporting location to
32 qualify for exempt status.

33 (e) Regulations adopted by the Department subsequent to
34 those adopted under subsection (b) hereof shall be identical in
35 substance to the Federal Motor Carrier Safety Regulations of
36 the United States Department of Transportation and adopted in

1 accordance with the procedures for rulemaking in Section 5-35
2 of the Illinois Administrative Procedure Act.

3 (Source: P.A. 91-179, eff. 1-1-00; 92-108; eff. 1-1-02; 92-249;
4 eff. 1-1-02; 92-651, eff. 7-11-02; 92-703, eff. 7-19-02;
5 revised 7-30-02.)

6 Section 460. The Clerks of Courts Act is amended by
7 changing Sections 27.1a, 27.2, and 27.2a as follows:

8 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

9 Sec. 27.1a. The fees of the clerks of the circuit court in
10 all counties having a population of not more than 500,000
11 inhabitants in the instances described in this Section shall be
12 as provided in this Section. In those instances where a minimum
13 and maximum fee is stated, the clerk of the circuit court must
14 charge the minimum fee listed and may charge up to the maximum
15 fee if the county board has by resolution increased the fee.
16 The fees shall be paid in advance and shall be as follows:

17 (a) Civil Cases.

18 The fee for filing a complaint, petition, or other
19 pleading initiating a civil action, with the following
20 exceptions, shall be a minimum of \$40 and a maximum of
21 \$160.

22 (A) When the amount of money or damages or the
23 value of personal property claimed does not exceed
24 \$250, \$10.

25 (B) When that amount exceeds \$250 but does not
26 exceed \$500, a minimum of \$10 and a maximum of \$20.

27 (C) When that amount exceeds \$500 but does not
28 exceed \$2500, a minimum of \$25 and a maximum of \$40.

29 (D) When that amount exceeds \$2500 but does not
30 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

31 (E) For the exercise of eminent domain, a minimum
32 of \$45 and a maximum of \$150. For each additional lot
33 or tract of land or right or interest therein subject
34 to be condemned, the damages in respect to which shall

1 require separate assessment by a jury, a minimum of \$45
2 and a maximum of \$150.

3 (a-1) Family.

4 For filing a petition under the Juvenile Court Act of
5 1987, \$25.

6 For filing a petition for a marriage license, \$10.

7 For performing a marriage in court, \$10.

8 For filing a petition under the Illinois Parentage Act
9 of 1984, \$40.

10 (b) Forcible Entry and Detainer.

11 In each forcible entry and detainer case when the
12 plaintiff seeks possession only or unites with his or her
13 claim for possession of the property a claim for rent or
14 damages or both in the amount of \$15,000 or less, a minimum
15 of \$10 and a maximum of \$50. When the plaintiff unites his
16 or her claim for possession with a claim for rent or
17 damages or both exceeding \$15,000, a minimum of \$40 and a
18 maximum of \$160.

19 (c) Counterclaim or Joining Third Party Defendant.

20 When any defendant files a counterclaim as part of his
21 or her answer or otherwise or joins another party as a
22 third party defendant, or both, the defendant shall pay a
23 fee for each counterclaim or third party action in an
24 amount equal to the fee he or she would have had to pay had
25 he or she brought a separate action for the relief sought
26 in the counterclaim or against the third party defendant,
27 less the amount of the appearance fee, if that has been
28 paid.

29 (d) Confession of Judgment.

30 In a confession of judgment when the amount does not
31 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
32 the amount exceeds \$1500, but does not exceed \$15,000, a
33 minimum of \$40 and a maximum of \$115. When the amount
34 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

35 (e) Appearance.

36 The fee for filing an appearance in each civil case

1 shall be a minimum of \$15 and a maximum of \$60, except as
2 follows:

3 (A) When the plaintiff in a forcible entry and
4 detainer case seeks possession only, a minimum of \$10
5 and a maximum of \$50.

6 (B) When the amount in the case does not exceed
7 \$1500, a minimum of \$10 and a maximum of \$30.

8 (C) When that amount exceeds \$1500 but does not
9 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

10 (f) Garnishment, Wage Deduction, and Citation.

11 In garnishment affidavit, wage deduction affidavit,
12 and citation petition when the amount does not exceed
13 \$1,000, a minimum of \$5 and a maximum of \$15; when the
14 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
15 of \$5 and a maximum of \$30; and when the amount exceeds
16 \$5,000, a minimum of \$5 and a maximum of \$50.

17 (g) Petition to Vacate or Modify.

18 (1) Petition to vacate or modify any final judgment or
19 order of court, except in forcible entry and detainer cases
20 and small claims cases or a petition to reopen an estate,
21 to modify, terminate, or enforce a judgment or order for
22 child or spousal support, or to modify, suspend, or
23 terminate an order for withholding, if filed before 30 days
24 after the entry of the judgment or order, a minimum of \$20
25 and a maximum of \$50.

26 (2) Petition to vacate or modify any final judgment or
27 order of court, except a petition to modify, terminate, or
28 enforce a judgment or order for child or spousal support or
29 to modify, suspend, or terminate an order for withholding,
30 if filed later than 30 days after the entry of the judgment
31 or order, a minimum of \$20 and a maximum of \$75.

32 (3) Petition to vacate order of bond forfeiture, a
33 minimum of \$10 and a maximum of \$40.

34 (h) Mailing.

35 When the clerk is required to mail, the fee will be a
36 minimum of \$2 and a maximum of \$10, plus the cost of

1 postage.

2 (i) Certified Copies.

3 Each certified copy of a judgment after the first,
4 except in small claims and forcible entry and detainer
5 cases, a minimum of \$2 and a maximum of \$10.

6 (j) Habeas Corpus.

7 For filing a petition for relief by habeas corpus, a
8 minimum of \$60 and a maximum of \$100.

9 (k) Certification, Authentication, and Reproduction.

10 (1) Each certification or authentication for taking
11 the acknowledgment of a deed or other instrument in writing
12 with the seal of office, a minimum of \$2 and a maximum of
13 \$6.

14 (2) Court appeals when original documents are
15 forwarded, under 100 pages, plus delivery and costs, a
16 minimum of \$20 and a maximum of \$60.

17 (3) Court appeals when original documents are
18 forwarded, over 100 pages, plus delivery and costs, a
19 minimum of \$50 and a maximum of \$150.

20 (4) Court appeals when original documents are
21 forwarded, over 200 pages, an additional fee of a minimum
22 of 20 cents and a maximum of 25 cents per page.

23 (5) For reproduction of any document contained in the
24 clerk's files:

25 (A) First page, a minimum of \$1 and a maximum of
26 \$2.

27 (B) Next 19 pages, 50 cents per page.

28 (C) All remaining pages, 25 cents per page.

29 (l) Remands.

30 In any cases remanded to the Circuit Court from the
31 Supreme Court or the Appellate Court for a new trial, the
32 clerk shall file the remanding order and reinstate the case
33 with either its original number or a new number. The Clerk
34 shall not charge any new or additional fee for the
35 reinstatement. Upon reinstatement the Clerk shall advise
36 the parties of the reinstatement. A party shall have the

1 same right to a jury trial on remand and reinstatement as
2 he or she had before the appeal, and no additional or new
3 fee or charge shall be made for a jury trial after remand.

4 (m) Record Search.

5 For each record search, within a division or municipal
6 district, the clerk shall be entitled to a search fee of a
7 minimum of \$4 and a maximum of \$6 for each year searched.

8 (n) Hard Copy.

9 For each page of hard copy print output, when case
10 records are maintained on an automated medium, the clerk
11 shall be entitled to a fee of a minimum of \$4 and a maximum
12 of \$6.

13 (o) Index Inquiry and Other Records.

14 No fee shall be charged for a single
15 plaintiff/defendant index inquiry or single case record
16 inquiry when this request is made in person and the records
17 are maintained in a current automated medium, and when no
18 hard copy print output is requested. The fees to be charged
19 for management records, multiple case records, and
20 multiple journal records may be specified by the Chief
21 Judge pursuant to the guidelines for access and
22 dissemination of information approved by the Supreme
23 Court.

24 (p) (Blank).

25 ~~a minimum of \$25 and a maximum of \$50~~

26 (q) Alias Summons.

27 For each alias summons or citation issued by the clerk,
28 a minimum of \$2 and a maximum of \$5.

29 (r) Other Fees.

30 Any fees not covered in this Section shall be set by
31 rule or administrative order of the Circuit Court with the
32 approval of the Administrative Office of the Illinois
33 Courts.

34 The clerk of the circuit court may provide additional
35 services for which there is no fee specified by statute in
36 connection with the operation of the clerk's office as may

1 be requested by the public and agreed to by the clerk and
2 approved by the chief judge of the circuit court. Any
3 charges for additional services shall be as agreed to
4 between the clerk and the party making the request and
5 approved by the chief judge of the circuit court. Nothing
6 in this subsection shall be construed to require any clerk
7 to provide any service not otherwise required by law.

8 (s) Jury Services.

9 The clerk shall be entitled to receive, in addition to
10 other fees allowed by law, the sum of a minimum of \$62.50
11 and a maximum of \$212.50, as a fee for the services of a
12 jury in every civil action not quasi-criminal in its nature
13 and not a proceeding for the exercise of the right of
14 eminent domain and in every other action wherein the right
15 of trial by jury is or may be given by law. The jury fee
16 shall be paid by the party demanding a jury at the time of
17 filing the jury demand. If the fee is not paid by either
18 party, no jury shall be called in the action or proceeding,
19 and the same shall be tried by the court without a jury.

20 (t) Voluntary Assignment.

21 For filing each deed of voluntary assignment, a minimum
22 of \$10 and a maximum of \$20; for recording the same, a
23 minimum of 25 cents and a maximum of 50 cents for each 100
24 words. Exceptions filed to claims presented to an assignee
25 of a debtor who has made a voluntary assignment for the
26 benefit of creditors shall be considered and treated, for
27 the purpose of taxing costs therein, as actions in which
28 the party or parties filing the exceptions shall be
29 considered as party or parties plaintiff, and the claimant
30 or claimants as party or parties defendant, and those
31 parties respectively shall pay to the clerk the same fees
32 as provided by this Section to be paid in other actions.

33 (u) Expungement Petition.

34 The clerk shall be entitled to receive a fee of a
35 minimum of \$15 and a maximum of \$60 for each expungement
36 petition filed and an additional fee of a minimum of \$2 and

1 a maximum of \$4 for each certified copy of an order to
2 expunge arrest records.

3 (v) Probate.

4 The clerk is entitled to receive the fees specified in
5 this subsection (v), which shall be paid in advance, except
6 that, for good cause shown, the court may suspend, reduce,
7 or release the costs payable under this subsection:

8 (1) For administration of the estate of a decedent
9 (whether testate or intestate) or of a missing person, a
10 minimum of \$50 and a maximum of \$150, plus the fees
11 specified in subsection (v) (3), except:

12 (A) When the value of the real and personal
13 property does not exceed \$15,000, the fee shall be a
14 minimum of \$25 and a maximum of \$40.

15 (B) When (i) proof of heirship alone is made, (ii)
16 a domestic or foreign will is admitted to probate
17 without administration (including proof of heirship),
18 or (iii) letters of office are issued for a particular
19 purpose without administration of the estate, the fee
20 shall be a minimum of \$10 and a maximum of \$40.

21 (C) For filing a petition to sell Real Estate, \$50.

22 (2) For administration of the estate of a ward, a
23 minimum of \$50 and a maximum of \$75, plus the fees
24 specified in subsection (v) (3), except:

25 (A) When the value of the real and personal
26 property does not exceed \$15,000, the fee shall be a
27 minimum of \$25 and a maximum of \$40.

28 (B) When (i) letters of office are issued to a
29 guardian of the person or persons, but not of the
30 estate or (ii) letters of office are issued in the
31 estate of a ward without administration of the estate,
32 including filing or joining in the filing of a tax
33 return or releasing a mortgage or consenting to the
34 marriage of the ward, the fee shall be a minimum of \$10
35 and a maximum of \$20.

36 (C) For filing a Petition to sell Real Estate, \$50.

1 (3) In addition to the fees payable under subsection
2 (v) (1) or (v) (2) of this Section, the following fees are
3 payable:

4 (A) For each account (other than one final account)
5 filed in the estate of a decedent, or ward, a minimum
6 of \$10 and a maximum of \$25.

7 (B) For filing a claim in an estate when the amount
8 claimed is \$150 or more but less than \$500, a minimum
9 of \$10 and a maximum of \$25; when the amount claimed is
10 \$500 or more but less than \$10,000, a minimum of \$10
11 and a maximum of \$40; when the amount claimed is
12 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
13 provided that the court in allowing a claim may add to
14 the amount allowed the filing fee paid by the claimant.

15 (C) For filing in an estate a claim, petition, or
16 supplemental proceeding based upon an action seeking
17 equitable relief including the construction or contest
18 of a will, enforcement of a contract to make a will,
19 and proceedings involving testamentary trusts or the
20 appointment of testamentary trustees, a minimum of \$40
21 and a maximum of \$60.

22 (D) For filing in an estate (i) the appearance of
23 any person for the purpose of consent or (ii) the
24 appearance of an executor, administrator,
25 administrator to collect, guardian, guardian ad litem,
26 or special administrator, no fee.

27 (E) Except as provided in subsection (v) (3) (D),
28 for filing the appearance of any person or persons, a
29 minimum of \$10 and a maximum of \$30.

30 (F) For each jury demand, a minimum of \$62.50 and a
31 maximum of \$137.50.

32 (G) For disposition of the collection of a judgment
33 or settlement of an action or claim for wrongful death
34 of a decedent or of any cause of action of a ward, when
35 there is no other administration of the estate, a
36 minimum of \$30 and a maximum of \$50, less any amount

1 paid under subsection (v) (1) (B) or (v) (2) (B) except
2 that if the amount involved does not exceed \$5,000, the
3 fee, including any amount paid under subsection
4 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
5 maximum of \$20.

6 (H) For each certified copy of letters of office,
7 of court order or other certification, a minimum of \$1
8 and a maximum of \$2, plus a minimum of 50 cents and a
9 maximum of \$1 per page in excess of 3 pages for the
10 document certified.

11 (I) For each exemplification, a minimum of \$1 and a
12 maximum of \$2, plus the fee for certification.

13 (4) The executor, administrator, guardian, petitioner,
14 or other interested person or his or her attorney shall pay
15 the cost of publication by the clerk directly to the
16 newspaper.

17 (5) The person on whose behalf a charge is incurred for
18 witness, court reporter, appraiser, or other miscellaneous
19 fee shall pay the same directly to the person entitled
20 thereto.

21 (6) The executor, administrator, guardian, petitioner,
22 or other interested person or his or her attorney shall pay
23 to the clerk all postage charges incurred by the clerk in
24 mailing petitions, orders, notices, or other documents
25 pursuant to the provisions of the Probate Act of 1975.

26 (w) Criminal and Quasi-Criminal Costs and Fees.

27 (1) The clerk shall be entitled to costs in all
28 criminal and quasi-criminal cases from each person
29 convicted or sentenced to supervision therein as follows:

30 (A) Felony complaints, a minimum of \$40 and a
31 maximum of \$100.

32 (B) Misdemeanor complaints, a minimum of \$25 and a
33 maximum of \$75.

34 (C) Business offense complaints, a minimum of \$25
35 and a maximum of \$75.

36 (D) Petty offense complaints, a minimum of \$25 and

1 a maximum of \$75.

2 (E) Minor traffic or ordinance violations, \$10.

3 (F) When court appearance required, \$15.

4 (G) Motions to vacate or amend final orders, a
5 minimum of \$20 and a maximum of \$40.

6 (H) Motions to vacate bond forfeiture orders, a
7 minimum of \$20 and a maximum of \$40.

8 (I) Motions to vacate ex parte judgments, whenever
9 filed, a minimum of \$20 and a maximum of \$40.

10 (J) Motions to vacate judgment on forfeitures,
11 whenever filed, a minimum of \$20 and a maximum of \$40.

12 (K) Motions to vacate "failure to appear" or
13 "failure to comply" notices sent to the Secretary of
14 State, a minimum of \$20 and a maximum of \$40.

15 (2) In counties having a population of not more than
16 500,000 inhabitants, when the violation complaint is
17 issued by a municipal police department, the clerk shall be
18 entitled to costs from each person convicted therein as
19 follows:

20 (A) Minor traffic or ordinance violations, \$10.

21 (B) When court appearance required, \$15.

22 (3) In ordinance violation cases punishable by fine
23 only, the clerk of the circuit court shall be entitled to
24 receive, unless the fee is excused upon a finding by the
25 court that the defendant is indigent, in addition to other
26 fees or costs allowed or imposed by law, the sum of a
27 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
28 services of a jury. The jury fee shall be paid by the
29 defendant at the time of filing his or her jury demand. If
30 the fee is not so paid by the defendant, no jury shall be
31 called, and the case shall be tried by the court without a
32 jury.

33 (x) Transcripts of Judgment.

34 For the filing of a transcript of judgment, the clerk
35 shall be entitled to the same fee as if it were the
36 commencement of a new suit.

1 (y) Change of Venue.

2 (1) For the filing of a change of case on a change of
3 venue, the clerk shall be entitled to the same fee as if it
4 were the commencement of a new suit.

5 (2) The fee for the preparation and certification of a
6 record on a change of venue to another jurisdiction, when
7 original documents are forwarded, a minimum of \$10 and a
8 maximum of \$40.

9 (z) Tax objection complaints.

10 For each tax objection complaint containing one or more
11 tax objections, regardless of the number of parcels
12 involved or the number of taxpayers joining on the
13 complaint, a minimum of \$10 and a maximum of \$50.

14 (aa) Tax Deeds.

15 (1) Petition for tax deed, if only one parcel is
16 involved, a minimum of \$45 and a maximum of \$200.

17 (2) For each additional parcel, add a fee of a minimum
18 of \$10 and a maximum of \$60.

19 (bb) Collections.

20 (1) For all collections made of others, except the
21 State and county and except in maintenance or child support
22 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
23 of the amount collected and turned over.

24 (2) Interest earned on any funds held by the clerk
25 shall be turned over to the county general fund as an
26 earning of the office.

27 (3) For any check, draft, or other bank instrument
28 returned to the clerk for non-sufficient funds, account
29 closed, or payment stopped, \$25.

30 (4) In child support and maintenance cases, the clerk,
31 if authorized by an ordinance of the county board, may
32 collect an annual fee of up to \$36 from the person making
33 payment for maintaining child support records and the
34 processing of support orders to the State of Illinois KIDS
35 system and the recording of payments issued by the State
36 Disbursement Unit for the official record of the Court.

1 This fee shall be in addition to and separate from amounts
2 ordered to be paid as maintenance or child support and
3 shall be deposited into a Separate Maintenance and Child
4 Support Collection Fund, of which the clerk shall be the
5 custodian, ex-officio, to be used by the clerk to maintain
6 child support orders and record all payments issued by the
7 State Disbursement Unit for the official record of the
8 Court. The clerk may recover from the person making the
9 maintenance or child support payment any additional cost
10 incurred in the collection of this annual fee.

11 The clerk shall also be entitled to a fee of \$5 for
12 certifications made to the Secretary of State as provided
13 in Section 7-703 of the Family Financial Responsibility Law
14 and these fees shall also be deposited into the Separate
15 Maintenance and Child Support Collection Fund.

16 (cc) Corrections of Numbers.

17 For correction of the case number, case title, or
18 attorney computer identification number, if required by
19 rule of court, on any document filed in the clerk's office,
20 to be charged against the party that filed the document, a
21 minimum of \$10 and a maximum of \$25.

22 (dd) Exceptions.

23 (1) The fee requirements of this Section shall not
24 apply to police departments or other law enforcement
25 agencies. In this Section, "law enforcement agency" means
26 an agency of the State or a unit of local government which
27 is vested by law or ordinance with the duty to maintain
28 public order and to enforce criminal laws or ordinances.
29 "Law enforcement agency" also means the Attorney General or
30 any state's attorney.

31 (2) No fee provided herein shall be charged to any unit
32 of local government or school district.

33 (3) The fee requirements of this Section shall not
34 apply to any action instituted under subsection (b) of
35 Section 11-31-1 of the Illinois Municipal Code by a private
36 owner or tenant of real property within 1200 feet of a

1 dangerous or unsafe building seeking an order compelling
2 the owner or owners of the building to take any of the
3 actions authorized under that subsection.

4 (4) The fee requirements of this Section shall not
5 apply to the filing of any commitment petition or petition
6 for an order authorizing the administration of authorized
7 involuntary treatment in the form of medication under the
8 Mental Health and Developmental Disabilities Code.

9 (ee) Adoptions.

10 (1) For an adoption \$65

11 (2) Upon good cause shown, the court may waive the
12 adoption filing fee in a special needs adoption. The term
13 "special needs adoption" shall have the meaning ascribed to
14 it by the Illinois Department of Children and Family
15 Services.

16 (ff) Adoption exemptions.

17 No fee other than that set forth in subsection (ee)
18 shall be charged to any person in connection with an
19 adoption proceeding nor may any fee be charged for
20 proceedings for the appointment of a confidential
21 intermediary under the Adoption Act.

22 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,
23 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;
24 revised 9-5-03.)

25 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

26 Sec. 27.2. The fees of the clerks of the circuit court in
27 all counties having a population in excess of 500,000
28 inhabitants but less than 3,000,000 inhabitants in the
29 instances described in this Section shall be as provided in
30 this Section. In those instances where a minimum and maximum
31 fee is stated, counties with more than 500,000 inhabitants but
32 less than 3,000,000 inhabitants must charge the minimum fee
33 listed in this Section and may charge up to the maximum fee if
34 the county board has by resolution increased the fee. In
35 addition, the minimum fees authorized in this Section shall

1 apply to all units of local government and school districts in
2 counties with more than 3,000,000 inhabitants. The fees shall
3 be paid in advance and shall be as follows:

4 (a) Civil Cases.

5 The fee for filing a complaint, petition, or other
6 pleading initiating a civil action, with the following
7 exceptions, shall be a minimum of \$150 and a maximum of
8 \$190.

9 (A) When the amount of money or damages or the
10 value of personal property claimed does not exceed
11 \$250, a minimum of \$10 and a maximum of \$15.

12 (B) When that amount exceeds \$250 but does not
13 exceed \$1,000, a minimum of \$20 and a maximum of \$40.

14 (C) When that amount exceeds \$1,000 but does not
15 exceed \$2500, a minimum of \$30 and a maximum of \$50.

16 (D) When that amount exceeds \$2500 but does not
17 exceed \$5,000, a minimum of \$75 and a maximum of \$100.

18 (D-5) When the amount exceeds \$5,000 but does not
19 exceed \$15,000, a minimum of \$75 and a maximum of \$150.

20 (E) For the exercise of eminent domain, \$150. For
21 each additional lot or tract of land or right or
22 interest therein subject to be condemned, the damages
23 in respect to which shall require separate assessment
24 by a jury, \$150.

25 (b) Forcible Entry and Detainer.

26 In each forcible entry and detainer case when the
27 plaintiff seeks possession only or unites with his or her
28 claim for possession of the property a claim for rent or
29 damages or both in the amount of \$15,000 or less, a minimum
30 of \$40 and a maximum of \$75. When the plaintiff unites his
31 or her claim for possession with a claim for rent or
32 damages or both exceeding \$15,000, a minimum of \$150 and a
33 maximum of \$225.

34 (c) Counterclaim or Joining Third Party Defendant.

35 When any defendant files a counterclaim as part of his
36 or her answer or otherwise or joins another party as a

1 third party defendant, or both, the defendant shall pay a
2 fee for each counterclaim or third party action in an
3 amount equal to the fee he or she would have had to pay had
4 he or she brought a separate action for the relief sought
5 in the counterclaim or against the third party defendant,
6 less the amount of the appearance fee, if that has been
7 paid.

8 (d) Confession of Judgment.

9 In a confession of judgment when the amount does not
10 exceed \$1500, a minimum of \$50 and a maximum of \$60. When
11 the amount exceeds \$1500, but does not exceed \$5,000, \$75.
12 When the amount exceeds \$5,000, but does not exceed
13 \$15,000, \$175. When the amount exceeds \$15,000, a minimum
14 of \$200 and a maximum of \$250.

15 (e) Appearance.

16 The fee for filing an appearance in each civil case
17 shall be a minimum of \$50 and a maximum of \$75, except as
18 follows:

19 (A) When the plaintiff in a forcible entry and
20 detainer case seeks possession only, a minimum of \$20
21 and a maximum of \$40.

22 (B) When the amount in the case does not exceed
23 \$1500, a minimum of \$20 and a maximum of \$40.

24 (C) When the amount in the case exceeds \$1500 but
25 does not exceed \$15,000, a minimum of \$40 and a maximum
26 of \$60.

27 (f) Garnishment, Wage Deduction, and Citation.

28 In garnishment affidavit, wage deduction affidavit,
29 and citation petition when the amount does not exceed
30 \$1,000, a minimum of \$10 and a maximum of \$15; when the
31 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
32 of \$20 and a maximum of \$30; and when the amount exceeds
33 \$5,000, a minimum of \$30 and a maximum of \$50.

34 (g) Petition to Vacate or Modify.

35 (1) Petition to vacate or modify any final judgment or
36 order of court, except in forcible entry and detainer cases

1 and small claims cases or a petition to reopen an estate,
2 to modify, terminate, or enforce a judgment or order for
3 child or spousal support, or to modify, suspend, or
4 terminate an order for withholding, if filed before 30 days
5 after the entry of the judgment or order, a minimum of \$40
6 and a maximum of \$50.

7 (2) Petition to vacate or modify any final judgment or
8 order of court, except a petition to modify, terminate, or
9 enforce a judgment or order for child or spousal support or
10 to modify, suspend, or terminate an order for withholding,
11 if filed later than 30 days after the entry of the judgment
12 or order, a minimum of \$60 and a maximum of \$75.

13 (3) Petition to vacate order of bond forfeiture, a
14 minimum of \$20 and a maximum of \$40.

15 (h) Mailing.

16 When the clerk is required to mail, the fee will be a
17 minimum of \$6 and a maximum of \$10, plus the cost of
18 postage.

19 (i) Certified Copies.

20 Each certified copy of a judgment after the first,
21 except in small claims and forcible entry and detainer
22 cases, a minimum of \$10 and a maximum of \$15.

23 (j) Habeas Corpus.

24 For filing a petition for relief by habeas corpus, a
25 minimum of \$80 and a maximum of \$125.

26 (k) Certification, Authentication, and Reproduction.

27 (1) Each certification or authentication for taking
28 the acknowledgment of a deed or other instrument in writing
29 with the seal of office, a minimum of \$4 and a maximum of
30 \$6.

31 (2) Court appeals when original documents are
32 forwarded, under 100 pages, plus delivery and costs, a
33 minimum of \$50 and a maximum of \$75.

34 (3) Court appeals when original documents are
35 forwarded, over 100 pages, plus delivery and costs, a
36 minimum of \$120 and a maximum of \$150.

1 (4) Court appeals when original documents are
2 forwarded, over 200 pages, an additional fee of a minimum
3 of 20 and a maximum of 25 cents per page.

4 (5) For reproduction of any document contained in the
5 clerk's files:

6 (A) First page, \$2.

7 (B) Next 19 pages, 50 cents per page.

8 (C) All remaining pages, 25 cents per page.

9 (l) Remands.

10 In any cases remanded to the Circuit Court from the
11 Supreme Court or the Appellate Court for a new trial, the
12 clerk shall file the remanding order and reinstate the case
13 with either its original number or a new number. The Clerk
14 shall not charge any new or additional fee for the
15 reinstatement. Upon reinstatement the Clerk shall advise
16 the parties of the reinstatement. A party shall have the
17 same right to a jury trial on remand and reinstatement as
18 he or she had before the appeal, and no additional or new
19 fee or charge shall be made for a jury trial after remand.

20 (m) Record Search.

21 For each record search, within a division or municipal
22 district, the clerk shall be entitled to a search fee of a
23 minimum of \$4 and a maximum of \$6 for each year searched.

24 (n) Hard Copy.

25 For each page of hard copy print output, when case
26 records are maintained on an automated medium, the clerk
27 shall be entitled to a fee of a minimum of \$4 and a maximum
28 of \$6.

29 (o) Index Inquiry and Other Records.

30 No fee shall be charged for a single
31 plaintiff/defendant index inquiry or single case record
32 inquiry when this request is made in person and the records
33 are maintained in a current automated medium, and when no
34 hard copy print output is requested. The fees to be charged
35 for management records, multiple case records, and
36 multiple journal records may be specified by the Chief

1 Judge pursuant to the guidelines for access and
2 dissemination of information approved by the Supreme
3 Court.

4 (p) (Blank).

5 (q) Alias Summons.

6 For each alias summons or citation issued by the clerk,
7 a minimum of \$4 and a maximum of \$5.

8 (r) Other Fees.

9 Any fees not covered in this Section shall be set by
10 rule or administrative order of the Circuit Court with the
11 approval of the Administrative Office of the Illinois
12 Courts.

13 The clerk of the circuit court may provide additional
14 services for which there is no fee specified by statute in
15 connection with the operation of the clerk's office as may
16 be requested by the public and agreed to by the clerk and
17 approved by the chief judge of the circuit court. Any
18 charges for additional services shall be as agreed to
19 between the clerk and the party making the request and
20 approved by the chief judge of the circuit court. Nothing
21 in this subsection shall be construed to require any clerk
22 to provide any service not otherwise required by law.

23 (s) Jury Services.

24 The clerk shall be entitled to receive, in addition to
25 other fees allowed by law, the sum of a minimum of \$192.50
26 and a maximum of \$212.50, as a fee for the services of a
27 jury in every civil action not quasi-criminal in its nature
28 and not a proceeding for the exercise of the right of
29 eminent domain and in every other action wherein the right
30 of trial by jury is or may be given by law. The jury fee
31 shall be paid by the party demanding a jury at the time of
32 filing the jury demand. If the fee is not paid by either
33 party, no jury shall be called in the action or proceeding,
34 and the same shall be tried by the court without a jury.

35 (t) Voluntary Assignment.

36 For filing each deed of voluntary assignment, a minimum

1 of \$10 and a maximum of \$20; for recording the same, a
2 minimum of 25¢ and a maximum of 50¢ for each 100 words.
3 Exceptions filed to claims presented to an assignee of a
4 debtor who has made a voluntary assignment for the benefit
5 of creditors shall be considered and treated, for the
6 purpose of taxing costs therein, as actions in which the
7 party or parties filing the exceptions shall be considered
8 as party or parties plaintiff, and the claimant or
9 claimants as party or parties defendant, and those parties
10 respectively shall pay to the clerk the same fees as
11 provided by this Section to be paid in other actions.

12 (u) Expungement Petition.

13 The clerk shall be entitled to receive a fee of a
14 minimum of \$30 and a maximum of \$60 for each expungement
15 petition filed and an additional fee of a minimum of \$2 and
16 a maximum of \$4 for each certified copy of an order to
17 expunge arrest records.

18 (v) Probate.

19 The clerk is entitled to receive the fees specified in
20 this subsection (v), which shall be paid in advance, except
21 that, for good cause shown, the court may suspend, reduce,
22 or release the costs payable under this subsection:

23 (1) For administration of the estate of a decedent
24 (whether testate or intestate) or of a missing person, a
25 minimum of \$100 and a maximum of \$150, plus the fees
26 specified in subsection (v) (3), except:

27 (A) When the value of the real and personal
28 property does not exceed \$15,000, the fee shall be a
29 minimum of \$25 and a maximum of \$40.

30 (B) When (i) proof of heirship alone is made, (ii)
31 a domestic or foreign will is admitted to probate
32 without administration (including proof of heirship),
33 or (iii) letters of office are issued for a particular
34 purpose without administration of the estate, the fee
35 shall be a minimum of \$25 and a maximum of \$40.

36 (2) For administration of the estate of a ward, a

1 minimum of \$50 and a maximum of \$75, plus the fees
2 specified in subsection (v) (3), except:

3 (A) When the value of the real and personal
4 property does not exceed \$15,000, the fee shall be a
5 minimum of \$25 and a maximum of \$40.

6 (B) When (i) letters of office are issued to a
7 guardian of the person or persons, but not of the
8 estate or (ii) letters of office are issued in the
9 estate of a ward without administration of the estate,
10 including filing or joining in the filing of a tax
11 return or releasing a mortgage or consenting to the
12 marriage of the ward, the fee shall be a minimum of \$10
13 and a maximum of \$20.

14 (3) In addition to the fees payable under subsection
15 (v) (1) or (v) (2) of this Section, the following fees are
16 payable:

17 (A) For each account (other than one final account)
18 filed in the estate of a decedent, or ward, a minimum
19 of \$15 and a maximum of \$25.

20 (B) For filing a claim in an estate when the amount
21 claimed is \$150 or more but less than \$500, a minimum
22 of \$10 and a maximum of \$20; when the amount claimed is
23 \$500 or more but less than \$10,000, a minimum of \$25
24 and a maximum of \$40; when the amount claimed is
25 \$10,000 or more, a minimum of \$40 and a maximum of \$60;
26 provided that the court in allowing a claim may add to
27 the amount allowed the filing fee paid by the claimant.

28 (C) For filing in an estate a claim, petition, or
29 supplemental proceeding based upon an action seeking
30 equitable relief including the construction or contest
31 of a will, enforcement of a contract to make a will,
32 and proceedings involving testamentary trusts or the
33 appointment of testamentary trustees, a minimum of \$40
34 and a maximum of \$60.

35 (D) For filing in an estate (i) the appearance of
36 any person for the purpose of consent or (ii) the

1 appearance of an executor, administrator,
2 administrator to collect, guardian, guardian ad litem,
3 or special administrator, no fee.

4 (E) Except as provided in subsection (v) (3) (D),
5 for filing the appearance of any person or persons, a
6 minimum of \$10 and a maximum of \$30.

7 (F) For each jury demand, a minimum of \$102.50 and
8 a maximum of \$137.50.

9 (G) For disposition of the collection of a judgment
10 or settlement of an action or claim for wrongful death
11 of a decedent or of any cause of action of a ward, when
12 there is no other administration of the estate, a
13 minimum of \$30 and a maximum of \$50, less any amount
14 paid under subsection (v) (1) (B) or (v) (2) (B) except
15 that if the amount involved does not exceed \$5,000, the
16 fee, including any amount paid under subsection
17 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
18 maximum of \$20.

19 (H) For each certified copy of letters of office,
20 of court order or other certification, a minimum of \$1
21 and a maximum of \$2, plus a minimum of 50¢ and a
22 maximum of \$1 per page in excess of 3 pages for the
23 document certified.

24 (I) For each exemplification, a minimum of \$1 and a
25 maximum of \$2, plus the fee for certification.

26 (4) The executor, administrator, guardian, petitioner,
27 or other interested person or his or her attorney shall pay
28 the cost of publication by the clerk directly to the
29 newspaper.

30 (5) The person on whose behalf a charge is incurred for
31 witness, court reporter, appraiser, or other miscellaneous
32 fee shall pay the same directly to the person entitled
33 thereto.

34 (6) The executor, administrator, guardian, petitioner,
35 or other interested person or his attorney shall pay to the
36 clerk all postage charges incurred by the clerk in mailing

1 petitions, orders, notices, or other documents pursuant to
2 the provisions of the Probate Act of 1975.

3 (w) Criminal and Quasi-Criminal Costs and Fees.

4 (1) The clerk shall be entitled to costs in all
5 criminal and quasi-criminal cases from each person
6 convicted or sentenced to supervision therein as follows:

7 (A) Felony complaints, a minimum of \$80 and a
8 maximum of \$125.

9 (B) Misdemeanor complaints, a minimum of \$50 and a
10 maximum of \$75.

11 (C) Business offense complaints, a minimum of \$50
12 and a maximum of \$75.

13 (D) Petty offense complaints, a minimum of \$50 and
14 a maximum of \$75.

15 (E) Minor traffic or ordinance violations, \$20.

16 (F) When court appearance required, \$30.

17 (G) Motions to vacate or amend final orders, a
18 minimum of \$20 and a maximum of \$40.

19 (H) Motions to vacate bond forfeiture orders, a
20 minimum of \$20 and a maximum of \$30.

21 (I) Motions to vacate ex parte judgments, whenever
22 filed, a minimum of \$20 and a maximum of \$30.

23 (J) Motions to vacate judgment on forfeitures,
24 whenever filed, a minimum of \$20 and a maximum of \$25.

25 (K) Motions to vacate "failure to appear" or
26 "failure to comply" notices sent to the Secretary of
27 State, a minimum of \$20 and a maximum of \$40.

28 (2) In counties having a population of more than
29 500,000 but fewer than 3,000,000 inhabitants, when the
30 violation complaint is issued by a municipal police
31 department, the clerk shall be entitled to costs from each
32 person convicted therein as follows:

33 (A) Minor traffic or ordinance violations, \$10.

34 (B) When court appearance required, \$15.

35 (3) In ordinance violation cases punishable by fine
36 only, the clerk of the circuit court shall be entitled to

1 receive, unless the fee is excused upon a finding by the
2 court that the defendant is indigent, in addition to other
3 fees or costs allowed or imposed by law, the sum of a
4 minimum of \$50 and a maximum of \$112.50 as a fee for the
5 services of a jury. The jury fee shall be paid by the
6 defendant at the time of filing his or her jury demand. If
7 the fee is not so paid by the defendant, no jury shall be
8 called, and the case shall be tried by the court without a
9 jury.

10 (x) Transcripts of Judgment.

11 For the filing of a transcript of judgment, the clerk
12 shall be entitled to the same fee as if it were the
13 commencement of new suit.

14 (y) Change of Venue.

15 (1) For the filing of a change of case on a change of
16 venue, the clerk shall be entitled to the same fee as if it
17 were the commencement of a new suit.

