

1 AN ACT concerning the State budget.

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

4 ARTICLE 1

5 Section 1-1. Short title. This Act may be cited as the
6 FY2004 Budget Implementation (State Finance-Revenues) Act.

7 Section 1-5. Purpose. It is the purpose of this Act to
8 make changes relating to State Finance-Revenues that are
9 necessary to implement the State's FY2004 budget.

10 ARTICLE 50

11 Section 50-5. The State Finance Act is amended by
12 changing Sections 6p-2 and 8g and adding Sections 5.595,
13 8.42, 8h, and 8j as follows:

14 (30 ILCS 105/5.595 new)

15 Sec. 5.595. The Emergency Public Health Fund.

16 (30 ILCS 105/6p-2) (from Ch. 127, par. 142p2)

17 Sec. 6p-2. The Communications Revolving Fund shall be
18 initially financed by a transfer of funds from the General
19 Revenue Fund. Thereafter, all fees and other monies received
20 by the Department of Central Management Services in payment
21 for communications services rendered pursuant to the
22 Department of Central Management Services Law or sale of
23 surplus State communications equipment shall be paid into the
24 Communications Revolving Fund. Except as otherwise provided
25 in this Section, the money in this fund shall be used by the
26 Department of Central Management Services as reimbursement

1 for expenditures incurred in relation to communications
2 services.

3 On the effective date of this amendatory Act of the 93rd
4 General Assembly, or as soon as practicable thereafter, the
5 State Comptroller shall order transferred and the State
6 Treasurer shall transfer \$3,000,000 from the Communications
7 Revolving Fund to the Emergency Public Health Fund to be used
8 for the purposes specified in Section 55.6a of the
9 Environmental Protection Act.

10 (Source: P.A. 91-239, eff. 1-1-00; 92-316, eff. 8-9-01.)

11 (30 ILCS 105/8.42 new)

12 Sec. 8.42. Interfund transfers. In order to address the
13 fiscal emergency resulting from shortfalls in revenue, the
14 following transfers are authorized from the designated funds
15 into the General Revenue Fund:

16	<u>ROAD FUND.....</u>	<u>\$50,000,000</u>
17	<u>MOTOR FUEL TAX FUND.....</u>	<u>\$1,535,000</u>
18	<u>GRADE CROSSING PROTECTION FUND.....</u>	<u>\$6,500,000</u>
19	<u>ILLINOIS AGRICUTURAL LOAN GUARANTEE FUND.....</u>	<u>\$2,500,000</u>
20	<u>ILLINOIS FARMER AND AGRIBUSINESS</u>	
21	<u>LOAN GUARANTEE FUND.....</u>	<u>\$1,500,000</u>
22	<u>TRANSPORTATION REGULATORY FUND.....</u>	<u>\$2,000,000</u>
23	<u>PARK AND CONSERVATION FUND.....</u>	<u>\$1,000,000</u>
24	<u>DCFS CHILDREN'S SERVICES FUND.....</u>	<u>\$1,000,000</u>
25	<u>TOBACCO SETTLEMENT RECOVERY FUND.....</u>	<u>\$50,000</u>
26	<u>AGGREGATE OPERATIONS REGULATORY FUND.....</u>	<u>\$10,000</u>
27	<u>APPRAISAL ADMINISTRATION FUND.....</u>	<u>\$10,000</u>
28	<u>AUCTION REGULATION ADMINISTRATION FUND.....</u>	<u>\$50,000</u>
29	<u>BANK AND TRUST COMPANY FUND.....</u>	<u>\$640,000</u>
30	<u>CHILD LABOR AND DAY AND TEMPORARY</u>	
31	<u>LABOR ENFORCEMENT FUND.....</u>	<u>\$15,000</u>
32	<u>CHILD SUPPORT ADMINISTRATIVE FUND.....</u>	<u>\$170,000</u>
33	<u>COAL MINING REGULATORY FUND.....</u>	<u>\$80,000</u>

1	<u>COMMUNITY WATER SUPPLY LABORATORY FUND.....</u>	<u>\$500,000</u>
2	<u>COMPTROLLER'S ADMINISTRATIVE FUND.....</u>	<u>\$50,000</u>
3	<u>CREDIT UNION FUND.....</u>	<u>\$500,000</u>
4	<u>CRIMINAL JUSTICE INFORMATION</u>	
5	<u>SYSTEMS TRUST FUND.....</u>	<u>\$300,000</u>
6	<u>DESIGN PROFESSIONALS ADMINISTRATION</u>	
7	<u>AND INVESTIGATION FUND.....</u>	<u>\$1,000,000</u>
8	<u>DIGITAL DIVIDE ELIMINATION</u>	
9	<u>INFRASTRUCTURE FUND.....</u>	<u>\$4,000,000</u>
10	<u>DRAM SHOP FUND.....</u>	<u>\$560,000</u>
11	<u>DRIVERS EDUCATION FUND.....</u>	<u>\$2,500,000</u>
12	<u>EMERGENCY PLANNING AND TRAINING FUND.....</u>	<u>\$50,000</u>
13	<u>ENERGY EFFICIENCY TRUST FUND.....</u>	<u>\$1,000,000</u>
14	<u>EXPLOSIVES REGULATORY FUND.....</u>	<u>\$4,000</u>
15	<u>FINANCIAL INSTITUTION FUND.....</u>	<u>\$300,000</u>
16	<u>FIREARM OWNER'S NOTIFICATION FUND.....</u>	<u>\$110,000</u>
17	<u>FOOD AND DRUG SAFETY FUND.....</u>	<u>\$500,000</u>
18	<u>GENERAL PROFESSIONS DEDICATED FUND.....</u>	<u>\$1,000,000</u>
19	<u>HAZARDOUS WASTE FUND.....</u>	<u>\$500,000</u>
20	<u>HORSE RACING FUND.....</u>	<u>\$630,000</u>
21	<u>ILLINOIS GAMING LAW ENFORCEMENT FUND.....</u>	<u>\$200,000</u>
22	<u>ILLINOIS HISTORIC SITES FUND.....</u>	<u>\$15,000</u>
23	<u>ILLINOIS SCHOOL ASBESTOS ABATEMENT FUND.....</u>	<u>\$400,000</u>
24	<u>ILLINOIS STANDARD BRED BREEDERS FUND.....</u>	<u>\$35,000</u>
25	<u>ILLINOIS STATE MEDICAL DISCIPLINARY FUND.....</u>	<u>\$1,500,000</u>
26	<u>ILLINOIS STATE PHARMACY DISCIPLINARY FUND.....</u>	<u>\$1,500,000</u>
27	<u>ILLINOIS TAX INCREMENT FUND.....</u>	<u>\$20,000</u>
28	<u>INSURANCE FINANCIAL REGULATION FUND.....</u>	<u>\$920,000</u>
29	<u>LANDFILL CLOSURE AND POST-CLOSURE FUND.....</u>	<u>\$250,000</u>
30	<u>MANDATORY ARBITRATION FUND.....</u>	<u>\$2,000,000</u>
31	<u>MEDICAID FRAUD AND ABUSE PREVENTION FUND.....</u>	<u>\$80,000</u>
32	<u>MENTAL HEALTH FUND.....</u>	<u>\$1,000,000</u>
33	<u>NEW TECHNOLOGY RECOVERY FUND.....</u>	<u>\$1,000,000</u>
34	<u>NUCLEAR SAFETY EMERGENCY PREPAREDNESS FUND.....</u>	<u>\$460,000</u>

1	<u>OPEN SPACE LANDS ACQUISITION</u>	
2	<u>AND DEVELOPMENT FUND.....</u>	<u>\$1,510,000</u>
3	<u>PLUGGING AND RESTORATION FUND.....</u>	<u>\$120,000</u>
4	<u>PLUMBING LICENSURE AND PROGRAM FUND.....</u>	<u>\$400,000</u>
5	<u>PUBLIC HEALTH WATER PERMIT FUND.....</u>	<u>\$90,000</u>
6	<u>PUBLIC UTILITY FUND.....</u>	<u>\$2,000,000</u>
7	<u>RADIATION PROTECTION FUND.....</u>	<u>\$240,000</u>
8	<u>LOW-LEVEL RADIOACTIVE WASTE FACILITY</u>	
9	<u>DEVELOPMENT AND OPERATION FUND.....</u>	<u>\$1,000,000</u>
10	<u>REAL ESTATE AUDIT FUND.....</u>	<u>\$50,000</u>
11	<u>REAL ESTATE LICENSE ADMINISTRATION FUND.....</u>	<u>\$750,000</u>
12	<u>REAL ESTATE RESEARCH AND EDUCATION FUND.....</u>	<u>\$30,000</u>
13	<u>REGISTERED CERTIFIED PUBLIC ACCOUNTANTS'</u>	
14	<u>ADMINISTRATION AND DISCIPLINARY FUND.....</u>	<u>\$1,000,000</u>
15	<u>RENEWABLE ENERGY RESOURCES TRUST FUND.....</u>	<u>\$3,000,000</u>
16	<u>SAVINGS AND RESIDENTIAL FINANCE</u>	
17	<u>REGULATORY FUND.....</u>	<u>\$850,000</u>
18	<u>SECURITIES AUDIT AND ENFORCEMENT FUND.....</u>	<u>\$2,000,000</u>
19	<u>STATE PARKS FUND.....</u>	<u>\$593,000</u>
20	<u>STATE POLICE VEHICLE FUND.....</u>	<u>\$15,000</u>
21	<u>TAX COMPLIANCE AND ADMINISTRATION FUND.....</u>	<u>\$150,000</u>
22	<u>TOURISM PROMOTION FUND.....</u>	<u>\$5,000,000</u>
23	<u>TRAFFIC AND CRIMINAL CONVICTION</u>	
24	<u>SURCHARGE FUND.....</u>	<u>\$250,000</u>
25	<u>UNDERGROUND RESOURCES CONSERVATION</u>	
26	<u>ENFORCEMENT FUND.....</u>	<u>\$100,000</u>
27	<u>UNDERGROUND STORAGE TANK FUND.....</u>	<u>\$12,100,000</u>
28	<u>ILLINOIS CAPITAL REVOLVING LOAN FUND.....</u>	<u>\$5,000,000</u>
29	<u>CONSERVATION 2000 FUND.....</u>	<u>\$15,000</u>
30	<u>DEATH CERTIFICATE SURCHARGE FUND.....</u>	<u>\$1,500,000</u>
31	<u>ENERGY ASSISTANCE CONTRIBUTION FUND.....</u>	<u>\$750,000</u>
32	<u>FAIR AND EXPOSITION FUND.....</u>	<u>\$500,000</u>
33	<u>HOME INSPECTOR ADMINISTRATION FUND.....</u>	<u>\$100,000</u>
34	<u>ILLINOIS AFFORDABLE HOUSING TRUST FUND.....</u>	<u>\$5,000,000</u>

1	<u>LARGE BUSINESS ATTRACTION FUND.....</u>	<u>\$500,000</u>
2	<u>SCHOOL TECHNOLOGY REVOLVING LOAN FUND.....</u>	<u>\$6,000,000</u>
3	<u>SOLID WASTE MANAGEMENT REVOLVING LOAN FUND.....</u>	<u>\$2,000,000</u>
4	<u>WIRELESS CARRIER REIMBURSEMENT FUND.....</u>	<u>\$2,000,000</u>
5	<u>EPA STATE PROJECTS TRUST FUND.....</u>	<u>\$150,000</u>
6	<u>ILLINOIS THOROUGHbred</u>	
7	<u>BREEDERS FUND.....</u>	<u>\$160,000</u>
8	<u>FIRE PREVENTION FUND.....</u>	<u>\$2,000,000</u>
9	<u>MOTOR VEHICLE THEFT</u>	
10	<u>PREVENTION TRUST FUND.....</u>	<u>\$250,000</u>
11	<u>CAPITAL DEVELOPMENT BOARD</u>	
12	<u>REVOLVING FUND.....</u>	<u>\$500,000</u>
13	<u>AUDIT EXPENSE FUND.....</u>	<u>\$1,000,000</u>
14	<u>OFF-HIGHWAY VEHICLE</u>	
15	<u>TRAILS FUND.....</u>	<u>\$100,000</u>
16	<u>CYCLE RIDER SAFETY</u>	
17	<u>TRAINING FUND.....</u>	<u>\$1,000,000</u>
18	<u>GANG CRIME WITNESS PROTECTION FUND.....</u>	<u>\$46,000</u>
19	<u>MISSING AND EXPLOITED CHILDREN TRUST FUND.....</u>	<u>\$53,000</u>
20	<u>STATE POLICE VEHICLE FUND.....</u>	<u>\$86,000</u>
21	<u>SEX OFFENDER REGISTRATION FUND.....</u>	<u>\$21,000</u>
22	<u>STATE POLICE WIRELESS SERVICE</u>	
23	<u>EMERGENCY FUND.....</u>	<u>\$1,200,000</u>
24	<u>MEDICAID FRAUD AND ABUSE PREVENTION FUND.....</u>	<u>\$270,000</u>
25	<u>STATE CRIME LABORATORY FUND.....</u>	<u>\$250,000</u>
26	<u>LEADS MAINTENANCE FUND.....</u>	<u>\$180,000</u>
27	<u>STATE POLICE DUI FUND.....</u>	<u>\$100,000</u>
28	<u>PETROLEUM VIOLATION FUND.....</u>	<u>\$2,000,000</u>

29 All such transfers shall be made on July 1, 2003, or as
30 soon thereafter as practical. These transfers may be made
31 notwithstanding any other provision of law to the contrary.

32 (30 ILCS 105/8g)

33 Sec. 8g. Transfers from General Revenue Fund.

1 (a) In addition to any other transfers that may be
2 provided for by law, as soon as may be practical after the
3 effective date of this amendatory Act of the 91st General
4 Assembly, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$10,000,000 from the
6 General Revenue Fund to the Motor Vehicle License Plate Fund
7 created by Senate Bill 1028 of the 91st General Assembly.

8 (b) In addition to any other transfers that may be
9 provided for by law, as soon as may be practical after the
10 effective date of this amendatory Act of the 91st General
11 Assembly, the State Comptroller shall direct and the State
12 Treasurer shall transfer the sum of \$25,000,000 from the
13 General Revenue Fund to the Fund for Illinois' Future created
14 by Senate Bill 1066 of the 91st General Assembly.

15 (c) In addition to any other transfers that may be
16 provided for by law, on August 30 of each fiscal year's
17 license period, the Illinois Liquor Control Commission shall
18 direct and the State Comptroller and State Treasurer shall
19 transfer from the General Revenue Fund to the Youth
20 Alcoholism and Substance Abuse Prevention Fund an amount
21 equal to the number of retail liquor licenses issued for that
22 fiscal year multiplied by \$50.

23 (d) The payments to programs required under subsection
24 (d) of Section 28.1 of the Horse Racing Act of 1975 shall be
25 made, pursuant to appropriation, from the special funds
26 referred to in the statutes cited in that subsection, rather
27 than directly from the General Revenue Fund.

28 Beginning January 1, 2000, on the first day of each
29 month, or as soon as may be practical thereafter, the State
30 Comptroller shall direct and the State Treasurer shall
31 transfer from the General Revenue Fund to each of the special
32 funds from which payments are to be made under Section
33 28.1(d) of the Horse Racing Act of 1975 an amount equal to
34 1/12 of the annual amount required for those payments from

1 that special fund, which annual amount shall not exceed the
2 annual amount for those payments from that special fund for
3 the calendar year 1998. The special funds to which transfers
4 shall be made under this subsection (d) include, but are not
5 necessarily limited to, the Agricultural Premium Fund; the
6 Metropolitan Exposition Auditorium and Office Building Fund;
7 the Fair and Exposition Fund; the Standardbred Breeders Fund;
8 the Thoroughbred Breeders Fund; and the Illinois Veterans'
9 Rehabilitation Fund.

10 (e) In addition to any other transfers that may be
11 provided for by law, as soon as may be practical after the
12 effective date of this amendatory Act of the 91st General
13 Assembly, but in no event later than June 30, 2000, the State
14 Comptroller shall direct and the State Treasurer shall
15 transfer the sum of \$15,000,000 from the General Revenue Fund
16 to the Fund for Illinois' Future.

17 (f) In addition to any other transfers that may be
18 provided for by law, as soon as may be practical after the
19 effective date of this amendatory Act of the 91st General
20 Assembly, but in no event later than June 30, 2000, the State
21 Comptroller shall direct and the State Treasurer shall
22 transfer the sum of \$70,000,000 from the General Revenue Fund
23 to the Long-Term Care Provider Fund.

24 (f-1) In fiscal year 2002, in addition to any other
25 transfers that may be provided for by law, at the direction
26 of and upon notification from the Governor, the State
27 Comptroller shall direct and the State Treasurer shall
28 transfer amounts not exceeding a total of \$160,000,000 from
29 the General Revenue Fund to the Long-Term Care Provider Fund.

30 (g) In addition to any other transfers that may be
31 provided for by law, on July 1, 2001, or as soon thereafter
32 as may be practical, the State Comptroller shall direct and
33 the State Treasurer shall transfer the sum of \$1,200,000 from
34 the General Revenue Fund to the Violence Prevention Fund.

1 (h) In each of fiscal years 2002 through 2007, but not
2 thereafter, in addition to any other transfers that may be
3 provided for by law, the State Comptroller shall direct and
4 the State Treasurer shall transfer \$5,000,000 from the
5 General Revenue Fund to the Tourism Promotion Fund.

6 (i) On or after July 1, 2001 and until May 1, 2002, in
7 addition to any other transfers that may be provided for by
8 law, at the direction of and upon notification from the
9 Governor, the State Comptroller shall direct and the State
10 Treasurer shall transfer amounts not exceeding a total of
11 \$80,000,000 from the General Revenue Fund to the Tobacco
12 Settlement Recovery Fund. Any amounts so transferred shall
13 be re-transferred by the State Comptroller and the State
14 Treasurer from the Tobacco Settlement Recovery Fund to the
15 General Revenue Fund at the direction of and upon
16 notification from the Governor, but in any event on or before
17 June 30, 2002.

18 (i-1) On or after July 1, 2002 and until May 1, 2003, in
19 addition to any other transfers that may be provided for by
20 law, at the direction of and upon notification from the
21 Governor, the State Comptroller shall direct and the State
22 Treasurer shall transfer amounts not exceeding a total of
23 \$80,000,000 from the General Revenue Fund to the Tobacco
24 Settlement Recovery Fund. Any amounts so transferred shall
25 be re-transferred by the State Comptroller and the State
26 Treasurer from the Tobacco Settlement Recovery Fund to the
27 General Revenue Fund at the direction of and upon
28 notification from the Governor, but in any event on or before
29 June 30, 2003.

30 (j) On or after July 1, 2001 and no later than June 30,
31 2002, in addition to any other transfers that may be provided
32 for by law, at the direction of and upon notification from
33 the Governor, the State Comptroller shall direct and the
34 State Treasurer shall transfer amounts not to exceed the

1 following sums into the Statistical Services Revolving Fund:

2	From the General Revenue Fund.....	\$8,450,000
3	From the Public Utility Fund.....	1,700,000
4	From the Transportation Regulatory Fund.....	2,650,000
5	From the Title III Social Security and	
6	Employment Fund.....	3,700,000
7	From the Professions Indirect Cost Fund.....	4,050,000
8	From the Underground Storage Tank Fund.....	550,000
9	From the Agricultural Premium Fund.....	750,000
10	From the State Pensions Fund.....	200,000
11	From the Road Fund.....	2,000,000
12	From the Health Facilities	
13	Planning Fund.....	1,000,000
14	From the Savings and Residential Finance	
15	Regulatory Fund.....	130,800
16	From the Appraisal Administration Fund.....	28,600
17	From the Pawnbroker Regulation Fund.....	3,600
18	From the Auction Regulation	
19	Administration Fund.....	35,800
20	From the Bank and Trust Company Fund.....	634,800
21	From the Real Estate License	
22	Administration Fund.....	313,600

23 (k) In addition to any other transfers that may be
 24 provided for by law, as soon as may be practical after the
 25 effective date of this amendatory Act of the 92nd General
 26 Assembly, the State Comptroller shall direct and the State
 27 Treasurer shall transfer the sum of \$2,000,000 from the
 28 General Revenue Fund to the Teachers Health Insurance
 29 Security Fund.

30 (k-1) In addition to any other transfers that may be
 31 provided for by law, on July 1, 2002, or as soon as may be
 32 practical thereafter, the State Comptroller shall direct and
 33 the State Treasurer shall transfer the sum of \$2,000,000 from
 34 the General Revenue Fund to the Teachers Health Insurance

1 Security Fund.

2 (k-2) In addition to any other transfers that may be
3 provided for by law, on July 1, 2003, or as soon as may be
4 practical thereafter, the State Comptroller shall direct and
5 the State Treasurer shall transfer the sum of \$2,000,000 from
6 the General Revenue Fund to the Teachers Health Insurance
7 Security Fund.

8 (k-3) On or after July 1, 2002 and no later than June
9 30, 2003, in addition to any other transfers that may be
10 provided for by law, at the direction of and upon
11 notification from the Governor, the State Comptroller shall
12 direct and the State Treasurer shall transfer amounts not to
13 exceed the following sums into the Statistical Services
14 Revolving Fund:

15	Appraisal Administration Fund.....	\$150,000
16	General Revenue Fund.....	10,440,000
17	Savings and Residential Finance	
18	Regulatory Fund.....	200,000
19	State Pensions Fund.....	100,000
20	Bank and Trust Company Fund.....	100,000
21	Professions Indirect Cost Fund.....	3,400,000
22	Public Utility Fund.....	2,081,200
23	Real Estate License Administration Fund.....	150,000
24	Title III Social Security and	
25	Employment Fund.....	1,000,000
26	Transportation Regulatory Fund.....	3,052,100
27	Underground Storage Tank Fund.....	50,000

28 (l) In addition to any other transfers that may be
29 provided for by law, on July 1, 2002, or as soon as may be
30 practical thereafter, the State Comptroller shall direct and
31 the State Treasurer shall transfer the sum of \$3,000,000 from
32 the General Revenue Fund to the Presidential Library and
33 Museum Operating Fund.

34 (m) In addition to any other transfers that may be

1 provided for by law, on July 1, 2002, or as soon thereafter
2 as may be practical, the State Comptroller shall direct and
3 the State Treasurer shall transfer the sum of \$1,200,000 from
4 the General Revenue Fund to the Violence Prevention Fund.

5 (n) In addition to any other transfers that may be
6 provided for by law, on July 1, 2003, or as soon thereafter
7 as may be practical, the State Comptroller shall direct and
8 the State Treasurer shall transfer the sum of \$6,800,000 from
9 the General Revenue Fund to the DHS Recoveries Trust Fund.

10 (o) On or after July 1, 2003, and no later than June 30,
11 2004, in addition to any other transfers that may be provided
12 for by law, at the direction of and upon notification from
13 the Governor, the State Comptroller shall direct and the
14 State Treasurer shall transfer amounts not to exceed the
15 following sums into the Vehicle Inspection Fund:

16 From the Underground Storage Tank Fund\$35,000,000.

17 (p) On or after July 1, 2003 and until May 1, 2004, in
18 addition to any other transfers that may be provided for by
19 law, at the direction of and upon notification from the
20 Governor, the State Comptroller shall direct and the State
21 Treasurer shall transfer amounts not exceeding a total of
22 \$80,000,000 from the General Revenue Fund to the Tobacco
23 Settlement Recovery Fund. Any amounts so transferred shall be
24 re-transferred from the Tobacco Settlement Recovery Fund to
25 the General Revenue Fund at the direction of and upon
26 notification from the Governor, but in any event on or before
27 June 30, 2004.

28 (q) In addition to any other transfers that may be
29 provided for by law, on July 1, 2003, or as soon as may be
30 practical thereafter, the State Comptroller shall direct and
31 the State Treasurer shall transfer the sum of \$5,000,000 from
32 the General Revenue Fund to the Illinois Military Family
33 Relief Fund.

34 (r) In addition to any other transfers that may be

1 provided for by law, on July 1, 2003, or as soon as may be
 2 practical thereafter, the State Comptroller shall direct and
 3 the State Treasurer shall transfer the sum of \$1,922,000 from
 4 the General Revenue Fund to the Presidential Library and
 5 Museum Operating Fund.

6 (s) In addition to any other transfers that may be
 7 provided for by law, on or after July 1, 2003, the State
 8 Comptroller shall direct and the State Treasurer shall
 9 transfer the sum of \$4,800,000 from the Statewide Economic
 10 Development Fund to the General Revenue Fund.

11 (t) In addition to any other transfers that may be
 12 provided for by law, on or after July 1, 2003, the State
 13 Comptroller shall direct and the State Treasurer shall
 14 transfer the sum of \$50,000,000 from the General Revenue Fund
 15 to the Budget Stabilization Fund.

16 (Source: P.A. 91-25, eff. 6-9-99; 91-704, eff. 5-17-00;
 17 92-11, eff. 6-11-01; 92-505, eff. 12-20-01; 92-600, eff.
 18 6-28-02.)

19 (30 ILCS 105/8h new)

20 Sec. 8h. Transfers to General Revenue Fund.
 21 Notwithstanding any other State law to the contrary, the
 22 Director of the Bureau of the Budget may from time to time
 23 direct the State Treasurer and Comptroller to transfer a
 24 specified sum from any fund held by the State Treasurer to
 25 the General Revenue Fund in order to help defray the State's
 26 operating costs for the fiscal year. The total transfer
 27 under this Section from any fund in any fiscal year shall not
 28 exceed the lesser of 8% of the revenues to be deposited into
 29 the fund during that year or 25% of the beginning balance in
 30 the fund. No transfer may be made from a fund under this
 31 Section that would have the effect of reducing the available
 32 balance in the fund to an amount less than the amount
 33 remaining unexpended and unreserved from the total

1 appropriation from that fund for that fiscal year. This
2 Section does not apply to any funds that are restricted by
3 federal law to a specific use or to any funds in the Motor
4 Fuel Tax Fund. Notwithstanding any other provision of this
5 Section, the total transfer under this Section from the Road
6 Fund or the State Construction Account Fund shall not exceed
7 5% of the revenues to be deposited into the fund during that
8 year.

9 In determining the available balance in a fund, the
10 Director of the Bureau of the Budget may include receipts,
11 transfers into the fund, and other resources anticipated to
12 be available in the fund in that fiscal year.