18 (2) The fee for the preparation and certification of a
19 record on a change of venue to another jurisdiction, when
20 original documents are forwarded, a minimum of \$25 and a
21 maximum of \$40.

22 (z) Tax objection complaints.

23 For each tax objection complaint containing one or more
24 tax objections, regardless of the number of parcels
25 involved or the number of taxpayers joining in the
26 complaint, a minimum of \$25 and a maximum of \$50.

27 (aa) Tax Deeds.

28 (1) Petition for tax deed, if only one parcel is
29 involved, a minimum of \$150 and a maximum of \$250.

30 (2) For each additional parcel, add a fee of a minimum
31 of \$50 and a maximum of \$100.

32 (bb) Collections.

33 (1) For all collections made of others, except the
34 State and county and except in maintenance or child support
35 cases, a sum equal to a minimum of 2.5% and a maximum of
36 3.0% of the amount collected and turned over.

1 (2) Interest earned on any funds held by the clerk
2 shall be turned over to the county general fund as an
3 earning of the office.

4 (3) For any check, draft, or other bank instrument
5 returned to the clerk for non-sufficient funds, account
6 closed, or payment stopped, \$25.

7 (4) In child support and maintenance cases, the clerk,
8 if authorized by an ordinance of the county board, may
9 collect an annual fee of up to \$36 from the person making
10 payment for maintaining child support records and the
11 processing of support orders to the State of Illinois KIDS
12 system and the recording of payments issued by the State
13 Disbursement Unit for the official record of the Court.
14 This fee shall be in addition to and separate from amounts
15 ordered to be paid as maintenance or child support and
16 shall be deposited into a Separate Maintenance and Child
17 Support Collection Fund, of which the clerk shall be the
18 custodian, ex-officio, to be used by the clerk to maintain
19 child support orders and record all payments issued by the
20 State Disbursement Unit for the official record of the
21 Court. The clerk may recover from the person making the
22 maintenance or child support payment any additional cost
23 incurred in the collection of this annual fee.

24 The clerk shall also be entitled to a fee of \$5 for
25 certifications made to the Secretary of State as provided
26 in Section 7-703 of the Family Financial Responsibility Law
27 and these fees shall also be deposited into the Separate
28 Maintenance and Child Support Collection Fund.

29 (cc) Corrections of Numbers.

30 For correction of the case number, case title, or
31 attorney computer identification number, if required by
32 rule of court, on any document filed in the clerk's office,
33 to be charged against the party that filed the document, a
34 minimum of \$15 and a maximum of \$25.

35 (dd) Exceptions.

36 The fee requirements of this Section shall not apply to

1 police departments or other law enforcement agencies. In
 2 this Section, "law enforcement agency" means an agency of
 3 the State or a unit of local government which is vested by
 4 law or ordinance with the duty to maintain public order and
 5 to enforce criminal laws or ordinances. "Law enforcement
 6 agency" also means the Attorney General or any state's
 7 attorney. The fee requirements of this Section shall not
 8 apply to any action instituted under subsection (b) of
 9 Section 11-31-1 of the Illinois Municipal Code by a private
 10 owner or tenant of real property within 1200 feet of a
 11 dangerous or unsafe building seeking an order compelling
 12 the owner or owners of the building to take any of the
 13 actions authorized under that subsection.

14 The fee requirements of this Section shall not apply to
 15 the filing of any commitment petition or petition for an
 16 order authorizing the administration of authorized
 17 involuntary treatment in the form of medication under the
 18 Mental Health and Developmental Disabilities Code.

19 (ee) Adoptions.

20 (1) For an adoption \$65

21 (2) Upon good cause shown, the court may waive the
 22 adoption filing fee in a special needs adoption. The term
 23 "special needs adoption" shall have the meaning ascribed to
 24 it by the Illinois Department of Children and Family
 25 Services.

26 (ff) Adoption exemptions.

27 No fee other than that set forth in subsection (ee)
 28 shall be charged to any person in connection with an
 29 adoption proceeding nor may any fee be charged for
 30 proceedings for the appointment of a confidential
 31 intermediary under the Adoption Act.

32 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-385,
 33 eff. 7-25-03; 93-573, eff. 8-21-03; revised 9-8-03.)

34 (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)
 35 Sec. 27.2a. The fees of the clerks of the circuit court in

1 all counties having a population of 3,000,000 or more
2 inhabitants in the instances described in this Section shall be
3 as provided in this Section. In those instances where a minimum
4 and maximum fee is stated, the clerk of the circuit court must
5 charge the minimum fee listed and may charge up to the maximum
6 fee if the county board has by resolution increased the fee.
7 The fees shall be paid in advance and shall be as follows:

8 (a) Civil Cases.

9 The fee for filing a complaint, petition, or other
10 pleading initiating a civil action, with the following
11 exceptions, shall be a minimum of \$190 and a maximum of
12 \$240.

13 (A) When the amount of money or damages or the
14 value of personal property claimed does not exceed
15 \$250, a minimum of \$15 and a maximum of \$22.

16 (B) When that amount exceeds \$250 but does not
17 exceed \$1000, a minimum of \$40 and a maximum of \$75.

18 (C) When that amount exceeds \$1000 but does not
19 exceed \$2500, a minimum of \$50 and a maximum of \$80.

20 (D) When that amount exceeds \$2500 but does not
21 exceed \$5000, a minimum of \$100 and a maximum of \$130.

22 (E) When that amount exceeds \$5000 but does not
23 exceed \$15,000, \$150.

24 (F) For the exercise of eminent domain, \$150. For
25 each additional lot or tract of land or right or
26 interest therein subject to be condemned, the damages
27 in respect to which shall require separate assessment
28 by a jury, \$150.

29 (G) For the final determination of parking,
30 standing, and compliance violations and final
31 administrative decisions issued after hearings
32 regarding vehicle immobilization and impoundment made
33 pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of
34 the Illinois Vehicle Code, \$25.

35 (b) Forcible Entry and Detainer.

36 In each forcible entry and detainer case when the

1 plaintiff seeks possession only or unites with his or her
2 claim for possession of the property a claim for rent or
3 damages or both in the amount of \$15,000 or less, a minimum
4 of \$75 and a maximum of \$140. When the plaintiff unites his
5 or her claim for possession with a claim for rent or
6 damages or both exceeding \$15,000, a minimum of \$225 and a
7 maximum of \$335.

8 (c) Counterclaim or Joining Third Party Defendant.

9 When any defendant files a counterclaim as part of his
10 or her answer or otherwise or joins another party as a
11 third party defendant, or both, the defendant shall pay a
12 fee for each counterclaim or third party action in an
13 amount equal to the fee he or she would have had to pay had
14 he or she brought a separate action for the relief sought
15 in the counterclaim or against the third party defendant,
16 less the amount of the appearance fee, if that has been
17 paid.

18 (d) Confession of Judgment.

19 In a confession of judgment when the amount does not
20 exceed \$1500, a minimum of \$60 and a maximum of \$70. When
21 the amount exceeds \$1500, but does not exceed \$5000, a
22 minimum of \$75 and a maximum of \$150. When the amount
23 exceeds \$5000, but does not exceed \$15,000, a minimum of
24 \$175 and a maximum of \$260. When the amount exceeds
25 \$15,000, a minimum of \$250 and a maximum of \$310.

26 (e) Appearance.

27 The fee for filing an appearance in each civil case
28 shall be a minimum of \$75 and a maximum of \$110, except as
29 follows:

30 (A) When the plaintiff in a forcible entry and
31 detainer case seeks possession only, a minimum of \$40
32 and a maximum of \$80.

33 (B) When the amount in the case does not exceed
34 \$1500, a minimum of \$40 and a maximum of \$80.

35 (C) When that amount exceeds \$1500 but does not
36 exceed \$15,000, a minimum of \$60 and a maximum of \$90.

1 (f) Garnishment, Wage Deduction, and Citation.

2 In garnishment affidavit, wage deduction affidavit,
3 and citation petition when the amount does not exceed
4 \$1,000, a minimum of \$15 and a maximum of \$25; when the
5 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
6 of \$30 and a maximum of \$45; and when the amount exceeds
7 \$5,000, a minimum of \$50 and a maximum of \$80.

8 (g) Petition to Vacate or Modify.

9 (1) Petition to vacate or modify any final judgment or
10 order of court, except in forcible entry and detainer cases
11 and small claims cases or a petition to reopen an estate,
12 to modify, terminate, or enforce a judgment or order for
13 child or spousal support, or to modify, suspend, or
14 terminate an order for withholding, if filed before 30 days
15 after the entry of the judgment or order, a minimum of \$50
16 and a maximum of \$60.

17 (2) Petition to vacate or modify any final judgment or
18 order of court, except a petition to modify, terminate, or
19 enforce a judgment or order for child or spousal support or
20 to modify, suspend, or terminate an order for withholding,
21 if filed later than 30 days after the entry of the judgment
22 or order, a minimum of \$75 and a maximum of \$90.

23 (3) Petition to vacate order of bond forfeiture, a
24 minimum of \$40 and a maximum of \$80.

25 (h) Mailing.

26 When the clerk is required to mail, the fee will be a
27 minimum of \$10 and a maximum of \$15, plus the cost of
28 postage.

29 (i) Certified Copies.

30 Each certified copy of a judgment after the first,
31 except in small claims and forcible entry and detainer
32 cases, a minimum of \$15 and a maximum of \$20.

33 (j) Habeas Corpus.

34 For filing a petition for relief by habeas corpus, a
35 minimum of \$125 and a maximum of \$190.

36 (k) Certification, Authentication, and Reproduction.

1 (1) Each certification or authentication for taking
2 the acknowledgment of a deed or other instrument in writing
3 with the seal of office, a minimum of \$6 and a maximum of
4 \$9.

5 (2) Court appeals when original documents are
6 forwarded, under 100 pages, plus delivery and costs, a
7 minimum of \$75 and a maximum of \$110.

8 (3) Court appeals when original documents are
9 forwarded, over 100 pages, plus delivery and costs, a
10 minimum of \$150 and a maximum of \$185.

11 (4) Court appeals when original documents are
12 forwarded, over 200 pages, an additional fee of a minimum
13 of 25 and a maximum of 30 cents per page.

14 (5) For reproduction of any document contained in the
15 clerk's files:

16 (A) First page, \$2.

17 (B) Next 19 pages, 50 cents per page.

18 (C) All remaining pages, 25 cents per page.

19 (l) Remands.

20 In any cases remanded to the Circuit Court from the
21 Supreme Court or the Appellate Court for a new trial, the
22 clerk shall file the remanding order and reinstate the case
23 with either its original number or a new number. The Clerk
24 shall not charge any new or additional fee for the
25 reinstatement. Upon reinstatement the Clerk shall advise
26 the parties of the reinstatement. A party shall have the
27 same right to a jury trial on remand and reinstatement as
28 he or she had before the appeal, and no additional or new
29 fee or charge shall be made for a jury trial after remand.

30 (m) Record Search.

31 For each record search, within a division or municipal
32 district, the clerk shall be entitled to a search fee of a
33 minimum of \$6 and a maximum of \$9 for each year searched.

34 (n) Hard Copy.

35 For each page of hard copy print output, when case
36 records are maintained on an automated medium, the clerk

1 shall be entitled to a fee of a minimum of \$6 and a maximum
2 of \$9.

3 (o) Index Inquiry and Other Records.

4 No fee shall be charged for a single
5 plaintiff/defendant index inquiry or single case record
6 inquiry when this request is made in person and the records
7 are maintained in a current automated medium, and when no
8 hard copy print output is requested. The fees to be charged
9 for management records, multiple case records, and
10 multiple journal records may be specified by the Chief
11 Judge pursuant to the guidelines for access and
12 dissemination of information approved by the Supreme
13 Court.

14 (p) (Blank).

15 (q) Alias Summons.

16 For each alias summons or citation issued by the clerk,
17 a minimum of \$5 and a maximum of \$6.

18 (r) Other Fees.

19 Any fees not covered in this Section shall be set by
20 rule or administrative order of the Circuit Court with the
21 approval of the Administrative Office of the Illinois
22 Courts.

23 The clerk of the circuit court may provide additional
24 services for which there is no fee specified by statute in
25 connection with the operation of the clerk's office as may
26 be requested by the public and agreed to by the clerk and
27 approved by the chief judge of the circuit court. Any
28 charges for additional services shall be as agreed to
29 between the clerk and the party making the request and
30 approved by the chief judge of the circuit court. Nothing
31 in this subsection shall be construed to require any clerk
32 to provide any service not otherwise required by law.

33 (s) Jury Services.

34 The clerk shall be entitled to receive, in addition to
35 other fees allowed by law, the sum of a minimum of \$212.50
36 and maximum of \$230, as a fee for the services of a jury in

1 every civil action not quasi-criminal in its nature and not
2 a proceeding for the exercise of the right of eminent
3 domain and in every other action wherein the right of trial
4 by jury is or may be given by law. The jury fee shall be
5 paid by the party demanding a jury at the time of filing
6 the jury demand. If the fee is not paid by either party, no
7 jury shall be called in the action or proceeding, and the
8 same shall be tried by the court without a jury.

9 (t) Voluntary Assignment.

10 For filing each deed of voluntary assignment, a minimum
11 of \$20 and a maximum of \$40; for recording the same, a
12 minimum of 50¢ and a maximum of \$0.80 for each 100 words.
13 Exceptions filed to claims presented to an assignee of a
14 debtor who has made a voluntary assignment for the benefit
15 of creditors shall be considered and treated, for the
16 purpose of taxing costs therein, as actions in which the
17 party or parties filing the exceptions shall be considered
18 as party or parties plaintiff, and the claimant or
19 claimants as party or parties defendant, and those parties
20 respectively shall pay to the clerk the same fees as
21 provided by this Section to be paid in other actions.

22 (u) Expungement Petition.

23 The clerk shall be entitled to receive a fee of a
24 minimum of \$60 and a maximum of \$120 for each expungement
25 petition filed and an additional fee of a minimum of \$4 and
26 a maximum of \$8 for each certified copy of an order to
27 expunge arrest records.

28 (v) Probate.

29 The clerk is entitled to receive the fees specified in
30 this subsection (v), which shall be paid in advance, except
31 that, for good cause shown, the court may suspend, reduce,
32 or release the costs payable under this subsection:

33 (1) For administration of the estate of a decedent
34 (whether testate or intestate) or of a missing person, a
35 minimum of \$150 and a maximum of \$225, plus the fees
36 specified in subsection (v) (3), except:

1 (A) When the value of the real and personal
2 property does not exceed \$15,000, the fee shall be a
3 minimum of \$40 and a maximum of \$65.

4 (B) When (i) proof of heirship alone is made, (ii)
5 a domestic or foreign will is admitted to probate
6 without administration (including proof of heirship),
7 or (iii) letters of office are issued for a particular
8 purpose without administration of the estate, the fee
9 shall be a minimum of \$40 and a maximum of \$65.

10 (2) For administration of the estate of a ward, a
11 minimum of \$75 and a maximum of \$110, plus the fees
12 specified in subsection (v) (3), except:

13 (A) When the value of the real and personal
14 property does not exceed \$15,000, the fee shall be a
15 minimum of \$40 and a maximum of \$65.

16 (B) When (i) letters of office are issued to a
17 guardian of the person or persons, but not of the
18 estate or (ii) letters of office are issued in the
19 estate of a ward without administration of the estate,
20 including filing or joining in the filing of a tax
21 return or releasing a mortgage or consenting to the
22 marriage of the ward, the fee shall be a minimum of \$20
23 and a maximum of \$40.

24 (3) In addition to the fees payable under subsection
25 (v) (1) or (v) (2) of this Section, the following fees are
26 payable:

27 (A) For each account (other than one final account)
28 filed in the estate of a decedent, or ward, a minimum
29 of \$25 and a maximum of \$40.

30 (B) For filing a claim in an estate when the amount
31 claimed is \$150 or more but less than \$500, a minimum
32 of \$20 and a maximum of \$40; when the amount claimed is
33 \$500 or more but less than \$10,000, a minimum of \$40
34 and a maximum of \$65; when the amount claimed is
35 \$10,000 or more, a minimum of \$60 and a maximum of \$90;
36 provided that the court in allowing a claim may add to

1 the amount allowed the filing fee paid by the claimant.

2 (C) For filing in an estate a claim, petition, or
3 supplemental proceeding based upon an action seeking
4 equitable relief including the construction or contest
5 of a will, enforcement of a contract to make a will,
6 and proceedings involving testamentary trusts or the
7 appointment of testamentary trustees, a minimum of \$60
8 and a maximum of \$90.

9 (D) For filing in an estate (i) the appearance of
10 any person for the purpose of consent or (ii) the
11 appearance of an executor, administrator,
12 administrator to collect, guardian, guardian ad litem,
13 or special administrator, no fee.

14 (E) Except as provided in subsection (v) (3) (D),
15 for filing the appearance of any person or persons, a
16 minimum of \$30 and a maximum of \$90.

17 (F) For each jury demand, a minimum of \$137.50 and
18 a maximum of \$180.

19 (G) For disposition of the collection of a judgment
20 or settlement of an action or claim for wrongful death
21 of a decedent or of any cause of action of a ward, when
22 there is no other administration of the estate, a
23 minimum of \$50 and a maximum of \$80, less any amount
24 paid under subsection (v) (1) (B) or (v) (2) (B) except
25 that if the amount involved does not exceed \$5,000, the
26 fee, including any amount paid under subsection
27 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$20 and a
28 maximum of \$40.

29 (H) For each certified copy of letters of office,
30 of court order or other certification, a minimum of \$2
31 and a maximum of \$4, plus \$1 per page in excess of 3
32 pages for the document certified.

33 (I) For each exemplification, \$2, plus the fee for
34 certification.

35 (4) The executor, administrator, guardian, petitioner,
36 or other interested person or his or her attorney shall pay

1 the cost of publication by the clerk directly to the
2 newspaper.

3 (5) The person on whose behalf a charge is incurred for
4 witness, court reporter, appraiser, or other miscellaneous
5 fee shall pay the same directly to the person entitled
6 thereto.

7 (6) The executor, administrator, guardian, petitioner,
8 or other interested person or his or her attorney shall pay
9 to the clerk all postage charges incurred by the clerk in
10 mailing petitions, orders, notices, or other documents
11 pursuant to the provisions of the Probate Act of 1975.

12 (w) Criminal and Quasi-Criminal Costs and Fees.

13 (1) The clerk shall be entitled to costs in all
14 criminal and quasi-criminal cases from each person
15 convicted or sentenced to supervision therein as follows:

16 (A) Felony complaints, a minimum of \$125 and a
17 maximum of \$190.

18 (B) Misdemeanor complaints, a minimum of \$75 and a
19 maximum of \$110.

20 (C) Business offense complaints, a minimum of \$75
21 and a maximum of \$110.

22 (D) Petty offense complaints, a minimum of \$75 and
23 a maximum of \$110.

24 (E) Minor traffic or ordinance violations, \$30.

25 (F) When court appearance required, \$50.

26 (G) Motions to vacate or amend final orders, a
27 minimum of \$40 and a maximum of \$80.

28 (H) Motions to vacate bond forfeiture orders, a
29 minimum of \$30 and a maximum of \$45.

30 (I) Motions to vacate ex parte judgments, whenever
31 filed, a minimum of \$30 and a maximum of \$45.

32 (J) Motions to vacate judgment on forfeitures,
33 whenever filed, a minimum of \$25 and a maximum of \$30.

34 (K) Motions to vacate "failure to appear" or
35 "failure to comply" notices sent to the Secretary of
36 State, a minimum of \$40 and a maximum of \$50.

1 (2) In counties having a population of 3,000,000 or
2 more, when the violation complaint is issued by a municipal
3 police department, the clerk shall be entitled to costs
4 from each person convicted therein as follows:

5 (A) Minor traffic or ordinance violations, \$30.

6 (B) When court appearance required, \$50.

7 (3) In ordinance violation cases punishable by fine
8 only, the clerk of the circuit court shall be entitled to
9 receive, unless the fee is excused upon a finding by the
10 court that the defendant is indigent, in addition to other
11 fees or costs allowed or imposed by law, the sum of a
12 minimum of \$112.50 and a maximum of \$250 as a fee for the
13 services of a jury. The jury fee shall be paid by the
14 defendant at the time of filing his or her jury demand. If
15 the fee is not so paid by the defendant, no jury shall be
16 called, and the case shall be tried by the court without a
17 jury.

18 (x) Transcripts of Judgment.

19 For the filing of a transcript of judgment, the clerk
20 shall be entitled to the same fee as if it were the
21 commencement of a new suit.

22 (y) Change of Venue.

23 (1) For the filing of a change of case on a change of
24 venue, the clerk shall be entitled to the same fee as if it
25 were the commencement of a new suit.

26 (2) The fee for the preparation and certification of a
27 record on a change of venue to another jurisdiction, when
28 original documents are forwarded, a minimum of \$40 and a
29 maximum of \$65.

30 (z) Tax objection complaints.

31 For each tax objection complaint containing one or more
32 tax objections, regardless of the number of parcels
33 involved or the number of taxpayers joining in the
34 complaint, a minimum of \$50 and a maximum of \$100.

35 (aa) Tax Deeds.

36 (1) Petition for tax deed, if only one parcel is

1 involved, a minimum of \$250 and a maximum of \$400.

2 (2) For each additional parcel, add a fee of a minimum
3 of \$100 and a maximum of \$200.

4 (bb) Collections.

5 (1) For all collections made of others, except the
6 State and county and except in maintenance or child support
7 cases, a sum equal to 3.0% of the amount collected and
8 turned over.

9 (2) Interest earned on any funds held by the clerk
10 shall be turned over to the county general fund as an
11 earning of the office.

12 (3) For any check, draft, or other bank instrument
13 returned to the clerk for non-sufficient funds, account
14 closed, or payment stopped, \$25.

15 (4) In child support and maintenance cases, the clerk,
16 if authorized by an ordinance of the county board, may
17 collect an annual fee of up to \$36 from the person making
18 payment for maintaining child support records and the
19 processing of support orders to the State of Illinois KIDS
20 system and the recording of payments issued by the State
21 Disbursement Unit for the official record of the Court.
22 This fee shall be in addition to and separate from amounts
23 ordered to be paid as maintenance or child support and
24 shall be deposited into a Separate Maintenance and Child
25 Support Collection Fund, of which the clerk shall be the
26 custodian, ex-officio, to be used by the clerk to maintain
27 child support orders and record all payments issued by the
28 State Disbursement Unit for the official record of the
29 Court. The clerk may recover from the person making the
30 maintenance or child support payment any additional cost
31 incurred in the collection of this annual fee.

32 The clerk shall also be entitled to a fee of \$5 for
33 certifications made to the Secretary of State as provided
34 in Section 7-703 of the Family Financial Responsibility Law
35 and these fees shall also be deposited into the Separate
36 Maintenance and Child Support Collection Fund.

1 (cc) Corrections of Numbers.

2 For correction of the case number, case title, or
3 attorney computer identification number, if required by
4 rule of court, on any document filed in the clerk's office,
5 to be charged against the party that filed the document, a
6 minimum of \$25 and a maximum of \$40.

7 (dd) Exceptions.

8 (1) The fee requirements of this Section shall not
9 apply to police departments or other law enforcement
10 agencies. In this Section, "law enforcement agency" means
11 an agency of the State or a unit of local government which
12 is vested by law or ordinance with the duty to maintain
13 public order and to enforce criminal laws or ordinances.
14 "Law enforcement agency" also means the Attorney General or
15 any state's attorney.

16 (2) No fee provided herein shall be charged to any unit
17 of local government or school district. The fee
18 requirements of this Section shall not apply to any action
19 instituted under subsection (b) of Section 11-31-1 of the
20 Illinois Municipal Code by a private owner or tenant of
21 real property within 1200 feet of a dangerous or unsafe
22 building seeking an order compelling the owner or owners of
23 the building to take any of the actions authorized under
24 that subsection.

25 (3) The fee requirements of this Section shall not
26 apply to the filing of any commitment petition or petition
27 for an order authorizing the administration of authorized
28 involuntary treatment in the form of medication under the
29 Mental Health and Developmental Disabilities Code.

30 (ee) Adoption.

31 (1) For an adoption \$65

32 (2) Upon good cause shown, the court may waive the
33 adoption filing fee in a special needs adoption. The term
34 "special needs adoption" shall have the meaning ascribed to
35 it by the Illinois Department of Children and Family
36 Services.

1 (ff) Adoption exemptions.

2 No fee other than that set forth in subsection (ee)
3 shall be charged to any person in connection with an
4 adoption proceeding nor may any fee be charged for
5 proceedings for the appointment of a confidential
6 intermediary under the Adoption Act.

7 (Source: P.A. 92-521, eff. 6-1-02; 93-385, eff. 7-25-03;
8 93-573, eff. 8-21-03; revised 9-8-03.)

9 Section 465. The Juvenile Court Act of 1987 is amended by
10 changing Sections 1-3, 2-23, 3-24, 4-21, and 5-710 as follows:

11 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

12 Sec. 1-3. Definitions. Terms used in this Act, unless the
13 context otherwise requires, have the following meanings
14 ascribed to them:

15 (1) "Adjudicatory hearing" means a hearing to determine
16 whether the allegations of a petition under Section 2-13, 3-15
17 or 4-12 that a minor under 18 years of age is abused, neglected
18 or dependent, or requires authoritative intervention, or
19 addicted, respectively, are supported by a preponderance of the
20 evidence or whether the allegations of a petition under Section
21 5-520 that a minor is delinquent are proved beyond a reasonable
22 doubt.

23 (2) "Adult" means a person 21 years of age or older.

24 (3) "Agency" means a public or private child care facility
25 legally authorized or licensed by this State for placement or
26 institutional care or for both placement and institutional
27 care.

28 (4) "Association" means any organization, public or
29 private, engaged in welfare functions which include services to
30 or on behalf of children but does not include "agency" as
31 herein defined.

32 (4.05) Whenever a "best interest" determination is
33 required, the following factors shall be considered in the
34 context of the child's age and developmental needs:

1 (a) the physical safety and welfare of the child, including
2 food, shelter, health, and clothing;

3 (b) the development of the child's identity;

4 (c) the child's background and ties, including familial,
5 cultural, and religious;

6 (d) the child's sense of attachments, including:

7 (i) where the child actually feels love, attachment,
8 and a sense of being valued (as opposed to where adults
9 believe the child should feel such love, attachment, and a
10 sense of being valued);

11 (ii) the child's sense of security;

12 (iii) the child's sense of familiarity;

13 (iv) continuity of affection for the child;

14 (v) the least disruptive placement alternative for the
15 child;

16 (e) the child's wishes and long-term goals;

17 (f) the child's community ties, including church, school,
18 and friends;

19 (g) the child's need for permanence which includes the
20 child's need for stability and continuity of relationships with
21 parent figures and with siblings and other relatives;

22 (h) the uniqueness of every family and child;

23 (i) the risks attendant to entering and being in substitute
24 care; and

25 (j) the preferences of the persons available to care for
26 the child.

27 (4.1) "Chronic truant" shall have the definition ascribed
28 to it in Section 26-2a of the School Code.

29 (5) "Court" means the circuit court in a session or
30 division assigned to hear proceedings under this Act.

31 (6) "Dispositional hearing" means a hearing to determine
32 whether a minor should be adjudged to be a ward of the court,
33 and to determine what order of disposition should be made in
34 respect to a minor adjudged to be a ward of the court.

35 (7) "Emancipated minor" means any minor 16 years of age or
36 over who has been completely or partially emancipated under the

1 ~~"Emancipation of Mature Minors Act", enacted by the~~
2 ~~Eighty-First General Assembly,~~ or under this Act.

3 (8) "Guardianship of the person" of a minor means the duty
4 and authority to act in the best interests of the minor,
5 subject to residual parental rights and responsibilities, to
6 make important decisions in matters having a permanent effect
7 on the life and development of the minor and to be concerned
8 with his or her general welfare. It includes but is not
9 necessarily limited to:

10 (a) the authority to consent to marriage, to enlistment
11 in the armed forces of the United States, or to a major
12 medical, psychiatric, and surgical treatment; to represent
13 the minor in legal actions; and to make other decisions of
14 substantial legal significance concerning the minor;

15 (b) the authority and duty of reasonable visitation,
16 except to the extent that these have been limited in the
17 best interests of the minor by court order;

18 (c) the rights and responsibilities of legal custody
19 except where legal custody has been vested in another
20 person or agency; and

21 (d) the power to consent to the adoption of the minor,
22 but only if expressly conferred on the guardian in
23 accordance with Section 2-29, 3-30, or 4-27.

24 (9) "Legal custody" means the relationship created by an
25 order of court in the best interests of the minor which imposes
26 on the custodian the responsibility of physical possession of a
27 minor and the duty to protect, train and discipline him and to
28 provide him with food, shelter, education and ordinary medical
29 care, except as these are limited by residual parental rights
30 and responsibilities and the rights and responsibilities of the
31 guardian of the person, if any.

32 (10) "Minor" means a person under the age of 21 years
33 subject to this Act.

34 (11) "Parent" means the father or mother of a child and
35 includes any adoptive parent. It also includes a man (i) whose
36 paternity is presumed or has been established under the law of

1 this or another jurisdiction or (ii) who has registered with
2 the Putative Father Registry in accordance with Section 12.1 of
3 the Adoption Act and whose paternity has not been ruled out
4 under the law of this or another jurisdiction. It does not
5 include a parent whose rights in respect to the minor have been
6 terminated in any manner provided by law.

7 (11.1) "Permanency goal" means a goal set by the court as
8 defined in subdivision (2) of Section 2-28.

9 (11.2) "Permanency hearing" means a hearing to set the
10 permanency goal and to review and determine (i) the
11 appropriateness of the services contained in the plan and
12 whether those services have been provided, (ii) whether
13 reasonable efforts have been made by all the parties to the
14 service plan to achieve the goal, and (iii) whether the plan
15 and goal have been achieved.

16 (12) "Petition" means the petition provided for in Section
17 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
18 thereunder in Section 3-15, 4-12 or 5-520.

19 (13) "Residual parental rights and responsibilities" means
20 those rights and responsibilities remaining with the parent
21 after the transfer of legal custody or guardianship of the
22 person, including, but not necessarily limited to, the right to
23 reasonable visitation (which may be limited by the court in the
24 best interests of the minor as provided in subsection (8) (b) of
25 this Section), the right to consent to adoption, the right to
26 determine the minor's religious affiliation, and the
27 responsibility for his support.

28 (14) "Shelter" means the temporary care of a minor in
29 physically unrestricting facilities pending court disposition
30 or execution of court order for placement.

31 (15) "Station adjustment" means the informal handling of an
32 alleged offender by a juvenile police officer.

33 (16) "Ward of the court" means a minor who is so adjudged
34 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
35 requisite jurisdictional facts, and thus is subject to the
36 dispositional powers of the court under this Act.

1 (17) "Juvenile police officer" means a sworn police officer
2 who has completed a Basic Recruit Training Course, has been
3 assigned to the position of juvenile police officer by his or
4 her chief law enforcement officer and has completed the
5 necessary juvenile officers training as prescribed by the
6 Illinois Law Enforcement Training Standards Board, or in the
7 case of a State police officer, juvenile officer training
8 approved by the Director of the Department of State Police.

9 (18) "Secure child care facility" means any child care
10 facility licensed by the Department of Children and Family
11 Services to provide secure living arrangements for children
12 under 18 years of age who are subject to placement in
13 facilities under the Children and Family Services Act and who
14 are not subject to placement in facilities for whom standards
15 are established by the Department of Corrections under Section
16 3-15-2 of the Unified Code of Corrections. "Secure child care
17 facility" also means a facility that is designed and operated
18 to ensure that all entrances and exits from the facility, a
19 building, or a distinct part of the building are under the
20 exclusive control of the staff of the facility, whether or not
21 the child has the freedom of movement within the perimeter of
22 the facility, building, or distinct part of the building.

23 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,
24 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;
25 91-357, eff. 7-29-99; revised 10-9-03.)

26 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

27 Sec. 2-23. Kinds of dispositional orders.

28 (1) The following kinds of orders of disposition may be
29 made in respect of wards of the court:

30 (a) A minor under 18 years of age found to be neglected
31 or abused under Section 2-3 or dependent under Section 2-4
32 may be (1) continued in the custody of his or her parents,
33 guardian or legal custodian; (2) placed in accordance with
34 Section 2-27; (3) restored to the custody of the parent,
35 parents, guardian, or legal custodian, provided the court

1 shall order the parent, parents, guardian, or legal
2 custodian to cooperate with the Department of Children and
3 Family Services and comply with the terms of an after-care
4 plan or risk the loss of custody of the child and the
5 possible termination of their parental rights; or (4)
6 ordered partially or completely emancipated in accordance
7 with the provisions of the Emancipation of ~~Mature~~ Minors
8 Act.

9 However, in any case in which a minor is found by the
10 court to be neglected or abused under Section 2-3 of this
11 Act, custody of the minor shall not be restored to any
12 parent, guardian or legal custodian whose acts or omissions
13 or both have been identified, pursuant to subsection (1) of
14 Section 2-21, as forming the basis for the court's finding
15 of abuse or neglect, until such time as a hearing is held
16 on the issue of the best interests of the minor and the
17 fitness of such parent, guardian or legal custodian to care
18 for the minor without endangering the minor's health or
19 safety, and the court enters an order that such parent,
20 guardian or legal custodian is fit to care for the minor.

21 (b) A minor under 18 years of age found to be dependent
22 under Section 2-4 may be (1) placed in accordance with
23 Section 2-27 or (2) ordered partially or completely
24 emancipated in accordance with the provisions of the
25 Emancipation of ~~Mature~~ Minors Act.

26 However, in any case in which a minor is found by the
27 court to be dependent under Section 2-4 of this Act,
28 custody of the minor shall not be restored to any parent,
29 guardian or legal custodian whose acts or omissions or both
30 have been identified, pursuant to subsection (1) of Section
31 2-21, as forming the basis for the court's finding of
32 dependency, until such time as a hearing is held on the
33 issue of the fitness of such parent, guardian or legal
34 custodian to care for the minor without endangering the
35 minor's health or safety, and the court enters an order
36 that such parent, guardian or legal custodian is fit to

1 care for the minor.

2 (c) When the court awards guardianship to the
3 Department of Children and Family Services, the court shall
4 order the parents to cooperate with the Department of
5 Children and Family Services, comply with the terms of the
6 service plans, and correct the conditions that require the
7 child to be in care, or risk termination of their parental
8 rights.

9 (2) Any order of disposition may provide for protective
10 supervision under Section 2-24 and may include an order of
11 protection under Section 2-25.

12 Unless the order of disposition expressly so provides, it
13 does not operate to close proceedings on the pending petition,
14 but is subject to modification, not inconsistent with Section
15 2-28, until final closing and discharge of the proceedings
16 under Section 2-31.

17 (3) The court also shall enter any other orders necessary
18 to fulfill the service plan, including, but not limited to, (i)
19 orders requiring parties to cooperate with services, (ii)
20 restraining orders controlling the conduct of any party likely
21 to frustrate the achievement of the goal, and (iii) visiting
22 orders. Unless otherwise specifically authorized by law, the
23 court is not empowered under this subsection (3) to order
24 specific placements, specific services, or specific service
25 providers to be included in the plan. If the court concludes
26 that the Department of Children and Family Services has abused
27 its discretion in setting the current service plan or
28 permanency goal for the minor, the court shall enter specific
29 findings in writing based on the evidence and shall enter an
30 order for the Department to develop and implement a new
31 permanency goal and service plan consistent with the court's
32 findings. The new service plan shall be filed with the court
33 and served on all parties. The court shall continue the matter
34 until the new service plan is filed.

35 (4) In addition to any other order of disposition, the
36 court may order any minor adjudicated neglected with respect to

1 his or her own injurious behavior to make restitution, in
2 monetary or non-monetary form, under the terms and conditions
3 of Section 5-5-6 of the Unified Code of Corrections, except
4 that the "presentence hearing" referred to therein shall be the
5 dispositional hearing for purposes of this Section. The parent,
6 guardian or legal custodian of the minor may pay some or all of
7 such restitution on the minor's behalf.

8 (5) Any order for disposition where the minor is committed
9 or placed in accordance with Section 2-27 shall provide for the
10 parents or guardian of the estate of such minor to pay to the
11 legal custodian or guardian of the person of the minor such
12 sums as are determined by the custodian or guardian of the
13 person of the minor as necessary for the minor's needs. Such
14 payments may not exceed the maximum amounts provided for by
15 Section 9.1 of the Children and Family Services Act.

16 (6) Whenever the order of disposition requires the minor to
17 attend school or participate in a program of training, the
18 truant officer or designated school official shall regularly
19 report to the court if the minor is a chronic or habitual
20 truant under Section 26-2a of the School Code.

21 (7) The court may terminate the parental rights of a parent
22 at the initial dispositional hearing if all of the conditions
23 in subsection (5) of Section 2-21 are met.

24 (Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95; 90-27,
25 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,
26 eff. 7-30-98; revised 10-9-03.)

27 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

28 Sec. 3-24. Kinds of dispositional orders.

29 (1) The following kinds of orders of disposition may be
30 made in respect to wards of the court: A minor found to be
31 requiring authoritative intervention under Section 3-3 may be
32 (a) committed to the Department of Children and Family
33 Services, subject to Section 5 of the Children and Family
34 Services Act; (b) placed under supervision and released to his
35 or her parents, guardian or legal custodian; (c) placed in

1 accordance with Section 3-28 with or without also being placed
2 under supervision. Conditions of supervision may be modified or
3 terminated by the court if it deems that the best interests of
4 the minor and the public will be served thereby; (d) ordered
5 partially or completely emancipated in accordance with the
6 provisions of the Emancipation of ~~Mature~~ Minors Act; or (e)
7 subject to having his or her driver's license or driving
8 privilege suspended for such time as determined by the Court
9 but only until he or she attains 18 years of age.