13 The State Treasurer and Comptroller shall transfer the
14 amounts designated under this Section as soon as may be
15 practicable after receiving the direction to transfer from
16 the Director of the Bureau of the Budget.

17 (30 ILCS 105/8j new)

18 Sec. 8j. Allocation and transfer of fee receipts to
19 General Revenue Fund. Notwithstanding any other law to the
20 contrary, additional amounts generated by the new and
21 increased fees created or authorized by this amendatory Act
22 of the 93rd General Assembly and by Senate Bill 774, Senate
23 Bill 841, and Senate Bill 842 of the 93rd General Assembly,
24 if those bills become law, shall be allocated between the
25 fund otherwise entitled to receive the fee and the General
26 Revenue Fund by the Bureau of the Budget. In determining the
27 amount of the allocation to the General Revenue Fund, the
28 Director of the Bureau of the Budget shall calculate whether
29 the available resources in the fund are sufficient to satisfy
30 the unexpended and unreserved appropriations from the fund
31 for the fiscal year.

32 In calculating the available resources in a fund, the
33 Director of the Bureau of the Budget may include receipts,

1 transfers into the fund, and other resources anticipated to
2 be available in the fund in that fiscal year.

3 Upon determining the amount of an allocation to the
4 General Revenue Fund under this Section, the Director of the
5 Bureau of the Budget may direct the State Treasurer and
6 Comptroller to transfer the amount of that allocation from
7 the fund in which the fee amounts have been deposited to the
8 General Revenue Fund; provided, however, that the Director
9 shall not direct the transfer of any amount that would have
10 the effect of reducing the available resources in the fund to
11 an amount less than the amount remaining unexpended and
12 unreserved from the total appropriation from that fund for
13 that fiscal year.

14 The State Treasurer and Comptroller shall transfer the
15 amounts designated under this Section as soon as may be
16 practicable after receiving the direction to transfer from
17 the Director of the Bureau of the Budget.

18 Section 50-10. The Illinois Income Tax Act is amended by
19 changing Section 901 as follows:

20 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

21 Sec. 901. Collection Authority.

22 (a) In general.

23 The Department shall collect the taxes imposed by this
24 Act. The Department shall collect certified past due child
25 support amounts under Section 2505-650 of the Department of
26 Revenue Law (20 ILCS 2505/2505-650). Except as provided in
27 subsections (c) and (e) of this Section, money collected
28 pursuant to subsections (a) and (b) of Section 201 of this
29 Act shall be paid into the General Revenue Fund in the State
30 treasury; money collected pursuant to subsections (c) and (d)
31 of Section 201 of this Act shall be paid into the Personal
32 Property Tax Replacement Fund, a special fund in the State

1 Treasury; and money collected under Section 2505-650 of the
2 Department of Revenue Law (20 ILCS 2505/2505-650) shall be
3 paid into the Child Support Enforcement Trust Fund, a special
4 fund outside the State Treasury, or to the State Disbursement
5 Unit established under Section 10-26 of the Illinois Public
6 Aid Code, as directed by the Department of Public Aid.

7 (b) Local Governmental Distributive Fund.

8 Beginning August 1, 1969, and continuing through June 30,
9 1994, the Treasurer shall transfer each month from the
10 General Revenue Fund to a special fund in the State treasury,
11 to be known as the "Local Government Distributive Fund", an
12 amount equal to 1/12 of the net revenue realized from the tax
13 imposed by subsections (a) and (b) of Section 201 of this Act
14 during the preceding month. Beginning July 1, 1994, and
15 continuing through June 30, 1995, the Treasurer shall
16 transfer each month from the General Revenue Fund to the
17 Local Government Distributive Fund an amount equal to 1/11 of
18 the net revenue realized from the tax imposed by subsections
19 (a) and (b) of Section 201 of this Act during the preceding
20 month. Beginning July 1, 1995, the Treasurer shall transfer
21 each month from the General Revenue Fund to the Local
22 Government Distributive Fund an amount equal to the net of
23 (i) 1/10 of the net revenue realized from the tax imposed by
24 subsections (a) and (b) of Section 201 of the Illinois Income
25 Tax Act during the preceding month (ii) minus, beginning July
26 1, 2003 and ending June 30, 2004, \$6,666,666, and beginning
27 July 1, 2004, zero. Net revenue realized for a month shall be
28 defined as the revenue from the tax imposed by subsections
29 (a) and (b) of Section 201 of this Act which is deposited in
30 the General Revenue Fund, the Educational Assistance Fund and
31 the Income Tax Surcharge Local Government Distributive Fund
32 during the month minus the amount paid out of the General
33 Revenue Fund in State warrants during that same month as
34 refunds to taxpayers for overpayment of liability under the

1 tax imposed by subsections (a) and (b) of Section 201 of this
2 Act.

3 (c) Deposits Into Income Tax Refund Fund.

4 (1) Beginning on January 1, 1989 and thereafter,
5 the Department shall deposit a percentage of the amounts
6 collected pursuant to subsections (a) and (b)(1), (2),
7 and (3), of Section 201 of this Act into a fund in the
8 State treasury known as the Income Tax Refund Fund. The
9 Department shall deposit 6% of such amounts during the
10 period beginning January 1, 1989 and ending on June 30,
11 1989. Beginning with State fiscal year 1990 and for each
12 fiscal year thereafter, the percentage deposited into the
13 Income Tax Refund Fund during a fiscal year shall be the
14 Annual Percentage. For fiscal years 1999 through 2001,
15 the Annual Percentage shall be 7.1%. For fiscal year
16 2003, the Annual Percentage shall be 8%. For fiscal year
17 2004, the Annual Percentage shall be 11.7%. For all
18 other fiscal years, the Annual Percentage shall be
19 calculated as a fraction, the numerator of which shall be
20 the amount of refunds approved for payment by the
21 Department during the preceding fiscal year as a result
22 of overpayment of tax liability under subsections (a) and
23 (b)(1), (2), and (3) of Section 201 of this Act plus the
24 amount of such refunds remaining approved but unpaid at
25 the end of the preceding fiscal year, minus the amounts
26 transferred into the Income Tax Refund Fund from the
27 Tobacco Settlement Recovery Fund, and the denominator of
28 which shall be the amounts which will be collected
29 pursuant to subsections (a) and (b)(1), (2), and (3) of
30 Section 201 of this Act during the preceding fiscal year;
31 except that in State fiscal year 2002, the Annual
32 Percentage shall in no event exceed 7.6%. The Director
33 of Revenue shall certify the Annual Percentage to the
34 Comptroller on the last business day of the fiscal year

1 immediately preceding the fiscal year for which it is to
2 be effective.

3 (2) Beginning on January 1, 1989 and thereafter,
4 the Department shall deposit a percentage of the amounts
5 collected pursuant to subsections (a) and (b)(6), (7),
6 and (8), (c) and (d) of Section 201 of this Act into a
7 fund in the State treasury known as the Income Tax Refund
8 Fund. The Department shall deposit 18% of such amounts
9 during the period beginning January 1, 1989 and ending on
10 June 30, 1989. Beginning with State fiscal year 1990 and
11 for each fiscal year thereafter, the percentage deposited
12 into the Income Tax Refund Fund during a fiscal year
13 shall be the Annual Percentage. For fiscal years 1999,
14 2000, and 2001, the Annual Percentage shall be 19%. For
15 fiscal year 2003, the Annual Percentage shall be 27%.
16 For fiscal year 2004, the Annual Percentage shall be 32%.
17 For all other fiscal years, the Annual Percentage shall
18 be calculated as a fraction, the numerator of which shall
19 be the amount of refunds approved for payment by the
20 Department during the preceding fiscal year as a result
21 of overpayment of tax liability under subsections (a) and
22 (b)(6), (7), and (8), (c) and (d) of Section 201 of this
23 Act plus the amount of such refunds remaining approved
24 but unpaid at the end of the preceding fiscal year, and
25 the denominator of which shall be the amounts which will
26 be collected pursuant to subsections (a) and (b)(6), (7),
27 and (8), (c) and (d) of Section 201 of this Act during
28 the preceding fiscal year; except that in State fiscal
29 year 2002, the Annual Percentage shall in no event exceed
30 23%. The Director of Revenue shall certify the Annual
31 Percentage to the Comptroller on the last business day of
32 the fiscal year immediately preceding the fiscal year for
33 which it is to be effective.

34 (3) The Comptroller shall order transferred and the

1 Treasurer shall transfer from the Tobacco Settlement
2 Recovery Fund to the Income Tax Refund Fund (i)
3 \$35,000,000 in January, 2001, (ii) \$35,000,000 in
4 January, 2002, and (iii) \$35,000,000 in January, 2003.

5 (d) Expenditures from Income Tax Refund Fund.

6 (1) Beginning January 1, 1989, money in the Income
7 Tax Refund Fund shall be expended exclusively for the
8 purpose of paying refunds resulting from overpayment of
9 tax liability under Section 201 of this Act, for paying
10 rebates under Section 208.1 in the event that the amounts
11 in the Homeowners' Tax Relief Fund are insufficient for
12 that purpose, and for making transfers pursuant to this
13 subsection (d).

14 (2) The Director shall order payment of refunds
15 resulting from overpayment of tax liability under Section
16 201 of this Act from the Income Tax Refund Fund only to
17 the extent that amounts collected pursuant to Section 201
18 of this Act and transfers pursuant to this subsection (d)
19 and item (3) of subsection (c) have been deposited and
20 retained in the Fund.

21 (3) As soon as possible after the end of each
22 fiscal year, the Director shall order transferred and the
23 State Treasurer and State Comptroller shall transfer from
24 the Income Tax Refund Fund to the Personal Property Tax
25 Replacement Fund an amount, certified by the Director to
26 the Comptroller, equal to the excess of the amount
27 collected pursuant to subsections (c) and (d) of Section
28 201 of this Act deposited into the Income Tax Refund Fund
29 during the fiscal year over the amount of refunds
30 resulting from overpayment of tax liability under
31 subsections (c) and (d) of Section 201 of this Act paid
32 from the Income Tax Refund Fund during the fiscal year.

33 (4) As soon as possible after the end of each
34 fiscal year, the Director shall order transferred and the

1 State Treasurer and State Comptroller shall transfer from
2 the Personal Property Tax Replacement Fund to the Income
3 Tax Refund Fund an amount, certified by the Director to
4 the Comptroller, equal to the excess of the amount of
5 refunds resulting from overpayment of tax liability under
6 subsections (c) and (d) of Section 201 of this Act paid
7 from the Income Tax Refund Fund during the fiscal year
8 over the amount collected pursuant to subsections (c) and
9 (d) of Section 201 of this Act deposited into the Income
10 Tax Refund Fund during the fiscal year.

11 (4.5) As soon as possible after the end of fiscal
12 year 1999 and of each fiscal year thereafter, the
13 Director shall order transferred and the State Treasurer
14 and State Comptroller shall transfer from the Income Tax
15 Refund Fund to the General Revenue Fund any surplus
16 remaining in the Income Tax Refund Fund as of the end of
17 such fiscal year; excluding for fiscal years 2000, 2001,
18 and 2002 amounts attributable to transfers under item (3)
19 of subsection (c) less refunds resulting from the earned
20 income tax credit.

21 (5) This Act shall constitute an irrevocable and
22 continuing appropriation from the Income Tax Refund Fund
23 for the purpose of paying refunds upon the order of the
24 Director in accordance with the provisions of this
25 Section.

26 (e) Deposits into the Education Assistance Fund and the
27 Income Tax Surcharge Local Government Distributive Fund.

28 On July 1, 1991, and thereafter, of the amounts collected
29 pursuant to subsections (a) and (b) of Section 201 of this
30 Act, minus deposits into the Income Tax Refund Fund, the
31 Department shall deposit 7.3% into the Education Assistance
32 Fund in the State Treasury. Beginning July 1, 1991, and
33 continuing through January 31, 1993, of the amounts collected
34 pursuant to subsections (a) and (b) of Section 201 of the

1 Illinois Income Tax Act, minus deposits into the Income Tax
2 Refund Fund, the Department shall deposit 3.0% into the
3 Income Tax Surcharge Local Government Distributive Fund in
4 the State Treasury. Beginning February 1, 1993 and
5 continuing through June 30, 1993, of the amounts collected
6 pursuant to subsections (a) and (b) of Section 201 of the
7 Illinois Income Tax Act, minus deposits into the Income Tax
8 Refund Fund, the Department shall deposit 4.4% into the
9 Income Tax Surcharge Local Government Distributive Fund in
10 the State Treasury. Beginning July 1, 1993, and continuing
11 through June 30, 1994, of the amounts collected under
12 subsections (a) and (b) of Section 201 of this Act, minus
13 deposits into the Income Tax Refund Fund, the Department
14 shall deposit 1.475% into the Income Tax Surcharge Local
15 Government Distributive Fund in the State Treasury.

16 (Source: P.A. 91-212, eff. 7-20-99; 91-239, eff. 1-1-00;
17 91-700, eff. 5-11-00; 91-704, eff. 7-1-00; 91-712, eff.
18 7-1-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-600,
19 eff. 6-28-02.)