10 (2) Any order of disposition may provide for protective
11 supervision under Section 3-25 and may include an order of
12 protection under Section 3-26.

13 (3) Unless the order of disposition expressly so provides,
14 it does not operate to close proceedings on the pending
15 petition, but is subject to modification until final closing
16 and discharge of the proceedings under Section 3-32.

17 (4) In addition to any other order of disposition, the
18 court may order any person found to be a minor requiring
19 authoritative intervention under Section 3-3 to make
20 restitution, in monetary or non-monetary form, under the terms
21 and conditions of Section 5-5-6 of the Unified Code of
22 Corrections, except that the "presentence hearing" referred to
23 therein shall be the dispositional hearing for purposes of this
24 Section. The parent, guardian or legal custodian of the minor
25 may pay some or all of such restitution on the minor's behalf.

26 (5) Any order for disposition where the minor is committed
27 or placed in accordance with Section 3-28 shall provide for the
28 parents or guardian of the estate of such minor to pay to the
29 legal custodian or guardian of the person of the minor such
30 sums as are determined by the custodian or guardian of the
31 person of the minor as necessary for the minor's needs. Such
32 payments may not exceed the maximum amounts provided for by
33 Section 9.1 of the Children and Family Services Act.

34 (6) Whenever the order of disposition requires the minor to
35 attend school or participate in a program of training, the
36 truant officer or designated school official shall regularly

1 report to the court if the minor is a chronic or habitual
2 truant under Section 26-2a of the School Code.

3 (7) The court must impose upon a minor under an order of
4 continuance under supervision or an order of disposition under
5 this Article III, as a condition of the order, a fee of \$25 for
6 each month or partial month of supervision with a probation
7 officer. If the court determines the inability of the minor, or
8 the parent, guardian, or legal custodian of the minor to pay
9 the fee, the court may impose a lesser fee. The court may not
10 impose the fee on a minor who is made a ward of the State under
11 this Act. The fee may be imposed only upon a minor who is
12 actively supervised by the probation and court services
13 department. The fee must be collected by the clerk of the
14 circuit court. The clerk of the circuit court must pay all
15 monies collected from this fee to the county treasurer for
16 deposit into the probation and court services fund under
17 Section 15.1 of the Probation and Probation Officers Act.

18 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

19 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

20 Sec. 4-21. Kinds of dispositional orders.

21 (1) A minor found to be addicted under Section 4-3 may be
22 (a) committed to the Department of Children and Family
23 Services, subject to Section 5 of the Children and Family
24 Services Act; (b) placed under supervision and released to his
25 or her parents, guardian or legal custodian; (c) placed in
26 accordance with Section 4-25 with or without also being placed
27 under supervision. Conditions of supervision may be modified or
28 terminated by the court if it deems that the best interests of
29 the minor and the public will be served thereby; (d) required
30 to attend an approved alcohol or drug abuse treatment or
31 counseling program on an inpatient or outpatient basis instead
32 of or in addition to the disposition otherwise provided for in
33 this paragraph; (e) ordered partially or completely
34 emancipated in accordance with the provisions of the
35 Emancipation of ~~Mature~~ Minors Act; or (f) subject to having his

1 or her driver's license or driving privilege suspended for such
2 time as determined by the Court but only until he or she
3 attains 18 years of age. No disposition under this subsection
4 shall provide for the minor's placement in a secure facility.

5 (2) Any order of disposition may provide for protective
6 supervision under Section 4-22 and may include an order of
7 protection under Section 4-23.

8 (3) Unless the order of disposition expressly so provides,
9 it does not operate to close proceedings on the pending
10 petition, but is subject to modification until final closing
11 and discharge of the proceedings under Section 4-29.

12 (4) In addition to any other order of disposition, the
13 court may order any minor found to be addicted under this
14 Article as neglected with respect to his or her own injurious
15 behavior, to make restitution, in monetary or non-monetary
16 form, under the terms and conditions of Section 5-5-6 of the
17 Unified Code of Corrections, except that the "presentence
18 hearing" referred to therein shall be the dispositional hearing
19 for purposes of this Section. The parent, guardian or legal
20 custodian of the minor may pay some or all of such restitution
21 on the minor's behalf.

22 (5) Any order for disposition where the minor is placed in
23 accordance with Section 4-25 shall provide for the parents or
24 guardian of the estate of such minor to pay to the legal
25 custodian or guardian of the person of the minor such sums as
26 are determined by the custodian or guardian of the person of
27 the minor as necessary for the minor's needs. Such payments may
28 not exceed the maximum amounts provided for by Section 9.1 of
29 the Children and Family Services Act.

30 (6) Whenever the order of disposition requires the minor to
31 attend school or participate in a program of training, the
32 truant officer or designated school official shall regularly
33 report to the court if the minor is a chronic or habitual
34 truant under Section 26-2a of the School Code.

35 (7) The court must impose upon a minor under an order of
36 continuance under supervision or an order of disposition under

1 this Article IV, as a condition of the order, a fee of \$25 for
2 each month or partial month of supervision with a probation
3 officer. If the court determines the inability of the minor, or
4 the parent, guardian, or legal custodian of the minor to pay
5 the fee, the court may impose a lesser fee. The court may not
6 impose the fee on a minor who is made a ward of the State under
7 this Act. The fee may be imposed only upon a minor who is
8 actively supervised by the probation and court services
9 department. The fee must be collected by the clerk of the
10 circuit court. The clerk of the circuit court must pay all
11 monies collected from this fee to the county treasurer for
12 deposit into the probation and court services fund under
13 Section 15.1 of the Probation and Probation Officers Act.

14 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

15 (705 ILCS 405/5-710)

16 Sec. 5-710. Kinds of sentencing orders.

17 (1) The following kinds of sentencing orders may be made in
18 respect of wards of the court:

19 (a) Except as provided in Sections 5-805, 5-810, 5-815,
20 a minor who is found guilty under Section 5-620 may be:

21 (i) put on probation or conditional discharge and
22 released to his or her parents, guardian or legal
23 custodian, provided, however, that any such minor who
24 is not committed to the Department of Corrections,
25 Juvenile Division under this subsection and who is
26 found to be a delinquent for an offense which is first
27 degree murder, a Class X felony, or a forcible felony
28 shall be placed on probation;

29 (ii) placed in accordance with Section 5-740, with
30 or without also being put on probation or conditional
31 discharge;

32 (iii) required to undergo a substance abuse
33 assessment conducted by a licensed provider and
34 participate in the indicated clinical level of care;

35 (iv) placed in the guardianship of the Department

1 of Children and Family Services, but only if the
2 delinquent minor is under 13 years of age;

3 (v) placed in detention for a period not to exceed
4 30 days, either as the exclusive order of disposition
5 or, where appropriate, in conjunction with any other
6 order of disposition issued under this paragraph,
7 provided that any such detention shall be in a juvenile
8 detention home and the minor so detained shall be 10
9 years of age or older. However, the 30-day limitation
10 may be extended by further order of the court for a
11 minor under age 13 committed to the Department of
12 Children and Family Services if the court finds that
13 the minor is a danger to himself or others. The minor
14 shall be given credit on the sentencing order of
15 detention for time spent in detention under Sections
16 5-501, 5-601, 5-710, or 5-720 of this Article as a
17 result of the offense for which the sentencing order
18 was imposed. The court may grant credit on a sentencing
19 order of detention entered under a violation of
20 probation or violation of conditional discharge under
21 Section 5-720 of this Article for time spent in
22 detention before the filing of the petition alleging
23 the violation. A minor shall not be deprived of credit
24 for time spent in detention before the filing of a
25 violation of probation or conditional discharge
26 alleging the same or related act or acts;

27 (vi) ordered partially or completely emancipated
28 in accordance with the provisions of the Emancipation
29 of ~~Mature~~ Minors Act;

30 (vii) subject to having his or her driver's license
31 or driving privileges suspended for such time as
32 determined by the court but only until he or she
33 attains 18 years of age;

34 (viii) put on probation or conditional discharge
35 and placed in detention under Section 3-6039 of the
36 Counties Code for a period not to exceed the period of

1 incarceration permitted by law for adults found guilty
2 of the same offense or offenses for which the minor was
3 adjudicated delinquent, and in any event no longer than
4 upon attainment of age 21; this subdivision (viii)
5 notwithstanding any contrary provision of the law; or
6 (ix) ordered to undergo a medical or other
7 procedure to have a tattoo symbolizing allegiance to a
8 street gang removed from his or her body.

9 (b) A minor found to be guilty may be committed to the
10 Department of Corrections, Juvenile Division, under
11 Section 5-750 if the minor is 13 years of age or older,
12 provided that the commitment to the Department of
13 Corrections, Juvenile Division, shall be made only if a
14 term of incarceration is permitted by law for adults found
15 guilty of the offense for which the minor was adjudicated
16 delinquent. The time during which a minor is in custody
17 before being released upon the request of a parent,
18 guardian or legal custodian shall be considered as time
19 spent in detention.

20 (c) When a minor is found to be guilty for an offense
21 which is a violation of the Illinois Controlled Substances
22 Act or the Cannabis Control Act and made a ward of the
23 court, the court may enter a disposition order requiring
24 the minor to undergo assessment, counseling or treatment in
25 a substance abuse program approved by the Department of
26 Human Services.

27 (2) Any sentencing order other than commitment to the
28 Department of Corrections, Juvenile Division, may provide for
29 protective supervision under Section 5-725 and may include an
30 order of protection under Section 5-730.

31 (3) Unless the sentencing order expressly so provides, it
32 does not operate to close proceedings on the pending petition,
33 but is subject to modification until final closing and
34 discharge of the proceedings under Section 5-750.

35 (4) In addition to any other sentence, the court may order
36 any minor found to be delinquent to make restitution, in

1 monetary or non-monetary form, under the terms and conditions
2 of Section 5-5-6 of the Unified Code of Corrections, except
3 that the "presentencing hearing" referred to in that Section
4 shall be the sentencing hearing for purposes of this Section.
5 The parent, guardian or legal custodian of the minor may be
6 ordered by the court to pay some or all of the restitution on
7 the minor's behalf, pursuant to the Parental Responsibility
8 Law. The State's Attorney is authorized to act on behalf of any
9 victim in seeking restitution in proceedings under this
10 Section, up to the maximum amount allowed in Section 5 of the
11 Parental Responsibility Law.

12 (5) Any sentencing order where the minor is committed or
13 placed in accordance with Section 5-740 shall provide for the
14 parents or guardian of the estate of the minor to pay to the
15 legal custodian or guardian of the person of the minor such
16 sums as are determined by the custodian or guardian of the
17 person of the minor as necessary for the minor's needs. The
18 payments may not exceed the maximum amounts provided for by
19 Section 9.1 of the Children and Family Services Act.

20 (6) Whenever the sentencing order requires the minor to
21 attend school or participate in a program of training, the
22 truant officer or designated school official shall regularly
23 report to the court if the minor is a chronic or habitual
24 truant under Section 26-2a of the School Code.

25 (7) In no event shall a guilty minor be committed to the
26 Department of Corrections, Juvenile Division for a period of
27 time in excess of that period for which an adult could be
28 committed for the same act.

29 (8) A minor found to be guilty for reasons that include a
30 violation of Section 21-1.3 of the Criminal Code of 1961 shall
31 be ordered to perform community service for not less than 30
32 and not more than 120 hours, if community service is available
33 in the jurisdiction. The community service shall include, but
34 need not be limited to, the cleanup and repair of the damage
35 that was caused by the violation or similar damage to property
36 located in the municipality or county in which the violation

1 occurred. The order may be in addition to any other order
2 authorized by this Section.

3 (8.5) A minor found to be guilty for reasons that include a
4 violation of Section 3.02 or Section 3.03 of the Humane Care
5 for Animals Act or paragraph (d) of subsection (1) of Section
6 21-1 of the Criminal Code of 1961 shall be ordered to undergo
7 medical or psychiatric treatment rendered by a psychiatrist or
8 psychological treatment rendered by a clinical psychologist.
9 The order may be in addition to any other order authorized by
10 this Section.

11 (9) In addition to any other sentencing order, the court
12 shall order any minor found to be guilty for an act which would
13 constitute, predatory criminal sexual assault of a child,
14 aggravated criminal sexual assault, criminal sexual assault,
15 aggravated criminal sexual abuse, or criminal sexual abuse if
16 committed by an adult to undergo medical testing to determine
17 whether the defendant has any sexually transmissible disease
18 including a test for infection with human immunodeficiency
19 virus (HIV) or any other identified causative agency of
20 acquired immunodeficiency syndrome (AIDS). Any medical test
21 shall be performed only by appropriately licensed medical
22 practitioners and may include an analysis of any bodily fluids
23 as well as an examination of the minor's person. Except as
24 otherwise provided by law, the results of the test shall be
25 kept strictly confidential by all medical personnel involved in
26 the testing and must be personally delivered in a sealed
27 envelope to the judge of the court in which the sentencing
28 order was entered for the judge's inspection in camera. Acting
29 in accordance with the best interests of the victim and the
30 public, the judge shall have the discretion to determine to
31 whom the results of the testing may be revealed. The court
32 shall notify the minor of the results of the test for infection
33 with the human immunodeficiency virus (HIV). The court shall
34 also notify the victim if requested by the victim, and if the
35 victim is under the age of 15 and if requested by the victim's
36 parents or legal guardian, the court shall notify the victim's

1 parents or the legal guardian, of the results of the test for
2 infection with the human immunodeficiency virus (HIV). The
3 court shall provide information on the availability of HIV
4 testing and counseling at the Department of Public Health
5 facilities to all parties to whom the results of the testing
6 are revealed. The court shall order that the cost of any test
7 shall be paid by the county and may be taxed as costs against
8 the minor.

9 (10) When a court finds a minor to be guilty the court
10 shall, before entering a sentencing order under this Section,
11 make a finding whether the offense committed either: (a) was
12 related to or in furtherance of the criminal activities of an
13 organized gang or was motivated by the minor's membership in or
14 allegiance to an organized gang, or (b) involved a violation of
15 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
16 a violation of any Section of Article 24 of the Criminal Code
17 of 1961, or a violation of any statute that involved the
18 wrongful use of a firearm. If the court determines the question
19 in the affirmative, and the court does not commit the minor to
20 the Department of Corrections, Juvenile Division, the court
21 shall order the minor to perform community service for not less
22 than 30 hours nor more than 120 hours, provided that community
23 service is available in the jurisdiction and is funded and
24 approved by the county board of the county where the offense
25 was committed. The community service shall include, but need
26 not be limited to, the cleanup and repair of any damage caused
27 by a violation of Section 21-1.3 of the Criminal Code of 1961
28 and similar damage to property located in the municipality or
29 county in which the violation occurred. When possible and
30 reasonable, the community service shall be performed in the
31 minor's neighborhood. This order shall be in addition to any
32 other order authorized by this Section except for an order to
33 place the minor in the custody of the Department of
34 Corrections, Juvenile Division. For the purposes of this
35 Section, "organized gang" has the meaning ascribed to it in
36 Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02; revised
3 10-9-03.)

4 Section 470. The Criminal Code of 1961 is amended by
5 renumbering Section 2-.5, changing Sections 9-3, 10-6, 12-2,
6 12-10.1, 14-3, 17-1, and 24-2, and setting forth and
7 renumbering multiple versions of Section 12-4.10 as follows:

8 (720 ILCS 5/2-0.5) (was 720 ILCS 5/2-.5)

9 Sec. 2-0.5 ~~2-.5~~. Definitions. For the purposes of this
10 Code, the words and phrases described in this Article have the
11 meanings designated in this Article, except when a particular
12 context clearly requires a different meaning.

13 (Source: Laws 1961, p. 1983; revised 1-22-04.)

14 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

15 (Text of Section before amendment by P.A. 93-178)

16 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

17 (a) A person who unintentionally kills an individual
18 without lawful justification commits involuntary manslaughter
19 if his acts whether lawful or unlawful which cause the death
20 are such as are likely to cause death or great bodily harm to
21 some individual, and he performs them recklessly, except in
22 cases in which the cause of the death consists of the driving
23 of a motor vehicle or operating a snowmobile, all-terrain
24 vehicle, or watercraft, in which case the person commits
25 reckless homicide.

26 (b) (Blank).

27 (c) (Blank).

28 (d) Sentence.

29 (1) Involuntary manslaughter is a Class 3 felony.

30 (2) Reckless homicide is a Class 3 felony.

31 (e) (Blank).

32 (e-5) (Blank).

33 (f) In cases involving involuntary manslaughter in which

1 the victim was a family or household member as defined in
2 paragraph (3) of Section 112A-3 of the Code of Criminal
3 Procedure of 1963, the penalty shall be a Class 2 felony, for
4 which a person if sentenced to a term of imprisonment, shall be
5 sentenced to a term of not less than 3 years and not more than
6 14 years.

7 (Source: P.A. 92-16, eff. 6-28-01; 93-213, eff. 7-18-03.)

8 (Text of Section after amendment by P.A. 93-178)

9 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

10 (a) A person who unintentionally kills an individual
11 without lawful justification commits involuntary manslaughter
12 if his acts whether lawful or unlawful which cause the death
13 are such as are likely to cause death or great bodily harm to
14 some individual, and he performs them recklessly, except in
15 cases in which the cause of the death consists of the driving
16 of a motor vehicle or operating a snowmobile, all-terrain
17 vehicle, or watercraft, in which case the person commits
18 reckless homicide.

19 (b) (Blank).

20 (c) (Blank).

21 (d) Sentence.

22 (1) Involuntary manslaughter is a Class 3 felony.

23 (2) Reckless homicide is a Class 3 felony.

24 (e) (Blank). ~~subsections, (e-7), and (e-8)~~

25 (e-5) (Blank).

26 (e-7) Except as otherwise provided in subsection (e-8), in
27 cases involving reckless homicide in which the defendant was
28 driving in a construction or maintenance zone, as defined in
29 Section 11-605 of the Illinois Vehicle Code, the penalty is a
30 Class 2 felony, for which a person, if sentenced to a term of
31 imprisonment, shall be sentenced to a term of not less than 3
32 years and not more than 14 years.

33 (e-8) In cases involving reckless homicide in which the
34 defendant was driving in a construction or maintenance zone, as
35 defined in Section 11-605 of the Illinois Vehicle Code, and

1 caused the deaths of 2 or more persons as part of a single
2 course of conduct, the penalty is a Class 2 felony, for which a
3 person, if sentenced to a term of imprisonment, shall be
4 sentenced to a term of not less than 6 years and not more than
5 28 years.

6 (f) In cases involving involuntary manslaughter in which
7 the victim was a family or household member as defined in
8 paragraph (3) of Section 112A-3 of the Code of Criminal
9 Procedure of 1963, the penalty shall be a Class 2 felony, for
10 which a person if sentenced to a term of imprisonment, shall be
11 sentenced to a term of not less than 3 years and not more than
12 14 years.

13 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,
14 eff. 7-18-03; revised 7-28-03.)

15 (720 ILCS 5/10-6) (from Ch. 38, par. 10-6)

16 Sec. 10-6. Harboring a runaway.

17 (a) Any person, other than an agency or association
18 providing crisis intervention services as defined in Section
19 3-5 of the Juvenile Court Act of 1987, or an operator of a
20 youth emergency shelter as defined in Section 2.21 of the Child
21 Care Act of 1969, who, without the knowledge and consent of the
22 minor's parent or guardian, knowingly gives shelter to a minor,
23 other than a mature minor who has been emancipated under the
24 Emancipation of ~~Mature~~ Minors Act, for more than 48 hours
25 without the consent of the minor's parent or guardian, and
26 without notifying the local law enforcement authorities of the
27 minor's name and the fact that the minor is being provided
28 shelter commits the offense of harboring a runaway.

29 (b) Any person who commits the offense of harboring a
30 runaway is guilty of a Class A misdemeanor.

31 (Source: P.A. 86-278; 86-386; revised 10-9-03.)

32 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

33 Sec. 12-2. Aggravated assault.

34 (a) A person commits an aggravated assault, when, in

1 committing an assault, he:

2 (1) Uses a deadly weapon or any device manufactured and
3 designed to be substantially similar in appearance to a
4 firearm, other than by discharging a firearm in the
5 direction of another person, a peace officer, a person
6 summoned or directed by a peace officer, a correctional
7 officer or a fireman or in the direction of a vehicle
8 occupied by another person, a peace officer, a person
9 summoned or directed by a peace officer, a correctional
10 officer or a fireman while the officer or fireman is
11 engaged in the execution of any of his official duties, or
12 to prevent the officer or fireman from performing his
13 official duties, or in retaliation for the officer or
14 fireman performing his official duties;

15 (2) Is hooded, robed or masked in such manner as to
16 conceal his identity or any device manufactured and
17 designed to be substantially similar in appearance to a
18 firearm;

19 (3) Knows the individual assaulted to be a teacher or
20 other person employed in any school and such teacher or
21 other employee is upon the grounds of a school or grounds
22 adjacent thereto, or is in any part of a building used for
23 school purposes;

24 (4) Knows the individual assaulted to be a supervisor,
25 director, instructor or other person employed in any park
26 district and such supervisor, director, instructor or
27 other employee is upon the grounds of the park or grounds
28 adjacent thereto, or is in any part of a building used for
29 park purposes;

30 (5) Knows the individual assaulted to be a caseworker,
31 investigator, or other person employed by the State
32 Department of Public Aid, a County Department of Public
33 Aid, or the Department of Human Services (acting as
34 successor to the Illinois Department of Public Aid under
35 the Department of Human Services Act) and such caseworker,
36 investigator, or other person is upon the grounds of a

1 public aid office or grounds adjacent thereto, or is in any
2 part of a building used for public aid purposes, or upon
3 the grounds of a home of a public aid applicant, recipient
4 or any other person being interviewed or investigated in
5 the employees' discharge of his duties, or on grounds
6 adjacent thereto, or is in any part of a building in which
7 the applicant, recipient, or other such person resides or
8 is located;

9 (6) Knows the individual assaulted to be a peace
10 officer, or a community policing volunteer, or a fireman
11 while the officer or fireman is engaged in the execution of
12 any of his official duties, or to prevent the officer,
13 community policing volunteer, or fireman from performing
14 his official duties, or in retaliation for the officer,
15 community policing volunteer, or fireman performing his
16 official duties, and the assault is committed other than by
17 the discharge of a firearm in the direction of the officer
18 or fireman or in the direction of a vehicle occupied by the
19 officer or fireman;

20 (7) Knows the individual assaulted to be an emergency
21 medical technician - ambulance, emergency medical
22 technician - intermediate, emergency medical technician -
23 paramedic, ambulance driver or other medical assistance or
24 first aid personnel engaged in the execution of any of his
25 official duties, or to prevent the emergency medical
26 technician - ambulance, emergency medical technician -
27 intermediate, emergency medical technician - paramedic,
28 ambulance driver, or other medical assistance or first aid
29 personnel from performing his official duties, or in
30 retaliation for the emergency medical technician -
31 ambulance, emergency medical technician - intermediate,
32 emergency medical technician - paramedic, ambulance
33 driver, or other medical assistance or first aid personnel
34 performing his official duties;

35 (8) Knows the individual assaulted to be the driver,
36 operator, employee or passenger of any transportation

1 facility or system engaged in the business of
2 transportation of the public for hire and the individual
3 assaulted is then performing in such capacity or then using
4 such public transportation as a passenger or using any area
5 of any description designated by the transportation
6 facility or system as a vehicle boarding, departure, or
7 transfer location;

8 (9) Or the individual assaulted is on or about a public
9 way, public property, or public place of accommodation or
10 amusement;

11 (10) Knows the individual assaulted to be an employee
12 of the State of Illinois, a municipal corporation therein
13 or a political subdivision thereof, engaged in the
14 performance of his authorized duties as such employee;

15 (11) Knowingly and without legal justification,
16 commits an assault on a physically handicapped person;

17 (12) Knowingly and without legal justification,
18 commits an assault on a person 60 years of age or older;

19 (13) Discharges a firearm;

20 (14) Knows the individual assaulted to be a
21 correctional officer, while the officer is engaged in the
22 execution of any of his or her official duties, or to
23 prevent the officer from performing his or her official
24 duties, or in retaliation for the officer performing his or
25 her official duties;

26 (15) Knows the individual assaulted to be a
27 correctional employee or an employee of the Department of
28 Human Services supervising or controlling sexually
29 dangerous persons or sexually violent persons, while the
30 employee is engaged in the execution of any of his or her
31 official duties, or to prevent the employee from performing
32 his or her official duties, or in retaliation for the
33 employee performing his or her official duties, and the
34 assault is committed other than by the discharge of a
35 firearm in the direction of the employee or in the
36 direction of a vehicle occupied by the employee; or

1 (16) Knows the individual assaulted to be an employee
2 of a police or sheriff's department engaged in the
3 performance of his or her official duties as such employee.

4 (a-5) A person commits an aggravated assault when he or she
5 knowingly and without lawful justification shines or flashes a
6 laser gunsight or other laser device that is attached or
7 affixed to a firearm, or used in concert with a firearm, so
8 that the laser beam strikes near or in the immediate vicinity
9 of any person.

10 (b) Sentence.

11 Aggravated assault as defined in paragraphs (1) through (5)
12 and (8) through (12) of subsection (a) of this Section is a
13 Class A misdemeanor. Aggravated assault as defined in
14 paragraphs (13), (14), and (15) of subsection (a) of this
15 Section and as defined in subsection (a-5) of this Section is a
16 Class 4 felony. Aggravated assault as defined in paragraphs
17 (6), (7), and (16) of subsection (a) of this Section is a Class
18 A misdemeanor if a firearm is not used in the commission of the
19 assault. Aggravated assault as defined in paragraphs (6), (7),
20 and (16) of subsection (a) of this Section is a Class 4 felony
21 if a firearm is used in the commission of the assault.

22 (Source: P.A. 91-672, eff. 1-1-00; 92-841, eff. 8-22-02;
23 92-865, eff. 1-3-03; revised 1-9-03.)

24 (720 ILCS 5/12-4.10)

25 Sec. 12-4.10. Drug related child endangerment.

26 (a) A person commits the offense of drug related child
27 endangerment when he or she endangers the life and health of a
28 child by knowingly exposing the child to a clandestine drug
29 laboratory environment by performing any of the following acts:

30 (1) producing, manufacturing, or preparing a
31 controlled substance; or

32 (2) producing, manufacturing, or preparing an
33 ingredient required to manufacture a controlled substance;

34 or

35 (3) storing chemicals used in the controlled substance

1 manufacturing process in a structure to which the child has
2 access; or

3 (4) storing contaminated apparatus used in the
4 controlled substance manufacturing process in a structure
5 to which the child has access; or

6 (5) storing chemical waste and other by-products
7 created during the controlled substance manufacturing
8 process in a structure to which the child has access; or

9 (6) storing any device used for the ingestion of
10 controlled substances in a structure to which the child has
11 access.

12 (b) In this Section:

13 "Child" means a person under the age of 18 years.

14 "Structure" means any house, apartment building, shop,
15 barn, warehouse, building, vessel, railroad car, cargo
16 container, motor vehicle, house car, trailer, trailer coach,
17 camper, mine, floating home, watercraft, any structure capable
18 of holding a clandestine laboratory or any real property.

19 (c) Sentence. A person convicted of drug related child
20 endangerment is guilty of a Class 2 felony.

21 (Source: P.A. 93-340, eff. 7-24-03.)

22 (720 ILCS 5/12-4.12)

23 Sec. 12-4.12 ~~12-4.10~~. Endangering the life and health of an
24 emergency service provider.

25 (a) A person commits the offense of endangering the life
26 and health of an emergency service provider if an emergency
27 service provider experiences death, great bodily harm,
28 disability, or disfigurement as a result of entering a
29 structure containing a clandestine drug laboratory designed or
30 intended to produce an unlawful controlled substance or
31 designed or intended to produce ingredients used in the
32 manufacture of an unlawful controlled substance.

33 (b) In this Section:

34 "Emergency service provider" means a peace officer, a
35 firefighter, an emergency medical technician-ambulance, an

1 emergency medical-technician-intermediate, an emergency
2 medical technician-paramedic, an ambulance driver or other
3 medical or first aid personnel.

4 "Structure" means any house, apartment building, shop,
5 barn, warehouse, building, vessel, railroad car, cargo
6 container, motor vehicle, housecar, trailer, trailer coach,
7 camper, mine, floating home, watercraft, any structure capable
8 of holding a clandestine laboratory or any real property.

9 (c) Sentence. Endangering the life and health of an
10 emergency service provider is a Class X felony.

11 (Source: P.A. 93-111, eff. 7-8-03; revised 9-25-03.)

12 (720 ILCS 5/12-10.1)

13 Sec. 12-10.1. Piercing the body of a minor.

14 (a) (1) Any person who pierces the body or oral cavity of a
15 person under 18 years of age without written consent of a
16 parent or legal guardian of that person commits the offense
17 of piercing the body of a minor. Before the oral cavity of
18 a person under 18 years of age may be pierced, the written
19 consent form signed by the parent or legal guardian must
20 contain a provision in substantially the following form:

21 "I understand that the oral piercing of the tongue,
22 lips, cheeks, or any other area of the oral cavity carries
23 serious risk of infection or damage to the mouth and teeth,
24 or both infection and damage to those areas, that could
25 result but is not limited to nerve damage, numbness, and
26 life threatening blood clots."

27 A person who pierces the oral cavity of a person under
28 18 years of age without obtaining a signed written consent
29 form from a parent or legal guardian of the person that
30 includes the provision describing the health risks of body
31 piercing, violates this Section.

32 (2) Sentence. Piercing the body of a minor is a Class C
33 misdemeanor.

34 (b) Definition. As used in this Section, to "pierce" means
35 to make a hole in the body or oral cavity in order to insert or

1 allow the insertion of any ring, hoop, stud, or other object
2 for the purpose of ornamentation of the body. "Piercing" does
3 not include tongue splitting as defined in Section 12-10.2.

4 (c) Exceptions. This Section may not be construed in any
5 way to prohibit any injection, incision, acupuncture, or
6 similar medical or dental procedure performed by a licensed
7 health care professional or other person authorized to perform
8 that procedure. This Section does not prohibit ear piercing.
9 This Section does not apply to a minor emancipated under the
10 Juvenile Court Act of 1987 or the Emancipation of ~~Mature~~ Minors
11 Act or by marriage.

12 (Source: P.A. 92-692, eff. 1-1-03; 93-449, eff. 1-1-04; revised
13 10-9-03.)

14 (720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

15 Sec. 14-3. Exemptions. The following activities shall be
16 exempt from the provisions of this Article:

17 (a) Listening to radio, wireless and television
18 communications of any sort where the same are publicly made;

19 (b) Hearing conversation when heard by employees of any
20 common carrier by wire incidental to the normal course of their
21 employment in the operation, maintenance or repair of the
22 equipment of such common carrier by wire so long as no
23 information obtained thereby is used or divulged by the hearer;

24 (c) Any broadcast by radio, television or otherwise whether
25 it be a broadcast or recorded for the purpose of later
26 broadcasts of any function where the public is in attendance
27 and the conversations are overheard incidental to the main
28 purpose for which such broadcasts are then being made;

29 (d) Recording or listening with the aid of any device to
30 any emergency communication made in the normal course of
31 operations by any federal, state or local law enforcement
32 agency or institutions dealing in emergency services,
33 including, but not limited to, hospitals, clinics, ambulance
34 services, fire fighting agencies, any public utility,
35 emergency repair facility, civilian defense establishment or

1 military installation;

2 (e) Recording the proceedings of any meeting required to be
3 open by the Open Meetings Act, as amended;

4 (f) Recording or listening with the aid of any device to
5 incoming telephone calls of phone lines publicly listed or
6 advertised as consumer "hotlines" by manufacturers or
7 retailers of food and drug products. Such recordings must be
8 destroyed, erased or turned over to local law enforcement
9 authorities within 24 hours from the time of such recording and
10 shall not be otherwise disseminated. Failure on the part of the
11 individual or business operating any such recording or
12 listening device to comply with the requirements of this
13 subsection shall eliminate any civil or criminal immunity
14 conferred upon that individual or business by the operation of
15 this Section;

16 (g) With prior notification to the State's Attorney of the
17 county in which it is to occur, recording or listening with the
18 aid of any device to any conversation where a law enforcement
19 officer, or any person acting at the direction of law
20 enforcement, is a party to the conversation and has consented
21 to it being intercepted or recorded under circumstances where
22 the use of the device is necessary for the protection of the
23 law enforcement officer or any person acting at the direction
24 of law enforcement, in the course of an investigation of a
25 forcible felony, a felony violation of the Illinois Controlled
26 Substances Act, a felony violation of the Cannabis Control Act,
27 or any "streetgang related" or "gang-related" felony as those
28 terms are defined in the Illinois Streetgang Terrorism Omnibus
29 Prevention Act. Any recording or evidence derived as the result
30 of this exemption shall be inadmissible in any proceeding,
31 criminal, civil or administrative, except (i) where a party to
32 the conversation suffers great bodily injury or is killed
33 during such conversation, or (ii) when used as direct
34 impeachment of a witness concerning matters contained in the
35 interception or recording. The Director of the Department of
36 State Police shall issue regulations as are necessary

1 concerning the use of devices, retention of tape recordings,
2 and reports regarding their use;

3 (g-5) With approval of the State's Attorney of the county
4 in which it is to occur, recording or listening with the aid of
5 any device to any conversation where a law enforcement officer,
6 or any person acting at the direction of law enforcement, is a
7 party to the conversation and has consented to it being
8 intercepted or recorded in the course of an investigation of
9 any offense defined in Article 29D of this Code. In all such
10 cases, an application for an order approving the previous or
11 continuing use of an eavesdropping device must be made within
12 48 hours of the commencement of such use. In the absence of
13 such an order, or upon its denial, any continuing use shall
14 immediately terminate. The Director of State Police shall issue
15 rules as are necessary concerning the use of devices, retention
16 of tape recordings, and reports regarding their use.

17 Any recording or evidence obtained or derived in the course
18 of an investigation of any offense defined in Article 29D of
19 this Code shall, upon motion of the State's Attorney or
20 Attorney General prosecuting any violation of Article 29D, be
21 reviewed in camera with notice to all parties present by the
22 court presiding over the criminal case, and, if ruled by the
23 court to be relevant and otherwise admissible, it shall be
24 admissible at the trial of the criminal case.

25 This subsection (g-5) is inoperative on and after January
26 1, 2005. No conversations recorded or monitored pursuant to
27 this subsection (g-5) shall be inadmissible ~~inadmissible~~ in a
28 court of law by virtue of the repeal of this subsection (g-5)
29 on January 1, 2005;

30 (h) Recordings made simultaneously with a video recording
31 of an oral conversation between a peace officer, who has
32 identified his or her office, and a person stopped for an
33 investigation of an offense under the Illinois Vehicle Code;

34 (i) Recording of a conversation made by or at the request
35 of a person, not a law enforcement officer or agent of a law
36 enforcement officer, who is a party to the conversation, under

1 reasonable suspicion that another party to the conversation is
2 committing, is about to commit, or has committed a criminal
3 offense against the person or a member of his or her immediate
4 household, and there is reason to believe that evidence of the
5 criminal offense may be obtained by the recording;

6 (j) The use of a telephone monitoring device by either (1)
7 a corporation or other business entity engaged in marketing or
8 opinion research or (2) a corporation or other business entity
9 engaged in telephone solicitation, as defined in this
10 subsection, to record or listen to oral telephone solicitation
11 conversations or marketing or opinion research conversations
12 by an employee of the corporation or other business entity
13 when:

14 (i) the monitoring is used for the purpose of service
15 quality control of marketing or opinion research or
16 telephone solicitation, the education or training of
17 employees or contractors engaged in marketing or opinion
18 research or telephone solicitation, or internal research
19 related to marketing or opinion research or telephone
20 solicitation; and

21 (ii) the monitoring is used with the consent of at
22 least one person who is an active party to the marketing or
23 opinion research conversation or telephone solicitation
24 conversation being monitored.

25 No communication or conversation or any part, portion, or
26 aspect of the communication or conversation made, acquired, or
27 obtained, directly or indirectly, under this exemption (j), may
28 be, directly or indirectly, furnished to any law enforcement
29 officer, agency, or official for any purpose or used in any
30 inquiry or investigation, or used, directly or indirectly, in
31 any administrative, judicial, or other proceeding, or divulged
32 to any third party.

33 When recording or listening authorized by this subsection
34 (j) on telephone lines used for marketing or opinion research
35 or telephone solicitation purposes results in recording or
36 listening to a conversation that does not relate to marketing

1 or opinion research or telephone solicitation; the person
2 recording or listening shall, immediately upon determining
3 that the conversation does not relate to marketing or opinion
4 research or telephone solicitation, terminate the recording or
5 listening and destroy any such recording as soon as is
6 practicable.

7 Business entities that use a telephone monitoring or
8 telephone recording system pursuant to this exemption (j) shall
9 provide current and prospective employees with notice that the
10 monitoring or recordings may occur during the course of their
11 employment. The notice shall include prominent signage
12 notification within the workplace.

13 Business entities that use a telephone monitoring or
14 telephone recording system pursuant to this exemption (j) shall
15 provide their employees or agents with access to personal-only
16 telephone lines which may be pay telephones, that are not
17 subject to telephone monitoring or telephone recording.

18 For the purposes of this subsection (j), "telephone
19 solicitation" means a communication through the use of a
20 telephone by live operators:

- 21 (i) soliciting the sale of goods or services;
22 (ii) receiving orders for the sale of goods or
23 services;
24 (iii) assisting in the use of goods or services; or
25 (iv) engaging in the solicitation, administration, or
26 collection of bank or retail credit accounts.