20 Section 50-15. The Retailers' Occupation Tax Act is
21 amended by changing Section 2d as follows:

22 (35 ILCS 120/2d) (from Ch. 120, par. 441d)

23 Sec. 2d. Tax prepayment by motor fuel retailer. Any
24 person engaged in the business of selling motor fuel at
25 retail, as defined in the Motor Fuel Tax Law, and who is not
26 a licensed distributor or supplier, as defined in the Motor
27 Fuel Tax Law, shall prepay to his or her distributor,
28 supplier, or other reseller of motor fuel a portion of the
29 tax imposed by this Act if the distributor, supplier, or
30 other reseller of motor fuel is registered under Section 2a
31 or Section 2c of this Act. The prepayment requirement
32 provided for in this Section does not apply to liquid propane

1 gas.

2 Beginning on July 1, 2000 and through December 31, 2000,
3 the Retailers' Occupation Tax paid to the distributor,
4 supplier, or other reseller shall be an amount equal to \$0.01
5 per gallon of the motor fuel, except gasohol as defined in
6 Section 2-10 of this Act which shall be an amount equal to
7 \$0.01 per gallon, purchased from the distributor, supplier,
8 or other reseller.

9 Before July 1, 2000 and then beginning on January 1, 2001
10 and through June 30, 2003 thereafter, the Retailers'
11 Occupation Tax paid to the distributor, supplier, or other
12 reseller shall be an amount equal to \$0.04 per gallon of the
13 motor fuel, except gasohol as defined in Section 2-10 of this
14 Act which shall be an amount equal to \$0.03 per gallon,
15 purchased from the distributor, supplier, or other reseller.

16 Beginning July 1, 2003 and thereafter, the Retailers'
17 Occupation Tax paid to the distributor, supplier, or other
18 reseller shall be an amount equal to \$0.06 per gallon of the
19 motor fuel, except gasohol as defined in Section 2-10 of this
20 Act which shall be an amount equal to \$0.05 per gallon,
21 purchased from the distributor, supplier, or other reseller.

22 Any person engaged in the business of selling motor fuel
23 at retail shall be entitled to a credit against tax due under
24 this Act in an amount equal to the tax paid to the
25 distributor, supplier, or other reseller.

26 Every distributor, supplier, or other reseller registered
27 as provided in Section 2a or Section 2c of this Act shall
28 remit the prepaid tax on all motor fuel that is due from any
29 person engaged in the business of selling at retail motor
30 fuel with the returns filed under Section 2f or Section 3 of
31 this Act, but the vendors discount provided in Section 3
32 shall not apply to the amount of prepaid tax that is
33 remitted. Any distributor or supplier who fails to properly
34 collect and remit the tax shall be liable for the tax. For

1 purposes of this Section, the prepaid tax is due on invoiced
2 gallons sold during a month by the 20th day of the following
3 month.

4 (Source: P.A. 91-872, eff. 7-1-00.)

5 Section 50-35. The Motor Fuel Tax Law is amended by
6 changing Sections 2b, 6, 6a, and 8 as follows:

7 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

8 Sec. 2b. In addition to the tax collection and reporting
9 responsibilities imposed elsewhere in this Act, a person who
10 is required to pay the tax imposed by Section 2a of this Act
11 shall pay the tax to the Department by return showing all
12 fuel purchased, acquired or received and sold, distributed or
13 used during the preceding calendar month including losses of
14 fuel as the result of evaporation or shrinkage due to
15 temperature variations, and such other reasonable information
16 as the Department may require. Losses of fuel as the result
17 of evaporation or shrinkage due to temperature variations may
18 not exceed 1% of the total gallons in storage at the
19 beginning of the month, plus the receipts of gallonage during
20 the month, minus the gallonage remaining in storage at the
21 end of the month. Any loss reported that is in excess of
22 this amount shall be subject to the tax imposed by Section 2a
23 of this Law. On and after July 1, 2001, for each 6-month
24 period January through June, net losses of fuel (for each
25 category of fuel that is required to be reported on a return)
26 as the result of evaporation or shrinkage due to temperature
27 variations may not exceed 1% of the total gallons in storage
28 at the beginning of each January, plus the receipts of
29 gallonage each January through June, minus the gallonage
30 remaining in storage at the end of each June. On and after
31 July 1, 2001, for each 6-month period July through December,
32 net losses of fuel (for each category of fuel that is

1 required to be reported on a return) as the result of
2 evaporation or shrinkage due to temperature variations may
3 not exceed 1% of the total gallons in storage at the
4 beginning of each July, plus the receipts of gallonage each
5 July through December, minus the gallonage remaining in
6 storage at the end of each December. Any net loss reported
7 that is in excess of this amount shall be subject to the tax
8 imposed by Section 2a of this Law. For purposes of this
9 Section, "net loss" means the number of gallons gained
10 through temperature variations minus the number of gallons
11 lost through temperature variations or evaporation for each
12 of the respective 6-month periods.

13 The return shall be prescribed by the Department and
14 shall be filed between the 1st and 20th days of each calendar
15 month. The Department may, in its discretion, combine the
16 returns filed under this Section, Section 5, and Section 5a
17 of this Act. The return must be accompanied by appropriate
18 computer-generated magnetic media supporting schedule data in
19 the format required by the Department, unless, as provided by
20 rule, the Department grants an exception upon petition of a
21 taxpayer. If the return is filed timely, the seller shall
22 take a discount of 2% through June 30, 2003 and 1.75%
23 thereafter 2% which is allowed to reimburse the seller for
24 the expenses incurred in keeping records, preparing and
25 filing returns, collecting and remitting the tax and
26 supplying data to the Department on request. The 2% discount,
27 however, shall be applicable only to the amount of payment
28 which accompanies a return that is filed timely in accordance
29 with this Section.

30 (Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

31 (35 ILCS 505/6) (from Ch. 120, par. 422)

32 Sec. 6. Collection of tax; distributors. A distributor
33 who sells or distributes any motor fuel, which he is required

1 by Section 5 to report to the Department when filing a
2 return, shall (except as hereinafter provided) collect at the
3 time of such sale and distribution, the amount of tax imposed
4 under this Act on all such motor fuel sold and distributed,
5 and at the time of making a return, the distributor shall pay
6 to the Department the amount so collected less a discount of
7 2% through June 30, 2003 and 1.75% thereafter 2% which is
8 allowed to reimburse the distributor for the expenses
9 incurred in keeping records, preparing and filing returns,
10 collecting and remitting the tax and supplying data to the
11 Department on request, and shall also pay to the Department
12 an amount equal to the amount that would be collectible as a
13 tax in the event of a sale thereof on all such motor fuel
14 used by said distributor during the period covered by the
15 return. However, no payment shall be made based upon dyed
16 diesel fuel used by the distributor for non-highway purposes.
17 The 2% discount shall only be applicable to the amount of tax
18 payment which accompanies a return which is filed timely in
19 accordance with Section 5 of this Act. In each subsequent
20 sale of motor fuel on which the amount of tax imposed under
21 this Act has been collected as provided in this Section, the
22 amount so collected shall be added to the selling price, so
23 that the amount of tax is paid ultimately by the user of the
24 motor fuel. However, no collection or payment shall be made
25 in the case of the sale or use of any motor fuel to the
26 extent to which such sale or use of motor fuel may not,
27 under the constitution and statutes of the United States, be
28 made the subject of taxation by this State. A person whose
29 license to act as a distributor of fuel has been revoked
30 shall, at the time of making a return, also pay to the
31 Department an amount equal to the amount that would be
32 collectible as a tax in the event of a sale thereof on all
33 motor fuel, which he is required by the second paragraph of
34 Section 5 to report to the Department in making a return, and

1 which he had on hand on the date on which the license was
2 revoked, and with respect to which no tax had been previously
3 paid under this Act.

4 A distributor may make tax free sales of motor fuel, with
5 respect to which he is otherwise required to collect the tax,
6 when the motor fuel is delivered from a dispensing facility
7 that has withdrawal facilities capable of dispensing motor
8 fuel into the fuel supply tanks of motor vehicles only as
9 specified in the following items 3, 4, and 5. A distributor
10 may make tax-free sales of motor fuel, with respect to which
11 he is otherwise required to collect the tax, when the motor
12 fuel is delivered from other facilities only as specified in
13 the following items 1 through 7.

14 1. When the sale is made to a person holding a
15 valid unrevoked license as a distributor, by making a
16 specific notation thereof on invoices or sales slip
17 covering each sale.

18 2. When the sale is made with delivery to a
19 purchaser outside of this State.

20 3. When the sale is made to the Federal Government
21 or its instrumentalities.

22 4. When the sale is made to a municipal corporation
23 owning and operating a local transportation system for
24 public service in this State when an official certificate
25 of exemption is obtained in lieu of the tax.

26 5. When the sale is made to a privately owned
27 public utility owning and operating 2 axle vehicles
28 designed and used for transporting more than 7
29 passengers, which vehicles are used as common carriers in
30 general transportation of passengers, are not devoted to
31 any specialized purpose and are operated entirely within
32 the territorial limits of a single municipality or of any
33 group of contiguous municipalities, or in a close radius
34 thereof, and the operations of which are subject to the

1 regulations of the Illinois Commerce Commission, when an
2 official certificate of exemption is obtained in lieu of
3 the tax.

4 6. When a sale of special fuel is made to a person
5 holding a valid, unrevoked license as a supplier, by
6 making a specific notation thereof on the invoice or
7 sales slip covering each such sale.

8 7. When a sale of special fuel is made to someone
9 other than a licensed distributor or a licensed supplier
10 for a use other than in motor vehicles, by making a
11 specific notation thereof on the invoice or sales slip
12 covering such sale and obtaining such supporting
13 documentation as may be required by the Department. The
14 distributor shall obtain and keep the supporting
15 documentation in such form as the Department may require
16 by rule.

17 8. (Blank).

18 All special fuel sold or used for non-highway purposes
19 must have a dye added in accordance with Section 4d of this
20 Law.

21 All suits or other proceedings brought for the purpose of
22 recovering any taxes, interest or penalties due the State of
23 Illinois under this Act may be maintained in the name of the
24 Department.

25 (Source: P.A. 91-173, eff. 1-1-00.)

26 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

27 Sec. 6a. Collection of tax; suppliers. A supplier, other
28 than a licensed distributor, who sells or distributes any
29 special fuel, which he is required by Section 5a to report to
30 the Department when filing a return, shall (except as
31 hereinafter provided) collect at the time of such sale and
32 distribution, the amount of tax imposed under this Act on all
33 such special fuel sold and distributed, and at the time of

1 making a return, the supplier shall pay to the Department the
2 amount so collected less a discount of 2% through June 30,
3 2003 and 1.75% thereafter 2% which is allowed to reimburse
4 the supplier for the expenses incurred in keeping records,
5 preparing and filing returns, collecting and remitting the
6 tax and supplying data to the Department on request, and
7 shall also pay to the Department an amount equal to the
8 amount that would be collectible as a tax in the event of a
9 sale thereof on all such special fuel used by said supplier
10 during the period covered by the return. However, no payment
11 shall be made based upon dyed diesel fuel used by said
12 supplier for non-highway purposes. The 2% discount shall only
13 be applicable to the amount of tax payment which accompanies
14 a return which is filed timely in accordance with Section
15 5(a) of this Act. In each subsequent sale of special fuel on
16 which the amount of tax imposed under this Act has been
17 collected as provided in this Section, the amount so
18 collected shall be added to the selling price, so that the
19 amount of tax is paid ultimately by the user of the special
20 fuel. However, no collection or payment shall be made in the
21 case of the sale or use of any special fuel to the extent to
22 which such sale or use of motor fuel may not, under the
23 Constitution and statutes of the United States, be made the
24 subject of taxation by this State.

25 A person whose license to act as supplier of special fuel
26 has been revoked shall, at the time of making a return, also
27 pay to the Department an amount equal to the amount that
28 would be collectible as a tax in the event of a sale thereof
29 on all special fuel, which he is required by the 1st
30 paragraph of Section 5a to report to the Department in making
31 a return.

32 A supplier may make tax-free sales of special fuel, with
33 respect to which he is otherwise required to collect the tax,
34 when the motor fuel is delivered from a dispensing facility

1 that has withdrawal facilities capable of dispensing special
2 fuel into the fuel supply tanks of motor vehicles only as
3 specified in the following items 1, 2, and 3. A supplier may
4 make tax-free sales of special fuel, with respect to which he
5 is otherwise required to collect the tax, when the special
6 fuel is delivered from other facilities only as specified in
7 the following items 1 through 7.

8 1. When the sale is made to the federal government
9 or its instrumentalities.

10 2. When the sale is made to a municipal corporation
11 owning and operating a local transportation system for
12 public service in this State when an official certificate
13 of exemption is obtained in lieu of the tax.

14 3. When the sale is made to a privately owned
15 public utility owning and operating 2 axle vehicles
16 designed and used for transporting more than 7
17 passengers, which vehicles are used as common carriers in
18 general transportation of passengers, are not devoted to
19 any specialized purpose and are operated entirely within
20 the territorial limits of a single municipality or of any
21 group of contiguous municipalities, or in a close radius
22 thereof, and the operations of which are subject to the
23 regulations of the Illinois Commerce Commission, when an
24 official certificate of exemption is obtained in lieu of
25 the tax.

26 4. When a sale of special fuel is made to a person
27 holding a valid unrevoked license as a supplier or a
28 distributor by making a specific notation thereof on
29 invoice or sales slip covering each such sale.