27 For the purposes of this subsection (j), "marketing or
28 opinion research" means a marketing or opinion research
29 interview conducted by a live telephone interviewer engaged by
30 a corporation or other business entity whose principal business
31 is the design, conduct, and analysis of polls and surveys
32 measuring the opinions, attitudes, and responses of
33 respondents toward products and services, or social or
34 political issues, or both.

35 (k) Electronic recordings, including but not limited to, a
36 motion picture, videotape, digital, or other visual or audio

1 recording, made of a custodial interrogation of an individual
2 at a police station or other place of detention by a law
3 enforcement officer under Section 5-401.5 of the Juvenile Court
4 Act of 1987 or Section 103-2.1 of the Code of Criminal
5 Procedure of 1963; and

6 (1) ~~(*)~~ Recording the interview or statement of any person
7 when the person knows that the interview is being conducted by
8 a law enforcement officer or prosecutor and the interview takes
9 place at a police station that is currently participating in
10 the Custodial Interview Pilot Program established under the
11 Illinois Criminal Justice Information Act.

12 (Source: P.A. 92-854, eff. 12-5-02; 93-206, eff. 7-18-03;
13 93-517, eff. 8-6-03; 93-605, eff. 11-19-03; revised 12-9-03.)

14 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

15 Sec. 17-1. Deceptive practices.

16 (A) Definitions.

17 As used in this Section:

18 (i) ~~A~~ "Financial institution" means any bank, savings
19 and loan association, credit union, or other depository of
20 money, or medium of savings and collective investment.

21 (ii) An "account holder" is any person, ~~having~~ having a
22 checking account or savings account in a financial
23 institution.

24 (iii) To act with the "intent to defraud" means to act
25 wilfully, and with the specific intent to deceive or cheat,
26 for the purpose of causing financial loss to another, or to
27 bring some financial gain to oneself. It is not necessary
28 to establish that any person was actually defrauded or
29 deceived.

30 (B) General Deception.

31 A person commits a deceptive practice when, with intent to
32 defraud, the person does any of the following:

33 (a) He or she causes another, by deception or threat,
34 to execute a document disposing of property or a document

1 by which a pecuniary obligation is incurred. ~~or~~

2 (b) Being an officer, manager or other person
3 participating in the direction of a financial institution,
4 he or she knowingly receives or permits the receipt of a
5 deposit or other investment, knowing that the institution
6 is insolvent. ~~or~~

7 (c) He or she knowingly makes or directs another to
8 make a false or deceptive statement addressed to the public
9 for the purpose of promoting the sale of property or
10 services. ~~or~~

11 (d) With intent to obtain control over property or to
12 pay for property, labor or services of another, or in
13 satisfaction of an obligation for payment of tax under the
14 Retailers' Occupation Tax Act or any other tax due to the
15 State of Illinois, he or she issues or delivers a check or
16 other order upon a real or fictitious depository for the
17 payment of money, knowing that it will not be paid by the
18 depository. Failure to have sufficient funds or credit with
19 the depository when the check or other order is issued or
20 delivered, or when such check or other order is presented
21 for payment and dishonored on each of 2 occasions at least
22 7 days apart, is prima facie evidence that the offender
23 knows that it will not be paid by the depository, and that
24 he or she has the intent to defraud. In this paragraph (d),
25 "property" includes rental property (real or personal).

26 (e) He or she issues or delivers a check or other order
27 upon a real or fictitious depository in an amount exceeding
28 \$150 in payment of an amount owed on any credit transaction
29 for property, labor or services, or in payment of the
30 entire amount owed on any credit transaction for property,
31 labor or services, knowing that it will not be paid by the
32 depository, and thereafter fails to provide funds or credit
33 with the depository in the face amount of the check or
34 order within 7 ~~seven~~ days of receiving actual notice from
35 the depository or payee of the dishonor of the check or
36 order.

1 Sentence.

2 A person convicted of a deceptive practice under paragraph
3 ~~paragraphs~~ (a), (b), (c), (d), or ~~through~~ (e) of this
4 subsection (B), except as otherwise provided by this Section,
5 is guilty of a Class A misdemeanor.

6 A person convicted of a deceptive practice in violation of
7 paragraph (d) a second or subsequent time shall be guilty of a
8 Class 4 felony.

9 A person convicted of deceptive practices in violation of
10 paragraph (d), when the value of the property so obtained, in a
11 single transaction, or in separate transactions within a 90 day
12 period, exceeds \$150, shall be guilty of a Class 4 felony. In
13 the case of a prosecution for separate transactions totaling
14 more than \$150 within a 90 day period, such separate
15 transactions shall be alleged in a single charge and provided
16 in a single prosecution.

17 (C) Deception on a Bank or Other Financial Institution.

18 (1) False Statements.

19 ~~1)~~ Any person who, with the intent to defraud, makes or
20 causes to be made, any false statement in writing in order to
21 obtain an account with a bank or other financial institution,
22 or to obtain credit from a bank or other financial institution,
23 knowing such writing to be false, and with the intent that it
24 be relied upon, is guilty of a Class A misdemeanor.

25 For purposes of this subsection (C), a false statement
26 shall mean any false statement representing identity, address,
27 or employment, or the identity, address or employment of any
28 person, firm or corporation.

29 (2) Possession of Stolen or Fraudulently Obtained Checks.

30 ~~2)~~ Any person who possesses, with the intent to obtain
31 access to funds of another person held in a real or fictitious
32 deposit account at a financial institution, makes a false
33 statement or a misrepresentation to the financial institution,
34 or possesses, transfers, negotiates, or presents for payment a
35 check, draft, or other item purported to direct the financial

1 institution to withdraw or pay funds out of the account
2 holder's deposit account with knowledge that such possession,
3 transfer, negotiation, or presentment is not authorized by the
4 account holder or the issuing financial institution is guilty
5 of a Class A misdemeanor. A person shall be deemed to have been
6 authorized to possess, transfer, negotiate, or present for
7 payment such item if the person was otherwise entitled by law
8 to withdraw or recover funds from the account in question and
9 followed the requisite procedures under the law. In the event
10 that the account holder, upon discovery of the withdrawal or
11 payment, claims that the withdrawal or payment was not
12 authorized, the financial institution may require the account
13 holder to submit an affidavit to that effect on a form
14 satisfactory to the financial institution before the financial
15 institution may be required to credit the account in an amount
16 equal to the amount or amounts that were withdrawn or paid
17 without authorization.

18 Any person who, within any 12 month period, violates this
19 Section with respect to 3 or more checks or orders for the
20 payment of money at the same time or consecutively, each the
21 property of a different account holder or financial
22 institution, is guilty of a Class 4 felony.

23 (3) Possession of Implements of Check Fraud.

24 Any person who possesses, with the intent to defraud~~7~~ and
25 without the authority of the account holder or financial
26 institution,2 any check imprinter, signature imprinter, or
27 "certified" stamp is guilty of a Class A misdemeanor.

28 A person who within any 12 month period violates this
29 subsection (C) as to possession of 3 or more such devices at
30 the same time or consecutively, is guilty of a Class 4 felony.

31 (4) Possession of Identification Card.

32 ~~4)~~ Any person~~7~~ who~~2~~ with the intent to defraud, possesses
33 any check guarantee card or key card or identification card for
34 cash dispensing machines without the authority of the account
35 holder or financial institution~~7~~ is guilty of a Class A
36 misdemeanor.

1 A person who, within any 12 month period, violates this
2 Section at the same time or consecutively with respect to 3 or
3 more cards, each the property of different account holders, is
4 guilty of a Class 4 felony.

5 A person convicted under this Section, when the value of
6 property so obtained, in a single transaction, or in separate
7 transactions within any 90 day period, exceeds \$150 shall be
8 guilty of a Class 4 felony.

9 (Source: P.A. 92-633, eff. 1-1-03; 92-646, eff. 1-1-03; revised
10 10-3-02.)

11 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

12 Sec. 24-2. Exemptions.

13 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and
14 Section 24-1.6 do not apply to or affect any of the following:

15 (1) Peace officers, and any person summoned by a peace
16 officer to assist in making arrests or preserving the
17 peace, while actually engaged in assisting such officer.

18 (2) Wardens, superintendents and keepers of prisons,
19 penitentiaries, jails and other institutions for the
20 detention of persons accused or convicted of an offense,
21 while in the performance of their official duty, or while
22 commuting between their homes and places of employment.

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard or the
25 Reserve Officers Training Corps, while in the performance
26 of their official duty.

27 (4) Special agents employed by a railroad or a public
28 utility to perform police functions, and guards of armored
29 car companies, while actually engaged in the performance of
30 the duties of their employment or commuting between their
31 homes and places of employment; and watchmen while actually
32 engaged in the performance of the duties of their
33 employment.

34 (5) Persons licensed as private security contractors,
35 private detectives, or private alarm contractors, or

1 employed by an agency certified by the Department of
2 Professional Regulation, if their duties include the
3 carrying of a weapon under the provisions of the Private
4 Detective, Private Alarm, Private Security, and Locksmith
5 Act of 2004, while actually engaged in the performance of
6 the duties of their employment or commuting between their
7 homes and places of employment, provided that such
8 commuting is accomplished within one hour from departure
9 from home or place of employment, as the case may be.
10 Persons exempted under this subdivision (a)(5) shall be
11 required to have completed a course of study in firearms
12 handling and training approved and supervised by the
13 Department of Professional Regulation as prescribed by
14 Section 28 of the Private Detective, Private Alarm, Private
15 Security, and Locksmith Act of 2004, prior to becoming
16 eligible for this exemption. The Department of
17 Professional Regulation shall provide suitable
18 documentation demonstrating the successful completion of
19 the prescribed firearms training. Such documentation shall
20 be carried at all times when such persons are in possession
21 of a concealable weapon.

22 (6) Any person regularly employed in a commercial or
23 industrial operation as a security guard for the protection
24 of persons employed and private property related to such
25 commercial or industrial operation, while actually engaged
26 in the performance of his or her duty or traveling between
27 sites or properties belonging to the employer, and who, as
28 a security guard, is a member of a security force of at
29 least 5 persons registered with the Department of
30 Professional Regulation; provided that such security guard
31 has successfully completed a course of study, approved by
32 and supervised by the Department of Professional
33 Regulation, consisting of not less than 40 hours of
34 training that includes the theory of law enforcement,
35 liability for acts, and the handling of weapons. A person
36 shall be considered eligible for this exemption if he or

1 she has completed the required 20 hours of training for a
2 security officer and 20 hours of required firearm training,
3 and has been issued a firearm authorization card by the
4 Department of Professional Regulation. Conditions for the
5 renewal of firearm authorization cards issued under the
6 provisions of this Section shall be the same as for those
7 cards issued under the provisions of the Private Detective,
8 Private Alarm, Private Security, and Locksmith Act of 2004.
9 Such firearm authorization card shall be carried by the
10 security guard at all times when he or she is in possession
11 of a concealable weapon.

12 (7) Agents and investigators of the Illinois
13 Legislative Investigating Commission authorized by the
14 Commission to carry the weapons specified in subsections
15 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
16 any investigation for the Commission.

17 (8) Persons employed by a financial institution for the
18 protection of other employees and property related to such
19 financial institution, while actually engaged in the
20 performance of their duties, commuting between their homes
21 and places of employment, or traveling between sites or
22 properties owned or operated by such financial
23 institution, provided that any person so employed has
24 successfully completed a course of study, approved by and
25 supervised by the Department of Professional Regulation,
26 consisting of not less than 40 hours of training which
27 includes theory of law enforcement, liability for acts, and
28 the handling of weapons. A person shall be considered to be
29 eligible for this exemption if he or she has completed the
30 required 20 hours of training for a security officer and 20
31 hours of required firearm training, and has been issued a
32 firearm authorization card by the Department of
33 Professional Regulation. Conditions for renewal of firearm
34 authorization cards issued under the provisions of this
35 Section shall be the same as for those issued under the
36 provisions of the Private Detective, Private Alarm,

1 Private Security, and Locksmith Act of 2004. Such firearm
2 authorization card shall be carried by the person so
3 trained at all times when such person is in possession of a
4 concealable weapon. For purposes of this subsection,
5 "financial institution" means a bank, savings and loan
6 association, credit union or company providing armored car
7 services.

8 (9) Any person employed by an armored car company to
9 drive an armored car, while actually engaged in the
10 performance of his duties.

11 (10) Persons who have been classified as peace officers
12 pursuant to the Peace Officer Fire Investigation Act.

13 (11) Investigators of the Office of the State's
14 Attorneys Appellate Prosecutor authorized by the board of
15 governors of the Office of the State's Attorneys Appellate
16 Prosecutor to carry weapons pursuant to Section 7.06 of the
17 State's Attorneys Appellate Prosecutor's Act.

18 (12) Special investigators appointed by a State's
19 Attorney under Section 3-9005 of the Counties Code.

20 (12.5) Probation officers while in the performance of
21 their duties, or while commuting between their homes,
22 places of employment or specific locations that are part of
23 their assigned duties, with the consent of the chief judge
24 of the circuit for which they are employed.

25 (13) Court Security Officers while in the performance
26 of their official duties, or while commuting between their
27 homes and places of employment, with the consent of the
28 Sheriff.

29 (13.5) A person employed as an armed security guard at
30 a nuclear energy, storage, weapons or development site or
31 facility regulated by the Nuclear Regulatory Commission
32 who has completed the background screening and training
33 mandated by the rules and regulations of the Nuclear
34 Regulatory Commission.

35 (14) Manufacture, transportation, or sale of weapons
36 to persons authorized under subdivisions (1) through

1 (13.5) of this subsection to possess those weapons.

2 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
3 24-1.6 do not apply to or affect any of the following:

4 (1) Members of any club or organization organized for
5 the purpose of practicing shooting at targets upon
6 established target ranges, whether public or private, and
7 patrons of such ranges, while such members or patrons are
8 using their firearms on those target ranges.

9 (2) Duly authorized military or civil organizations
10 while parading, with the special permission of the
11 Governor.

12 (3) Hunters, trappers or fishermen with a license or
13 permit while engaged in hunting, trapping or fishing.

14 (4) Transportation of weapons that are broken down in a
15 non-functioning state or are not immediately accessible.

16 (c) Subsection 24-1(a)(7) does not apply to or affect any
17 of the following:

18 (1) Peace officers while in performance of their
19 official duties.

20 (2) Wardens, superintendents and keepers of prisons,
21 penitentiaries, jails and other institutions for the
22 detention of persons accused or convicted of an offense.

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard, while in
25 the performance of their official duty.

26 (4) Manufacture, transportation, or sale of machine
27 guns to persons authorized under subdivisions (1) through
28 (3) of this subsection to possess machine guns, if the
29 machine guns are broken down in a non-functioning state or
30 are not immediately accessible.

31 (5) Persons licensed under federal law to manufacture
32 any weapon from which 8 or more shots or bullets can be
33 discharged by a single function of the firing device, or
34 ammunition for such weapons, and actually engaged in the
35 business of manufacturing such weapons or ammunition, but
36 only with respect to activities which are within the lawful

1 scope of such business, such as the manufacture,
2 transportation, or testing of such weapons or ammunition.
3 This exemption does not authorize the general private
4 possession of any weapon from which 8 or more shots or
5 bullets can be discharged by a single function of the
6 firing device, but only such possession and activities as
7 are within the lawful scope of a licensed manufacturing
8 business described in this paragraph.

9 During transportation, such weapons shall be broken
10 down in a non-functioning state or not immediately
11 accessible.

12 (6) The manufacture, transport, testing, delivery,
13 transfer or sale, and all lawful commercial or experimental
14 activities necessary thereto, of rifles, shotguns, and
15 weapons made from rifles or shotguns, or ammunition for
16 such rifles, shotguns or weapons, where engaged in by a
17 person operating as a contractor or subcontractor pursuant
18 to a contract or subcontract for the development and supply
19 of such rifles, shotguns, weapons or ammunition to the
20 United States government or any branch of the Armed Forces
21 of the United States, when such activities are necessary
22 and incident to fulfilling the terms of such contract.

23 The exemption granted under this subdivision (c)(6)
24 shall also apply to any authorized agent of any such
25 contractor or subcontractor who is operating within the
26 scope of his employment, where such activities involving
27 such weapon, weapons or ammunition are necessary and
28 incident to fulfilling the terms of such contract.

29 During transportation, any such weapon shall be broken
30 down in a non-functioning state, or not immediately
31 accessible.

32 (d) Subsection 24-1(a)(1) does not apply to the purchase,
33 possession or carrying of a black-jack or slung-shot by a peace
34 officer.

35 (e) Subsection 24-1(a)(8) does not apply to any owner,
36 manager or authorized employee of any place specified in that

1 subsection nor to any law enforcement officer.

2 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
3 Section 24-1.6 do not apply to members of any club or
4 organization organized for the purpose of practicing shooting
5 at targets upon established target ranges, whether public or
6 private, while using their firearms on those target ranges.

7 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
8 to:

9 (1) Members of the Armed Services or Reserve Forces of
10 the United States or the Illinois National Guard, while in
11 the performance of their official duty.

12 (2) Bonafide collectors of antique or surplus military
13 ordinance.

14 (3) Laboratories having a department of forensic
15 ballistics, or specializing in the development of
16 ammunition or explosive ordinance.

17 (4) Commerce, preparation, assembly or possession of
18 explosive bullets by manufacturers of ammunition licensed
19 by the federal government, in connection with the supply of
20 those organizations and persons exempted by subdivision
21 (g)(1) of this Section, or like organizations and persons
22 outside this State, or the transportation of explosive
23 bullets to any organization or person exempted in this
24 Section by a common carrier or by a vehicle owned or leased
25 by an exempted manufacturer.

26 (g-5) Subsection 24-1(a)(6) does not apply to or affect
27 persons licensed under federal law to manufacture any device or
28 attachment of any kind designed, used, or intended for use in
29 silencing the report of any firearm, firearms, or ammunition
30 for those firearms equipped with those devices, and actually
31 engaged in the business of manufacturing those devices,
32 firearms, or ammunition, but only with respect to activities
33 that are within the lawful scope of that business, such as the
34 manufacture, transportation, or testing of those devices,
35 firearms, or ammunition. This exemption does not authorize the
36 general private possession of any device or attachment of any

1 kind designed, used, or intended for use in silencing the
2 report of any firearm, but only such possession and activities
3 as are within the lawful scope of a licensed manufacturing
4 business described in this subsection (g-5). During
5 transportation, those devices shall be detached from any weapon
6 or not immediately accessible.

7 (h) An information or indictment based upon a violation of
8 any subsection of this Article need not negative any exemptions
9 contained in this Article. The defendant shall have the burden
10 of proving such an exemption.

11 (i) Nothing in this Article shall prohibit, apply to, or
12 affect the transportation, carrying, or possession, of any
13 pistol or revolver, stun gun, taser, or other firearm consigned
14 to a common carrier operating under license of the State of
15 Illinois or the federal government, where such transportation,
16 carrying, or possession is incident to the lawful
17 transportation in which such common carrier is engaged; and
18 nothing in this Article shall prohibit, apply to, or affect the
19 transportation, carrying, or possession of any pistol,
20 revolver, stun gun, taser, or other firearm, not the subject of
21 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
22 this Article, which is unloaded and enclosed in a case, firearm
23 carrying box, shipping box, or other container, by the
24 possessor of a valid Firearm Owners Identification Card.

25 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
26 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

27 Section 475. The Code of Criminal Procedure of 1963 is
28 amended by changing Sections 108B-5, 108B-11, 112A-28, and
29 122-1 as follows:

30 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

31 Sec. 108B-5. Requirements for order of interception.

32 (a) Upon consideration of an application, the chief judge
33 may enter an ex parte order, as requested or as modified,
34 authorizing the interception of a private communication, if the

1 chief judge determines on the basis of the application
2 submitted by the applicant, that:

3 (1) There is probable cause for belief that (A) ~~(a)~~ the
4 person whose private communication is to be intercepted is
5 committing, has committed, or is about to commit an offense
6 enumerated in Section 108B-3, or (B) ~~(b)~~ the facilities
7 from which, or the place where, the private communication
8 is to be intercepted, is, has been, or is about to be used
9 in connection with the commission of the offense, or is
10 leased to, listed in the name of, or commonly used by, the
11 person; and

12 (2) There is probable cause for belief that a
13 particular private communication concerning such offense
14 may be obtained through the interception; and

15 (3) Normal investigative procedures with respect to
16 the offense have been tried and have failed or reasonably
17 appear to be unlikely to succeed if tried or too dangerous
18 to employ; and

19 (4) The electronic criminal surveillance officers to
20 be authorized to supervise the interception of the private
21 communication have been certified by the Department.

22 (b) In the case of an application, other than for an
23 extension, for an order to intercept a communication of a
24 person or on a wire communication facility that was the subject
25 of a previous order authorizing interception, the application
26 shall be based upon new evidence or information different from
27 and in addition to the evidence or information offered to
28 support the prior order, regardless of whether the evidence was
29 derived from prior interceptions or from other sources.

30 (c) The chief judge may authorize interception of a private
31 communication anywhere in the judicial circuit. If the court
32 authorizes the use of an eavesdropping device with respect to a
33 vehicle, watercraft, or aircraft that is within the judicial
34 circuit at the time the order is issued, the order may provide
35 that the interception may continue anywhere within the State if
36 the vehicle, watercraft, or aircraft leaves the judicial

1 circuit.

2 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

3 (725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

4 Sec. 108B-11. Inventory.

5 (a) Within a reasonable period of time but not later than
6 90 days after the termination of the period of the order, or
7 its extensions, or the date of the denial of an application
8 made under Section 108B-8, the chief judge issuing or denying
9 the order or extension shall cause an inventory to be served on
10 any person:

11 (1) named in the order;

12 (2) arrested as a result of the interception of his
13 private communication;

14 (3) indicted or otherwise charged as a result of the
15 interception of his private communication;

16 (4) ~~Any person~~ whose private communication was
17 intercepted and who the judge issuing or denying the order
18 or application may in his discretion determine should be
19 informed in the interest of justice.

20 (b) The inventory under this Section shall include:

21 (1) notice of the entry of the order or the application
22 for an order denied under Section 108B-8;

23 (2) the date of the entry of the order or the denial of
24 an order applied for under Section 108B-8;

25 (3) the period of authorized or disapproved
26 interception; and

27 (4) the fact that during the period a private
28 communication was or was not intercepted.

29 (c) A court of competent jurisdiction, upon filing of a
30 motion, may in its discretion make available to those persons
31 or their attorneys for inspection those portions of the
32 intercepted communications, applications and orders as the
33 court determines to be in the interest of justice.

34 (d) On an ex parte showing of good cause to a court of

1 competent jurisdiction, the serving of the inventories
2 required by this Section may be postponed for a period not to
3 exceed 12 months.

4 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

5 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

6 Sec. 112A-28. Data maintenance by law enforcement
7 agencies.

8 (a) All sheriffs shall furnish to the Department of State
9 Police, daily, in the form and detail the Department requires,
10 copies of any recorded orders of protection issued by the
11 court, and any foreign orders of protection filed by the clerk
12 of the court, and transmitted to the sheriff by the clerk of
13 the court pursuant to subsection (b) of Section 112A-22 of this
14 Act. Each order of protection shall be entered in the Law
15 Enforcement Agencies Automated Data System on the same day it
16 is issued by the court. If an emergency order of protection was
17 issued in accordance with subsection (c) of Section 112A-17,
18 the order shall be entered in the Law Enforcement Agencies
19 ~~Automated~~ Data System as soon as possible after receipt from
20 the clerk.

21 (b) The Department of State Police shall maintain a
22 complete and systematic record and index of all valid and
23 recorded orders of protection issued or filed pursuant to this
24 Act. The data shall be used to inform all dispatchers and law
25 enforcement officers at the scene of an alleged incident of
26 abuse or violation of an order of protection of any recorded
27 prior incident of abuse involving the abused party and the
28 effective dates and terms of any recorded order of protection.

29 (c) The data, records and transmittals required under this
30 Section shall pertain to any valid emergency, interim or
31 plenary order of protection, whether issued in a civil or
32 criminal proceeding or authorized under the laws of another
33 state, tribe, or United States territory.

34 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised
35 2-17-03.)

1 (725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

2 Sec. 122-1. Petition in the trial court.

3 (a) Any person imprisoned in the penitentiary may institute
4 a proceeding under this Article if the person asserts that:

5 (1) in the proceedings which resulted in his or her
6 conviction there was a substantial denial of his or her
7 rights under the Constitution of the United States or of
8 the State of Illinois or both; or

9 (2) the death penalty was imposed and there is newly
10 discovered evidence not available to the person at the time
11 of the proceeding that resulted in his or her conviction
12 that establishes a substantial basis to believe that the
13 defendant is actually innocent by clear and convincing
14 evidence.

15 (a-5) A proceeding under paragraph (2) of subsection (a)
16 may be commenced within a reasonable period of time after the
17 person's conviction notwithstanding any other provisions of
18 this Article. In such a proceeding regarding actual innocence,
19 if the court determines the petition is frivolous or is
20 patently without merit, it shall dismiss the petition in a
21 written order, specifying the findings of fact and conclusions
22 of law it made in reaching its decision. Such order of
23 dismissal is a final judgment and shall be served upon the
24 petitioner by certified mail within 10 days of its entry.

25 (b) The proceeding shall be commenced by filing with the
26 clerk of the court in which the conviction took place a
27 petition (together with a copy thereof) verified by affidavit.
28 Petitioner shall also serve another copy upon the State's
29 Attorney by any of the methods provided in Rule 7 of the
30 Supreme Court. The clerk shall docket the petition for
31 consideration by the court pursuant to Section 122-2.1 upon his
32 or her receipt thereof and bring the same promptly to the
33 attention of the court.

34 (c) Except as otherwise provided in subsection (a-5), if
35 the petitioner is under sentence of death, no proceedings under

1 this Article shall be commenced more than 6 months after the
2 denial of a petition for certiorari to the United States
3 Supreme Court on direct appeal, or more than 6 months from the
4 date for filing such a petition if none is filed, unless the
5 petitioner alleges facts showing that the delay was not due to
6 his or her culpable negligence.

7 When a defendant has a sentence other than death, no
8 proceedings under this Article shall be commenced more than 6
9 months after the denial of the Petition for Leave to Appeal to
10 the Illinois Supreme Court, or more than 6 months from the date
11 for filing such a petition if none is filed, unless the
12 petitioner alleges facts showing that the delay was not due to
13 his or her culpable negligence.

14 This limitation does not apply to a petition advancing a
15 claim of actual innocence.

16 (d) A person seeking relief by filing a petition under this
17 Section must specify in the petition or its heading that it is
18 filed under this Section. A trial court that has received a
19 petition complaining of a conviction or sentence that fails to
20 specify in the petition or its heading that it is filed under
21 this Section need not evaluate the petition to determine
22 whether it could otherwise have stated some grounds for relief
23 under this Article.

24 (e) A proceeding under this Article may not be commenced on
25 behalf of a defendant who has been sentenced to death without
26 the written consent of the defendant, unless the defendant,
27 because of a mental or physical condition, is incapable of
28 asserting his or her own claim.

29 (f) Only one petition may be filed by a petitioner under
30 this Article without leave of the court. Leave of court may be
31 granted only if a petitioner demonstrates cause for his or her
32 failure to bring the claim in his or her initial
33 post-conviction proceedings and prejudice results from that
34 failure. For purposes of this subsection (f): (1) a prisoner
35 shows cause by identifying an objective factor that impeded his
36 or her ability to raise a specific claim during his or her

1 initial post-conviction proceedings; and (2) a prisoner shows
2 prejudice by demonstrating that the claim not raised during his
3 or her initial post-conviction proceedings so infected the
4 trial that the resulting conviction or sentence violated due
5 process.

6 (Source: P.A. 93-493, eff. 1-1-04; 93-605, eff. 11-19-03;
7 revised 12-9-03.)

8 Section 480. The Capital Crimes Litigation Act is amended
9 by changing Sections 15 and 19 as follows:

10 (725 ILCS 124/15)

11 Sec. 15. Capital Litigation Trust Fund.

12 (a) The Capital Litigation Trust Fund is created as a
13 special fund in the State Treasury. The Trust Fund shall be
14 administered by the State Treasurer to provide moneys for the
15 appropriations to be made, grants to be awarded, and
16 compensation and expenses to be paid under this Act. All
17 interest earned from the investment or deposit of moneys
18 accumulated in the Trust Fund shall, under Section 4.1 of the
19 State Finance Act, be deposited into the Trust Fund.

20 (b) Moneys deposited into the Trust Fund shall not be
21 considered general revenue of the State of Illinois.

22 (c) Moneys deposited into the Trust Fund shall be used
23 exclusively for the purposes of providing funding for the
24 prosecution and defense of capital cases as provided in this
25 Act and shall not be appropriated, loaned, or in any manner
26 transferred to the General Revenue Fund of the State of
27 Illinois.

28 (d) Every fiscal year the State Treasurer shall transfer
29 from the General Revenue Fund to the Capital Litigation Trust
30 Fund an amount equal to the full amount of moneys appropriated
31 by the General Assembly (both by original and supplemental
32 appropriation), less any unexpended balance from the previous
33 fiscal year, from the Capital Litigation Trust Fund for the
34 specific purpose of making funding available for the

1 prosecution and defense of capital cases. The Public Defender
2 and State's Attorney in Cook County, the State Appellate
3 Defender, the State's Attorneys Appellate Prosecutor, and the
4 Attorney General shall make annual requests for appropriations
5 from the Trust Fund.

6 (1) The Public Defender in Cook County shall request
7 appropriations to the State Treasurer for expenses
8 incurred by the Public Defender and for funding for private
9 appointed defense counsel in Cook County.

10 (2) The State's Attorney in Cook County shall request
11 an appropriation to the State Treasurer for expenses
12 incurred by the State's Attorney.

13 (3) The State Appellate Defender shall request a direct
14 appropriation from the Trust Fund for expenses incurred by
15 the State Appellate Defender in providing assistance to
16 trial attorneys under item (c)(5) of Section 10 of the
17 State Appellate Defender Act and an appropriation to the
18 State Treasurer for payments from the Trust Fund for the
19 defense of cases in counties other than Cook County.

20 (4) The State's Attorneys Appellate Prosecutor shall
21 request a direct appropriation from the Trust Fund to pay
22 expenses incurred by the State's Attorneys Appellate
23 Prosecutor and an appropriation to the State Treasurer for
24 payments from the Trust Fund for expenses incurred by
25 State's Attorneys in counties other than Cook County.

26 (5) The Attorney General shall request a direct
27 appropriation from the Trust Fund to pay expenses incurred
28 by the Attorney General in assisting the State's Attorneys
29 in counties other than Cook County and to pay for expenses
30 incurred by the Attorney General when the Attorney General
31 is ordered by the presiding judge of the Criminal Division
32 of the Circuit Court of Cook County to prosecute or
33 supervise the prosecution of Cook County cases.

34 The Public Defender and State's Attorney in Cook County,
35 the State Appellate Defender, the State's Attorneys Appellate
36 Prosecutor, and the Attorney General may each request

1 supplemental appropriations from the Trust Fund during the
2 fiscal year.

3 (e) Moneys in the Trust Fund shall be expended only as
4 follows:

5 (1) To pay the State Treasurer's costs to administer
6 the Trust Fund. The amount for this purpose may not exceed
7 5% in any one fiscal year of the amount otherwise
8 appropriated from the Trust Fund in the same fiscal year.

9 (2) To pay the capital litigation expenses of trial
10 defense including, but not limited to, DNA testing,
11 including DNA testing under Section 116-3 of the Code of
12 Criminal Procedure of 1963, analysis, and expert
13 testimony, investigatory and other assistance, expert,
14 forensic, and other witnesses, and mitigation specialists,
15 and grants and aid provided to public defenders or
16 assistance to attorneys who have been appointed by the
17 court to represent defendants who are charged with capital
18 crimes.

19 (3) To pay the compensation of trial attorneys, other
20 than public defenders, who have been appointed by the court
21 to represent defendants who are charged with capital
22 crimes.

23 (4) To provide State's Attorneys with funding for
24 capital litigation expenses including, but not limited to,
25 investigatory and other assistance and expert, forensic,
26 and other witnesses necessary to prosecute capital cases.
27 State's Attorneys in any county other than Cook County
28 seeking funding for capital litigation expenses including,
29 but not limited to, investigatory and other assistance and
30 expert, forensic, or other witnesses under this Section may
31 request that the State's Attorneys Appellate Prosecutor or
32 the Attorney General, as the case may be, certify the
33 expenses as reasonable, necessary, and appropriate for
34 payment from the Trust Fund, on a form created by the State
35 Treasurer. Upon certification of the expenses and delivery
36 of the certification to the State Treasurer, the Treasurer

1 shall pay the expenses directly from the Capital Litigation
2 Trust Fund if there are sufficient moneys in the Trust Fund
3 to pay the expenses.

4 (5) To provide financial support through the Attorney
5 General pursuant to the Attorney General Act for the
6 several county State's Attorneys outside of Cook County,
7 but shall not be used to increase personnel for the
8 Attorney General's Office, except when the Attorney
9 General is ordered by the presiding judge of the Criminal
10 Division of the Circuit Court of Cook County to prosecute
11 or supervise the prosecution of Cook County cases.

12 (6) To provide financial support through the State's
13 Attorneys Appellate Prosecutor pursuant to the State's
14 Attorneys Appellate Prosecutor's Act for the several
15 county State's Attorneys outside of Cook County, but shall
16 not be used to increase personnel for the State's Attorneys
17 Appellate Prosecutor.

18 (7) To provide financial support to the State Appellate
19 Defender pursuant to the State Appellate Defender Act.

20 Moneys expended from the Trust Fund shall be in addition to
21 county funding for Public Defenders and State's Attorneys, and
22 shall not be used to supplant or reduce ordinary and customary
23 county funding.

24 (f) Moneys in the Trust Fund shall be appropriated to the
25 State Appellate Defender, the State's Attorneys Appellate
26 Prosecutor, the Attorney General, and the State Treasurer. The
27 State Appellate Defender shall receive an appropriation from
28 the Trust Fund to enable it to provide assistance to appointed
29 defense counsel throughout the State and to Public Defenders in
30 counties other than Cook. The State's Attorneys Appellate
31 Prosecutor and the Attorney General shall receive
32 appropriations from the Trust Fund to enable them to provide
33 assistance to State's Attorneys in counties other than Cook
34 County and when the Attorney General is ordered by the
35 presiding judge of the Criminal Division of the Circuit Court
36 of Cook County to prosecute or supervise the prosecution of

1 Cook County cases. Moneys shall be appropriated to the State
2 Treasurer to enable the Treasurer (i) to make grants to Cook
3 County, (ii) to pay the expenses of Public Defenders and
4 State's Attorneys in counties other than Cook County, (iii) to
5 pay the expenses and compensation of appointed defense counsel
6 in counties other than Cook County, and (iv) to pay the costs
7 of administering the Trust Fund. All expenditures and grants
8 made from the Trust Fund shall be subject to audit by the
9 Auditor General.

10 (g) For Cook County, grants from the Trust Fund shall be
11 made and administered as follows:

12 (1) For each State fiscal year, the State's Attorney
13 and Public Defender must each make a separate application
14 to the State Treasurer for capital litigation grants.

15 (2) The State Treasurer shall establish rules and
16 procedures for grant applications. The rules shall require
17 the Cook County Treasurer as the grant recipient to report
18 on a periodic basis to the State Treasurer how much of the
19 grant has been expended, how much of the grant is
20 remaining, and the purposes for which the grant has been
21 used. The rules may also require the Cook County Treasurer
22 to certify on a periodic basis that expenditures of the
23 funds have been made for expenses that are reasonable,
24 necessary, and appropriate for payment from the Trust Fund.

25 (3) The State Treasurer shall make the grants to the
26 Cook County Treasurer as soon as possible after the
27 beginning of the State fiscal year.

28 (4) The State's Attorney or Public Defender may apply
29 for supplemental grants during the fiscal year.

30 (5) Grant moneys shall be paid to the Cook County
31 Treasurer in block grants and held in separate accounts for
32 the State's Attorney, the Public Defender, and court
33 appointed defense counsel other than the Cook County Public
34 Defender, respectively, for the designated fiscal year,
35 and are not subject to county appropriation.

36 (6) Expenditure of grant moneys under this subsection

1 (g) is subject to audit by the Auditor General.

2 (7) The Cook County Treasurer shall immediately make
3 payment from the appropriate separate account in the county
4 treasury for capital litigation expenses to the State's
5 Attorney, Public Defender, or court appointed defense
6 counsel other than the Public Defender, as the case may be,
7 upon order of the State's Attorney, Public Defender or the
8 court, respectively.

9 (h) If a defendant in a capital case in Cook County is
10 represented by court appointed counsel other than the Cook
11 County Public Defender, the appointed counsel shall petition
12 the court for an order directing the Cook County Treasurer to
13 pay the court appointed counsel's reasonable and necessary
14 compensation and capital litigation expenses from grant moneys
15 provided from the Trust Fund. These petitions shall be
16 considered in camera. Orders denying petitions for
17 compensation or expenses are final. Counsel may not petition
18 for expenses that may have been provided or compensated by the
19 State Appellate Defender under item (c) (5) of Section 10 of the
20 State Appellate Defender Act.