30 5. When a sale of special fuel is made to someone
31 other than a licensed distributor or licensed supplier
32 for a use other than in motor vehicles, by making a
33 specific notation thereof on the invoice or sales slip
34 covering such sale and obtaining such supporting

1 documentation as may be required by the Department. The
2 supplier shall obtain and keep the supporting
3 documentation in such form as the Department may require
4 by rule.

5 6. (Blank).

6 7. When a sale of special fuel is made to a person
7 where delivery is made outside of this State.

8 All special fuel sold or used for non-highway purposes
9 must have a dye added in accordance with Section 4d of this
10 Law.

11 All suits or other proceedings brought for the purpose of
12 recovering any taxes, interest or penalties due the State of
13 Illinois under this Act may be maintained in the name of the
14 Department.

15 (Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

16 (35 ILCS 505/8) (from Ch. 120, par. 424)

17 Sec. 8. Except as provided in Section 8a, subdivision
18 (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15,
19 and 16 of Section 15, all money received by the Department
20 under this Act, including payments made to the Department by
21 member jurisdictions participating in the International Fuel
22 Tax Agreement, shall be deposited in a special fund in the
23 State treasury, to be known as the "Motor Fuel Tax Fund", and
24 shall be used as follows:

25 (a) 2 1/2 cents per gallon of the tax collected on
26 special fuel under paragraph (b) of Section 2 and Section 13a
27 of this Act shall be transferred to the State Construction
28 Account Fund in the State Treasury;

29 (b) \$420,000 shall be transferred each month to the
30 State Boating Act Fund to be used by the Department of
31 Natural Resources for the purposes specified in Article X of
32 the Boat Registration and Safety Act;

33 (c) \$2,250,000 shall be transferred each month to the

1 Grade Crossing Protection Fund to be used as follows: not
2 less than \$6,000,000 each fiscal year shall be used for the
3 construction or reconstruction of rail highway grade
4 separation structures; ~~beginning-with-fiscal-year-1997-and~~
5 ~~ending-in-fiscal-year-2000-~~\$1,500,000, ~~beginning-with-fiscal~~
6 ~~year-2001-and-ending-in-fiscal-year-2003-~~ \$2,250,000, and
7 \$750,000 in fiscal year 2004 and each fiscal year thereafter
8 shall be transferred to the Transportation Regulatory Fund
9 and shall be accounted for as part of the rail carrier
10 portion of such funds and shall be used to pay the cost of
11 administration of the Illinois Commerce Commission's railroad
12 safety program in connection with its duties under subsection
13 (3) of Section 18c-7401 of the Illinois Vehicle Code, with
14 the remainder to be used by the Department of Transportation
15 upon order of the Illinois Commerce Commission, to pay that
16 part of the cost apportioned by such Commission to the State
17 to cover the interest of the public in the use of highways,
18 roads, streets, or pedestrian walkways in the county highway
19 system, township and district road system, or municipal
20 street system as defined in the Illinois Highway Code, as the
21 same may from time to time be amended, for separation of
22 grades, for installation, construction or reconstruction of
23 crossing protection or reconstruction, alteration, relocation
24 including construction or improvement of any existing highway
25 necessary for access to property or improvement of any grade
26 crossing including the necessary highway approaches thereto
27 of any railroad across the highway or public road, or for the
28 installation, construction, reconstruction, or maintenance of
29 a pedestrian walkway over or under a railroad right-of-way,
30 as provided for in and in accordance with Section 18c-7401 of
31 the Illinois Vehicle Code. The Commission shall not order
32 more than \$2,000,000 per year in Grade Crossing Protection
33 Fund moneys for pedestrian walkways. In entering orders for
34 projects for which payments from the Grade Crossing

1 Protection Fund will be made, the Commission shall account
2 for expenditures authorized by the orders on a cash rather
3 than an accrual basis. For purposes of this requirement an
4 "accrual basis" assumes that the total cost of the project is
5 expended in the fiscal year in which the order is entered,
6 while a "cash basis" allocates the cost of the project among
7 fiscal years as expenditures are actually made. To meet the
8 requirements of this subsection, the Illinois Commerce
9 Commission shall develop annual and 5-year project plans of
10 rail crossing capital improvements that will be paid for with
11 moneys from the Grade Crossing Protection Fund. The annual
12 project plan shall identify projects for the succeeding
13 fiscal year and the 5-year project plan shall identify
14 projects for the 5 directly succeeding fiscal years. The
15 Commission shall submit the annual and 5-year project plans
16 for this Fund to the Governor, the President of the Senate,
17 the Senate Minority Leader, the Speaker of the House of
18 Representatives, and the Minority Leader of the House of
19 Representatives on the first Wednesday in April of each year;

20 (d) of the amount remaining after allocations provided
21 for in subsections (a), (b) and (c), a sufficient amount
22 shall be reserved to pay all of the following:

23 (1) the costs of the Department of Revenue in
24 administering this Act;

25 (2) the costs of the Department of Transportation
26 in performing its duties imposed by the Illinois Highway
27 Code for supervising the use of motor fuel tax funds
28 apportioned to municipalities, counties and road
29 districts;

30 (3) refunds provided for in Section 13 of this Act
31 and under the terms of the International Fuel Tax
32 Agreement referenced in Section 14a;

33 (4) from October 1, 1985 until June 30, 1994, the
34 administration of the Vehicle Emissions Inspection Law,

1 which amount shall be certified monthly by the
2 Environmental Protection Agency to the State Comptroller
3 and shall promptly be transferred by the State
4 Comptroller and Treasurer from the Motor Fuel Tax Fund to
5 the Vehicle Inspection Fund, and for the period July 1,
6 1994 through June 30, 2000, one-twelfth of \$25,000,000
7 each month, and for the period July 1, 2000 through June
8 30, 2003 2006, one-twelfth of \$30,000,000 each month,
9 and \$15,000,000 on July 1, 2003, and \$15,000,000 on
10 January 1 and \$15,000,000 on July 1 of each calendar year
11 for the period January 1, 2004 through June 30, 2006, for
12 the administration of the Vehicle Emissions Inspection
13 Law of 1995, to be transferred by the State Comptroller
14 and Treasurer from the Motor Fuel Tax Fund into the
15 Vehicle Inspection Fund;

16 (5) amounts ordered paid by the Court of Claims;
17 and

18 (6) payment of motor fuel use taxes due to member
19 jurisdictions under the terms of the International Fuel
20 Tax Agreement. The Department shall certify these
21 amounts to the Comptroller by the 15th day of each month;
22 the Comptroller shall cause orders to be drawn for such
23 amounts, and the Treasurer shall administer those amounts
24 on or before the last day of each month;

25 (e) after allocations for the purposes set forth in
26 subsections (a), (b), (c) and (d), the remaining amount shall
27 be apportioned as follows:

28 (1) Until January 1, 2000, 58.4%, and beginning
29 January 1, 2000, 45.6% shall be deposited as follows:

30 (A) 37% into the State Construction Account
31 Fund, and

32 (B) 63% into the Road Fund, \$1,250,000 of
33 which shall be reserved each month for the
34 Department of Transportation to be used in

1 accordance with the provisions of Sections 6-901
2 through 6-906 of the Illinois Highway Code;

3 (2) Until January 1, 2000, 41.6%, and beginning
4 January 1, 2000, 54.4% shall be transferred to the
5 Department of Transportation to be distributed as
6 follows:

7 (A) 49.10% to the municipalities of the State,

8 (B) 16.74% to the counties of the State having
9 1,000,000 or more inhabitants,

10 (C) 18.27% to the counties of the State having
11 less than 1,000,000 inhabitants,

12 (D) 15.89% to the road districts of the State.

13 As soon as may be after the first day of each month the
14 Department of Transportation shall allot to each municipality
15 its share of the amount apportioned to the several
16 municipalities which shall be in proportion to the population
17 of such municipalities as determined by the last preceding
18 municipal census if conducted by the Federal Government or
19 Federal census. If territory is annexed to any municipality
20 subsequent to the time of the last preceding census the
21 corporate authorities of such municipality may cause a census
22 to be taken of such annexed territory and the population so
23 ascertained for such territory shall be added to the
24 population of the municipality as determined by the last
25 preceding census for the purpose of determining the allotment
26 for that municipality. If the population of any municipality
27 was not determined by the last Federal census preceding any
28 apportionment, the apportionment to such municipality shall
29 be in accordance with any census taken by such municipality.
30 Any municipal census used in accordance with this Section
31 shall be certified to the Department of Transportation by the
32 clerk of such municipality, and the accuracy thereof shall be
33 subject to approval of the Department which may make such
34 corrections as it ascertains to be necessary.

1 As soon as may be after the first day of each month the
2 Department of Transportation shall allot to each county its
3 share of the amount apportioned to the several counties of
4 the State as herein provided. Each allotment to the several
5 counties having less than 1,000,000 inhabitants shall be in
6 proportion to the amount of motor vehicle license fees
7 received from the residents of such counties, respectively,
8 during the preceding calendar year. The Secretary of State
9 shall, on or before April 15 of each year, transmit to the
10 Department of Transportation a full and complete report
11 showing the amount of motor vehicle license fees received
12 from the residents of each county, respectively, during the
13 preceding calendar year. The Department of Transportation
14 shall, each month, use for allotment purposes the last such
15 report received from the Secretary of State.

16 As soon as may be after the first day of each month, the
17 Department of Transportation shall allot to the several
18 counties their share of the amount apportioned for the use of
19 road districts. The allotment shall be apportioned among the
20 several counties in the State in the proportion which the
21 total mileage of township or district roads in the respective
22 counties bears to the total mileage of all township and
23 district roads in the State. Funds allotted to the respective
24 counties for the use of road districts therein shall be
25 allocated to the several road districts in the county in the
26 proportion which the total mileage of such township or
27 district roads in the respective road districts bears to the
28 total mileage of all such township or district roads in the
29 county. After July 1 of any year, no allocation shall be
30 made for any road district unless it levied a tax for road
31 and bridge purposes in an amount which will require the
32 extension of such tax against the taxable property in any
33 such road district at a rate of not less than either .08% of
34 the value thereof, based upon the assessment for the year

1 immediately prior to the year in which such tax was levied
2 and as equalized by the Department of Revenue or, in DuPage
3 County, an amount equal to or greater than \$12,000 per mile
4 of road under the jurisdiction of the road district,
5 whichever is less. If any road district has levied a special
6 tax for road purposes pursuant to Sections 6-601, 6-602 and
7 6-603 of the Illinois Highway Code, and such tax was levied
8 in an amount which would require extension at a rate of not
9 less than .08% of the value of the taxable property thereof,
10 as equalized or assessed by the Department of Revenue, or, in
11 DuPage County, an amount equal to or greater than \$12,000 per
12 mile of road under the jurisdiction of the road district,
13 whichever is less, such levy shall, however, be deemed a
14 proper compliance with this Section and shall qualify such
15 road district for an allotment under this Section. If a
16 township has transferred to the road and bridge fund money
17 which, when added to the amount of any tax levy of the road
18 district would be the equivalent of a tax levy requiring
19 extension at a rate of at least .08%, or, in DuPage County,
20 an amount equal to or greater than \$12,000 per mile of road
21 under the jurisdiction of the road district, whichever is
22 less, such transfer, together with any such tax levy, shall
23 be deemed a proper compliance with this Section and shall
24 qualify the road district for an allotment under this
25 Section.

26 In counties in which a property tax extension limitation
27 is imposed under the Property Tax Extension Limitation Law,
28 road districts may retain their entitlement to a motor fuel
29 tax allotment if, at the time the property tax extension
30 limitation was imposed, the road district was levying a road
31 and bridge tax at a rate sufficient to entitle it to a motor
32 fuel tax allotment and continues to levy the maximum
33 allowable amount after the imposition of the property tax
34 extension limitation. Any road district may in all

1 circumstances retain its entitlement to a motor fuel tax
2 allotment if it levied a road and bridge tax in an amount
3 that will require the extension of the tax against the
4 taxable property in the road district at a rate of not less
5 than 0.08% of the assessed value of the property, based upon
6 the assessment for the year immediately preceding the year in
7 which the tax was levied and as equalized by the Department
8 of Revenue or, in DuPage County, an amount equal to or
9 greater than \$12,000 per mile of road under the jurisdiction
10 of the road district, whichever is less.

11 As used in this Section the term "road district" means
12 any road district, including a county unit road district,
13 provided for by the Illinois Highway Code; and the term
14 "township or district road" means any road in the township
15 and district road system as defined in the Illinois Highway
16 Code. For the purposes of this Section, "road district" also
17 includes park districts, forest preserve districts and
18 conservation districts organized under Illinois law and
19 "township or district road" also includes such roads as are
20 maintained by park districts, forest preserve districts and
21 conservation districts. The Department of Transportation
22 shall determine the mileage of all township and district
23 roads for the purposes of making allotments and allocations
24 of motor fuel tax funds for use in road districts.

25 Payment of motor fuel tax moneys to municipalities and
26 counties shall be made as soon as possible after the
27 allotment is made. The treasurer of the municipality or
28 county may invest these funds until their use is required and
29 the interest earned by these investments shall be limited to
30 the same uses as the principal funds.

31 (Source: P.A. 91-37, eff. 7-1-99; 91-59, eff. 6-30-99;
32 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff.
33 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; 92-16, eff.
34 6-28-01; 92-30, eff. 7-1-01.)

1 Section 50-40. The Uniform Penalty and Interest Act is
2 amended by changing Sections 3-2 and 3-3 and by adding
3 Section 3-4.5 as follows:

4 (35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)

5 Sec. 3-2. Interest.

6 (a) Interest paid by the Department to taxpayers and
7 interest charged to taxpayers by the Department shall be paid
8 at the annual rate determined by the Department. For periods
9 prior to January 1, 2004, that rate shall be the underpayment
10 rate established under Section 6621 of the Internal Revenue
11 Code. For periods after December 31, 2003, that rate shall
12 be:

13 (1) for the one-year period beginning with the date
14 of underpayment or overpayment, the short-term federal
15 rate established under Section 6621 of the Internal
16 Revenue Code.

17 (2) for any period beginning the day after the
18 one-year period described in paragraph (1) of this
19 subsection (a), the underpayment rate established under
20 Section 6621 of the Internal Revenue Code.

21 (b) The interest rate shall be adjusted on a semiannual
22 basis, on January 1 and July 1, based upon the underpayment
23 rate or short-term federal rate going into effect on that
24 January 1 or July 1 under Section 6621 of the Internal
25 Revenue Code.

26 (c) This subsection (c) is applicable to returns due on
27 and before December 31, 2000. Interest shall be simple
28 interest calculated on a daily basis. Interest shall accrue
29 upon tax and penalty due. If notice and demand is made for
30 the payment of any amount of tax due and if the amount due is
31 paid within 30 days after the date of such notice and demand,
32 interest under this Section on the amount so paid shall not
33 be imposed for the period after the date of the notice and

1 demand.

2 (c-5) This subsection (c-5) is applicable to returns due
3 on and after January 1, 2001. Interest shall be simple
4 interest calculated on a daily basis. Interest shall accrue
5 upon tax due. If notice and demand is made for the payment
6 of any amount of tax due and if the amount due is paid within
7 30 days after the date of the notice and demand, interest
8 under this Section on the amount so paid shall not be imposed
9 for the period after the date of the notice and demand.

10 (d) No interest shall be paid upon any overpayment of
11 tax if the overpayment is refunded or a credit approved
12 within 90 days after the last date prescribed for filing the
13 original return, or within 90 days of the receipt of the
14 processable return, or within 90 days after the date of
15 overpayment, whichever date is latest, as determined without
16 regard to processing time by the Comptroller or without
17 regard to the date on which the credit is applied to the
18 taxpayer's account. In order for an original return to be
19 processable for purposes of this Section, it must be in the
20 form prescribed or approved by the Department, signed by the
21 person authorized by law, and contain all information,
22 schedules, and support documents necessary to determine the
23 tax due and to make allocations of tax as prescribed by law.
24 For the purposes of computing interest, a return shall be
25 deemed to be processable unless the Department notifies the
26 taxpayer that the return is not processable within 90 days
27 after the receipt of the return; however, interest shall not
28 accumulate for the period following this date of notice.
29 Interest on amounts refunded or credited pursuant to the
30 filing of an amended return or claim for refund shall be
31 determined from the due date of the original return or the
32 date of overpayment, whichever is later, to the date of
33 payment by the Department without regard to processing time
34 by the Comptroller or the date of credit by the Department or

1 without regard to the date on which the credit is applied to
2 the taxpayer's account. If a claim for refund relates to an
3 overpayment attributable to a net loss carryback as provided
4 by Section 207 of the Illinois Income Tax Act, the date of
5 overpayment shall be the last day of the taxable year in
6 which the loss was incurred.

7 (e) Interest on erroneous refunds. Any portion of the
8 tax imposed by an Act to which this Act is applicable or any
9 interest or penalty which has been erroneously refunded and
10 which is recoverable by the Department shall bear interest
11 from the date of payment of the refund. However, no interest
12 will be charged if the erroneous refund is for an amount less
13 than \$500 and is due to a mistake of the Department.

14 (Source: P.A. 91-803, eff. 1-1-01.)

15 (35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)

16 Sec. 3-3. Penalty for failure to file or pay.

17 (a) This subsection (a) is applicable before January 1,
18 1996. A penalty of 5% of the tax required to be shown due on
19 a return shall be imposed for failure to file the tax return
20 on or before the due date prescribed for filing determined
21 with regard for any extension of time for filing (penalty for
22 late filing or nonfiling). If any unprocessable return is
23 corrected and filed within 21 days after notice by the
24 Department, the late filing or nonfiling penalty shall not
25 apply. If a penalty for late filing or nonfiling is imposed
26 in addition to a penalty for late payment, the total penalty
27 due shall be the sum of the late filing penalty and the
28 applicable late payment penalty. Beginning on the effective
29 date of this amendatory Act of 1995, in the case of any type
30 of tax return required to be filed more frequently than
31 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

1 in the 2 years immediately preceding the failure to file on
2 the prescribed due date, the penalty imposed by Section
3 3-3(a) shall be abated.

4 (a-5) This subsection (a-5) is applicable to returns due
5 on and after January 1, 1996 and on or before December 31,
6 2000. A penalty equal to 2% of the tax required to be shown
7 due on a return, up to a maximum amount of \$250, determined
8 without regard to any part of the tax that is paid on time or
9 by any credit that was properly allowable on the date the
10 return was required to be filed, shall be imposed for failure
11 to file the tax return on or before the due date prescribed
12 for filing determined with regard for any extension of time
13 for filing. However, if any return is not filed within 30
14 days after notice of nonfiling mailed by the Department to
15 the last known address of the taxpayer contained in
16 Department records, an additional penalty amount shall be
17 imposed equal to the greater of \$250 or 2% of the tax shown
18 on the return. However, the additional penalty amount may
19 not exceed \$5,000 and is determined without regard to any
20 part of the tax that is paid on time or by any credit that
21 was properly allowable on the date the return was required to
22 be filed (penalty for late filing or nonfiling). If any
23 unprocessable return is corrected and filed within 30 days
24 after notice by the Department, the late filing or nonfiling
25 penalty shall not apply. If a penalty for late filing or
26 nonfiling is imposed in addition to a penalty for late
27 payment, the total penalty due shall be the sum of the late
28 filing penalty and the applicable late payment penalty. In
29 the case of any type of tax return required to be filed more
30 frequently than annually, when the failure to file the tax
31 return on or before the date prescribed for filing (including
32 any extensions) is shown to be nonfraudulent and has not
33 occurred in the 2 years immediately preceding the failure to
34 file on the prescribed due date, the penalty imposed by

1 Section 3-3(a-5) shall be abated.

2 (a-10) This subsection (a-10) is applicable to returns
3 due on and after January 1, 2001. A penalty equal to 2% of
4 the tax required to be shown due on a return, up to a maximum
5 amount of \$250, reduced by any tax that is paid on time or by
6 any credit that was properly allowable on the date the return
7 was required to be filed, shall be imposed for failure to
8 file the tax return on or before the due date prescribed for
9 filing determined with regard for any extension of time for
10 filing. However, if any return is not filed within 30 days
11 after notice of nonfiling mailed by the Department to the
12 last known address of the taxpayer contained in Department
13 records, an additional penalty amount shall be imposed equal
14 to the greater of \$250 or 2% of the tax shown on the return.
15 However, the additional penalty amount may not exceed \$5,000
16 and is determined without regard to any part of the tax that
17 is paid on time or by any credit that was properly allowable
18 on the date the return was required to be filed (penalty for
19 late filing or nonfiling). If any unprocessable return is
20 corrected and filed within 30 days after notice by the
21 Department, the late filing or nonfiling penalty shall not
22 apply. If a penalty for late filing or nonfiling is imposed
23 in addition to a penalty for late payment, the total penalty
24 due shall be the sum of the late filing penalty and the
25 applicable late payment penalty. In the case of any type of
26 tax return required to be filed more frequently than
27 annually, when the failure to file the tax return on or
28 before the date prescribed for filing (including any
29 extensions) is shown to be nonfraudulent and has not occurred
30 in the 2 years immediately preceding the failure to file on
31 the prescribed due date, the penalty imposed by Section
32 3-3(a-10) shall be abated.

33 (b) This subsection is applicable before January 1,
34 1998. A penalty of 15% of the tax shown on the return or the

1 tax required to be shown due on the return shall be imposed
2 for failure to pay:

3 (1) the tax shown due on the return on or before
4 the due date prescribed for payment of that tax, an
5 amount of underpayment of estimated tax, or an amount
6 that is reported in an amended return other than an
7 amended return timely filed as required by subsection (b)
8 of Section 506 of the Illinois Income Tax Act (penalty
9 for late payment or nonpayment of admitted liability); or

10 (2) the full amount of any tax required to be shown
11 due on a return and which is not shown (penalty for late
12 payment or nonpayment of additional liability), within 30
13 days after a notice of arithmetic error, notice and
14 demand, or a final assessment is issued by the
15 Department. In the case of a final assessment arising
16 following a protest and hearing, the 30-day period shall
17 not begin until all proceedings in court for review of
18 the final assessment have terminated or the period for
19 obtaining a review has expired without proceedings for a
20 review having been instituted. In the case of a notice
21 of tax liability that becomes a final assessment without
22 a protest and hearing, the penalty provided in this
23 paragraph (2) shall be imposed at the expiration of the
24 period provided for the filing of a protest.

25 (b-5) This subsection is applicable to returns due on
26 and after January 1, 1998 and on or before December 31, 2000.
27 A penalty of 20% of the tax shown on the return or the tax
28 required to be shown due on the return shall be imposed for
29 failure to pay:

30 (1) the tax shown due on the return on or before
31 the due date prescribed for payment of that tax, an
32 amount of underpayment of estimated tax, or an amount
33 that is reported in an amended return other than an
34 amended return timely filed as required by subsection (b)

1 of Section 506 of the Illinois Income Tax Act (penalty
2 for late payment or nonpayment of admitted liability); or
3 (2) the full amount of any tax required to be shown
4 due 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
7 demand, or a final assessment is issued by the
8 Department. In the case of a final assessment arising
9 following a protest and hearing, the 30-day period shall
10 not begin until all proceedings in court for review of
11 the final assessment have terminated or the period for
12 obtaining a review has expired without proceedings for a
13 review having been instituted. In the case of a notice
14 of tax liability that becomes a final assessment without
15 a protest and hearing, the penalty provided in this
16 paragraph (2) shall be imposed at the expiration of the
17 period provided for the filing of a protest.

18 (b-10) This subsection (b-10) is applicable to returns
19 due on and after January 1, 2001 and on or before December
20 31, 2003. A penalty shall be imposed for failure to pay:

21 (1) the tax shown due on a return on or before the
22 due 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
25 return timely filed as required by subsection (b) of
26 Section 506 of the Illinois Income Tax Act (penalty for
27 late payment or nonpayment of admitted liability). The
28 amount of penalty imposed under this subsection (b-10)(1)
29 shall be 2% of any amount that is paid no later than 30
30 days after the due date, 5% of any amount that is paid
31 later than 30 days after the due date and not later than
32 90 days after the due date, 10% of any amount that is
33 paid later than 90 days after the due date and not later
34 than 180 days after the due date, and 15% of any amount

1 that is paid later than 180 days after the due date. If
2 notice and demand is made for the payment of any amount
3 of tax due and if the amount due is paid within 30 days
4 after the date of the notice and demand, then the penalty
5 for late payment or nonpayment of admitted liability
6 under this subsection (b-10)(1) on the amount so paid
7 shall not accrue for the period after the date of the
8 notice and demand.

9 (2) the full amount of any tax required to be shown
10 due on a return and that is not shown (penalty for late
11 payment or nonpayment of additional liability), within 30
12 days after a notice of arithmetic error, notice and
13 demand, or a final assessment is issued by the
14 Department. In the case of a final assessment arising
15 following a protest and hearing, the 30-day period shall
16 not begin until all proceedings in court for review of
17 the final assessment have terminated or the period for
18 obtaining a review has expired without proceedings for a
19 review having been instituted. The amount of penalty
20 imposed under this subsection (b-10)(2) shall be 20% of
21 any amount that is not paid within the 30-day period. In
22 the case of a notice of tax liability that becomes a
23 final assessment without a protest and hearing, the
24 penalty provided in this subsection (b-10)(2) shall be
25 imposed at the expiration of the period provided for the
26 filing of a protest.

27 (b-15) This subsection (b-15) is applicable to returns
28 due on and after January 1, 2004.

29 (1) A penalty shall be imposed for failure to pay
30 the tax shown due or required to be shown due on a return
31 on or before the due date prescribed for payment of that
32 tax, an amount of underpayment of estimated tax, or an
33 amount that is reported in an amended return other than
34 an amended return timely filed as required by subsection

1 (b) of Section 506 of the Illinois Income Tax Act
2 (penalty for late payment or nonpayment of admitted
3 liability). The amount of penalty imposed under this
4 subsection (b-15)(1) shall be 2% of any amount that is
5 paid no later than 30 days after the due date, 10% of any
6 amount that is paid later than 30 days after the due date
7 and not later than 90 days after the due date, 15% of any
8 amount that is paid later than 90 days after the due date
9 and not later than 180 days after the due date, and 20%
10 of any amount that is paid later than 180 days after the
11 due date. If notice and demand is made for the payment of
12 any amount of tax due and if the amount due is paid
13 within 30 days after the date of this notice and demand,
14 then the penalty for late payment or nonpayment of
15 admitted liability under this subsection (b-15)(1) on the
16 amount so paid shall not accrue for the period after the
17 date of the notice and demand.