21 (i) In counties other than Cook County, and when the
22 Attorney General is ordered by the presiding judge of the
23 Criminal Division of the Circuit Court of Cook County to
24 prosecute or supervise the prosecution of Cook County cases,
25 and excluding capital litigation expenses or services that may
26 have been provided by the State Appellate Defender under item
27 (c) (5) of Section 10 of the State Appellate Defender Act:

28 (1) Upon certification by the circuit court, on a form
29 created by the State Treasurer, that all or a portion of
30 the expenses are reasonable, necessary, and appropriate
31 for payment from the Trust Fund and the court's delivery of
32 the certification to the Treasurer, the Treasurer shall pay
33 the certified expenses of Public Defenders from the money
34 appropriated to the Treasurer for capital litigation
35 expenses of Public Defenders in any county other than Cook
36 County, if there are sufficient moneys in the Trust Fund to

1 pay the expenses.

2 (2) If a defendant in a capital case is represented by
3 court appointed counsel other than the Public Defender, the
4 appointed counsel shall petition the court to certify
5 compensation and capital litigation expenses including,
6 but not limited to, investigatory and other assistance,
7 expert, forensic, and other witnesses, and mitigation
8 specialists as reasonable, necessary, and appropriate for
9 payment from the Trust Fund. Upon certification on a form
10 created by the State Treasurer of all or a portion of the
11 compensation and expenses certified as reasonable,
12 necessary, and appropriate for payment from the Trust Fund
13 and the court's delivery of the certification to the
14 Treasurer, the State Treasurer shall pay the certified
15 compensation and expenses from the money appropriated to
16 the Treasurer for that purpose, if there are sufficient
17 moneys in the Trust Fund to make those payments.

18 (3) A petition for capital litigation expenses under
19 this subsection shall be considered in camera. Orders
20 denying petitions for compensation or expenses are final.

21 (j) If the Trust Fund is discontinued or dissolved by an
22 Act of the General Assembly or by operation of law, any balance
23 remaining in the Trust Fund shall be returned to the General
24 Revenue Fund after deduction of administrative costs, any other
25 provision of this Act to the contrary notwithstanding.

26 (Source: P.A. 93-127, eff. 1-1-04; 93-605, eff. 11-19-03;
27 revised 12-9-03.)

28 (725 ILCS 124/19)

29 Sec. 19. Report, ~~repeal~~.

30 (a) The Cook County Public Defender, the Cook County
31 State's Attorney, the State Appellate Defender, the State's
32 Attorneys Appellate Prosecutor, and the Attorney General shall
33 each report separately to the General Assembly by January 1,
34 2004 detailing the amounts of money received by them through
35 this Act, the uses for which those funds were expended, the

1 balances then in the Capital Litigation Trust Fund or county
2 accounts, as the case may be, dedicated to them for the use and
3 support of Public Defenders, appointed trial defense counsel,
4 and State's Attorneys, as the case may be. The report shall
5 describe and discuss the need for continued funding through the
6 Fund and contain any suggestions for changes to this Act.

7 (b) (Blank).

8 (Source: P.A. 93-605, eff. 11-19-03; revised 12-9-03.)

9 Section 485. The Sexually Dangerous Persons Act is amended
10 by changing Section 9 as follows:

11 (725 ILCS 205/9) (from Ch. 38, par. 105-9)

12 Sec. 9. An application in writing setting forth facts
13 showing that such sexually dangerous person or criminal sexual
14 psychopathic person has recovered may be filed before the
15 committing court. Upon receipt thereof, the clerk of the court
16 shall cause a copy of the application to be sent to the
17 Director of the Department of Corrections. The Director shall
18 then cause to be prepared and sent to the court a
19 socio-psychiatric report concerning the applicant. The report
20 shall be prepared by a social worker and psychologist under the
21 supervision of a licensed psychiatrist assigned to the
22 institution wherein such applicant is confined. The court shall
23 set a date for the hearing upon such application and shall
24 consider the report so prepared under the direction of the
25 Director of the Department of Corrections and any other
26 relevant information submitted by or on behalf of such
27 applicant. If the person is found to be no longer dangerous,
28 the court shall order that he be discharged. If the court finds
29 that the person appears no longer to be dangerous but that it
30 is impossible to determine with certainty under conditions of
31 institutional care that such person has fully recovered, the
32 court shall enter an order permitting such person to go at
33 large subject to such conditions and such supervision by the
34 Director as in the opinion of the court will adequately protect

1 the public. In the event the person violates any of the
2 conditions of such order, the court shall revoke such
3 conditional release and recommit the person pursuant to Section
4 5-6-4 of the Unified Code of Corrections under the terms of the
5 original commitment. Upon an order of discharge every
6 outstanding information and indictment, the basis of which was
7 the reason for the present detention, shall be quashed.

8 (Source: P.A. 92-786, eff. 8-6-02; revised 10-9-03.)

9 Section 490. The Sexually Violent Persons Commitment Act is
10 amended by changing Section 25 as follows:

11 (725 ILCS 207/25)

12 Sec. 25. Rights of persons subject to petition.

13 (a) Any person who is the subject of a petition filed under
14 Section 15 of this Act shall be served with a copy of the
15 petition in accordance with the Civil Practice Law.

16 (b) The circuit court in which a petition under Section 15
17 of this Act is filed shall conduct all hearings under this Act.
18 The court shall give the person who is the subject of the
19 petition reasonable notice of the time and place of each such
20 hearing. The court may designate additional persons to receive
21 these notices.

22 (c) Except as provided in paragraph (b)(1) of Section 65
23 and Section 70 of this Act, at any hearing conducted under this
24 Act, the person who is the subject of the petition has the
25 right ~~to~~:

26 (1) To be present and to be represented by counsel. If
27 the person is indigent, the court shall appoint counsel.

28 (2) To remain silent.

29 (3) To present and cross-examine witnesses.

30 (4) To have the hearing recorded by a court reporter.

31 (d) The person who is the subject of the petition, the
32 person's attorney, the Attorney General or the State's Attorney
33 may request that a trial under Section 35 of this Act be to a
34 jury. A verdict of a jury under this Act is not valid unless it

1 is unanimous.

2 (e) Whenever the person who is the subject of the petition
3 is required to submit to an examination under this Act, he or
4 she may retain experts or professional persons to perform an
5 examination. The respondent's chosen evaluator must be
6 approved by the Sex Offender Management Board and the
7 evaluation must be conducted in conformance with the standards
8 developed under the Sex Offender Management Board Act. If the
9 person retains a qualified expert or professional person of his
10 or her own choice to conduct an examination, the examiner shall
11 have reasonable access to the person for the purpose of the
12 examination, as well as to the person's past and present
13 treatment records and patient health care records. If the
14 person is indigent, the court shall, upon the person's request,
15 appoint a qualified and available expert or professional person
16 to perform an examination. Upon the order of the circuit court,
17 the county shall pay, as part of the costs of the action, the
18 costs of a court-appointed expert or professional person to
19 perform an examination and participate in the trial on behalf
20 of an indigent person.

21 (Source: P.A. 93-616, eff. 1-1-04; revised 1-10-04.)

22 Section 495. The Unified Code of Corrections is amended by
23 changing Sections 5-2-4, 5-4-3, 5-5-3, and 5-8-1.3 and setting
24 forth and renumbering multiple versions of Section 5-9-1.12 as
25 follows:

26 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

27 Sec. 5-2-4. Proceedings after Acquittal by Reason of
28 Insanity.

29 (a) After a finding or verdict of not guilty by reason of
30 insanity under Sections 104-25, 115-3 or 115-4 of The Code of
31 Criminal Procedure of 1963, the defendant shall be ordered to
32 the Department of Human Services for an evaluation as to
33 whether he is in need of mental health services. The order
34 shall specify whether the evaluation shall be conducted on an

1 inpatient or outpatient basis. If the evaluation is to be
2 conducted on an inpatient basis, the defendant shall be placed
3 in a secure setting unless the Court determines that there are
4 compelling reasons why such placement is not necessary. After
5 the evaluation and during the period of time required to
6 determine the appropriate placement, the defendant shall
7 remain in jail. Upon completion of the placement process the
8 sheriff shall be notified and shall transport the defendant to
9 the designated facility.

10 The Department shall provide the Court with a report of its
11 evaluation within 30 days of the date of this order. The Court
12 shall hold a hearing as provided under the Mental Health and
13 Developmental Disabilities Code to determine if the individual
14 is: (a) in need of mental health services on an inpatient
15 basis; (b) in need of mental health services on an outpatient
16 basis; (c) a person not in need of mental health services. The
17 Court shall enter its findings.

18 If the defendant is found to be in need of mental health
19 services on an inpatient care basis, the Court shall order the
20 defendant to the Department of Human Services. The defendant
21 shall be placed in a secure setting unless the Court determines
22 that there are compelling reasons why such placement is not
23 necessary. Such defendants placed in a secure setting shall not
24 be permitted outside the facility's housing unit unless
25 escorted or accompanied by personnel of the Department of Human
26 Services or with the prior approval of the Court for
27 unsupervised on-grounds privileges as provided herein. Any
28 defendant placed in a secure setting pursuant to this Section,
29 transported to court hearings or other necessary appointments
30 off facility grounds by personnel of the Department of Human
31 Services, shall be placed in security devices or otherwise
32 secured during the period of transportation to assure secure
33 transport of the defendant and the safety of Department of
34 Human Services personnel and others. These security measures
35 shall not constitute restraint as defined in the Mental Health
36 and Developmental Disabilities Code. If the defendant is found

1 to be in need of mental health services, but not on an
2 inpatient care basis, the Court shall conditionally release the
3 defendant, under such conditions as set forth in this Section
4 as will reasonably assure the defendant's satisfactory
5 progress and participation in treatment or rehabilitation and
6 the safety of the defendant and others. If the Court finds the
7 person not in need of mental health services, then the Court
8 shall order the defendant discharged from custody.

9 (a-1) ~~(1)~~ Definitions. For the purposes of this Section:

10 (A) (Blank).

11 (B) "In need of mental health services on an inpatient
12 basis" means: a defendant who has been found not guilty by
13 reason of insanity but who due to mental illness is
14 reasonably expected to inflict serious physical harm upon
15 himself or another and who would benefit from inpatient
16 care or is in need of inpatient care.

17 (C) "In need of mental health services on an outpatient
18 basis" means: a defendant who has been found not guilty by
19 reason of insanity who is not in need of mental health
20 services on an inpatient basis, but is in need of
21 outpatient care, drug and/or alcohol rehabilitation
22 programs, community adjustment programs, individual,
23 group, or family therapy, or chemotherapy.

24 (D) "Conditional Release" means: the release from
25 either the custody of the Department of Human Services or
26 the custody of the Court of a person who has been found not
27 guilty by reason of insanity under such conditions as the
28 Court may impose which reasonably assure the defendant's
29 satisfactory progress in treatment or habilitation and the
30 safety of the defendant and others. The Court shall
31 consider such terms and conditions which may include, but
32 need not be limited to, outpatient care, alcoholic and drug
33 rehabilitation programs, community adjustment programs,
34 individual, group, family, and chemotherapy, random
35 testing to ensure the defendant's timely and continuous
36 taking of any medicines prescribed to control or manage his

1 or her conduct or mental state, and periodic checks with
2 the legal authorities and/or the Department of Human
3 Services. The Court may order as a condition of conditional
4 release that the defendant not contact the victim of the
5 offense that resulted in the finding or verdict of not
6 guilty by reason of insanity or any other person. The Court
7 may order the Department of Human Services to provide care
8 to any person conditionally released under this Section.
9 The Department may contract with any public or private
10 agency in order to discharge any responsibilities imposed
11 under this Section. The Department shall monitor the
12 provision of services to persons conditionally released
13 under this Section and provide periodic reports to the
14 Court concerning the services and the condition of the
15 defendant. Whenever a person is conditionally released
16 pursuant to this Section, the State's Attorney for the
17 county in which the hearing is held shall designate in
18 writing the name, telephone number, and address of a person
19 employed by him or her who shall be notified in the event
20 that either the reporting agency or the Department decides
21 that the conditional release of the defendant should be
22 revoked or modified pursuant to subsection (i) of this
23 Section. Such conditional release shall be for a period of
24 five years. However, the defendant, the person or facility
25 rendering the treatment, therapy, program or outpatient
26 care, the Department, or the State's Attorney may petition
27 the Court for an extension of the conditional release
28 period for an additional 5 years. Upon receipt of such a
29 petition, the Court shall hold a hearing consistent with
30 the provisions of this paragraph (a) and paragraph (f) of
31 this Section, shall determine whether the defendant should
32 continue to be subject to the terms of conditional release,
33 and shall enter an order either extending the defendant's
34 period of conditional release for an additional 5 year
35 period or discharging the defendant. Additional 5-year
36 periods of conditional release may be ordered following a

1 hearing as provided in this Section. However, in no event
2 shall the defendant's period of conditional release
3 continue beyond the maximum period of commitment ordered by
4 the Court pursuant to paragraph (b) of this Section. These
5 provisions for extension of conditional release shall only
6 apply to defendants conditionally released on or after
7 August 8, 2003 ~~the effective date of this amendatory Act of~~
8 ~~the 93rd General Assembly~~. However the extension
9 provisions of Public Act 83-1449 apply only to defendants
10 charged with a forcible felony.

11 (E) "Facility director" means the chief officer of a
12 mental health or developmental disabilities facility or
13 his or her designee or the supervisor of a program of
14 treatment or habilitation or his or her designee.
15 "Designee" may include a physician, clinical psychologist,
16 social worker, nurse, or clinical professional counselor.

17 (b) If the Court finds the defendant in need of mental
18 health services on an inpatient basis, the admission,
19 detention, care, treatment or habilitation, treatment plans,
20 review proceedings, including review of treatment and
21 treatment plans, and discharge of the defendant after such
22 order shall be under the Mental Health and Developmental
23 Disabilities Code, except that the initial order for admission
24 of a defendant acquitted of a felony by reason of insanity
25 shall be for an indefinite period of time. Such period of
26 commitment shall not exceed the maximum length of time that the
27 defendant would have been required to serve, less credit for
28 good behavior as provided in Section 5-4-1 of the Unified Code
29 of Corrections, before becoming eligible for release had he
30 been convicted of and received the maximum sentence for the
31 most serious crime for which he has been acquitted by reason of
32 insanity. The Court shall determine the maximum period of
33 commitment by an appropriate order. During this period of time,
34 the defendant shall not be permitted to be in the community in
35 any manner, including but not limited to off-grounds
36 privileges, with or without escort by personnel of the

1 Department of Human Services, unsupervised on-grounds
2 privileges, discharge or conditional or temporary release,
3 except by a plan as provided in this Section. In no event shall
4 a defendant's continued unauthorized absence be a basis for
5 discharge. Not more than 30 days after admission and every 60
6 days thereafter so long as the initial order remains in effect,
7 the facility director shall file a treatment plan report in
8 writing with the court and forward a copy of the treatment plan
9 report to the clerk of the court, the State's Attorney, and the
10 defendant's attorney, if the defendant is represented by
11 counsel, or to a person authorized by the defendant under the
12 Mental Health and Developmental Disabilities Confidentiality
13 Act to be sent a copy of the report. The report shall include
14 an opinion as to whether the defendant is currently in need of
15 mental health services on an inpatient basis or in need of
16 mental health services on an outpatient basis. The report shall
17 also summarize the basis for those findings and provide a
18 current summary of the following items from the treatment plan:
19 (1) an assessment of the defendant's treatment needs, (2) a
20 description of the services recommended for treatment, (3) the
21 goals of each type of element of service, (4) an anticipated
22 timetable for the accomplishment of the goals, and (5) a
23 designation of the qualified professional responsible for the
24 implementation of the plan. The report may also include
25 unsupervised on-grounds privileges, off-grounds privileges
26 (with or without escort by personnel of the Department of Human
27 Services), home visits and participation in work programs, but
28 only where such privileges have been approved by specific court
29 order, which order may include such conditions on the defendant
30 as the Court may deem appropriate and necessary to reasonably
31 assure the defendant's satisfactory progress in treatment and
32 the safety of the defendant and others.

33 (c) Every defendant acquitted of a felony by reason of
34 insanity and subsequently found to be in need of mental health
35 services shall be represented by counsel in all proceedings
36 under this Section and under the Mental Health and

1 Developmental Disabilities Code.

2 (1) The Court shall appoint as counsel the public
3 defender or an attorney licensed by this State.

4 (2) Upon filing with the Court of a verified statement
5 of legal services rendered by the private attorney
6 appointed pursuant to paragraph (1) of this subsection, the
7 Court shall determine a reasonable fee for such services.
8 If the defendant is unable to pay the fee, the Court shall
9 enter an order upon the State to pay the entire fee or such
10 amount as the defendant is unable to pay from funds
11 appropriated by the General Assembly for that purpose.

12 (d) When the facility director determines that:

13 (1) the defendant is no longer in need of mental health
14 services on an inpatient basis; and

15 (2) the defendant may be conditionally released
16 because he or she is still in need of mental health
17 services or that the defendant may be discharged as not in
18 need of any mental health services; or

19 (3) the defendant no longer requires placement in a
20 secure setting;

21 the facility director shall give written notice to the Court,
22 State's Attorney and defense attorney. Such notice shall set
23 forth in detail the basis for the recommendation of the
24 facility director, and specify clearly the recommendations, if
25 any, of the facility director, concerning conditional release.
26 Any recommendation for conditional release shall include an
27 evaluation of the defendant's need for psychotropic
28 medication, what provisions should be made, if any, to ensure
29 that the defendant will continue to receive psychotropic
30 medication following discharge, and what provisions should be
31 made to assure the safety of the defendant and others in the
32 event the defendant is no longer receiving psychotropic
33 medication. Within 30 days of the notification by the facility
34 director, the Court shall set a hearing and make a finding as
35 to whether the defendant is:

36 (i) (blank); or

1 (ii) in need of mental health services in the form of
2 inpatient care; or

3 (iii) in need of mental health services but not subject
4 to inpatient care; or

5 (iv) no longer in need of mental health services; or

6 (v) no longer requires placement in a secure setting.

7 Upon finding by the Court, the Court shall enter its
8 findings and such appropriate order as provided in subsection
9 (a) of this Section.

10 (e) A defendant admitted pursuant to this Section, or any
11 person on his behalf, may file a petition for treatment plan
12 review, transfer to a non-secure setting within the Department
13 of Human Services or discharge or conditional release under the
14 standards of this Section in the Court which rendered the
15 verdict. Upon receipt of a petition for treatment plan review,
16 transfer to a non-secure setting or discharge or conditional
17 release, the Court shall set a hearing to be held within 120
18 days. Thereafter, no new petition may be filed for 180 days
19 without leave of the Court.

20 (f) The Court shall direct that notice of the time and
21 place of the hearing be served upon the defendant, the facility
22 director, the State's Attorney, and the defendant's attorney.
23 If requested by either the State or the defense or if the Court
24 feels it is appropriate, an impartial examination of the
25 defendant by a psychiatrist or clinical psychologist as defined
26 in Section 1-103 of the Mental Health and Developmental
27 Disabilities Code who is not in the employ of the Department of
28 Human Services shall be ordered, and the report considered at
29 the time of the hearing.

30 (g) The findings of the Court shall be established by clear
31 and convincing evidence. The burden of proof and the burden of
32 going forth with the evidence rest with the defendant or any
33 person on the defendant's behalf when a hearing is held to
34 review a petition filed by or on behalf of the defendant. The
35 evidence shall be presented in open Court with the right of
36 confrontation and cross-examination. Such evidence may

1 include, but is not limited to:

2 (1) whether the defendant appreciates the harm caused
3 by the defendant to others and the community by his or her
4 prior conduct that resulted in the finding of not guilty by
5 reason of insanity;

6 (2) Whether the person appreciates the criminality of
7 conduct similar ~~similar~~ to the conduct for which he or she
8 was originally charged in this matter;

9 (3) the current state of the defendant's illness;

10 (4) what, if any, medications the defendant is taking
11 to control his or her mental illness;

12 (5) what, if any, adverse physical side effects the
13 medication has on the defendant;

14 (6) the length of time it would take for the
15 defendant's mental health to deteriorate if the defendant
16 stopped taking prescribed medication;

17 (7) the defendant's history or potential for alcohol
18 and drug abuse;

19 (8) the defendant's past criminal history;

20 (9) any specialized physical or medical needs of the
21 defendant;

22 (10) any family participation or involvement expected
23 upon release and what is the willingness and ability of the
24 family to participate or be involved;

25 (11) the defendant's potential to be a danger to
26 himself, herself, or others; and

27 (12) any other factor or factors the Court deems
28 appropriate.

29 (h) Before the court orders that the defendant be
30 discharged or conditionally released, it shall order the
31 facility director to establish a discharge plan that includes a
32 plan for the defendant's shelter, support, and medication. If
33 appropriate, the court shall order that the facility director
34 establish a program to train the defendant in self-medication
35 under standards established by the Department of Human
36 Services. If the Court finds, consistent with the provisions of

1 this Section, that the defendant is no longer in need of mental
2 health services it shall order the facility director to
3 discharge the defendant. If the Court finds, consistent with
4 the provisions of this Section, that the defendant is in need
5 of mental health services, and no longer in need of inpatient
6 care, it shall order the facility director to release the
7 defendant under such conditions as the Court deems appropriate
8 and as provided by this Section. Such conditional release shall
9 be imposed for a period of 5 years as provided in paragraph (1)
10 (D) of subsection (a) and shall be subject to later
11 modification by the Court as provided by this Section. If the
12 Court finds consistent with the provisions in this Section that
13 the defendant is in need of mental health services on an
14 inpatient basis, it shall order the facility director not to
15 discharge or release the defendant in accordance with paragraph
16 (b) of this Section.

17 (i) If within the period of the defendant's conditional
18 release the State's Attorney determines that the defendant has
19 not fulfilled the conditions of his or her release, the State's
20 Attorney may petition the Court to revoke or modify the
21 conditional release of the defendant. Upon the filing of such
22 petition the defendant may be remanded to the custody of the
23 Department, or to any other mental health facility designated
24 by the Department, pending the resolution of the petition.
25 Nothing in this Section shall prevent the emergency admission
26 of a defendant pursuant to Article VI of Chapter III of the
27 Mental Health and Developmental Disabilities Code or the
28 voluntary admission of the defendant pursuant to Article IV of
29 Chapter III of the Mental Health and Developmental Disabilities
30 Code. If the Court determines, after hearing evidence, that the
31 defendant has not fulfilled the conditions of release, the
32 Court shall order a hearing to be held consistent with the
33 provisions of paragraph (f) and (g) of this Section. At such
34 hearing, if the Court finds that the defendant is in need of
35 mental health services on an inpatient basis, it shall enter an
36 order remanding him or her to the Department of Human Services

1 or other facility. If the defendant is remanded to the
2 Department of Human Services, he or she shall be placed in a
3 secure setting unless the Court determines that there are
4 compelling reasons that such placement is not necessary. If the
5 Court finds that the defendant continues to be in need of
6 mental health services but not on an inpatient basis, it may
7 modify the conditions of the original release in order to
8 reasonably assure the defendant's satisfactory progress in
9 treatment and his or her safety and the safety of others in
10 accordance with the standards established in paragraph (1) (D)
11 of subsection (a). Nothing in this Section shall limit a
12 Court's contempt powers or any other powers of a Court.

13 (j) An order of admission under this Section does not
14 affect the remedy of habeas corpus.

15 (k) In the event of a conflict between this Section and the
16 Mental Health and Developmental Disabilities Code or the Mental
17 Health and Developmental Disabilities Confidentiality Act, the
18 provisions of this Section shall govern.

19 (l) This amendatory Act shall apply to all persons who have
20 been found not guilty by reason of insanity and who are
21 presently committed to the Department of Mental Health and
22 Developmental Disabilities (now the Department of Human
23 Services).

24 (m) The Clerk of the Court shall, after the entry of an
25 order of transfer to a non-secure setting of the Department of
26 Human Services or discharge or conditional release, transmit a
27 certified copy of the order to the Department of Human
28 Services, and the sheriff of the county from which the
29 defendant was admitted. The Clerk of the Court shall also
30 transmit a certified copy of the order of discharge or
31 conditional release to the Illinois Department of State Police,
32 to the proper law enforcement agency for the municipality where
33 the offense took place, and to the sheriff of the county into
34 which the defendant is conditionally discharged. The Illinois
35 Department of State Police shall maintain a centralized record
36 of discharged or conditionally released defendants while they

1 are under court supervision for access and use of appropriate
2 law enforcement agencies.

3 (Source: P.A. 93-78, eff. 1-1-04; 93-473, eff. 8-8-03; revised
4 1-22-04.)

5 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

6 Sec. 5-4-3. Persons convicted of, or found delinquent for,
7 certain offenses or institutionalized as sexually dangerous;
8 specimens; genetic marker groups.

9 (a) Any person convicted of, found guilty under the
10 Juvenile Court Act of 1987 for, or who received a disposition
11 of court supervision for, a qualifying offense or attempt of a
12 qualifying offense, convicted or found guilty of any offense
13 classified as a felony under Illinois law, found guilty or
14 given supervision for any offense classified as a felony under
15 the Juvenile Court Act of 1987, or institutionalized as a
16 sexually dangerous person under the Sexually Dangerous Persons
17 Act, or committed as a sexually violent person under the
18 Sexually Violent Persons Commitment Act shall, regardless of
19 the sentence or disposition imposed, be required to submit
20 specimens of blood, saliva, or tissue to the Illinois
21 Department of State Police in accordance with the provisions of
22 this Section, provided such person is:

23 (1) convicted of a qualifying offense or attempt of a
24 qualifying offense on or after July 1, 1990 and sentenced
25 to a term of imprisonment, periodic imprisonment, fine,
26 probation, conditional discharge or any other form of
27 sentence, or given a disposition of court supervision for
28 the offense;

29 (1.5) found guilty or given supervision under the
30 Juvenile Court Act of 1987 for a qualifying offense or
31 attempt of a qualifying offense on or after January 1,
32 1997;

33 (2) ordered institutionalized as a sexually dangerous
34 person on or after July 1, 1990;

35 (3) convicted of a qualifying offense or attempt of a

1 qualifying offense before July 1, 1990 and is presently
2 confined as a result of such conviction in any State
3 correctional facility or county jail or is presently
4 serving a sentence of probation, conditional discharge or
5 periodic imprisonment as a result of such conviction;

6 (3.5) convicted or found guilty of any offense
7 classified as a felony under Illinois law or found guilty
8 or given supervision for such an offense under the Juvenile
9 Court Act of 1987 on or after August 22, 2002;

10 (4) presently institutionalized as a sexually
11 dangerous person or presently institutionalized as a
12 person found guilty but mentally ill of a sexual offense or
13 attempt to commit a sexual offense;

14 (4.5) ordered committed as a sexually violent person on
15 or after the effective date of the Sexually Violent Persons
16 Commitment Act; or

17 (5) seeking transfer to or residency in Illinois under
18 Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of
19 Corrections and the Interstate Compact for Adult Offender
20 Supervision or the Interstate Agreements on Sexually
21 Dangerous Persons Act.

22 Notwithstanding other provisions of this Section, any
23 person incarcerated in a facility of the Illinois Department of
24 Corrections on or after August 22, 2002 shall be required to
25 submit a specimen of blood, saliva, or tissue prior to his or
26 her final discharge or release on parole or mandatory
27 supervised release, as a condition of his or her parole or
28 mandatory supervised release.

29 (a-5) Any person who was otherwise convicted of or received
30 a disposition of court supervision for any other offense under
31 the Criminal Code of 1961 or who was found guilty or given
32 supervision for such a violation under the Juvenile Court Act
33 of 1987, may, regardless of the sentence imposed, be required
34 by an order of the court to submit specimens of blood, saliva,
35 or tissue to the Illinois Department of State Police in
36 accordance with the provisions of this Section.

1 (b) Any person required by paragraphs (a)(1), (a)(1.5),
2 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
3 saliva, or tissue shall provide specimens of blood, saliva, or
4 tissue within 45 days after sentencing or disposition at a
5 collection site designated by the Illinois Department of State
6 Police.

7 (c) Any person required by paragraphs (a)(3), (a)(4), and
8 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
9 be required to provide such samples prior to final discharge,
10 parole, or release at a collection site designated by the
11 Illinois Department of State Police.

12 (c-5) Any person required by paragraph (a)(5) to provide
13 specimens of blood, saliva, or tissue shall, where feasible, be
14 required to provide the specimens before being accepted for
15 conditioned residency in Illinois under the interstate compact
16 or agreement, but no later than 45 days after arrival in this
17 State.

18 (c-6) The Illinois Department of State Police may determine
19 which type of specimen or specimens, blood, saliva, or tissue,
20 is acceptable for submission to the Division of Forensic
21 Services for analysis.

22 (d) The Illinois Department of State Police shall provide
23 all equipment and instructions necessary for the collection of
24 blood samples. The collection of samples shall be performed in
25 a medically approved manner. Only a physician authorized to
26 practice medicine, a registered nurse or other qualified person
27 trained in venipuncture may withdraw blood for the purposes of
28 this Act. The samples shall thereafter be forwarded to the
29 Illinois Department of State Police, Division of Forensic
30 Services, for analysis and categorizing into genetic marker
31 groupings.

32 (d-1) The Illinois Department of State Police shall provide
33 all equipment and instructions necessary for the collection of
34 saliva samples. The collection of saliva samples shall be
35 performed in a medically approved manner. Only a person trained
36 in the instructions promulgated by the Illinois State Police on

1 collecting saliva may collect saliva for the purposes of this
2 Section. The samples shall thereafter be forwarded to the
3 Illinois Department of State Police, Division of Forensic
4 Services, for analysis and categorizing into genetic marker
5 groupings.

6 (d-2) The Illinois Department of State Police shall provide
7 all equipment and instructions necessary for the collection of
8 tissue samples. The collection of tissue samples shall be
9 performed in a medically approved manner. Only a person trained
10 in the instructions promulgated by the Illinois State Police on
11 collecting tissue may collect tissue for the purposes of this
12 Section. The samples shall thereafter be forwarded to the
13 Illinois Department of State Police, Division of Forensic
14 Services, for analysis and categorizing into genetic marker
15 groupings.

16 (d-5) To the extent that funds are available, the Illinois
17 Department of State Police shall contract with qualified
18 personnel and certified laboratories for the collection,
19 analysis, and categorization of known samples.

20 (d-6) Agencies designated by the Illinois Department of
21 State Police and the Illinois Department of State Police may
22 contract with third parties to provide for the collection or
23 analysis of DNA, or both, of an offender's blood, saliva, and
24 tissue samples.

25 (e) The genetic marker groupings shall be maintained by the
26 Illinois Department of State Police, Division of Forensic
27 Services.

28 (f) The genetic marker grouping analysis information
29 obtained pursuant to this Act shall be confidential and shall
30 be released only to peace officers of the United States, of
31 other states or territories, of the insular possessions of the
32 United States, of foreign countries duly authorized to receive
33 the same, to all peace officers of the State of Illinois and to
34 all prosecutorial agencies, and to defense counsel as provided
35 by Section 116-5 of the Code of Criminal Procedure of 1963. The
36 genetic marker grouping analysis information obtained pursuant

1 to this Act shall be used only for (i) valid law enforcement
2 identification purposes and as required by the Federal Bureau
3 of Investigation for participation in the National DNA
4 database, (ii) technology validation purposes, (iii) a
5 population statistics database, ~~or~~ (iv) quality assurance
6 purposes if personally identifying information is removed, or
7 (v) ~~(iii)~~ assisting in the defense of the criminally accused
8 pursuant to Section 116-5 of the Code of Criminal Procedure of
9 1963. Notwithstanding any other statutory provision to the
10 contrary, all information obtained under this Section shall be
11 maintained in a single State data base, which may be uploaded
12 into a national database, and which information may be subject
13 to expungement only as set forth in subsection (f-1).

14 (f-1) Upon receipt of notification of a reversal of a
15 conviction based on actual innocence, or of the granting of a
16 pardon pursuant to Section 12 of Article V of the Illinois
17 Constitution, if that pardon document specifically states that
18 the reason for the pardon is the actual innocence of an
19 individual whose DNA record has been stored in the State or
20 national DNA identification index in accordance with this
21 Section by the Illinois Department of State Police, the DNA
22 record shall be expunged from the DNA identification index, and
23 the Department shall by rule prescribe procedures to ensure
24 that the record and any samples, analyses, or other documents
25 relating to such record, whether in the possession of the
26 Department or any law enforcement or police agency, or any
27 forensic DNA laboratory, including any duplicates or copies
28 thereof, are destroyed and a letter is sent to the court
29 verifying the expungement is completed.

30 (f-5) Any person who intentionally uses genetic marker
31 grouping analysis information, or any other information
32 derived from a DNA sample, beyond the authorized uses as
33 provided under this Section, or any other Illinois law, is
34 guilty of a Class 4 felony, and shall be subject to a fine of
35 not less than \$5,000.

36 (f-6) The Illinois Department of State Police may contract

1 with third parties for the purposes of implementing this
2 amendatory Act of the 93rd General Assembly. Any other party
3 contracting to carry out the functions of this Section shall be
4 subject to the same restrictions and requirements of this
5 Section insofar as applicable, as the Illinois Department of
6 State Police, and to any additional restrictions imposed by the
7 Illinois Department of State Police.

8 (g) For the purposes of this Section, "qualifying offense"
9 means any of the following:

10 (1) any violation or inchoate violation of Section
11 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the
12 Criminal Code of 1961;

13 (1.1) any violation or inchoate violation of Section
14 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
15 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which
16 persons are convicted on or after July 1, 2001;

17 (2) any former statute of this State which defined a
18 felony sexual offense;

19 (3) (blank);

20 (4) any inchoate violation of Section 9-3.1, 11-9.3,
21 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

22 (5) any violation or inchoate violation of Article 29D
23 of the Criminal Code of 1961.

24 (g-5) (Blank).

25 (h) The Illinois Department of State Police shall be the
26 State central repository for all genetic marker grouping
27 analysis information obtained pursuant to this Act. The
28 Illinois Department of State Police may promulgate rules for
29 the form and manner of the collection of blood, saliva, or
30 tissue samples and other procedures for the operation of this
31 Act. The provisions of the Administrative Review Law shall
32 apply to all actions taken under the rules so promulgated.

33 (i) (1) A person required to provide a blood, saliva, or
34 tissue specimen shall cooperate with the collection of the
35 specimen and any deliberate act by that person intended to
36 impede, delay or stop the collection of the blood, saliva,

1 or tissue specimen is a Class A misdemeanor.

2 (2) In the event that a person's DNA sample is not
3 adequate for any reason, the person shall provide another
4 DNA sample for analysis. Duly authorized law enforcement
5 and corrections personnel may employ reasonable force in
6 cases in which an individual refuses to provide a DNA
7 sample required under this Act.

8 (j) Any person required by subsection (a) to submit
9 specimens of blood, saliva, or tissue to the Illinois
10 Department of State Police for analysis and categorization into
11 genetic marker grouping, in addition to any other disposition,
12 penalty, or fine imposed, shall pay an analysis fee of \$200. If
13 the analysis fee is not paid at the time of sentencing, the
14 court shall establish a fee schedule by which the entire amount
15 of the analysis fee shall be paid in full, such schedule not to
16 exceed 24 months from the time of conviction. The inability to
17 pay this analysis fee shall not be the sole ground to
18 incarcerate the person.

19 (k) All analysis and categorization fees provided for by
20 subsection (j) shall be regulated as follows:

21 (1) The State Offender DNA Identification System Fund
22 is hereby created as a special fund in the State Treasury.

23 (2) All fees shall be collected by the clerk of the
24 court and forwarded to the State Offender DNA
25 Identification System Fund for deposit. The clerk of the
26 circuit court may retain the amount of \$10 from each
27 collected analysis fee to offset administrative costs
28 incurred in carrying out the clerk's responsibilities
29 under this Section.

30 (3) Fees deposited into the State Offender DNA
31 Identification System Fund shall be used by Illinois State
32 Police crime laboratories as designated by the Director of
33 State Police. These funds shall be in addition to any
34 allocations made pursuant to existing laws and shall be
35 designated for the exclusive use of State crime
36 laboratories. These uses may include, but are not limited

1 to, the following:

2 (A) Costs incurred in providing analysis and
3 genetic marker categorization as required by
4 subsection (d).

5 (B) Costs incurred in maintaining genetic marker
6 groupings as required by subsection (e).

7 (C) Costs incurred in the purchase and maintenance
8 of equipment for use in performing analyses.

9 (D) Costs incurred in continuing research and
10 development of new techniques for analysis and genetic
11 marker categorization.

12 (E) Costs incurred in continuing education,
13 training, and professional development of forensic
14 scientists regularly employed by these laboratories.

15 (1) The failure of a person to provide a specimen, or of
16 any person or agency to collect a specimen, within the 45 day
17 period shall in no way alter the obligation of the person to
18 submit such specimen, or the authority of the Illinois
19 Department of State Police or persons designated by the
20 Department to collect the specimen, or the authority of the
21 Illinois Department of State Police to accept, analyze and
22 maintain the specimen or to maintain or upload results of
23 genetic marker grouping analysis information into a State or
24 national database.

25 (m) If any provision of this amendatory Act of the 93rd
26 General Assembly is held unconstitutional or otherwise
27 invalid, the remainder of this amendatory Act of the 93rd
28 General Assembly is not affected.

29 (Source: P.A. 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571,
30 eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02;
31 92-854, eff. 12-5-02; 93-216, eff. 1-1-04; 93-605, eff.
32 11-19-03; revised 12-9-03.)

33 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

34 Sec. 5-5-3. Disposition.

35 (a) Every person convicted of an offense shall be sentenced

1 as provided in this Section.

2 (b) The following options shall be appropriate
3 dispositions, alone or in combination, for all felonies and
4 misdemeanors other than those identified in subsection (c) of
5 this Section:

6 (1) A period of probation.

7 (2) A term of periodic imprisonment.

8 (3) A term of conditional discharge.

9 (4) A term of imprisonment.

10 (5) An order directing the offender to clean up and
11 repair the damage, if the offender was convicted under
12 paragraph (h) of Section 21-1 of the Criminal Code of 1961
13 (now repealed).

14 (6) A fine.

15 (7) An order directing the offender to make restitution
16 to the victim under Section 5-5-6 of this Code.

17 (8) A sentence of participation in a county impact
18 incarceration program under Section 5-8-1.2 of this Code.

19 Whenever an individual is sentenced for an offense based
20 upon an arrest for a violation of Section 11-501 of the
21 Illinois Vehicle Code, or a similar provision of a local
22 ordinance, and the professional evaluation recommends remedial
23 or rehabilitative treatment or education, neither the
24 treatment nor the education shall be the sole disposition and
25 either or both may be imposed only in conjunction with another
26 disposition. The court shall monitor compliance with any
27 remedial education or treatment recommendations contained in
28 the professional evaluation. Programs conducting alcohol or
29 other drug evaluation or remedial education must be licensed by
30 the Department of Human Services. However, if the individual is
31 not a resident of Illinois, the court may accept an alcohol or
32 other drug evaluation or remedial education program in the
33 state of such individual's residence. Programs providing
34 treatment must be licensed under existing applicable
35 alcoholism and drug treatment licensure standards.

36 In addition to any other fine or penalty required by law,

1 any individual convicted of a violation of Section 11-501 of
2 the Illinois Vehicle Code, Section 5-7 of the Snowmobile
3 Registration and Safety Act, Section 5-16 of the Boat
4 Registration and Safety Act, or a similar provision of local
5 ordinance, whose operation of a motor vehicle while in
6 violation of Section 11-501, Section 5-7, Section 5-16, or such
7 ordinance proximately caused an incident resulting in an
8 appropriate emergency response, shall be required to make
9 restitution to a public agency for the costs of that emergency
10 response. Such restitution shall not exceed \$1,000 per public
11 agency for each such emergency response. For the purpose of
12 this paragraph, emergency response shall mean any incident
13 requiring a response by: a police officer as defined under
14 Section 1-162 of the Illinois Vehicle Code; a fireman carried
15 on the rolls of a regularly constituted fire department; and an
16 ambulance as defined under Section 3.85 of the Emergency
17 Medical Services (EMS) Systems Act.

18 Neither a fine nor restitution shall be the sole
19 disposition for a felony and either or both may be imposed only
20 in conjunction with another disposition.

21 (c) (1) When a defendant is found guilty of first degree
22 murder the State may either seek a sentence of imprisonment
23 under Section 5-8-1 of this Code, or where appropriate seek
24 a sentence of death under Section 9-1 of the Criminal Code
25 of 1961.

26 (2) A period of probation, a term of periodic
27 imprisonment or conditional discharge shall not be imposed
28 for the following offenses. The court shall sentence the
29 offender to not less than the minimum term of imprisonment
30 set forth in this Code for the following offenses, and may
31 order a fine or restitution or both in conjunction with
32 such term of imprisonment:

33 (A) First degree murder where the death penalty is
34 not imposed.

35 (B) Attempted first degree murder.

36 (C) A Class X felony.

1 (D) A violation of Section 401.1 or 407 of the
2 Illinois Controlled Substances Act, or a violation of
3 subdivision (c) (1) or (c) (2) of Section 401 of that Act
4 which relates to more than 5 grams of a substance
5 containing heroin or cocaine or an analog thereof.

6 (E) A violation of Section 5.1 or 9 of the Cannabis
7 Control Act.

8 (F) A Class 2 or greater felony if the offender had
9 been convicted of a Class 2 or greater felony within 10
10 years of the date on which the offender committed the
11 offense for which he or she is being sentenced, except
12 as otherwise provided in Section 40-10 of the
13 Alcoholism and Other Drug Abuse and Dependency Act.

14 (G) Residential burglary, except as otherwise
15 provided in Section 40-10 of the Alcoholism and Other
16 Drug Abuse and Dependency Act.

17 (H) Criminal sexual assault.

18 (I) Aggravated battery of a senior citizen.

19 (J) A forcible felony if the offense was related to
20 the activities of an organized gang.

21 Before July 1, 1994, for the purposes of this
22 paragraph, "organized gang" means an association of 5
23 or more persons, with an established hierarchy, that
24 encourages members of the association to perpetrate
25 crimes or provides support to the members of the
26 association who do commit crimes.

27 Beginning July 1, 1994, for the purposes of this
28 paragraph, "organized gang" has the meaning ascribed
29 to it in Section 10 of the Illinois Streetgang
30 Terrorism Omnibus Prevention Act.

31 (K) Vehicular hijacking.

32 (L) A second or subsequent conviction for the
33 offense of hate crime when the underlying offense upon
34 which the hate crime is based is felony aggravated
35 assault or felony mob action.

36 (M) A second or subsequent conviction for the

1 offense of institutional vandalism if the damage to the
2 property exceeds \$300.

3 (N) A Class 3 felony violation of paragraph (1) of
4 subsection (a) of Section 2 of the Firearm Owners
5 Identification Card Act.

6 (O) A violation of Section 12-6.1 of the Criminal
7 Code of 1961.

8 (P) A violation of paragraph (1), (2), (3), (4),
9 (5), or (7) of subsection (a) of Section 11-20.1 of the
10 Criminal Code of 1961.

11 (Q) A violation of Section 20-1.2 or 20-1.3 of the
12 Criminal Code of 1961.

13 (R) A violation of Section 24-3A of the Criminal
14 Code of 1961.

15 (S) A violation of Section 11-501(c-1)(3) of the
16 Illinois Vehicle Code.

17 (T) A second or subsequent violation of paragraph
18 (6.6) of subsection (a), subsection (c-5), or
19 subsection (d-5) of Section 401 of the Illinois
20 Controlled Substances Act.

21 (3) A minimum term of imprisonment of not less than 5
22 days or 30 days of community service as may be determined
23 by the court shall be imposed for a second violation
24 committed within 5 years of a previous violation of Section
25 11-501 of the Illinois Vehicle Code or a similar provision
26 of a local ordinance. In the case of a third or subsequent
27 violation committed within 5 years of a previous violation
28 of Section 11-501 of the Illinois Vehicle Code or a similar
29 provision of a local ordinance, a minimum term of either 10
30 days of imprisonment or 60 days of community service shall
31 be imposed.

32 (4) A minimum term of imprisonment of not less than 10
33 consecutive days or 30 days of community service shall be
34 imposed for a violation of paragraph (c) of Section 6-303
35 of the Illinois Vehicle Code.

36 (4.1) A minimum term of 30 consecutive days of

1 imprisonment, 40 days of 24 hour periodic imprisonment or
2 720 hours of community service, as may be determined by the
3 court, shall be imposed for a violation of Section 11-501
4 of the Illinois Vehicle Code during a period in which the
5 defendant's driving privileges are revoked or suspended,
6 where the revocation or suspension was for a violation of
7 Section 11-501 or Section 11-501.1 of that Code.

8 (4.2) Except as provided in paragraph (4.3) of this
9 subsection (c), a minimum of 100 hours of community service
10 shall be imposed for a second violation of Section 6-303 of
11 the Illinois Vehicle Code.

12 (4.3) A minimum term of imprisonment of 30 days or 300
13 hours of community service, as determined by the court,
14 shall be imposed for a second violation of subsection (c)
15 of Section 6-303 of the Illinois Vehicle Code.

16 (4.4) Except as provided in paragraph (4.5) and
17 paragraph (4.6) of this subsection (c), a minimum term of
18 imprisonment of 30 days or 300 hours of community service,
19 as determined by the court, shall be imposed for a third or
20 subsequent violation of Section 6-303 of the Illinois
21 Vehicle Code.

22 (4.5) A minimum term of imprisonment of 30 days shall
23 be imposed for a third violation of subsection (c) of
24 Section 6-303 of the Illinois Vehicle Code.

25 (4.6) A minimum term of imprisonment of 180 days shall
26 be imposed for a fourth or subsequent violation of
27 subsection (c) of Section 6-303 of the Illinois Vehicle
28 Code.

29 (5) The court may sentence an offender convicted of a
30 business offense or a petty offense or a corporation or
31 unincorporated association convicted of any offense to:

32 (A) a period of conditional discharge;

33 (B) a fine;

34 (C) make restitution to the victim under Section
35 5-5-6 of this Code.

36 (5.1) In addition to any penalties imposed under

1 paragraph (5) of this subsection (c), and except as
2 provided in paragraph (5.2) or (5.3), a person convicted of
3 violating subsection (c) of Section 11-907 of the Illinois
4 Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for at least 90 days but
6 not more than one year, if the violation resulted in damage
7 to the property of another person.

8 (5.2) In addition to any penalties imposed under
9 paragraph (5) of this subsection (c), and except as
10 provided in paragraph (5.3), a person convicted of
11 violating subsection (c) of Section 11-907 of the Illinois
12 Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for at least 180 days but
14 not more than 2 years, if the violation resulted in injury
15 to another person.

16 (5.3) In addition to any penalties imposed under
17 paragraph (5) of this subsection (c), a person convicted of
18 violating subsection (c) of Section 11-907 of the Illinois
19 Vehicle Code shall have his or her driver's license,
20 permit, or privileges suspended for 2 years, if the
21 violation resulted in the death of another person.

22 (6) In no case shall an offender be eligible for a
23 disposition of probation or conditional discharge for a
24 Class 1 felony committed while he was serving a term of
25 probation or conditional discharge for a felony.

26 (7) When a defendant is adjudged a habitual criminal
27 under Article 33B of the Criminal Code of 1961, the court
28 shall sentence the defendant to a term of natural life
29 imprisonment.

30 (8) When a defendant, over the age of 21 years, is
31 convicted of a Class 1 or Class 2 felony, after having
32 twice been convicted in any state or federal court of an
33 offense that contains the same elements as an offense now
34 classified in Illinois as a Class 2 or greater Class felony
35 and such charges are separately brought and tried and arise
36 out of different series of acts, such defendant shall be

1 sentenced as a Class X offender. This paragraph shall not
2 apply unless (1) the first felony was committed after the
3 effective date of this amendatory Act of 1977; and (2) the
4 second felony was committed after conviction on the first;
5 and (3) the third felony was committed after conviction on
6 the second. A person sentenced as a Class X offender under
7 this paragraph is not eligible to apply for treatment as a
8 condition of probation as provided by Section 40-10 of the
9 Alcoholism and Other Drug Abuse and Dependency Act.

10 (9) A defendant convicted of a second or subsequent
11 offense of ritualized abuse of a child may be sentenced to
12 a term of natural life imprisonment.

13 (10) When a person is convicted of violating Section
14 11-501 of the Illinois Vehicle Code or a similar provision
15 of a local ordinance, the following penalties apply when
16 his or her blood, breath, or urine was .16 or more based on
17 the definition of blood, breath, or urine units in Section
18 11-501.2 or that person is convicted of violating Section
19 11-501 of the Illinois Vehicle Code while transporting a
20 child under the age of 16:

21 (A) For a first violation of subsection (a) of
22 Section 11-501, in addition to any other penalty that
23 may be imposed under subsection (c) of Section 11-501:
24 a mandatory minimum of 100 hours of community service
25 and a minimum fine of \$500.

26 (B) For a second violation of subsection (a) of
27 Section 11-501, in addition to any other penalty that
28 may be imposed under subsection (c) of Section 11-501
29 within 10 years: a mandatory minimum of 2 days of
30 imprisonment and a minimum fine of \$1,250.

31 (C) For a third violation of subsection (a) of
32 Section 11-501, in addition to any other penalty that
33 may be imposed under subsection (c) of Section 11-501
34 within 20 years: a mandatory minimum of 90 days of
35 imprisonment and a minimum fine of \$2,500.

36 (D) For a fourth or subsequent violation of

1 subsection (a) of Section 11-501: ineligibility for a
2 sentence of probation or conditional discharge and a
3 minimum fine of \$2,500.

4 (d) In any case in which a sentence originally imposed is
5 vacated, the case shall be remanded to the trial court. The
6 trial court shall hold a hearing under Section 5-4-1 of the
7 Unified Code of Corrections which may include evidence of the
8 defendant's life, moral character and occupation during the
9 time since the original sentence was passed. The trial court
10 shall then impose sentence upon the defendant. The trial court
11 may impose any sentence which could have been imposed at the
12 original trial subject to Section 5-5-4 of the Unified Code of
13 Corrections. If a sentence is vacated on appeal or on
14 collateral attack due to the failure of the trier of fact at
15 trial to determine beyond a reasonable doubt the existence of a
16 fact (other than a prior conviction) necessary to increase the
17 punishment for the offense beyond the statutory maximum
18 otherwise applicable, either the defendant may be re-sentenced
19 to a term within the range otherwise provided or, if the State
20 files notice of its intention to again seek the extended
21 sentence, the defendant shall be afforded a new trial.

22 (e) In cases where prosecution for aggravated criminal
23 sexual abuse under Section 12-16 of the Criminal Code of 1961
24 results in conviction of a defendant who was a family member of
25 the victim at the time of the commission of the offense, the
26 court shall consider the safety and welfare of the victim and
27 may impose a sentence of probation only where:

28 (1) the court finds (A) or (B) or both are appropriate:

29 (A) the defendant is willing to undergo a court
30 approved counseling program for a minimum duration of 2
31 years; or

32 (B) the defendant is willing to participate in a
33 court approved plan including but not limited to the
34 defendant's:

35 (i) removal from the household;

36 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

5 (v) compliance with any other measures that
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of paying
11 for such services, if the victim was under 18 years of age
12 at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 12-12 of the Criminal Code of 1961.

24 (f) This Article shall not deprive a court in other
25 proceedings to order a forfeiture of property, to suspend or
26 cancel a license, to remove a person from office, or to impose
27 any other civil penalty.

28 (g) Whenever a defendant is convicted of an offense under
29 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
30 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
31 of the Criminal Code of 1961, the defendant shall undergo
32 medical testing to determine whether the defendant has any
33 sexually transmissible disease, including a test for infection
34 with human immunodeficiency virus (HIV) or any other identified
35 causative agent of acquired immunodeficiency syndrome (AIDS).
36 Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of
2 any bodily fluids as well as an examination of the defendant's
3 person. Except as otherwise provided by law, the results of
4 such test shall be kept strictly confidential by all medical
5 personnel involved in the testing and must be personally
6 delivered in a sealed envelope to the judge of the court in
7 which the conviction was entered for the judge's inspection in
8 camera. Acting in accordance with the best interests of the
9 victim and the public, the judge shall have the discretion to
10 determine to whom, if anyone, the results of the testing may be
11 revealed. The court shall notify the defendant of the test
12 results. The court shall also notify the victim if requested by
13 the victim, and if the victim is under the age of 15 and if
14 requested by the victim's parents or legal guardian, the court
15 shall notify the victim's parents or legal guardian of the test
16 results. The court shall provide information on the
17 availability of HIV testing and counseling at Department of
18 Public Health facilities to all parties to whom the results of
19 the testing are revealed and shall direct the State's Attorney
20 to provide the information to the victim when possible. A
21 State's Attorney may petition the court to obtain the results
22 of any HIV test administered under this Section, and the court
23 shall grant the disclosure if the State's Attorney shows it is
24 relevant in order to prosecute a charge of criminal
25 transmission of HIV under Section 12-16.2 of the Criminal Code
26 of 1961 against the defendant. The court shall order that the
27 cost of any such test shall be paid by the county and may be
28 taxed as costs against the convicted defendant.

29 (g-5) When an inmate is tested for an airborne communicable
30 disease, as determined by the Illinois Department of Public
31 Health including but not limited to tuberculosis, the results
32 of the test shall be personally delivered by the warden or his
33 or her designee in a sealed envelope to the judge of the court
34 in which the inmate must appear for the judge's inspection in
35 camera if requested by the judge. Acting in accordance with the
36 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
5 defendant shall undergo medical testing to determine whether
6 the defendant has been exposed to human immunodeficiency virus
7 (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Except as otherwise provided
9 by law, the results of such test shall be kept strictly
10 confidential by all medical personnel involved in the testing
11 and must be personally delivered in a sealed envelope to the
12 judge of the court in which the conviction was entered for the
13 judge's inspection in camera. Acting in accordance with the
14 best interests of the public, the judge shall have the
15 discretion to determine to whom, if anyone, the results of the
16 testing may be revealed. The court shall notify the defendant
17 of a positive test showing an infection with the human
18 immunodeficiency virus (HIV). The court shall provide
19 information on the availability of HIV testing and counseling
20 at Department of Public Health facilities to all parties to
21 whom the results of the testing are revealed and shall direct
22 the State's Attorney to provide the information to the victim
23 when possible. A State's Attorney may petition the court to
24 obtain the results of any HIV test administered under this
25 Section, and the court shall grant the disclosure if the
26 State's Attorney shows it is relevant in order to prosecute a
27 charge of criminal transmission of HIV under Section 12-16.2 of
28 the Criminal Code of 1961 against the defendant. The court
29 shall order that the cost of any such test shall be paid by the
30 county and may be taxed as costs against the convicted
31 defendant.

32 (i) All fines and penalties imposed under this Section for
33 any violation of Chapters 3, 4, 6, and 11 of the Illinois
34 Vehicle Code, or a similar provision of a local ordinance, and
35 any violation of the Child Passenger Protection Act, or a
36 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

3 (j) In cases when prosecution for any violation of Section
4 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
5 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
6 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
7 Code of 1961, any violation of the Illinois Controlled
8 Substances Act, or any violation of the Cannabis Control Act
9 results in conviction, a disposition of court supervision, or
10 an order of probation granted under Section 10 of the Cannabis
11 Control Act or Section 410 of the Illinois Controlled Substance
12 Act of a defendant, the court shall determine whether the
13 defendant is employed by a facility or center as defined under
14 the Child Care Act of 1969, a public or private elementary or
15 secondary school, or otherwise works with children under 18
16 years of age on a daily basis. When a defendant is so employed,
17 the court shall order the Clerk of the Court to send a copy of
18 the judgment of conviction or order of supervision or probation
19 to the defendant's employer by certified mail. If the employer
20 of the defendant is a school, the Clerk of the Court shall
21 direct the mailing of a copy of the judgment of conviction or
22 order of supervision or probation to the appropriate regional
23 superintendent of schools. The regional superintendent of
24 schools shall notify the State Board of Education of any
25 notification under this subsection.

26 (j-5) A defendant at least 17 years of age who is convicted
27 of a felony and who has not been previously convicted of a
28 misdemeanor or felony and who is sentenced to a term of
29 imprisonment in the Illinois Department of Corrections shall as
30 a condition of his or her sentence be required by the court to
31 attend educational courses designed to prepare the defendant
32 for a high school diploma and to work toward a high school
33 diploma or to work toward passing the high school level Test of
34 General Educational Development (GED) or to work toward
35 completing a vocational training program offered by the
36 Department of Corrections. If a defendant fails to complete the

1 educational training required by his or her sentence during the
2 term of incarceration, the Prisoner Review Board shall, as a
3 condition of mandatory supervised release, require the
4 defendant, at his or her own expense, to pursue a course of
5 study toward a high school diploma or passage of the GED test.
6 The Prisoner Review Board shall revoke the mandatory supervised
7 release of a defendant who wilfully fails to comply with this
8 subsection (j-5) upon his or her release from confinement in a
9 penal institution while serving a mandatory supervised release
10 term; however, the inability of the defendant after making a
11 good faith effort to obtain financial aid or pay for the
12 educational training shall not be deemed a wilful failure to
13 comply. The Prisoner Review Board shall recommit the defendant
14 whose mandatory supervised release term has been revoked under
15 this subsection (j-5) as provided in Section 3-3-9. This
16 subsection (j-5) does not apply to a defendant who has a high
17 school diploma or has successfully passed the GED test. This
18 subsection (j-5) does not apply to a defendant who is
19 determined by the court to be developmentally disabled or
20 otherwise mentally incapable of completing the educational or
21 vocational program.

22 (k) A court may not impose a sentence or disposition for a
23 felony or misdemeanor that requires the defendant to be
24 implanted or injected with or to use any form of birth control.

25 (1) (A) Except as provided in paragraph (C) of subsection
26 (1), whenever a defendant, who is an alien as defined by
27 the Immigration and Nationality Act, is convicted of any
28 felony or misdemeanor offense, the court after sentencing
29 the defendant may, upon motion of the State's Attorney,
30 hold sentence in abeyance and remand the defendant to the
31 custody of the Attorney General of the United States or his
32 or her designated agent to be deported when:

33 (1) a final order of deportation has been issued
34 against the defendant pursuant to proceedings under
35 the Immigration and Nationality Act, and

36 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct
2 and would not be inconsistent with the ends of justice.
3 Otherwise, the defendant shall be sentenced as
4 provided in this Chapter V.

5 (B) If the defendant has already been sentenced for a
6 felony or misdemeanor offense, or has been placed on
7 probation under Section 10 of the Cannabis Control Act or
8 Section 410 of the Illinois Controlled Substances Act, the
9 court may, upon motion of the State's Attorney to suspend
10 the sentence imposed, commit the defendant to the custody
11 of the Attorney General of the United States or his or her
12 designated agent when:

13 (1) a final order of deportation has been issued
14 against the defendant pursuant to proceedings under
15 the Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not
17 deprecate the seriousness of the defendant's conduct
18 and would not be inconsistent with the ends of justice.

19 (C) This subsection (1) does not apply to offenders who
20 are subject to the provisions of paragraph (2) of
21 subsection (a) of Section 3-6-3.

22 (D) Upon motion of the State's Attorney, if a defendant
23 sentenced under this Section returns to the jurisdiction of
24 the United States, the defendant shall be recommitted to
25 the custody of the county from which he or she was
26 sentenced. Thereafter, the defendant shall be brought
27 before the sentencing court, which may impose any sentence
28 that was available under Section 5-5-3 at the time of
29 initial sentencing. In addition, the defendant shall not be
30 eligible for additional good conduct credit for
31 meritorious service as provided under Section 3-6-6.

32 (m) A person convicted of criminal defacement of property
33 under Section 21-1.3 of the Criminal Code of 1961, in which the
34 property damage exceeds \$300 and the property damaged is a
35 school building, shall be ordered to perform community service
36 that may include cleanup, removal, or painting over the

1 defacement.

2 (n) The court may sentence a person convicted of a
3 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
4 Code of 1961 (i) to an impact incarceration program if the
5 person is otherwise eligible for that program under Section
6 5-8-1.1, (ii) to community service, or (iii) if the person is
7 an addict or alcoholic, as defined in the Alcoholism and Other
8 Drug Abuse and Dependency Act, to a substance or alcohol abuse
9 program licensed under that Act.

10 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;
11 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.
12 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,
13 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
14 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
15 eff. 1-1-04; revised 10-9-03.)

16 (730 ILCS 5/5-8-1.3)

17 Sec. 5-8-1.3. Pilot residential and transition treatment
18 program for women.

19 (a) The General Assembly recognizes:

20 (1) that drug-offending women with children who have
21 been in and out of the criminal justice system for years
22 are a serious problem;

23 (2) that the intergenerational cycle of women
24 continuously being part of the criminal justice system
25 needs to be broken;

26 (3) that the effects of drug offending women with
27 children disrupts family harmony and creates an atmosphere
28 that is not conducive to healthy childhood development;

29 (4) that there is a need for an effective residential
30 community supervision model to provide help to women to
31 become drug free, recover from trauma, focus on healthy
32 mother-child relationships, and establish economic
33 independence and long-term support;

34 (5) that certain non-violent women offenders with
35 children eligible for sentences of incarceration, may

1 benefit from the rehabilitative aspects of gender
2 responsive treatment programs and services. This Section
3 shall not be construed to allow violent offenders to
4 participate in a treatment program.

5 (b) Under the direction of the sheriff and with the
6 approval of the county board of commissioners, the sheriff, in
7 any county with more than 3,000,000 inhabitants, may operate a
8 residential and transition treatment program for women
9 established by the Illinois Department of Corrections if
10 funding has been provided by federal, local or private
11 entities. If the court finds during the sentencing hearing
12 conducted under Section 5-4-1 that a woman convicted of a
13 felony meets the eligibility requirements of the sheriff's
14 residential and transition treatment program for women, the
15 court may refer the offender to the sheriff's residential and
16 transition treatment program for women for consideration as a
17 participant as an alternative to incarceration in the
18 penitentiary. The sheriff shall be responsible for supervising
19 all women who are placed in the residential and transition
20 treatment program for women for the 12-month period. In the
21 event that the woman is not accepted for placement in the
22 sheriff's residential and transition treatment program for
23 women, the court shall proceed to sentence the woman to any
24 other disposition authorized by this Code. If the woman does
25 not successfully complete the residential and transition
26 treatment program for women, the woman's failure to do so shall
27 constitute a violation of the sentence to the residential and
28 transition treatment program for women.

29 (c) In order to be eligible to be a participant in the
30 pilot residential and transition treatment program for women,
31 the participant shall meet all of the following conditions:

32 (1) The woman has not been convicted of a violent crime
33 as defined in subsection (c) of Section 3 of the Rights of
34 Crime Victims and Witnesses Act, a Class X felony, first or
35 second degree murder, armed violence, aggravated
36 kidnapping, criminal sexual assault, aggravated criminal

1 sexual abuse or a subsequent conviction for criminal sexual
2 abuse, forcible detention, or arson and has not been
3 previously convicted of any of those offenses.

4 (2) The woman must undergo an initial assessment
5 evaluation to determine the treatment and program plan.

6 (3) The woman was recommended and accepted for
7 placement in the pilot residential and transition
8 treatment program for women by the Department of
9 Corrections and has consented in writing to participation
10 in the program under the terms and conditions of the
11 program. The Department of Corrections may consider
12 whether space is available.

13 (d) The program may include a substance abuse treatment
14 program designed for women offenders, mental health, trauma,
15 and medical treatment; parenting skills and family
16 relationship counseling, preparation for a GED or vocational
17 certificate; life skills program; job readiness and job skill
18 training, and a community transition development plan.

19 (e) With the approval of the Department of Corrections, the
20 sheriff shall issue requirements for the program and inform the
21 participants who shall sign an agreement to adhere to all rules
22 and all requirements for the pilot residential and transition
23 treatment program.

24 (f) Participation in the pilot residential and transition
25 treatment program for women shall be for a period not to exceed
26 12 months. The period may not be reduced by accumulation of
27 good time.

28 (g) If the woman successfully completes the pilot
29 residential and transition treatment program for women, the
30 sheriff shall notify the Department of Corrections, the court,
31 and the State's Attorney of the county of the woman's
32 successful completion.

33 (h) A woman may be removed from the pilot residential and
34 transition treatment program for women for violation of the
35 terms and conditions of the program or in the event she is
36 unable to participate. The failure to complete the program

1 shall be deemed a violation of the conditions of the program.
2 The sheriff shall give notice to the Department of Corrections,
3 the court, and the State's Attorney of the woman's failure to
4 complete the program. The Department of Corrections or its
5 designee shall file a petition alleging that the woman has
6 violated the conditions of the program with the court. The
7 State's Attorney may proceed on the petition under Section
8 5-4-1 of this Code.

9 (i) The conditions of the pilot residential and transition
10 treatment program for women shall include that the woman while
11 in the program:

12 (1) not violate any criminal statute of any
13 jurisdiction;

14 (2) report or appear in person before any person or
15 agency as directed by the court, the sheriff, or Department
16 of Corrections;

17 (3) refrain from possessing a firearm or other
18 dangerous weapon;

19 (4) consent to drug testing;

20 (5) not leave the State without the consent of the
21 court or, in circumstances in which reason for the absence
22 is of such an emergency nature that prior consent by the
23 court is not possible, without prior notification and
24 approval of the Department of Corrections;

25 (6) upon placement in the program, must agree to follow
26 all requirements of the program.†

27 (j) The Department of Corrections or the sheriff may
28 terminate the program at any time by mutual agreement or with
29 30 days prior written notice by either the Department of
30 Corrections or the sheriff.

31 (k) The Department of Corrections may enter into a joint
32 contract with a county with more than 3,000,000 inhabitants to
33 establish and operate a pilot residential and treatment program
34 for women.

35 (l) The Director of the Department of Corrections shall
36 have the authority to develop rules to establish and operate a

1 pilot residential and treatment program for women that shall
2 include criteria for selection of the participants of the
3 program in conjunction and approval by the sentencing court.
4 Violent crime offenders are not eligible to participate in the
5 program.

6 (m) The Department shall report to the Governor and the
7 General Assembly before September 30th of each year on the
8 pilot residential and treatment program for women, including
9 the composition of the program by offenders, sentence, age,
10 offense, and race.

11 (n) The Department of Corrections or the sheriff may
12 terminate the program with 30 days prior written notice.

13 (o) A county with more than 3,000,000 inhabitants is
14 authorized to apply for funding from federal, local or private
15 entities to create a Residential and Treatment Program for
16 Women. This sentencing option may not go into effect until the
17 funding is secured for the program and the program has been
18 established.

19 (Source: P.A. 92-806, eff. 1-1-03; revised 1-20-03.)

20 (730 ILCS 5/5-9-1.12)

21 Sec. 5-9-1.12. Arson fines.

22 (a) In addition to any other penalty imposed, a fine of
23 \$500 shall be imposed upon a person convicted of the offense of
24 arson, residential arson, or aggravated arson.

25 (b) The additional fine shall be assessed by the court
26 imposing sentence and shall be collected by the Circuit Clerk
27 in addition to the fine, if any, and costs in the case. Each
28 such additional fine shall be remitted by the Circuit Clerk
29 within one month after receipt to the State Treasurer for
30 deposit into the Fire Prevention Fund. The Circuit Clerk shall
31 retain 10% of such fine to cover the costs incurred in
32 administering and enforcing this Section. The additional fine
33 may not be considered a part of the fine for purposes of any
34 reduction in the fine for time served either before or after
35 sentencing.

1 (c) The moneys in the Fire Prevention Fund collected as
2 additional fines under this Section shall be distributed by the
3 Office of the State Fire Marshal to the fire department or fire
4 protection district that suppressed or investigated the fire
5 that was set by the defendant and for which the defendant was
6 convicted of arson, residential arson, or aggravated arson. If
7 more than one fire department or fire protection district
8 suppressed or investigated the fire, the additional fine shall
9 be distributed equally among those departments or districts.

10 (d) The moneys distributed to the fire departments or fire
11 protection districts under this Section may only be used to
12 purchase fire suppression or fire investigation equipment.

13 (Source: P.A. 93-169, eff. 7-10-03.)

14 (730 ILCS 5/5-9-1.13)

15 Sec. 5-9-1.13 ~~5-9-1.12~~. Applications for transfer to other
16 states. A person subject to conditions of probation, parole,
17 or mandatory supervised release who seeks to transfer to
18 another state subject to the Interstate Compact for Adult
19 Offender Supervision must make provisions for the payment of
20 any restitution awarded by the circuit court and pay a fee of
21 \$125 to the proper administrative or judicial authorities
22 before being granted the transfer, or otherwise arrange for
23 payment. The fee payment from persons subject to a sentence of
24 probation shall be deposited into the general fund of the
25 county in which the circuit has jurisdiction. The fee payment
26 from persons subject to parole or mandatory supervised release
27 shall be deposited into the General Revenue Fund. The proceeds
28 of this fee shall be used to defray the costs of the Department
29 of Corrections or county sheriff departments, respectively,
30 who will be required to retrieve offenders that violate the
31 terms of their transfers to other states. Upon return to the
32 State of Illinois, these persons shall also be subject to
33 reimbursing either the State of Illinois or the county for the
34 actual costs of returning them to Illinois.

35 (Source: P.A. 93-475, eff. 8-8-03; revised 9-26-03.)

1 Section 500. The Probation and Probation Officers Act is
2 amended by changing Section 15 as follows:

3 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

4 Sec. 15. (1) The Supreme Court of Illinois may establish a
5 Division of Probation Services whose purpose shall be the
6 development, establishment, promulgation, and enforcement of
7 uniform standards for probation services in this State, and to
8 otherwise carry out the intent of this Act. The Division may:

9 (a) establish qualifications for chief probation
10 officers and other probation and court services personnel
11 as to hiring, promotion, and training.

12 (b) make available, on a timely basis, lists of those
13 applicants whose qualifications meet the regulations
14 referred to herein, including on said lists all candidates
15 found qualified.

16 (c) establish a means of verifying the conditions for
17 reimbursement under this Act and develop criteria for
18 approved costs for reimbursement.

19 (d) develop standards and approve employee
20 compensation schedules for probation and court services
21 departments.

22 (e) employ sufficient personnel in the Division to
23 carry out the functions of the Division.

24 (f) establish a system of training and establish
25 standards for personnel orientation and training.

26 (g) develop standards for a system of record keeping
27 for cases and programs, gather statistics, establish a
28 system of uniform forms, and develop research for planning
29 of Probation Services.

30 (h) develop standards to assure adequate support
31 personnel, office space, equipment and supplies, travel
32 expenses, and other essential items necessary for
33 Probation and Court Services Departments to carry out their
34 duties.

1 (i) review and approve annual plans submitted by
2 Probation and Court Services Departments.

3 (j) monitor and evaluate all programs operated by
4 Probation and Court Services Departments, and may include
5 in the program evaluation criteria such factors as the
6 percentage of Probation sentences for felons convicted of
7 Probationable offenses.

8 (k) seek the cooperation of local and State government
9 and private agencies to improve the quality of probation
10 and court services.

11 (l) where appropriate, establish programs and
12 corresponding standards designed to generally improve the
13 quality of probation and court services and reduce the rate
14 of adult or juvenile offenders committed to the Department
15 of Corrections.

16 (m) establish such other standards and regulations and
17 do all acts necessary to carry out the intent and purposes
18 of this Act.

19 The Division shall establish a model list of structured
20 intermediate sanctions that may be imposed by a probation
21 agency for violations of terms and conditions of a sentence of
22 probation, conditional discharge, or supervision.

23 The State of Illinois shall provide for the costs of
24 personnel, travel, equipment, telecommunications, postage,
25 commodities, printing, space, contractual services and other
26 related costs necessary to carry out the intent of this Act.

27 (2) (a) The chief judge of each circuit shall provide
28 full-time probation services for all counties within the
29 circuit, in a manner consistent with the annual probation plan,
30 the standards, policies, and regulations established by the
31 Supreme Court. A probation district of two or more counties
32 within a circuit may be created for the purposes of providing
33 full-time probation services. Every county or group of counties
34 within a circuit shall maintain a probation department which
35 shall be under the authority of the Chief Judge of the circuit
36 or some other judge designated by the Chief Judge. The Chief

1 Judge, through the Probation and Court Services Department
2 shall submit annual plans to the Division for probation and
3 related services.

4 (b) The Chief Judge of each circuit shall appoint the Chief
5 Probation Officer and all other probation officers for his or
6 her circuit from lists of qualified applicants supplied by the
7 Supreme Court. Candidates for chief managing officer and other
8 probation officer positions must apply with both the Chief
9 Judge of the circuit and the Supreme Court.

10 (3) A Probation and Court Service Department shall apply to
11 the Supreme Court for funds for basic services, and may apply
12 for funds for new and expanded programs or Individualized
13 Services and Programs. Costs shall be reimbursed monthly based
14 on a plan and budget approved by the Supreme Court. No
15 Department may be reimbursed for costs which exceed or are not
16 provided for in the approved annual plan and budget. After the
17 effective date of this amendatory Act of 1985, each county must
18 provide basic services in accordance with the annual plan and
19 standards created by the division. No department may receive
20 funds for new or expanded programs or individualized services
21 and programs unless they are in compliance with standards as
22 enumerated in paragraph (h) of subsection (1) of this Section,
23 the annual plan, and standards for basic services.

24 (4) The Division shall reimburse the county or counties for
25 probation services as follows:

26 (a) 100% of the salary of all chief managing officers
27 designated as such by the Chief Judge and the division.

28 (b) 100% of the salary for all probation officer and
29 supervisor positions approved for reimbursement by the
30 division after April 1, 1984, to meet workload standards
31 and to implement intensive sanction and probation
32 supervision programs and other basic services as defined in
33 this Act.

34 (c) 100% of the salary for all secure detention
35 personnel and non-secure group home personnel approved for
36 reimbursement after December 1, 1990. For all such

1 positions approved for reimbursement before December 1,
2 1990, the counties shall be reimbursed \$1,250 per month
3 beginning July 1, 1995, and an additional \$250 per month
4 beginning each July 1st thereafter until the positions
5 receive 100% salary reimbursement. Allocation of such
6 positions will be based on comparative need considering
7 capacity, staff/resident ratio, physical plant and
8 program.

9 (d) \$1,000 per month for salaries for the remaining
10 probation officer positions engaged in basic services and
11 new or expanded services. All such positions shall be
12 approved by the division in accordance with this Act and
13 division standards.

14 (e) 100% of the travel expenses in accordance with
15 Division standards for all Probation positions approved
16 under paragraph (b) of subsection 4 of this Section.

17 (f) If the amount of funds reimbursed to the county
18 under paragraphs (a) through (e) of subsection 4 of this
19 Section on an annual basis is less than the amount the
20 county had received during the 12 month period immediately
21 prior to the effective date of this amendatory Act of 1985,
22 then the Division shall reimburse the amount of the
23 difference to the county. The effect of paragraph (b) of
24 subsection 7 of this Section shall be considered in
25 implementing this supplemental reimbursement provision.

26 (5) The Division shall provide funds beginning on April 1,
27 1987 for the counties to provide Individualized Services and
28 Programs as provided in Section 16 of this Act.