18 (2) A penalty shall be imposed for failure to file
19 a return or to show on a timely return the full amount of
20 any tax required to be shown due. The amount of penalty
21 imposed under this subsection (b-15)(2) shall be:

22 (A) 5% of any amount of tax (other than an
23 amount properly reported on an amended return timely
24 filed as required by subsection (b) of Section 506
25 of the Illinois Income Tax Act) that is shown on a
26 return or amended return filed prior to the date the
27 Department has initiated an audit or investigation
28 of the taxpayer;

29 (B) 10% of any amount of tax (other than an
30 amount properly reported on an amended return timely
31 filed as required by subsection (b) of Section 506
32 of the Illinois Income Tax Act) that is shown on a
33 return or amended return filed on or after the date
34 the Department has initiated an audit or

1 investigation of the taxpayer, but prior to the date
2 any notice of deficiency, notice of tax liability,
3 notice of assessment or notice of final assessment
4 is issued by the Department with respect to any
5 portion of such underreported amount; or

6 (C) 20% of any amount that is not reported on
7 a return or amended return filed prior to the date
8 any notice of deficiency, notice of tax liability,
9 notice of assessment or notice of final assessment
10 is issued by the Department with respect to any
11 portion of such underreported amount.

12 (c) For purposes of the late payment penalties, the
13 basis of the penalty shall be the tax shown or required to be
14 shown on a return, whichever is applicable, reduced by any
15 part of the tax which is paid on time and by any credit which
16 was properly allowable on the date the return was required to
17 be filed.

18 (d) A penalty shall be applied to the tax required to be
19 shown even if that amount is less than the tax shown on the
20 return.

21 (e) This subsection (e) is applicable to returns due
22 before January 1, 2001. If both a subsection (b)(1) or
23 (b-5)(1) penalty and a subsection (b)(2) or (b-5)(2) penalty
24 are assessed against the same return, the subsection (b)(2)
25 or (b-5)(2) penalty shall be assessed against only the
26 additional tax found to be due.

27 (e-5) This subsection (e-5) is applicable to returns due
28 on and after January 1, 2001. If both a subsection (b-10)(1)
29 penalty and a subsection (b-10)(2) penalty are assessed
30 against the same return, the subsection (b-10)(2) penalty
31 shall be assessed against only the additional tax found to be
32 due.

33 (f) If the taxpayer has failed to file the return, the
34 Department shall determine the correct tax according to its

1 best judgment and information, which amount shall be prima
2 facie evidence of the correctness of the tax due.

3 (g) The time within which to file a return or pay an
4 amount of tax due without imposition of a penalty does not
5 extend the time within which to file a protest to a notice of
6 tax liability or a notice of deficiency.

7 (h) No return shall be determined to be unprocessable
8 because of the omission of any information requested on the
9 return pursuant to Section 2505-575 of the Department of
10 Revenue Law (20 ILCS 2505/2505-575).

11 (Source: P.A. 91-239, eff. 1-1-00; 91-803, eff. 1-1-01;
12 92-742, eff. 7-25-02.)

13 (35 ILCS 735/3-4.5 new)

14 Sec. 3-4.5. Collection penalty.

15 (a) If any liability (including any liability for
16 penalties or interest imposed under this Act) owed by a
17 taxpayer with respect to any return due on or after July 1,
18 2003, is not paid in full prior to the date specified in
19 subsection (b) of this Section, a collection penalty shall be
20 imposed on the taxpayer. The penalty shall be deemed assessed
21 as of the date specified in subsection (b) of this Section
22 and shall be considered additional State tax of the taxpayer
23 imposed under the law under which the tax being collected was
24 imposed.

25 (b) The penalty under subsection (a) of this Section
26 shall be imposed if full payment is not received prior to the
27 31st day after a notice and demand, a notice of additional
28 tax due or a request for payment of a final liability is
29 issued by the Department.

30 (c) The penalty imposed under this Section shall be:

31 (1) \$30 in any case in which the amount of the
32 liability shown on the notice and demand, notice of
33 additional tax due, or other request for payment that

1 remains unpaid as of the date specified in subsection (b)
2 of this Section is less than \$1,000; or
3 (2) \$100 in any case in which the amount of the
4 liability shown on the notice and demand, notice of
5 additional tax due, or other request for payment that
6 remains unpaid as of the date specified in subsection (b)
7 of this Section is \$1,000 or more.

8 Section 50-50. The Illinois Insurance Code is amended by
9 adding Section 416 as follows:

10 (215 ILCS 5/416 new)

11 Sec. 416. Industrial Commission Operations Fund
12 Surcharge.

13 (a) As of the effective date of this amendatory Act of
14 the 93rd General Assembly, every company licensed or
15 authorized by the Illinois Department of Insurance and
16 insuring employers' liabilities arising under the Workers'
17 Compensation Act or the Workers' Occupational Diseases Act
18 shall remit to the Director a surcharge based upon the annual
19 direct written premium, as reported under Section 136 of this
20 Act, of the company in the manner provided in this Section.
21 Such proceeds shall be deposited into the Industrial
22 Commission Operations Fund as established in the Workers'
23 Compensation Act. If a company survives or was formed by a
24 merger, consolidation, reorganization, or reincorporation,
25 the direct written premiums of all companies party to the
26 merger, consolidation, reorganization, or reincorporation
27 shall, for purposes of determining the amount of the fee
28 imposed by this Section, be regarded as those of the
29 surviving or new company.

30 (b)(1) Except as provided in subsection (b)(2) of this
31 Section, beginning on July 1, 2004 and each year thereafter,
32 the Director shall charge an annual Industrial Commission

1 Operations Fund Surcharge from every company subject to
2 subsection (a) of this Section equal to 1.5% of its direct
3 written premium for insuring employers' liabilities arising
4 under the Workers' Compensation Act or Workers' Occupational
5 Diseases Act as reported in each company's annual statement
6 filed for the previous year as required by Section 136. The
7 Industrial Commission Operations Fund Surcharge shall be
8 collected by companies subject to subsection (a) of this
9 Section as a separately stated surcharge on insured employers
10 at the rate of 1.5% of direct written premium. All sums
11 collected by the Department of Insurance under the provisions
12 of this Section shall be paid promptly after the receipt of
13 the same, accompanied by a detailed statement thereof, into
14 the Industrial Commission Operations Fund in the State
15 treasury.

16 (b)(2) Prior to July 1, 2004, the Director shall charge
17 and collect the surcharge set forth in subparagraph (b)(1) of
18 this Section on or before September 1, 2003, December 1,
19 2003, March 1, 2004 and June 1, 2004. For purposes of this
20 subsection (b)(2), the company shall remit the amounts to the
21 Director based on estimated direct premium for each quarter
22 beginning on July 1, 2003, together with a sworn statement
23 attesting to the reasonableness of the estimate, and the
24 estimated amount of direct premium written forming the bases
25 of the remittance.

26 (c) In addition to the authority specifically granted
27 under Article XXV of this Code, the Director shall have such
28 authority to adopt rules or establish forms as may be
29 reasonably necessary for purposes of enforcing this Section.
30 The Director shall also have authority to defer, waive, or
31 abate the surcharge or any penalties imposed by this Section
32 if in the Director's opinion the company's solvency and
33 ability to meet its insured obligations would be immediately
34 threatened by payment of the surcharge due.

1 (d) When a company fails to pay the full amount of any
2 annual Industrial Commission Operations Fund Surcharge of
3 \$100 or more due under this Section, there shall be added to
4 the amount due as a penalty the greater of \$1,000 or an
5 amount equal to 5% of the deficiency for each month or part
6 of a month that the deficiency remains unpaid.

7 (e) The Department of Insurance may enforce the
8 collection of any delinquent payment, penalty, or portion
9 thereof by legal action or in any other manner by which the
10 collection of debts due the State of Illinois may be enforced
11 under the laws of this State.

12 (f) Whenever it appears to the satisfaction of the
13 Director that a company has paid pursuant to this Act an
14 Industrial Commission Operations Fund Surcharge in an amount
15 in excess of the amount legally collectable from the company,
16 the Director shall issue a credit memorandum for an amount
17 equal to the amount of such overpayment. A credit memorandum
18 may be applied for the 2-year period from the date of
19 issuance, against the payment of any amount due during that
20 period under the surcharge imposed by this Section or,
21 subject to reasonable rule of the Department of Insurance
22 including requirement of notification, may be assigned to any
23 other company subject to regulation under this Act. Any
24 application of credit memoranda after the period provided for
25 in this Section is void.

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

29 Section 50-57. The Public Utilities Act is amended by
30 changing Section 16-111.1 as follows:

31 (220 ILCS 5/16-111.1)

32 Sec. 16-111.1. Illinois Clean Energy Community Trust.

1 (a) An electric utility which has sold or transferred
2 generating facilities in a transaction to which subsection
3 (k) of Section 16-111 applies is authorized to establish an
4 Illinois clean energy community trust or foundation for the
5 purposes of providing financial support and assistance to
6 entities, public or private, within the State of Illinois
7 including, but not limited to, units of State and local
8 government, educational institutions, corporations, and
9 charitable, educational, environmental and community
10 organizations, for programs and projects that benefit the
11 public by improving energy efficiency, developing renewable
12 energy resources, supporting other energy related projects
13 that improve the State's environmental quality, and
14 supporting projects and programs intended to preserve or
15 enhance the natural habitats and wildlife areas of the State.
16 Provided, however, that the trust or foundation funds shall
17 not be used for the remediation of environmentally impaired
18 property. The trust or foundation may also assist in
19 identifying other energy and environmental grant
20 opportunities.

21 (b) Such trust or foundation shall be governed by a
22 declaration of trust or articles of incorporation and bylaws
23 which shall, at a minimum, provide that:

24 (1) There shall be 6 voting trustees of the trust
25 or foundation, one of whom shall be appointed by the
26 Governor, one of whom shall be appointed by the President
27 of the Illinois Senate, one of whom shall be appointed by
28 the Minority Leader of the Illinois Senate, one of whom
29 shall be appointed by the Speaker of the Illinois House
30 of Representatives, one of whom shall be appointed by the
31 Minority Leader of the Illinois House of Representatives,
32 and one of whom shall be appointed by the electric
33 utility establishing the trust or foundation, provided
34 that the voting trustee appointed by the utility shall be

1 a representative of a recognized environmental action
2 group selected by the utility. The Governor shall
3 designate one of the 6 voting trustees to serve as
4 chairman of the trust or foundation, who shall serve as
5 chairman of the trust or foundation at the pleasure of
6 the Governor. In addition, there shall be 4 non-voting
7 trustees, one of whom shall be appointed by the Director
8 of the Department of Commerce and Community Affairs, one
9 of whom shall be appointed by the Director of the
10 Illinois Environmental Protection Agency, one of whom
11 shall be appointed by the Director of the Department of
12 Natural Resources, and one of whom shall be appointed by
13 the electric utility establishing the trust or
14 foundation, provided that the non-voting trustee
15 appointed by the utility shall bring financial expertise
16 to the trust or foundation and shall have appropriate
17 credentials therefor.

18 (2) All voting trustees and the non-voting trustee
19 with financial expertise shall be entitled to
20 compensation for their services as trustees, provided,
21 however, that no member of the General Assembly and no
22 employee of the electric utility establishing the trust
23 or foundation serving as a voting trustee shall receive
24 any compensation for his or her services as a trustee,
25 and provided further that the compensation to the
26 chairman of the trust shall not exceed \$25,000 annually
27 and the compensation to any other trustee shall not
28 exceed \$20,000 annually. All trustees shall be entitled
29 to reimbursement for reasonable expenses incurred on
30 behalf of the trust in the performance of their duties as
31 trustees. All such compensation and reimbursements shall
32 be paid out of the trust.

33 (3) Trustees shall be appointed within 30 days
34 after the creation of the trust or foundation and shall

1 serve for a term of 5 years commencing upon the date of
2 their respective appointments, until their respective
3 successors are appointed and qualified.

4 (4) A vacancy in the office of trustee shall be
5 filled by the person holding the office responsible for
6 appointing the trustee whose death or resignation creates
7 the vacancy, and a trustee appointed to fill a vacancy
8 shall serve the remainder of the term of the trustee
9 whose resignation or death created the vacancy.

10 (5) The trust or foundation shall have an
11 indefinite term, and shall terminate at such time as no
12 trust assets remain.

13 (6) The trust or foundation shall be funded in the
14 minimum amount of \$250,000,000, with the allocation and
15 disbursement of funds for the various purposes for which
16 the trust or foundation is established to be determined
17 by the trustees in accordance with the declaration of
18 trust or the articles of incorporation and bylaws;
19 provided, however, that this amount may be reduced by up
20 to \$25,000,000 if, at the time the trust or foundation is
21 funded, a corresponding amount is contributed by the
22 electric utility establishing the trust or foundation to
23 the Board of Trustees of Southern Illinois University for
24 the purpose of funding programs or projects related to
25 clean coal and provided further that \$25,000,000 of the
26 amount contributed to the trust or foundation shall be
27 available to fund programs or projects related to clean
28 coal.