29 (6) A Probation and Court Services Department in order to
30 be eligible for the reimbursement must submit to the Supreme
31 Court an application containing such information and in such a
32 form and by such dates as the Supreme Court may require.
33 Departments to be eligible for funding must satisfy the
34 following conditions:

35 (a) The Department shall have on file with the Supreme
36 Court an annual Probation plan for continuing, improved,

1 and new Probation and Court Services Programs approved by
2 the Supreme Court or its designee. This plan shall indicate
3 the manner in which Probation and Court Services will be
4 delivered and improved, consistent with the minimum
5 standards and regulations for Probation and Court
6 Services, as established by the Supreme Court. In counties
7 with more than one Probation and Court Services Department
8 eligible to receive funds, all Departments within that
9 county must submit plans which are approved by the Supreme
10 Court.

11 (b) The annual probation plan shall seek to generally
12 improve the quality of probation services and to reduce the
13 commitment of adult and juvenile offenders to the
14 Department of Corrections and shall require, when
15 appropriate, coordination with the Department of
16 Corrections and the Department of Children and Family
17 Services in the development and use of community resources,
18 information systems, case review and permanency planning
19 systems to avoid the duplication of services.

20 (c) The Department shall be in compliance with
21 standards developed by the Supreme Court for basic, new and
22 expanded services, training, personnel hiring and
23 promotion.

24 (d) The Department shall in its annual plan indicate
25 the manner in which it will support the rights of crime
26 victims and in which manner it will implement Article I,
27 Section 8.1 of the Illinois Constitution and in what manner
28 it will coordinate crime victims' support services with
29 other criminal justice agencies within its jurisdiction,
30 including but not limited to, the State's Attorney, the
31 Sheriff and any municipal police department.

32 (7) No statement shall be verified by the Supreme Court or
33 its designee or vouchered by the Comptroller unless each of the
34 following conditions have been met:

35 (a) The probation officer is a full-time employee
36 appointed by the Chief Judge to provide probation services.

1 (b) The probation officer, in order to be eligible for
2 State reimbursement, is receiving a salary of at least
3 \$17,000 per year.

4 (c) The probation officer is appointed or was
5 reappointed in accordance with minimum qualifications or
6 criteria established by the Supreme Court; however, all
7 probation officers appointed prior to January 1, 1978,
8 shall be exempted from the minimum requirements
9 established by the Supreme Court. Payments shall be made to
10 counties employing these exempted probation officers as
11 long as they are employed in the position held on the
12 effective date of this amendatory Act of 1985. Promotions
13 shall be governed by minimum qualifications established by
14 the Supreme Court.

15 (d) The Department has an established compensation
16 schedule approved by the Supreme Court. The compensation
17 schedule shall include salary ranges with necessary
18 increments to compensate each employee. The increments
19 shall, within the salary ranges, be based on such factors
20 as bona fide occupational qualifications, performance, and
21 length of service. Each position in the Department shall be
22 placed on the compensation schedule according to job duties
23 and responsibilities of such position. The policy and
24 procedures of the compensation schedule shall be made
25 available to each employee.

26 (8) In order to obtain full reimbursement of all approved
27 costs, each Department must continue to employ at least the
28 same number of probation officers and probation managers as
29 were authorized for employment for the fiscal year which
30 includes January 1, 1985. This number shall be designated as
31 the base amount of the Department. No positions approved by the
32 Division under paragraph (b) of subsection 4 will be included
33 in the base amount. In the event that the Department employs
34 fewer Probation officers and Probation managers than the base
35 amount for a period of 90 days, funding received by the
36 Department under subsection 4 of this Section may be reduced on

1 a monthly basis by the amount of the current salaries of any
2 positions below the base amount.

3 (9) Before the 15th day of each month, the treasurer of any
4 county which has a Probation and Court Services Department, or
5 the treasurer of the most populous county, in the case of a
6 Probation or Court Services Department funded by more than one
7 county, shall submit an itemized statement of all approved
8 costs incurred in the delivery of Basic Probation and Court
9 Services under this Act to the Supreme Court. The treasurer may
10 also submit an itemized statement of all approved costs
11 incurred in the delivery of new and expanded Probation and
12 Court Services as well as Individualized Services and Programs.
13 The Supreme Court or its designee shall verify compliance with
14 this Section and shall examine and audit the monthly statement
15 and, upon finding them to be correct, shall forward them to the
16 Comptroller for payment to the county treasurer. In the case of
17 payment to a treasurer of a county which is the most populous
18 of counties sharing the salary and expenses of a Probation and
19 Court Services Department, the treasurer shall divide the money
20 between the counties in a manner that reflects each county's
21 share of the cost incurred by the Department.

22 (10) The county treasurer must certify that funds received
23 under this Section shall be used solely to maintain and improve
24 Probation and Court Services. The county or circuit shall
25 remain in compliance with all standards, policies and
26 regulations established by the Supreme Court. If at any time
27 the Supreme Court determines that a county or circuit is not in
28 compliance, the Supreme Court shall immediately notify the
29 Chief Judge, county board chairman and the Director of Court
30 Services Chief Probation Officer. If after 90 days of written
31 notice the noncompliance still exists, the Supreme Court shall
32 be required to reduce the amount of monthly reimbursement by
33 10%. An additional 10% reduction of monthly reimbursement shall
34 occur for each consecutive month of noncompliance. Except as
35 provided in subsection 5 of Section 15, funding to counties
36 shall commence on April 1, 1986. Funds received under this Act

1 shall be used to provide for Probation Department expenses
2 including those required under Section 13 of this Act. For
3 State fiscal year 2004 only, the Mandatory Arbitration Fund may
4 be used to provide for Probation Department expenses, including
5 those required under Section 13 of this Act.

6 (11) The respective counties shall be responsible for
7 capital and space costs, fringe benefits, clerical costs,
8 equipment, telecommunications, postage, commodities and
9 printing.

10 (12) For purposes of this Act only, probation officers
11 shall be considered peace officers. In the exercise of their
12 official duties, probation officers, sheriffs, and police
13 officers may, anywhere within the State, arrest any probationer
14 who is in violation of any of the conditions of his or her
15 probation, conditional discharge, or supervision, and it shall
16 be the duty of the officer making the arrest to take the
17 probationer before the Court having jurisdiction over the
18 probationer for further order.

19 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; revised
20 9-23-03.)

21 Section 505. The Code of Civil Procedure is amended by
22 setting forth and renumbering multiple versions of Section
23 7-103.102 as follows:

24 (735 ILCS 5/7-103.102)

25 Sec. 7-103.102. Quick-take; Lake County. Quick-take
26 proceedings under Section 7-103 may be used for a period of 2
27 years after the effective date of this amendatory Act of the
28 93rd General Assembly by Lake County for the acquisition of
29 property necessary for the purpose of improving County Highway
30 31 (Rollins Road) from Illinois Route 83 to U.S. Route 45.

31 (Source: P.A. 93-646, eff. 12-31-03.)

32 (735 ILCS 5/7-103.111)

33 Sec. 7-103.111. ~~7-103.102.~~ Quick-take; Village of

1 Palatine. Quick-take proceedings under Section 7-103 may be
2 used for a period of 60 months after the effective date of this
3 amendatory Act of the 93rd General Assembly by the Village of
4 Palatine for the acquisition of property for the purposes of
5 the Downtown Tax Increment Redevelopment Project Area, bounded
6 generally by Plum Grove Road on the East, Palatine Road on the
7 South, Cedar Street on the West, and Colfax Street on the
8 North, and the Rand Corridor Redevelopment Project Area,
9 bounded generally by Dundee Road on the South, Lake-Cook Road
10 on the North, and on the East and West by Rand Road, in the
11 Village of Palatine more specifically described in the
12 following ordinances adopted by the Village of Palatine:

13 Village ordinance 0-224-99, adopted December 13, 1999;

14 Village ordinance 0-225-99, adopted December 13, 1999;

15 Village ordinance 0-226-99, adopted December 13, 1999;

16 Village ordinance 0-13-00, adopted January 24, 2000,
17 correcting certain scrivener's errors and attached as
18 exhibit A to the foregoing legal descriptions;

19 Village ordinance 0-23-03, adopted January 27, 2003;

20 Village ordinance 0-24-03, adopted January 27, 2003;

21 and

22 Village ordinance 0-25-03, adopted January 27, 2003.

23 (Source: P.A. 93-602, eff. 11-18-03; revised 1-13-04.)

24 (735 ILCS 5/7-103.112)

25 Sec. 7-103.112. ~~7-103.102.~~ Quick-take; Bi-State
26 Development Agency; MetroLink Light Rail System. Quick-take
27 proceedings under Section 7-103 may be used for a period from
28 September 1, 2003 through September 1, 2004 by the Bi-State
29 Development Agency of the Missouri-Illinois Metropolitan
30 District for station area development, transit oriented
31 development and economic development initiatives in support of
32 the MetroLink Light Rail System, beginning in East St. Louis,
33 Illinois, and terminating at MidAmerica Airport, St. Clair
34 County, Illinois.

35 (Source: P.A. 93-603, eff. 11-19-03; revised 1-13-04.)

1 Section 510. The State Lawsuit Immunity Act is amended by
2 changing Section 1 as follows:

3 (745 ILCS 5/1) (from Ch. 127, par. 801)

4 Sec. 1. Except as provided in the Illinois Public Labor
5 Relations Act, the Court of Claims Act, ~~and~~ the State Officials
6 and Employees Ethics Act, and ~~or~~ Section 1.5 of this Act, the
7 State of Illinois shall not be made a defendant or party in any
8 court.

9 (Source: P.A. 93-414, eff. 1-1-04; 93-615, eff. 11-19-03;
10 revised 12-19-03.)

11 Section 515. The Non-Support Punishment Act is amended by
12 changing Section 20 as follows:

13 (750 ILCS 16/20)

14 Sec. 20. Entry of order for support; income withholding.

15 (a) In a case in which no court or administrative order for
16 support is in effect against the defendant:

17 (1) at any time before the trial, upon motion of the
18 State's Attorney, or of the Attorney General if the action
19 has been instituted by his office, and upon notice to the
20 defendant, or at the time of arraignment or as a condition
21 of postponement of arraignment, the court may enter such
22 temporary order for support as may seem just, providing for
23 the support or maintenance of the spouse or child or
24 children of the defendant, or both, pendente lite; or

25 (2) before trial with the consent of the defendant, or
26 at the trial on entry of a plea of guilty, or after
27 conviction, instead of imposing the penalty provided in
28 this Act, or in addition thereto, the court may enter an
29 order for support, subject to modification by the court
30 from time to time as circumstances may require, directing
31 the defendant to pay a certain sum for maintenance of the
32 spouse, or for support of the child or children, or both.

1 (b) The court shall determine the amount of child support
2 by using the guidelines and standards set forth in subsection
3 (a) of Section 505 and in Section 505.2 of the Illinois
4 Marriage and Dissolution of Marriage Act.

5 If (i) the non-custodial parent was properly served with a
6 request for discovery of financial information relating to the
7 non-custodial parent's ability to provide child support, (ii)
8 the non-custodial parent failed to comply with the request,
9 despite having been ordered to do so by the court, and (iii)
10 the non-custodial parent is not present at the hearing to
11 determine support despite having received proper notice, then
12 any relevant financial information concerning the
13 non-custodial parent's ability to provide support that was
14 obtained pursuant to subpoena and proper notice shall be
15 admitted into evidence without the need to establish any
16 further foundation for its admission.

17 (c) The court shall determine the amount of maintenance
18 using the standards set forth in Section 504 of the Illinois
19 Marriage and Dissolution of Marriage Act.

20 (d) The court may, for violation of any order under this
21 Section, punish the offender as for a contempt of court, but no
22 pendente lite order shall remain in effect longer than 4
23 months, or after the discharge of any panel of jurors summoned
24 for service thereafter in such court, whichever is sooner.

25 (e) Any order for support entered by the court under this
26 Section shall be deemed to be a series of judgments against the
27 person obligated to pay support under the judgments, each such
28 judgment to be in the amount of each payment or installment of
29 support and each judgment to be deemed entered as of the date
30 the corresponding payment or installment becomes due under the
31 terms of the support order. Each judgment shall have the full
32 force, effect, and attributes of any other judgment of this
33 State, including the ability to be enforced. Each judgment is
34 subject to modification or termination only in accordance with
35 Section 510 of the Illinois Marriage and Dissolution of
36 Marriage Act. A lien arises by operation of law against the

1 real and personal property of the noncustodial parent for each
2 installment of overdue support owed by the noncustodial parent.

3 (f) An order for support entered under this Section shall
4 include a provision requiring the obligor to report to the
5 obligee and to the clerk of the court within 10 days each time
6 the obligor obtains new employment, and each time the obligor's
7 employment is terminated for any reason. The report shall be in
8 writing and shall, in the case of new employment, include the
9 name and address of the new employer.

10 Failure to report new employment or the termination of
11 current employment, if coupled with nonpayment of support for a
12 period in excess of 60 days, is indirect criminal contempt. For
13 any obligor arrested for failure to report new employment, bond
14 shall be set in the amount of the child support that should
15 have been paid during the period of unreported employment.

16 An order for support entered under this Section shall also
17 include a provision requiring the obligor and obligee parents
18 to advise each other of a change in residence within 5 days of
19 the change except when the court finds that the physical,
20 mental, or emotional health of a party or of a minor child, or
21 both, would be seriously endangered by disclosure of the
22 party's address.

23 (g) An order for support entered or modified in a case in
24 which a party is receiving child support enforcement services
25 under Article X of the Illinois Public Aid Code shall include a
26 provision requiring the noncustodial parent to notify the
27 Illinois Department of Public Aid, within 7 days, of the name
28 and address of any new employer of the noncustodial parent,
29 whether the noncustodial parent has access to health insurance
30 coverage through the employer or other group coverage and, if
31 so, the policy name and number and the names of persons covered
32 under the policy.

33 (h) In any subsequent action to enforce an order for
34 support entered under this Act, upon sufficient showing that
35 diligent effort has been made to ascertain the location of the
36 noncustodial parent, service of process or provision of notice

1 necessary in that action may be made at the last known address
2 of the noncustodial parent, in any manner expressly provided by
3 the Code of Civil Procedure or in this Act, which service shall
4 be sufficient for purposes of due process.

5 (i) An order for support shall include a date on which the
6 current support obligation terminates. The termination date
7 shall be no earlier than the date on which the child covered by
8 the order will attain the age of 18. However, if the child will
9 not graduate from high school until after attaining the age of
10 18, then the termination date shall be no earlier than the
11 earlier of the date on which the child's high school graduation
12 will occur or the date on which the child will attain the age
13 of 19. The order for support shall state that the termination
14 date does not apply to any arrearage that may remain unpaid on
15 that date. Nothing in this subsection shall be construed to
16 prevent the court from modifying the order or terminating the
17 order in the event the child is otherwise emancipated.

18 (j) A support obligation, or any portion of a support
19 obligation, which becomes due and remains unpaid for 30 days or
20 more shall accrue simple interest at the rate of 9% per annum.
21 An order for support entered or modified on or after January 1,
22 2002 shall contain a statement that a support obligation
23 required under the order, or any portion of a support
24 obligation required under the order, that becomes due and
25 remains unpaid for 30 days or more shall accrue simple interest
26 at the rate of 9% per annum. Failure to include the statement
27 in the order for support does not affect the validity of the
28 order or the accrual of interest as provided in this Section.

29 (Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02;
30 92-876, eff. 6-1-03; revised 9-27-03.)

31 Section 520. The Illinois Parentage Act of 1984 is amended
32 by changing Section 14 as follows:

33 (750 ILCS 45/14) (from Ch. 40, par. 2514)

34 Sec. 14. Judgment.

1 (a) (1) The judgment shall contain or explicitly reserve
2 provisions concerning any duty and amount of child support and
3 may contain provisions concerning the custody and guardianship
4 of the child, visitation privileges with the child, the
5 furnishing of bond or other security for the payment of the
6 judgment, which the court shall determine in accordance with
7 the relevant factors set forth in the Illinois Marriage and
8 Dissolution of Marriage Act and any other applicable law of
9 Illinois, to guide the court in a finding in the best interests
10 of the child. In determining custody, joint custody, removal,
11 or visitation, the court shall apply the relevant standards of
12 the Illinois Marriage and Dissolution of Marriage Act,
13 including Section 609. Specifically, in determining the amount
14 of any child support award, the court shall use the guidelines
15 and standards set forth in subsection (a) of Section 505 and in
16 Section 505.2 of the Illinois Marriage and Dissolution of
17 Marriage Act. For purposes of Section 505 of the Illinois
18 Marriage and Dissolution of Marriage Act, "net income" of the
19 non-custodial parent shall include any benefits available to
20 that person under the Illinois Public Aid Code or from other
21 federal, State or local government-funded programs. The court
22 shall, in any event and regardless of the amount of the
23 non-custodial parent's net income, in its judgment order the
24 non-custodial parent to pay child support to the custodial
25 parent in a minimum amount of not less than \$10 per month. In
26 an action brought within 2 years after a child's birth, the
27 judgment or order may direct either parent to pay the
28 reasonable expenses incurred by either parent related to the
29 mother's pregnancy and the delivery of the child. The judgment
30 or order shall contain the father's social security number,
31 which the father shall disclose to the court; however, failure
32 to include the father's social security number on the judgment
33 or order does not invalidate the judgment or order.

34 (2) If a judgment of parentage contains no explicit award
35 of custody, the establishment of a support obligation or of
36 visitation rights in one parent shall be considered a judgment

1 granting custody to the other parent. If the parentage judgment
2 contains no such provisions, custody shall be presumed to be
3 with the mother; however, the presumption shall not apply if
4 the father has had physical custody for at least 6 months prior
5 to the date that the mother seeks to enforce custodial rights.

6 (b) The court shall order all child support payments,
7 determined in accordance with such guidelines, to commence with
8 the date summons is served. The level of current periodic
9 support payments shall not be reduced because of payments set
10 for the period prior to the date of entry of the support order.
11 The Court may order any child support payments to be made for a
12 period prior to the commencement of the action. In determining
13 whether and the extent to which the payments shall be made for
14 any prior period, the court shall consider all relevant facts,
15 including the factors for determining the amount of support
16 specified in the Illinois Marriage and Dissolution of Marriage
17 Act and other equitable factors including but not limited to:

18 (1) The father's prior knowledge of the fact and
19 circumstances of the child's birth.

20 (2) The father's prior willingness or refusal to help
21 raise or support the child.

22 (3) The extent to which the mother or the public agency
23 bringing the action previously informed the father of the
24 child's needs or attempted to seek or require his help in
25 raising or supporting the child.

26 (4) The reasons the mother or the public agency did not
27 file the action earlier.

28 (5) The extent to which the father would be prejudiced
29 by the delay in bringing the action.

30 For purposes of determining the amount of child support to
31 be paid for any period before the date the order for current
32 child support is entered, there is a rebuttable presumption
33 that the father's net income for the prior period was the same
34 as his net income at the time the order for current child
35 support is entered.

36 If (i) the non-custodial parent was properly served with a

1 request for discovery of financial information relating to the
2 non-custodial parent's ability to provide child support, (ii)
3 the non-custodial parent failed to comply with the request,
4 despite having been ordered to do so by the court, and (iii)
5 the non-custodial parent is not present at the hearing to
6 determine support despite having received proper notice, then
7 any relevant financial information concerning the
8 non-custodial parent's ability to provide child support that
9 was obtained pursuant to subpoena and proper notice shall be
10 admitted into evidence without the need to establish any
11 further foundation for its admission.

12 (c) Any new or existing support order entered by the court
13 under this Section shall be deemed to be a series of judgments
14 against the person obligated to pay support thereunder, each
15 judgment to be in the amount of each payment or installment of
16 support and each such judgment to be deemed entered as of the
17 date the corresponding payment or installment becomes due under
18 the terms of the support order. Each judgment shall have the
19 full force, effect and attributes of any other judgment of this
20 State, including the ability to be enforced. A lien arises by
21 operation of law against the real and personal property of the
22 noncustodial parent for each installment of overdue support
23 owed by the noncustodial parent.

24 (d) If the judgment or order of the court is at variance
25 with the child's birth certificate, the court shall order that
26 a new birth certificate be issued under the Vital Records Act.

27 (e) On request of the mother and the father, the court
28 shall order a change in the child's name. After hearing
29 evidence the court may stay payment of support during the
30 period of the father's minority or period of disability.

31 (f) If, upon a showing of proper service, the father fails
32 to appear in court, or otherwise appear as provided by law, the
33 court may proceed to hear the cause upon testimony of the
34 mother or other parties taken in open court and shall enter a
35 judgment by default. The court may reserve any order as to the
36 amount of child support until the father has received notice,

1 by regular mail, of a hearing on the matter.

2 (g) A one-time charge of 20% is imposable upon the amount
3 of past-due child support owed on July 1, 1988 which has
4 accrued under a support order entered by the court. The charge
5 shall be imposed in accordance with the provisions of Section
6 10-21 of the Illinois Public Aid Code and shall be enforced by
7 the court upon petition.

8 (h) All orders for support, when entered or modified, shall
9 include a provision requiring the non-custodial parent to
10 notify the court and, in cases in which party is receiving
11 child support enforcement services under Article X of the
12 Illinois Public Aid Code, the Illinois Department of Public
13 Aid, within 7 days, (i) of the name and address of any new
14 employer of the non-custodial parent, (ii) whether the
15 non-custodial parent has access to health insurance coverage
16 through the employer or other group coverage and, if so, the
17 policy name and number and the names of persons covered under
18 the policy, and (iii) of any new residential or mailing address
19 or telephone number of the non-custodial parent. In any
20 subsequent action to enforce a support order, upon a sufficient
21 showing that a diligent effort has been made to ascertain the
22 location of the non-custodial parent, service of process or
23 provision of notice necessary in the case may be made at the
24 last known address of the non-custodial parent in any manner
25 expressly provided by the Code of Civil Procedure or this Act,
26 which service shall be sufficient for purposes of due process.

27 (i) An order for support shall include a date on which the
28 current support obligation terminates. The termination date
29 shall be no earlier than the date on which the child covered by
30 the order will attain the age of 18. However, if the child will
31 not graduate from high school until after attaining the age of
32 18, then the termination date shall be no earlier than the
33 earlier of the date on which the child's high school graduation
34 will occur or the date on which the child will attain the age
35 of 19. The order for support shall state that the termination
36 date does not apply to any arrearage that may remain unpaid on

1 that date. Nothing in this subsection shall be construed to
2 prevent the court from modifying the order or terminating the
3 order in the event the child is otherwise emancipated.

4 (j) An order entered under this Section shall include a
5 provision requiring the obligor to report to the obligee and to
6 the clerk of court within 10 days each time the obligor obtains
7 new employment, and each time the obligor's employment is
8 terminated for any reason. The report shall be in writing and
9 shall, in the case of new employment, include the name and
10 address of the new employer. Failure to report new employment
11 or the termination of current employment, if coupled with
12 nonpayment of support for a period in excess of 60 days, is
13 indirect criminal contempt. For any obligor arrested for
14 failure to report new employment bond shall be set in the
15 amount of the child support that should have been paid during
16 the period of unreported employment. An order entered under
17 this Section shall also include a provision requiring the
18 obligor and obligee parents to advise each other of a change in
19 residence within 5 days of the change except when the court
20 finds that the physical, mental, or emotional health of a party
21 or that of a minor child, or both, would be seriously
22 endangered by disclosure of the party's address.

23 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139,
24 eff. 7-10-03; revised 9-15-03.)

25 Section 525. The Illinois Domestic Violence Act of 1986 is
26 amended by changing Sections 219, 224, and 302 as follows:

27 (750 ILCS 60/219) (from Ch. 40, par. 2312-19)

28 Sec. 219. Plenary order of protection. A plenary order of
29 protection shall issue if petitioner has served notice of the
30 hearing for that order on respondent, in accordance with
31 Section 211, and satisfies the requirements of this Section for
32 one or more of the requested remedies. For each remedy
33 requested, petitioner must establish that:

34 (1) the court has jurisdiction under Section 208;

- 1 (2) the requirements of Section 214 are satisfied; ~~and~~
2 (3) a general appearance was made or filed by or for
3 respondent or process was served on respondent in the manner
4 required by Section 210; and
5 (4) respondent has answered or is in default.
6 (Source: P.A. 84-1305; revised 2-25-02.)

7 (750 ILCS 60/224) (from Ch. 40, par. 2312-24)
8 Sec. 224. Modification and re-opening of orders.

9 (a) Except as otherwise provided in this Section, upon
10 motion by petitioner, the court may modify an emergency,
11 interim, or plenary order of protection:

12 (1) If respondent has abused petitioner since the
13 hearing for that order, by adding or altering one or more
14 remedies, as authorized by Section 214; and

15 (2) Otherwise, by adding any remedy authorized by
16 Section 214 which was:

17 (i) reserved in that order of protection;

18 (ii) not requested for inclusion in that order of
19 protection; or

20 (iii) denied on procedural grounds, but not on the
21 merits.

22 (b) Upon motion by petitioner or respondent, the court may
23 modify any prior order of protection's remedy for custody,
24 visitation or payment of support in accordance with the
25 relevant provisions of the Illinois Marriage and Dissolution of
26 Marriage Act. Each order of protection shall be entered in the
27 Law Enforcement Agencies Automated ~~Automated~~ Data System on the same day
28 it is issued by the court.

29 (c) After 30 days following entry of a plenary order of
30 protection, a court may modify that order only when changes in
31 the applicable law or facts since that plenary order was
32 entered warrant a modification of its terms.

33 (d) Upon 2 days' notice to petitioner, in accordance with
34 Section 211 of this Act, or such shorter notice as the court
35 may prescribe, a respondent subject to an emergency or interim

1 order of protection issued under this Act may appear and
2 petition the court to re-hear the original or amended petition.
3 Any petition to re-hear shall be verified and shall allege the
4 following:

5 (1) that respondent did not receive prior notice of the
6 initial hearing in which the emergency, interim, or plenary
7 order was entered under Sections 211 and 217; and

8 (2) that respondent had a meritorious defense to the
9 order or any of its remedies or that the order or any of
10 its remedies was not authorized by this Act.

11 (e) In the event that the emergency or interim order
12 granted petitioner exclusive possession and the petition of
13 respondent seeks to re-open or vacate that grant, the court
14 shall set a date for hearing within 14 days on all issues
15 relating to exclusive possession. Under no circumstances shall
16 a court continue a hearing concerning exclusive possession
17 beyond the 14th day, except by agreement of the parties. Other
18 issues raised by the pleadings may be consolidated for the
19 hearing if neither party nor the court objects.

20 (f) This Section does not limit the means, otherwise
21 available by law, for vacating or modifying orders of
22 protection.

23 (Source: P.A. 87-1186; revised 2-17-03.)

24 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

25 Sec. 302. Data maintenance by law enforcement agencies.

26 (a) All sheriffs shall furnish to the Department of State
27 Police, on the same day as received, in the form and detail the
28 Department requires, copies of any recorded emergency,
29 interim, or plenary orders of protection issued by the court,
30 and any foreign orders of protection filed by the clerk of the
31 court, and transmitted to the sheriff by the clerk of the court
32 pursuant to subsection (b) of Section 222 of this Act. Each
33 order of protection shall be entered in the Law Enforcement
34 Agencies Automated Data System on the same day it is issued by
35 the court. If an emergency order of protection was issued in

1 accordance with subsection (c) of Section 217, the order shall
2 be entered in the Law Enforcement Agencies Automated Data
3 System as soon as possible after receipt from the clerk.

4 (b) The Department of State Police shall maintain a
5 complete and systematic record and index of all valid and
6 recorded orders of protection issued pursuant to this Act. The
7 data shall be used to inform all dispatchers and law
8 enforcement officers at the scene of an alleged incident of
9 abuse, neglect, or exploitation or violation of an order of
10 protection of any recorded prior incident of abuse, neglect, or
11 exploitation involving the abused, neglected, or exploited
12 party and the effective dates and terms of any recorded order
13 of protection.

14 (c) The data, records and transmittals required under this
15 Section shall pertain to any valid emergency, interim or
16 plenary order of protection, whether issued in a civil or
17 criminal proceeding or authorized under the laws of another
18 state, tribe, or United States territory.

19 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised
20 2-17-03.)

21 Section 530. The Parental Notice of Abortion Act of 1995 is
22 amended by changing Section 10 as follows:

23 (750 ILCS 70/10)

24 Sec. 10. Definitions. As used in this Act:

25 "Abortion" means the use of any instrument, medicine, drug,
26 or any other substance or device to terminate the pregnancy of
27 a woman known to be pregnant with an intention other than to
28 increase the probability of a live birth, to preserve the life
29 or health of a child after live birth, or to remove a dead
30 fetus.

31 "Actual notice" means the giving of notice directly, in
32 person, or by telephone.

33 "Adult family member" means a person over 21 years of age
34 who is the parent, grandparent, step-parent living in the

1 household, or legal guardian.

2 "Constructive notice" means notice by certified mail to the
3 last known address of the person entitled to notice with
4 delivery deemed to have occurred 48 hours after the certified
5 notice is mailed.

6 "Incompetent" means any person who has been adjudged as
7 mentally ill or developmentally disabled and who, because of
8 her mental illness or developmental disability, is not fully
9 able to manage her person and for whom a guardian of the person
10 has been appointed under Section 11a-3(a) (1) of the Probate Act
11 of 1975.

12 "Medical emergency" means a condition that, on the basis of
13 the physician's good faith clinical judgment, so complicates
14 the medical condition of a pregnant woman as to necessitate the
15 immediate abortion of her pregnancy to avert her death or for
16 which a delay will create serious risk of substantial and
17 irreversible impairment of major bodily function.

18 "Minor" means any person under 18 years of age who is not
19 or has not been married or who has not been emancipated under
20 the Emancipation of ~~Mature~~ Minors Act.

21 "Neglect" means the failure of an adult family member to
22 supply a child with necessary food, clothing, shelter, or
23 medical care when reasonably able to do so or the failure to
24 protect a child from conditions or actions that imminently and
25 seriously endanger the child's physical or mental health when
26 reasonably able to do so.

27 "Physical abuse" means any physical injury intentionally
28 inflicted by an adult family member on a child.

29 "Physician" means any person licensed to practice medicine
30 in all its branches under the Illinois Medical Practice Act of
31 1987.

32 "Sexual abuse" means any sexual conduct or sexual
33 penetration as defined in Section 12-12 of the Criminal Code of
34 1961 that is prohibited by the criminal laws of the State of
35 Illinois and committed against a minor by an adult family
36 member as defined in this Act.

1 (Source: P.A. 89-18, eff. 6-1-95; revised 10-9-03.)

2 Section 535. The Probate Act of 1975 is amended by changing
3 Section 11a-18 as follows:

4 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

5 Sec. 11a-18. Duties of the estate guardian.

6 (a) To the extent specified in the order establishing the
7 guardianship, the guardian of the estate shall have the care,
8 management and investment of the estate, shall manage the
9 estate frugally and shall apply the income and principal of the
10 estate so far as necessary for the comfort and suitable support
11 and education of the ward, his minor and adult dependent
12 children, and persons related by blood or marriage who are
13 dependent upon or entitled to support from him, or for any
14 other purpose which the court deems to be for the best
15 interests of the ward, and the court may approve the making on
16 behalf of the ward of such agreements as the court determines
17 to be for the ward's best interests. The guardian may make
18 disbursement of his ward's funds and estate directly to the
19 ward or other distributee or in such other manner and in such
20 amounts as the court directs. If the estate of a ward is
21 derived in whole or in part from payments of compensation,
22 adjusted compensation, pension, insurance or other similar
23 benefits made directly to the estate by the Veterans
24 Administration, notice of the application for leave to invest
25 or expend the ward's funds or estate, together with a copy of
26 the petition and proposed order, shall be given to the
27 Veterans' Administration Regional Office in this State at least
28 7 days before the hearing on the application.

29 (a-5) The probate court, upon petition of a guardian, other
30 than the guardian of a minor, and after notice to all other
31 persons interested as the court directs, may authorize the
32 guardian to exercise any or all powers over the estate and
33 business affairs of the ward that the ward could exercise if
34 present and not under disability. The court may authorize the

1 taking of an action or the application of funds not required
2 for the ward's current and future maintenance and support in
3 any manner approved by the court as being in keeping with the
4 ward's wishes so far as they can be ascertained. The court must
5 consider the permanence of the ward's disabling condition and
6 the natural objects of the ward's bounty. In ascertaining and
7 carrying out the ward's wishes the court may consider, but
8 shall not be limited to, minimization of State or federal
9 income, estate, or inheritance taxes; and providing gifts to
10 charities, relatives, and friends that would be likely
11 recipients of donations from the ward. The ward's wishes as
12 best they can be ascertained shall be carried out, whether or
13 not tax savings are involved. Actions or applications of funds
14 may include, but shall not be limited to, the following:

15 (1) making gifts of income or principal, or both, of
16 the estate, either outright or in trust;

17 (2) conveying, releasing, or disclaiming his or her
18 contingent and expectant interests in property, including
19 marital property rights and any right of survivorship
20 incident to joint tenancy or tenancy by the entirety;

21 (3) releasing or disclaiming his or her powers as
22 trustee, personal representative, custodian for minors, or
23 guardian;

24 (4) exercising, releasing, or disclaiming his or her
25 powers as donee of a power of appointment;

26 (5) entering into contracts;

27 (6) creating for the benefit of the ward or others,
28 revocable or irrevocable trusts of his or her property that
29 may extend beyond his or her disability or life;i-

30 (7) exercising options of the ward to purchase or
31 exchange securities or other property;

32 (8) exercising the rights of the ward to elect benefit
33 or payment options, to terminate, to change beneficiaries
34 or ownership, to assign rights, to borrow, or to receive
35 cash value in return for a surrender of rights under any
36 one or more of the following:

- 1 (i) life insurance policies, plans, or benefits~~;~~
- 2 (ii) annuity policies, plans, or benefits~~;~~
- 3 (iii) mutual fund and other dividend investment
- 4 plans~~;~~
- 5 (iv) retirement, profit sharing, and employee
- 6 welfare plans and benefits;
- 7 (9) exercising his or her right to claim or disclaim an
- 8 elective share in the estate of his or her deceased spouse
- 9 and to renounce any interest by testate or intestate
- 10 succession or by inter vivos transfer;
- 11 (10) changing the ward's residence or domicile; or
- 12 (11) modifying by means of codicil or trust amendment
- 13 the terms of the ward's will or any revocable trust created
- 14 by the ward, as the court may consider advisable in light
- 15 of changes in applicable tax laws.

16 The guardian in his or her petition shall briefly outline

17 the action or application of funds for which he or she seeks

18 approval, the results expected to be accomplished thereby, and

19 the tax savings, if any, expected to accrue. The proposed

20 action or application of funds may include gifts of the ward's

21 personal property or real estate, but transfers of real estate

22 shall be subject to the requirements of Section 20 of this Act.

23 Gifts may be for the benefit of prospective legatees, devisees,

24 or heirs apparent of the ward or may be made to individuals or

25 charities in which the ward is believed to have an interest.

26 The guardian shall also indicate in the petition that any

27 planned disposition is consistent with the intentions of the

28 ward insofar as they can be ascertained, and if the ward's

29 intentions cannot be ascertained, the ward will be presumed to

30 favor reduction in the incidents of various forms of taxation

31 and the partial distribution of his or her estate as provided

32 in this subsection. The guardian shall not, however, be

33 required to include as a beneficiary or fiduciary any person

34 who he has reason to believe would be excluded by the ward. A

35 guardian shall be required to investigate and pursue a ward's

36 eligibility for governmental benefits.

1 (b) Upon the direction of the court which issued his
2 letters, a guardian may perform the contracts of his ward which
3 were legally subsisting at the time of the commencement of the
4 ward's disability. The court may authorize the guardian to
5 execute and deliver any bill of sale, deed or other instrument.

6 (c) The guardian of the estate of a ward shall appear for
7 and represent the ward in all legal proceedings unless another
8 person is appointed for that purpose as guardian or next
9 friend. This does not impair the power of any court to appoint
10 a guardian ad litem or next friend to defend the interests of
11 the ward in that court, or to appoint or allow any person as
12 the next friend of a ward to commence, prosecute or defend any
13 proceeding in his behalf. Without impairing the power of the
14 court in any respect, if the guardian of the estate of a ward
15 and another person as next friend shall appear for and
16 represent the ward in a legal proceeding in which the
17 compensation of the attorney or attorneys representing the
18 guardian and next friend is solely determined under a
19 contingent fee arrangement, the guardian of the estate of the
20 ward shall not participate in or have any duty to review the
21 prosecution of the action, to participate in or review the
22 appropriateness of any settlement of the action, or to
23 participate in or review any determination of the
24 appropriateness of any fees awarded to the attorney or
25 attorneys employed in the prosecution of the action.

26 (d) Adjudication of disability shall not revoke or
27 otherwise terminate a trust which is revocable by the ward. A
28 guardian of the estate shall have no authority to revoke a
29 trust that is revocable by the ward, except that the court may
30 authorize a guardian to revoke a Totten trust or similar
31 deposit or withdrawable capital account in trust to the extent
32 necessary to provide funds for the purposes specified in
33 paragraph (a) of this Section. If the trustee of any trust for
34 the benefit of the ward has discretionary power to apply income
35 or principal for the ward's benefit, the trustee shall not be
36 required to distribute any of the income or principal to the

1 guardian of the ward's estate, but the guardian may bring an
2 action on behalf of the ward to compel the trustee to exercise
3 the trustee's discretion or to seek relief from an abuse of
4 discretion. This paragraph shall not limit the right of a
5 guardian of the estate to receive accountings from the trustee
6 on behalf of the ward.

7 (e) Absent court order pursuant to the ~~"Illinois Power of~~
8 ~~Attorney Act"~~ ~~enacted by the 85th General Assembly~~ directing a
9 guardian to exercise powers of the principal under an agency
10 that survives disability, the guardian will have no power, duty
11 or liability with respect to any property subject to the
12 agency. This subsection (e) applies to all agencies, whenever
13 and wherever executed.

14 (f) Upon petition by any interested person (including the
15 standby or short-term guardian), with such notice to interested
16 persons as the court directs and a finding by the court that it
17 is in the best interest of the disabled person, the court may
18 terminate or limit the authority of a standby or short-term
19 guardian or may enter such other orders as the court deems
20 necessary to provide for the best interest of the disabled
21 person. The petition for termination or limitation of the
22 authority of a standby or short-term guardian may, but need
23 not, be combined with a petition to have another guardian
24 appointed for the disabled person.

25 (Source: P.A. 89-672, eff. 8-14-96; 90-345, eff. 8-8-97;
26 90-796, eff. 12-15-98; revised 1-20-03.)

27 Section 540. The Illinois Living Will Act is amended by
28 changing Section 3 as follows:

29 (755 ILCS 35/3) (from Ch. 110 1/2, par. 703)

30 Sec. 3. Execution of a Document.

31 (a) An individual of sound mind and having reached the age
32 of majority or having obtained the status of an emancipated
33 person pursuant to the ~~"Emancipation of Mature~~ ~~Minors Act"~~, as
34 now or hereafter amended, may execute a document directing that

1 if he is suffering from a terminal condition, then death
2 delaying procedures shall not be utilized for the prolongation
3 of his life.

4 (b) The declaration must be signed by the declarant, or
5 another at the declarant's direction, and witnessed by 2
6 individuals 18 years of age or older.

7 (c) The declaration of a qualified patient diagnosed as
8 pregnant by the attending physician shall be given no force and
9 effect as long as in the opinion of the attending physician it
10 is possible that the fetus could develop to the point of live
11 birth with the continued application of death delaying
12 procedures.

13 (d) If the patient is able, it shall be the responsibility
14 of the patient to provide for notification to his or her
15 attending physician of the existence of a declaration, to
16 provide the declaration to the physician and to ask the
17 attending physician whether he or she is willing to comply with
18 its provisions. An attending physician who is so notified shall
19 make the declaration, or copy of the declaration, a part of the
20 patient's medical records. If the physician is at any time
21 unwilling to comply with its provisions, the physician shall
22 promptly so advise the declarant. If the physician is unwilling
23 to comply with its provisions and the patient is able, it is
24 the patient's responsibility to initiate the transfer to
25 another physician of the patient's choosing. If the physician
26 is unwilling to comply with its provisions and the patient is
27 at any time not able to initiate the transfer, then the
28 attending physician shall without delay notify the person with
29 the highest priority, as set forth in this subsection, who is
30 available, able, and willing to make arrangements for the
31 transfer of the patient and the appropriate medical records to
32 another physician for the effectuation of the patient's
33 declaration. The order of priority is as follows: (1) any
34 person authorized by the patient to make such arrangements, (2)
35 a guardian of the person of the patient, without the necessity
36 of obtaining a court order to do so, and (3) any member of the

1 patient's family.

2 (e) The declaration may, but need not, be in the following
3 form, and in addition may include other specific directions.
4 Should any specific direction be determined to be invalid, such
5 invalidity shall not affect other directions of the declaration
6 which can be given effect without the invalid direction, and to
7 this end the directions in the declaration are severable.

8 DECLARATION

9 This declaration is made this day of
10 (month, year). I,, being of
11 sound mind, willfully and voluntarily make known my desires
12 that my moment of death shall not be artificially postponed.

13 If at any time I should have an incurable and irreversible
14 injury, disease, or illness judged to be a terminal condition
15 by my attending physician who has personally examined me and
16 has determined that my death is imminent except for death
17 delaying procedures, I direct that such procedures which would
18 only prolong the dying process be withheld or withdrawn, and
19 that I be permitted to die naturally with only the
20 administration of medication, sustenance, or the performance
21 of any medical procedure deemed necessary by my attending
22 physician to provide me with comfort care.

23 In the absence of my ability to give directions regarding
24 the use of such death delaying procedures, it is my intention
25 that this declaration shall be honored by my family and
26 physician as the final expression of my legal right to refuse
27 medical or surgical treatment and accept the consequences from
28 such refusal.

29 Signed

30 City, County and State of Residence

31 The declarant is personally known to me and I believe him
32 or her to be of sound mind. I saw the declarant sign the
33 declaration in my presence (or the declarant acknowledged in my
34 presence that he or she had signed the declaration) and I
35 signed the declaration as a witness in the presence of the
36 declarant. I did not sign the declarant's signature above for

1 or at the direction of the declarant. At the date of this
 2 instrument, I am not entitled to any portion of the estate of
 3 the declarant according to the laws of intestate succession or,
 4 to the best of my knowledge and belief, under any will of
 5 declarant or other instrument taking effect at declarant's
 6 death, or directly financially responsible for declarant's
 7 medical care.

8 Witness

9 Witness

10 (Source: P.A. 85-1209; revised 10-9-03.)

11 Section 545. The Health Care Surrogate Act is amended by
 12 changing Sections 10 and 65 as follows:

13 (755 ILCS 40/10) (from Ch. 110 1/2, par. 851-10)

14 Sec. 10. Definitions.

15 "Adult" means a person who is (i) 18 years of age or older
 16 or (ii) an emancipated minor under the Emancipation of ~~Mature~~
 17 Minors Act.

18 "Artificial nutrition and hydration" means supplying food
 19 and water through a conduit, such as a tube or intravenous
 20 line, where the recipient is not required to chew or swallow
 21 voluntarily, including, but not limited to, nasogastric tubes,
 22 gastrostomies, jejunostomies, and intravenous infusions.
 23 Artificial nutrition and hydration does not include assisted
 24 feeding, such as spoon or bottle feeding.

25 "Available" means that a person is not "unavailable". A
 26 person is unavailable if (i) the person's existence is not
 27 known, (ii) the person has not been able to be contacted by
 28 telephone or mail, or (iii) the person lacks decisional
 29 capacity, refuses to accept the office of surrogate, or is
 30 unwilling to respond in a manner that indicates a choice among
 31 the treatment matters at issue.

32 "Attending physician" means the physician selected by or
 33 assigned to the patient who has primary responsibility for
 34 treatment and care of the patient and who is a licensed

1 physician in Illinois. If more than one physician shares that
2 responsibility, any of those physicians may act as the
3 attending physician under this Act.

4 "Close friend" means any person 18 years of age or older
5 who has exhibited special care and concern for the patient and
6 who presents an affidavit to the attending physician stating
7 that he or she (i) is a close friend of the patient, (ii) is
8 willing and able to become involved in the patient's health
9 care, and (iii) has maintained such regular contact with the
10 patient as to be familiar with the patient's activities,
11 health, and religious and moral beliefs. The affidavit must
12 also state facts and circumstances that demonstrate that
13 familiarity.

14 "Death" means when, according to accepted medical
15 standards, there is (i) an irreversible cessation of
16 circulatory and respiratory functions or (ii) an irreversible
17 cessation of all functions of the entire brain, including the
18 brain stem.

19 "Decisional capacity" means the ability to understand and
20 appreciate the nature and consequences of a decision regarding
21 medical treatment or forgoing life-sustaining treatment and
22 the ability to reach and communicate an informed decision in
23 the matter as determined by the attending physician.

24 "Forgo life-sustaining treatment" means to withhold,
25 withdraw, or terminate all or any portion of life-sustaining
26 treatment with knowledge that the patient's death is likely to
27 result.

28 "Guardian" means a court appointed guardian of the person
29 who serves as a representative of a minor or as a
30 representative of a person under legal disability.

31 "Health care facility" means a type of health care provider
32 commonly known by a wide variety of titles, including but not
33 limited to, hospitals, medical centers, nursing homes,
34 rehabilitation centers, long term or tertiary care facilities,
35 and other facilities established to administer health care and
36 provide overnight stays in their ordinary course of business or

1 practice.

2 "Health care provider" means a person that is licensed,
3 certified, or otherwise authorized or permitted by the law of
4 this State to administer health care in the ordinary course of
5 business or practice of a profession, including, but not
6 limited to, physicians, nurses, health care facilities, and any
7 employee, officer, director, agent, or person under contract
8 with such a person.

9 "Imminent" (as in "death is imminent") means a
10 determination made by the attending physician according to
11 accepted medical standards that death will occur in a
12 relatively short period of time, even if life-sustaining
13 treatment is initiated or continued.

14 "Life-sustaining treatment" means any medical treatment,
15 procedure, or intervention that, in the judgment of the
16 attending physician, when applied to a patient with a
17 qualifying condition, would not be effective to remove the
18 qualifying condition or would serve only to prolong the dying
19 process. Those procedures can include, but are not limited to,
20 assisted ventilation, renal dialysis, surgical procedures,
21 blood transfusions, and the administration of drugs,
22 antibiotics, and artificial nutrition and hydration.

23 "Minor" means an individual who is not an adult as defined
24 in this Act.

25 "Parent" means a person who is the natural or adoptive
26 mother or father of the child and whose parental rights have
27 not been terminated by a court of law.

28 "Patient" means an adult or minor individual, unless
29 otherwise specified, under the care or treatment of a licensed
30 physician or other health care provider.

31 "Person" means an individual, a corporation, a business
32 trust, a trust, a partnership, an association, a government, a
33 governmental subdivision or agency, or any other legal entity.

34 "Qualifying condition" means the existence of one or more
35 of the following conditions in a patient certified in writing
36 in the patient's medical record by the attending physician and

1 by at least one other qualified physician:

2 (1) "Terminal condition" means an illness or injury for
3 which there is no reasonable prospect of cure or recovery,
4 death is imminent, and the application of life-sustaining
5 treatment would only prolong the dying process.

6 (2) "Permanent unconsciousness" means a condition
7 that, to a high degree of medical certainty, (i) will last
8 permanently, without improvement, (ii) in which thought,
9 sensation, purposeful action, social interaction, and
10 awareness of self and environment are absent, and (iii) for
11 which initiating or continuing life-sustaining treatment,
12 in light of the patient's medical condition, provides only
13 minimal medical benefit.

14 (3) "Incurable or irreversible condition" means an
15 illness or injury (i) for which there is no reasonable
16 prospect of cure or recovery, (ii) that ultimately will
17 cause the patient's death even if life-sustaining
18 treatment is initiated or continued, (iii) that imposes
19 severe pain or otherwise imposes an inhumane burden on the
20 patient, and (iv) for which initiating or continuing
21 life-sustaining treatment, in light of the patient's
22 medical condition, provides only minimal medical benefit.

23 The determination that a patient has a qualifying condition
24 creates no presumption regarding the application or
25 non-application of life-sustaining treatment. It is only after
26 a determination by the attending physician that the patient has
27 a qualifying condition that the surrogate decision maker may
28 consider whether or not to forgo life-sustaining treatment. In
29 making this decision, the surrogate shall weigh the burdens on
30 the patient of initiating or continuing life-sustaining
31 treatment against the benefits of that treatment.

32 "Qualified physician" means a physician licensed to
33 practice medicine in all of its branches in Illinois who has
34 personally examined the patient.

35 "Surrogate decision maker" means an adult individual or
36 individuals who (i) have decisional capacity, (ii) are

1 available upon reasonable inquiry, (iii) are willing to make
2 medical treatment decisions on behalf of a patient who lacks
3 decisional capacity, and (iv) are identified by the attending
4 physician in accordance with the provisions of this Act as the
5 person or persons who are to make those decisions in accordance
6 with the provisions of this Act.

7 (Source: P.A. 90-246, eff. 1-1-98; 90-538, eff. 12-1-97;
8 90-655, eff. 7-30-98; revised 10-9-03.)

9 (755 ILCS 40/65)

10 Sec. 65. Do-not-resuscitate orders.

11 (a) An individual of sound mind and having reached the age
12 of majority or having obtained the status of an emancipated
13 person pursuant to the Emancipation of ~~Mature~~ Minors Act may
14 execute a document (consistent with the Department of Public
15 Health Uniform DNR Order Form) directing that resuscitating
16 efforts shall not be implemented. Such an order may also be
17 executed by an attending physician.

18 (b) Consent to a DNR order may be obtained from the
19 individual, or from another person at the individual's
20 direction, or from the individual's legal guardian, agent under
21 a power of attorney for health care, or surrogate decision
22 maker, and witnessed by 2 individuals 18 years of age or older.

23 (c) The DNR order may, but need not, be in the form adopted
24 by the Department of Public Health pursuant to Section 2310-600
25 of the Department of Public Health Powers and Duties Law (20
26 ILCS 2310/2310-600).

27 (d) A health care professional or health care provider may
28 presume, in the absence of knowledge to the contrary, that a
29 completed Department of Public Health Uniform DNR Order form or
30 a copy of that form is a valid DNR order. A health care
31 professional or health care provider, or an employee of a
32 health care professional or health care provider, who in good
33 faith complies with a do-not-resuscitate order made in
34 accordance with this Act is not, as a result of that
35 compliance, subject to any criminal or civil liability, except

1 for willful and wanton misconduct, and may not be found to have
2 committed an act of unprofessional conduct.

3 (Source: P.A. 92-356, eff. 10-1-01; revised 10-9-03.)

4 Section 550. The Business Corporation Act of 1983 is
5 amended by changing Sections 15.10 and 15.95 as follows:

6 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

7 Sec. 15.10. Fees for filing documents. The Secretary of
8 State shall charge and collect for:

9 (a) Filing articles of incorporation, \$150.

10 (b) Filing articles of amendment, \$50, unless the amendment
11 is a restatement of the articles of incorporation, in which
12 case the fee shall be \$150.

13 (c) Filing articles of merger or consolidation, \$100, but
14 if the merger or consolidation involves more than 2
15 corporations, \$50 for each additional corporation.

16 (d) Filing articles of share exchange, \$100.

17 (e) Filing articles of dissolution, \$5.

18 (f) Filing application to reserve a corporate name, \$25.

19 (g) Filing a notice of transfer of a reserved corporate
20 name, \$25.

21 (h) Filing statement of change of address of registered
22 office or change of registered agent, or both, \$25.

23 (i) Filing statement of the establishment of a series of
24 shares, \$25.

25 (j) Filing an application of a foreign corporation for
26 authority to transact business in this State, \$150.

27 (k) Filing an application of a foreign corporation for
28 amended authority to transact business in this State, \$25.

29 (l) Filing a copy of amendment to the articles of
30 incorporation of a foreign corporation holding authority to
31 transact business in this State, \$50, unless the amendment is a
32 restatement of the articles of incorporation, in which case the
33 fee shall be \$150.

34 (m) Filing a copy of articles of merger of a foreign

1 corporation holding a certificate of authority to transact
2 business in this State, \$100, but if the merger involves more
3 than 2 corporations, \$50 for each additional corporation.

4 (n) Filing an application for withdrawal and final report
5 or a copy of articles of dissolution of a foreign corporation,
6 \$25.

7 (o) Filing an annual report, interim annual report, or
8 final transition annual report of a domestic or foreign
9 corporation, \$75.

10 (p) Filing an application for reinstatement of a domestic
11 or a foreign corporation, \$200.

12 (q) Filing an application for use of an assumed corporate
13 name, \$150 for each year or part thereof ending in 0 or 5, \$120
14 for each year or part thereof ending in 1 or 6, \$90 for each
15 year or part thereof ending in 2 or 7, \$60 for each year or part
16 thereof ending in 3 or 8, \$30 for each year or part thereof
17 ending in 4 or 9, between the date of filing the application
18 and the date of the renewal of the assumed corporate name; and
19 a renewal fee for each assumed corporate name, \$150.

20 (r) To change an assumed corporate name for the period
21 remaining until the renewal date of the original assumed name,
22 \$25.

23 (s) Filing an application for cancellation of an assumed
24 corporate name, \$5.

25 (t) Filing an application to register the corporate name of
26 a foreign corporation, \$50; and an annual renewal fee for the
27 registered name, \$50.

28 (u) Filing an application for cancellation of a registered
29 name of a foreign corporation, \$25.

30 (v) Filing a statement of correction, \$50.

31 (w) Filing a petition for refund or adjustment, \$5.

32 (x) Filing a statement of election of an extended filing
33 month, \$25.

34 (y) Filing any other statement or report, \$5.

35 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
36 eff. 7-1-03; revised 9-5-03.)

1 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

2 Sec. 15.95. Department of Business Services Special
3 Operations Fund.

4 (a) A special fund in the State treasury known as the
5 Division of Corporations Special Operations Fund is renamed the
6 Department of Business Services Special Operations Fund.
7 Moneys deposited into the Fund shall, subject to appropriation,
8 be used by the Department of Business Services of the Office of
9 the Secretary of State, hereinafter "Department", to create and
10 maintain the capability to perform expedited services in
11 response to special requests made by the public for same day or
12 24 hour service. Moneys deposited into the Fund shall be used
13 for, but not limited to, expenditures for personal services,
14 retirement, social security, contractual services, equipment,
15 electronic data processing, and telecommunications.

16 (b) The balance in the Fund at the end of any fiscal year
17 shall not exceed \$600,000 and any amount in excess thereof
18 shall be transferred to the General Revenue Fund.

19 (c) All fees payable to the Secretary of State under this
20 Section shall be deposited into the Fund. No other fees or
21 taxes collected under this Act shall be deposited into the
22 Fund.

23 (d) "Expedited services" means services rendered within
24 the same day, or within 24 hours from the time, the request
25 therefor is submitted by the filer, law firm, service company,
26 or messenger physically in person or, at the Secretary of
27 State's discretion, by electronic means, to the Department's
28 Springfield Office and includes requests for certified copies,
29 photocopies, and certificates of good standing or fact made to
30 the Department's Springfield Office in person or by telephone,
31 or requests for certificates of good standing or fact made in
32 person or by telephone to the Department's Chicago Office.

33 (e) Fees for expedited services shall be as follows:

34 Restatement of articles, \$200;

35 Merger, consolidation or exchange, \$200;

1 Articles of incorporation, \$100;
2 Articles of amendment, \$100;
3 Revocation of dissolution, \$100;
4 Reinstatement, \$100;
5 Application for authority, \$100;
6 Cumulative report of changes in issued shares or paid-in
7 capital, \$100;
8 Report following merger or consolidation, \$100;
9 Certificate of good standing or fact, \$20;
10 All other filings, copies of documents, annual reports
11 filed on or after January 1, 1984, and copies of documents of
12 dissolved or revoked corporations having a file number over
13 5199, \$50.

14 (f) Expedited services shall not be available for a
15 statement of correction, a petition for refund or adjustment,
16 or a request involving annual reports filed before January 1,
17 1984 or involving dissolved corporations with a file number
18 below 5200.

19 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,
20 eff. 7-1-03; revised 9-5-03.)

21 Section 555. The Limited Liability Company Act is amended
22 by changing Sections 1-25 and 50-10 as follows:

23 (805 ILCS 180/1-25)

24 Sec. 1-25. Nature of business. A limited liability company
25 may be formed for any lawful purpose or business except:

26 (1) (blank);

27 (2) insurance unless, for the purpose of carrying on
28 business as a member of a group including incorporated and
29 individual unincorporated underwriters, the Director of
30 Insurance finds that the group meets the requirements of
31 subsection (3) of Section 86 of the Illinois Insurance Code
32 and the limited liability company, if insolvent, is subject
33 to liquidation by the Director of Insurance under Article
34 XIII of the Illinois Insurance Code;

1 (3) the practice of dentistry unless all the members
2 and managers are licensed as dentists under the Illinois
3 Dental Practice Act; or

4 (4) the practice of medicine unless all the managers,
5 if any, are licensed to practice medicine under the Medical
6 Practice Act of 1987 and each member is either:

7 (A) licensed to practice medicine under the
8 Medical Practice Act of 1987; or

9 (B) a registered medical corporation or
10 corporations organized pursuant to the Medical
11 Corporation Act; or

12 (C) a professional corporation organized pursuant
13 to the Professional Service Corporation Act of
14 physicians licensed to practice medicine in all its
15 branches; or

16 (D) a limited liability company that satisfies the
17 requirements of subparagraph (A), (B), or (C).

18 (Source: P.A. 92-144, eff. 7-24-01; 93-59, eff. 7-1-03; 93-561,
19 eff. 1-1-04; revised 9-5-03.)

20 (805 ILCS 180/50-10)

21 Sec. 50-10. Fees.

22 (a) The Secretary of State shall charge and collect in
23 accordance with the provisions of this Act and rules
24 promulgated under its authority all of the following:

25 (1) Fees for filing documents.

26 (2) Miscellaneous charges.

27 (3) Fees for the sale of lists of filings and for
28 copies of any documents.

29 (b) The Secretary of State shall charge and collect for all
30 of the following:

31 (1) Filing articles of organization of limited
32 liability companies (domestic), application for admission
33 (foreign), and restated articles of organization
34 (domestic), \$500.

35 (2) Filing amendments:

1 (A) For other than change of registered agent name
2 or registered office, or both, \$150.

3 (B) For the purpose of changing the registered
4 agent name or registered office, or both, \$35.

5 (3) Filing articles of dissolution or application for
6 withdrawal, \$100.

7 (4) Filing an application to reserve a name, \$300.

8 (5) (Blank).

9 (6) Filing a notice of a transfer of a reserved name,
10 \$100.

11 (7) Registration of a name, \$300.

12 (8) Renewal of registration of a name, \$100.

13 (9) Filing an application for use of an assumed name
14 under Section 1-20 of this Act, \$150 for each year or part
15 thereof ending in 0 or 5, \$120 for each year or part
16 thereof ending in 1 or 6, \$90 for each year or part thereof
17 ending in 2 or 7, \$60 for each year or part thereof ending
18 in 3 or 8, \$30 for each year or part thereof ending in 4 or
19 9, and a renewal for each assumed name, \$150.

20 (10) Filing an application for change of an assumed
21 name, \$100.

22 (11) Filing an annual report of a limited liability
23 company or foreign limited liability company, \$250, if
24 filed as required by this Act, plus a penalty if
25 delinquent.

26 (12) Filing an application for reinstatement of a
27 limited liability company or foreign limited liability
28 company \$500.

29 (13) Filing Articles of Merger, \$100 plus \$50 for each
30 party to the merger in excess of the first 2 parties.

31 (14) Filing an Agreement of Conversion or Statement of
32 Conversion, \$100.

33 (15) Filing a statement of correction, \$25.

34 (16) Filing a petition for refund, \$15.

35 (17) Filing any other document, \$100.

36 (c) The Secretary of State shall charge and collect all of

1 the following:

2 (1) For furnishing a copy or certified copy of any
3 document, instrument, or paper relating to a limited
4 liability company or foreign limited liability company, \$1
5 per page, but not less than \$25, and \$25 for the
6 certificate and for affixing the seal thereto.

7 (2) For the transfer of information by computer process
8 media to any purchaser, fees established by rule.

9 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
10 eff. 7-1-03; revised 9-5-03.)

11 Section 560. The Consumer Fraud and Deceptive Business
12 Practices Act is amended by setting forth and renumbering
13 multiple versions of Section 2MM as follows:

14 (815 ILCS 505/2MM)

15 Sec. 2MM. Verification of accuracy of credit reporting
16 information used to extend consumers credit.

17 (a) A credit card issuer who mails an offer or solicitation
18 to apply for a credit card and who receives a completed
19 application in response to the offer or solicitation which
20 lists an address that is not substantially the same as the
21 address on the offer or solicitation may not issue a credit
22 card based on that application until reasonable steps have been
23 taken to verify the applicant's change of address.

24 (b) Any person who uses a consumer credit report in
25 connection with the approval of credit based on the application
26 for an extension of credit, and who has received notification
27 of a police report filed with a consumer reporting agency that
28 the applicant has been a victim of financial identity theft, as
29 defined in Section 16G-15 of the Criminal Code of 1961, may not
30 lend money or extend credit without taking reasonable steps to
31 verify the consumer's identity and confirm that the application
32 for an extension of credit is not the result of financial
33 identity theft.

34 (c) For purposes of this Section, "extension of credit"

1 does not include an increase in an existing open-end credit
2 plan, as defined in Regulation Z of the Federal Reserve System
3 (12 C.F.R. 226.2), or any change to or review of an existing
4 credit account.

5 (d) Any person who violates subsection (a) or subsection
6 (b) commits an unlawful practice within the meaning of this
7 Act.

8 (Source: P.A. 93-195, eff. 1-1-04.)

9 (815 ILCS 505/2NN)

10 Sec. 2NN ~~2MM~~. Receipts; credit card and debit card account
11 numbers.

12 (a) Definitions. As used in this Section:

13 "Cardholder" has the meaning ascribed to it in Section 2.02
14 of the Illinois Credit Card and Debit Card Act.

15 "Credit card" has the meaning ascribed to it in Section
16 2.03 of the Illinois Credit Card and Debit Card Act.

17 "Debit card" has the meaning ascribed to it in Section 2.15
18 of the Illinois Credit Card and Debit Card Act.

19 "Issuer" has the meaning ascribed to it in Section 2.08 of
20 the Illinois Credit Card and Debit Card Act.

21 "Person" has the meaning ascribed to it in Section 2.09 of
22 the Illinois Credit Card and Debit Card Act.

23 "Provider" means a person who furnishes money, goods,
24 services, or anything else of value upon presentation, whether
25 physically, in writing, verbally, electronically, or
26 otherwise, of a credit card or debit card by the cardholder, or
27 any agent or employee of that person.

28 (b) Except as otherwise provided in this Section, no
29 provider may print or otherwise produce or reproduce or permit
30 the printing or other production or reproduction of the
31 following: (i) any part of the credit card or debit card
32 account number, other than the last 4 digits or other
33 characters, (ii) the credit card or debit card expiration date
34 on any receipt provided or made available to the cardholder.

35 (c) This Section does not apply to a credit card or debit

1 card transaction in which the sole means available to the
2 provider of recording the credit card or debit card account
3 number is by handwriting or by imprint of the card.

4 (d) This Section does not apply to receipts issued for
5 transactions on the electronic benefits transfer card system in
6 accordance with 7 CFR 274.12(g)(3).

7 (e) A violation of this Section constitutes an unlawful
8 practice within the meaning of this Act.

9 (f) This Section is operative on January 1, 2005.

10 (Source: P.A. 93-231, eff. 1-1-04; revised 9-26-03.)

11 (815 ILCS 505/2PP)

12 Sec. 2PP ~~2MM~~. Mail; disclosure. It is an unlawful practice
13 under this Act to knowingly mail or send or cause to be mailed
14 or sent a postcard or letter to a recipient in this State if:

15 (1) the postcard or letter contains a request that the
16 recipient call a telephone number; and

17 (2) the postcard or letter is mailed or sent to induce
18 the recipient to call the telephone number so that goods,
19 services, or other merchandise, as defined in Section 1,
20 may be offered for sale to the recipient; and

21 (3) the postcard or letter does not disclose that
22 goods, services, or other merchandise, as defined in
23 Section 1, may be offered for sale if the recipient calls
24 the telephone number.

25 (Source: P.A. 93-459, eff. 1-1-04; revised 9-26-03.)

26 Section 565. The Prevailing Wage Act is amended by changing
27 Sections 2 and 4 as follows:

28 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

29 Sec. 2. This Act applies to the wages of laborers,
30 mechanics and other workers employed in any public works, as
31 hereinafter defined, by any public body and to anyone under
32 contracts for public works.

33 As used in this Act, unless the context indicates

1 otherwise:

2 "Public works" means all fixed works constructed by any
3 public body, other than work done directly by any public
4 utility company, whether or not done under public supervision
5 or direction, or paid for wholly or in part out of public
6 funds. "Public works" as defined herein includes all projects
7 financed in whole or in part with bonds issued under the
8 Industrial Project Revenue Bond Act (Article 11, Division 74 of
9 the Illinois Municipal Code), the Industrial Building Revenue
10 Bond Act, the Illinois Finance Authority Act, the Illinois
11 Sports Facilities Authority Act, or the Build Illinois Bond
12 Act, and all projects financed in whole or in part with loans
13 or other funds made available pursuant to the Build Illinois
14 Act. "Public works" also includes all projects financed in
15 whole or in part with funds from the Fund for Illinois' Future
16 under Section 6z-47 of the State Finance Act, funds for school
17 construction under Section 5 of the General Obligation Bond
18 Act, funds authorized under Section 3 of the School
19 Construction Bond Act, funds for school infrastructure under
20 Section 6z-45 of the State Finance Act, and funds for
21 transportation purposes under Section 4 of the General
22 Obligation Bond Act. "Public works" also includes all projects
23 financed in whole or in part with funds from the Department of
24 Commerce and Economic Opportunity ~~Community Affairs~~ under the
25 Illinois Renewable Fuels Development Program Act for which
26 there is no project labor agreement.

27 "Construction" means all work on public works involving
28 laborers, workers or mechanics.

29 "Locality" means the county where the physical work upon
30 public works is performed, except (1) that if there is not
31 available in the county a sufficient number of competent
32 skilled laborers, workers and mechanics to construct the public
33 works efficiently and properly, "locality" includes any other
34 county nearest the one in which the work or construction is to
35 be performed and from which such persons may be obtained in
36 sufficient numbers to perform the work and (2) that, with

1 respect to contracts for highway work with the Department of
2 Transportation of this State, "locality" may at the discretion
3 of the Secretary of the Department of Transportation be
4 construed to include two or more adjacent counties from which
5 workers may be accessible for work on such construction.

6 "Public body" means the State or any officer, board or
7 commission of the State or any political subdivision or
8 department thereof, or any institution supported in whole or in
9 part by public funds, and includes every county, city, town,
10 village, township, school district, irrigation, utility,
11 reclamation improvement or other district and every other
12 political subdivision, district or municipality of the state
13 whether such political subdivision, municipality or district
14 operates under a special charter or not.

15 The terms "general prevailing rate of hourly wages",
16 "general prevailing rate of wages" or "prevailing rate of
17 wages" when used in this Act mean the hourly cash wages plus
18 fringe benefits for training and apprenticeship programs
19 approved by the U.S. Department of Labor, Bureau of
20 Apprenticeship and Training, health and welfare, insurance,
21 vacations and pensions paid generally, in the locality in which
22 the work is being performed, to employees engaged in work of a
23 similar character on public works.

24 (Source: P.A. 92-16, eff. 6-28-01; 93-15, eff. 6-11-03; 93-16,
25 eff. 1-1-04; 93-205, eff. 1-1-04; revised 1-12-04.)

26 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

27 (Text of Section before amendment by P.A. 93-38)

28 Sec. 4. The public body awarding any contract for public
29 work or otherwise undertaking any public works, shall ascertain
30 the general prevailing rate of hourly wages in the locality in
31 which the work is to be performed, for each craft or type of
32 worker or mechanic needed to execute the contract, and where
33 the public body performs the work without letting a contract
34 therefor, shall ascertain the prevailing rate of wages on a per
35 hour basis in the locality, and such public body shall specify

1 in the resolution or ordinance and in the call for bids for the
2 contract, that the general prevailing rate of wages in the
3 locality for each craft or type of worker or mechanic needed to
4 execute the contract or perform such work, also the general
5 prevailing rate for legal holiday and overtime work, as
6 ascertained by the public body or by the Department of Labor
7 shall be paid for each craft or type of worker needed to
8 execute the contract or to perform such work, and it shall be
9 mandatory upon the contractor to whom the contract is awarded
10 and upon any subcontractor under him, and where the public body
11 performs the work, upon the public body, to pay not less than
12 the specified rates to all laborers, workers and mechanics
13 employed by them in the execution of the contract or such work;
14 provided, however, that if the public body desires that the
15 Department of Labor ascertain the prevailing rate of wages, it
16 shall notify the Department of Labor to ascertain the general
17 prevailing rate of hourly wages for work under contract, or for
18 work performed by a public body without letting a contract as
19 required in the locality in which the work is to be performed,
20 for each craft or type of worker or mechanic needed to execute
21 the contract or project or work to be performed. Upon such
22 notification the Department of Labor shall ascertain such
23 general prevailing rate of wages, and certify the prevailing
24 wage to such public body. The public body awarding the contract
25 shall cause to be inserted in the contract a stipulation to the
26 effect that not less than the prevailing rate of wages as found
27 by the public body or Department of Labor or determined by the
28 court on review shall be paid to all laborers, workers and
29 mechanics performing work under the contract. It shall also
30 require in all such contractor's bonds that the contractor
31 include such provision as will guarantee the faithful
32 performance of such prevailing wage clause as provided by
33 contract. All bid specifications shall list the specified rates
34 to all laborers, workers and mechanics in the locality for each
35 craft or type of worker or mechanic needed to execute the
36 contract. If the Department of Labor revises the prevailing

1 rate of hourly wages to be paid by the public body, the revised
2 rate shall apply to such contract, and the public body shall be
3 responsible to notify the contractor and each subcontractor, of
4 the revised rate. Two or more investigatory hearings under this
5 Section on the issue of establishing a new prevailing wage
6 classification for a particular craft or type of worker shall
7 be consolidated in a single hearing before the Department. Such
8 consolidation shall occur whether each separate investigatory
9 hearing is conducted by a public body or the Department. The
10 party requesting a consolidated investigatory hearing shall
11 have the burden of establishing that there is no existing
12 prevailing wage classification for the particular craft or type
13 of worker in any of the localities under consideration.

14 It shall be mandatory upon the contractor or construction
15 manager to whom a contract for public works is awarded to post,
16 at a location on the project site of the public works that is
17 easily accessible to the workers engaged on the project, the
18 prevailing wage rates for each craft or type of worker or
19 mechanic needed to execute the contract or project or work to
20 be performed. A failure to post a prevailing wage rate as
21 required by this Section is a violation of this Act.

22 (Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16,
23 eff. 1-1-04.)

24 (Text of Section after amendment by P.A. 93-38)

25 Sec. 4. (a) The public body awarding any contract for
26 public work or otherwise undertaking any public works, shall
27 ascertain the general prevailing rate of hourly wages in the
28 locality in which the work is to be performed, for each craft
29 or type of worker or mechanic needed to execute the contract,
30 and where the public body performs the work without letting a
31 contract therefor, shall ascertain the prevailing rate of wages
32 on a per hour basis in the locality, and such public body shall
33 specify in the resolution or ordinance and in the call for bids
34 for the contract, that the general prevailing rate of wages in
35 the locality for each craft or type of worker or mechanic

1 needed to execute the contract or perform such work, also the
2 general prevailing rate for legal holiday and overtime work, as
3 ascertained by the public body or by the Department of Labor
4 shall be paid for each craft or type of worker needed to
5 execute the contract or to perform such work, and it shall be
6 mandatory upon the contractor to whom the contract is awarded
7 and upon any subcontractor under him, and where the public body
8 performs the work, upon the public body, to pay not less than
9 the specified rates to all laborers, workers and mechanics
10 employed by them in the execution of the contract or such work;
11 provided, however, that if the public body desires that the
12 Department of Labor ascertain the prevailing rate of wages, it
13 shall notify the Department of Labor to ascertain the general
14 prevailing rate of hourly wages for work under contract, or for
15 work performed by a public body without letting a contract as
16 required in the locality in which the work is to be performed,
17 for each craft or type of worker or mechanic needed to execute
18 the contract or project or work to be performed. Upon such
19 notification the Department of Labor shall ascertain such
20 general prevailing rate of wages, and certify the prevailing
21 wage to such public body. The public body awarding the contract
22 shall cause to be inserted in the project specifications and
23 the contract a stipulation to the effect that not less than the
24 prevailing rate of wages as found by the public body or
25 Department of Labor or determined by the court on review shall
26 be paid to all laborers, workers and mechanics performing work
27 under the contract.

28 (b) It shall also be mandatory upon the contractor to whom
29 the contract is awarded to insert into each subcontract and
30 into the project specifications for each subcontract a written
31 stipulation to the effect that not less than the prevailing
32 rate of wages shall be paid to all laborers, workers, and
33 mechanics performing work under the contract. It shall also be
34 mandatory upon each subcontractor to cause to be inserted into
35 each lower tiered subcontract and into the project
36 specifications for each lower tiered subcontract a stipulation

1 to the effect that not less than the prevailing rate of wages
2 shall be paid to all laborers, workers, and mechanics
3 performing work under the contract. A contractor or
4 subcontractor who fails to comply with this subsection (b) is
5 in violation of this Act.

6 (c) It shall also require in all such contractor's bonds
7 that the contractor include such provision as will guarantee
8 the faithful performance of such prevailing wage clause as
9 provided by contract. All bid specifications shall list the
10 specified rates to all laborers, workers and mechanics in the
11 locality for each craft or type of worker or mechanic needed to
12 execute the contract.

13 (d) If the Department of Labor revises the prevailing rate
14 of hourly wages to be paid by the public body, the revised rate
15 shall apply to such contract, and the public body shall be
16 responsible to notify the contractor and each subcontractor, of
17 the revised rate.

18 (e) Two or more investigatory hearings under this Section
19 on the issue of establishing a new prevailing wage
20 classification for a particular craft or type of worker shall
21 be consolidated in a single hearing before the Department. Such
22 consolidation shall occur whether each separate investigatory
23 hearing is conducted by a public body or the Department. The
24 party requesting a consolidated investigatory hearing shall
25 have the burden of establishing that there is no existing
26 prevailing wage classification for the particular craft or type
27 of worker in any of the localities under consideration.

28 (f) It shall be mandatory upon the contractor or
29 construction manager to whom a contract for public works is
30 awarded to post, at a location on the project site of the
31 public works that is easily accessible to the workers engaged
32 on the project, the prevailing wage rates for each craft or
33 type of worker or mechanic needed to execute the contract or
34 project or work to be performed. A failure to post a prevailing
35 wage rate as required by this Section is a violation of this
36 Act.

1 (Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16,
2 eff. 1-1-04; 93-38, eff. 6-1-04; revised 7-28-03.)

3 Section 995. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.

10 Section 996. No revival or extension. This Act does not
11 revive or extend any Section or Act otherwise repealed.

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.

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