29 (7) The trust or foundation shall be authorized to
30 employ an executive director and other employees, to
31 enter into leases, contracts and other obligations on
32 behalf of the trust or foundation, and to incur expenses
33 that the trustees deem necessary or appropriate for the
34 fulfillment of the purposes for which the trust or

1 foundation is established, provided, however, that
2 salaries and administrative expenses incurred on behalf
3 of the trust or foundation shall not exceed \$500,000 in
4 the first fiscal year after the trust or foundation is
5 established and shall not exceed \$1,000,000 in each
6 subsequent fiscal year.

7 (8) The trustees may create and appoint advisory
8 boards or committees to assist them with the
9 administration of the trust or foundation, and to advise
10 and make recommendations to them regarding the
11 contribution and disbursement of the trust or foundation
12 funds.

13 (c)(1) In addition to the allocation and disbursement of
14 funds for the purposes set forth in subsection (a) of
15 this Section, the trustees of the trust or foundation
16 shall annually contribute funds in amounts set forth in
17 subparagraph (2) of this subsection to the Citizens
18 Utility Board created by the Citizens Utility Board Act;
19 provided, however, that any such funds shall be used
20 solely for the representation of the interests of utility
21 consumers before the Illinois Commerce Commission, the
22 Federal Energy Regulatory Commission, and the Federal
23 Communications Commission and for the provision of
24 consumer education on utility service and prices and on
25 benefits and methods of energy conservation. Provided,
26 however, that no part of such funds shall be used to
27 support (i) any lobbying activity, (ii) activities
28 related to fundraising, (iii) advertising or other
29 marketing efforts regarding a particular utility, or (iv)
30 solicitation of support for, or advocacy of, a particular
31 position regarding any specific utility or a utility's
32 docketed proceeding.

33 (2) In the calendar year in which the trust or
34 foundation is first funded, the trustees shall contribute

1 \$1,000,000 to the Citizens Utility Board within 60 days
2 after such trust or foundation is established; provided,
3 however, that such contribution shall be made after
4 December 31, 1999. In each of the 6 calendar years
5 subsequent to the first contribution, if the trust or
6 foundation is in existence, the trustees shall contribute
7 to the Citizens Utility Board an amount equal to the
8 total expenditures by such organization in the prior
9 calendar year, as set forth in the report filed by the
10 Citizens Utility Board with the chairman of such trust or
11 foundation as required by subparagraph (3) of this
12 subsection. Such subsequent contributions shall be made
13 within 30 days of submission by the Citizens Utility
14 Board of such report to the Chairman of the trust or
15 foundation, but in no event shall any annual contribution
16 by the trustees to the Citizens Utility Board exceed
17 \$1,000,000. Following such 7-year period, an Illinois
18 statutory consumer protection agency may petition the
19 trust or foundation for contributions to fund
20 expenditures of the type identified in paragraph (1), but
21 in no event shall annual contributions by the trust or
22 foundation for such expenditures exceed \$1,000,000.

23 (3) The Citizens Utility Board shall file a report
24 with the chairman of such trust or foundation for each
25 year in which it expends any funds received from the
26 trust or foundation setting forth the amount of any
27 expenditures (regardless of the source of funds for such
28 expenditures) for: (i) the representation of the
29 interests of utility consumers before the Illinois
30 Commerce Commission, the Federal Energy Regulatory
31 Commission, and the Federal Communications Commission,
32 and (ii) the provision of consumer education on utility
33 service and prices and on benefits and methods of energy
34 conservation. Such report shall separately state the

1 total amount of expenditures for the purposes or
2 activities identified by items (i) and (ii) of this
3 paragraph, the name and address of the external recipient
4 of any such expenditure, if applicable, and the specific
5 purposes or activities (including internal purposes or
6 activities) for which each expenditure was made. Any
7 report required by this subsection shall be filed with
8 the chairman of such trust or foundation no later than
9 March 31 of the year immediately following the year for
10 which the report is required.

11 (d) In addition to any other allocation and disbursement
12 of funds in this Section, the trustees of the trust or
13 foundation shall contribute an amount up to \$125,000,000 (1)
14 for deposit into the General Obligation Bond Retirement and
15 Interest Fund held in the State treasury to assist in the
16 repayment on general obligation bonds issued under subsection
17 (d) of Section 7 of the General Obligation Bond Act, and (2)
18 for deposit into funds administered by agencies with
19 responsibility for environmental activities to assist in
20 payment for environmental programs. The amount required to be
21 contributed shall be provided to the trustees in a
22 certification letter from the Director of the Bureau of the
23 Budget that shall be provided no later than August 1, 2003.
24 The payment from the trustees shall be paid to the State no
25 later than December 31st following the receipt of the letter.
26 (Source: P.A. 91-50, eff. 6-30-99; 91-781, eff. 6-9-00.)

27 Section 50-61. The Liquor Control Act of 1934 is amended
28 by changing Section 12-4 as follows:

29 (235 ILCS 5/12-4)

30 Sec. 12-4. Grape and Wine Resources Fund. Beginning July
31 1, 1999 and ending June 30, 2003 2004, on the first day of
32 each State fiscal year, or as soon thereafter as may be

1 practical, the State Comptroller shall transfer the sum of
2 \$500,000 from the General Revenue Fund to the Grape and Wine
3 Resources Fund, which is hereby continued as a special fund
4 in the State Treasury. By January 1, 2004, the Department of
5 Commerce and Community Affairs shall review the activities of
6 the Council and report to the General Assembly and the
7 Governor its recommendation of whether or not the funding
8 under this Section should be continued.

9 The Grape and Wine Resources Fund shall be administered
10 by the Department of Commerce and Community Affairs, which
11 shall serve as the lead administrative agency for allocation
12 and auditing of funds as well as monitoring program
13 implementation. The Department shall make an annual grant of
14 moneys from the Fund to the Council, which shall be used to
15 pay for the Council's operations and expenses. These moneys
16 shall be used by the Council to achieve the Council's
17 objectives and shall not be used for any political or
18 legislative purpose. Money remaining in the Fund at the end
19 of the fiscal year shall remain in the Fund for use during
20 the following year and shall not be transferred to any other
21 State fund.

22 (Source: P.A. 91-472, eff. 8-10-99.)

23 Section 50-62. The Environmental Protection Act is
24 amended by changing Sections 55 and 55.8 and adding Section
25 55.6a as follows:

26 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

27 Sec. 55. Prohibited activities.

28 (a) No person shall:

29 (1) Cause or allow the open dumping of any used or
30 waste tire.

31 (2) Cause or allow the open burning of any used or
32 waste tire.

1 (3) Except at a tire storage site which contains
2 more than 50 used tires, cause or allow the storage of
3 any used tire unless the tire is altered, reprocessed,
4 converted, covered, or otherwise prevented from
5 accumulating water.

6 (4) Cause or allow the operation of a tire storage
7 site except in compliance with Board regulations.

8 (5) Abandon, dump or dispose of any used or waste
9 tire on private or public property, except in a sanitary
10 landfill approved by the Agency pursuant to regulations
11 adopted by the Board.

12 (6) Fail to submit required reports, tire removal
13 agreements, or Board regulations.

14 (b) (Blank.)

15 (b-1) Beginning January 1, 1995, no person shall
16 knowingly mix any used or waste tire, either whole or cut,
17 with municipal waste, and no owner or operator of a sanitary
18 landfill shall accept any used or waste tire for final
19 disposal; except that used or waste tires, when separated
20 from other waste, may be accepted if: (1) the sanitary
21 landfill provides and maintains a means for shredding,
22 slitting, or chopping whole tires and so treats whole tires
23 and, if approved by the Agency in a permit issued under this
24 Act, uses the used or waste tires for alternative uses, which
25 may include on-site practices such as lining of roadways with
26 tire scraps, alternative daily cover, or use in a leachate
27 collection system or (2) the sanitary landfill, by its
28 notification to the Illinois Industrial Materials Exchange
29 Service, makes available the used or waste tire to an
30 appropriate facility for reuse, reprocessing, or converting,
31 including use as an alternate energy fuel. If, within 30
32 days after notification to the Illinois Industrial Materials
33 Exchange Service of the availability of waste tires, no
34 specific request for the used or waste tires is received by

1 the sanitary landfill, and the sanitary landfill determines
2 it has no alternative use for those used or waste tires, the
3 sanitary landfill may dispose of slit, chopped, or shredded
4 used or waste tires in the sanitary landfill. In the event
5 the physical condition of a used or waste tire makes
6 shredding, slitting, chopping, reuse, reprocessing, or other
7 alternative use of the used or waste tire impractical or
8 infeasible, then the sanitary landfill, after authorization
9 by the Agency, may accept the used or waste tire for
10 disposal.

11 Sanitary landfills and facilities for reuse,
12 reprocessing, or converting, including use as alternative
13 fuel, shall (i) notify the Illinois Industrial Materials
14 Exchange Service of the availability of and demand for used
15 or waste tires and (ii) consult with the Department of
16 Commerce and Community Affairs regarding the status of
17 marketing of waste tires to facilities for reuse.

18 (c) ~~On or before January 1, 1990,~~ Any person who sells
19 new or used tires at retail or operates a tire storage site
20 or a tire disposal site which contains more than 50 used or
21 waste tires shall give notice of such activity to the Agency.
22 Any person engaging in such activity for the first time after
23 January 1, 1990, shall give notice to the Agency within 30
24 days after the date of commencement of the activity. The
25 form of such notice shall be specified by the Agency and
26 shall be limited to information regarding the following:

27 (1) the name and address of the owner and operator;

28 (2) the name, address and location of the
29 operation;

30 (3) the type of operations involving used and waste
31 tires (storage, disposal, conversion or processing); and

32 (4) the number of used and waste tires present at
33 the location.

34 (d) Beginning January 1, 1992, no person shall cause or

1 allow the operation of:

2 (1) a tire storage site which contains more than 50
3 used tires, unless the owner or operator, by January 1,
4 1992 (or the January 1 following commencement of
5 operation, whichever is later) and January 1 of each year
6 thereafter, (i) registers the site with the Agency, (ii)
7 certifies to the Agency that the site complies with any
8 applicable standards adopted by the Board pursuant to
9 Section 55.2, (iii) reports to the Agency the number of
10 tires accumulated, the status of vector controls, and the
11 actions taken to handle and process the tires, and (iv)
12 pays the fee required under subsection (b) of Section
13 55.6; or

14 (2) a tire disposal site, unless the owner or
15 operator (i) has received approval from the Agency after
16 filing a tire removal agreement pursuant to Section 55.4,
17 or (ii) has entered into a written agreement to
18 participate in a consensual removal action under Section
19 55.3.

20 The Agency shall provide written forms for the annual
21 registration and certification required under this subsection
22 (d).

23 (e) No person shall cause or allow the storage,
24 disposal, treatment or processing of any used or waste tire
25 in violation of any regulation or standard adopted by the
26 Board.

27 (f) No person shall arrange for the transportation of
28 used or waste tires away from the site of generation with a
29 person known to openly dump such tires.

30 (g) No person shall engage in any operation as a used or
31 waste tire transporter except in compliance with Board
32 regulations.

33 (h) No person shall cause or allow the combustion of any
34 used or waste tire in an enclosed device unless a permit has

1 been issued by the Agency authorizing such combustion
2 pursuant to regulations adopted by the Board for the control
3 of air pollution and consistent with the provisions of
4 Section 9.4 of this Act.

5 (i) No person shall cause or allow the use of pesticides
6 to treat tires except as prescribed by Board regulations.

7 (j) No person shall fail to comply with the terms of a
8 tire removal agreement approved by the Agency pursuant to
9 Section 55.4.

10 (Source: P.A. 92-574, eff. 6-26-02.)

11 (415 ILCS 5/55.6a new)

12 Sec. 55.6a. Emergency Public Health Fund.

13 (a) Beginning on July 1, 2003, moneys in the Emergency
14 Public Health Fund, subject to appropriation, shall be
15 allocated annually as follows: (i) \$200,000 to the Department
16 of Natural Resources for the purposes described in Section
17 55.6(c)(6) and (ii) subject to subsection (b) of this
18 Section, all remaining amounts to the Department of Public
19 Health to be used to make vector control grants and
20 surveillance grants to the Cook County Department of Public
21 Health (for areas of the County excluding the City of
22 Chicago), to the City of Chicago health department, and to
23 other certified local health departments. These grants shall
24 be used for expenses related to West Nile Virus and other
25 vector-borne diseases. The amount of each grant shall be
26 based on population and need as supported by information
27 submitted to the Department of Public Health. For the
28 purposes of this Section, need shall be determined by the
29 Department based primarily upon surveillance data and the
30 number of positive human cases of West Nile Virus and other
31 vector-borne diseases occurring during the preceding year and
32 current year in the county or municipality seeking the grant.

33 (b) Beginning on July 31, 2003, on the last day of each

1 month, the State Comptroller shall order transferred and the
2 State Treasurer shall transfer fees collected in the previous
3 month pursuant to item (1.5) of subsection (a) of Section
4 55.8 from the Emergency Public Health Fund to the
5 Communications Revolving Fund. These transfers shall
6 continue until the cumulative total of the transfers is
7 \$3,000,000.

8 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)
9 Sec. 55.8. Tire retailers.

10 (a) Beginning July 1, 1992, any person selling new or
11 used tires at retail or offering new or used tires for retail
12 sale in this State shall:

13 (1) collect from retail customers a fee of \$2 one
14 dollar per new and used tire sold and delivered in this
15 State to be paid to the Department of Revenue and
16 deposited into the Used Tire Management Fund, less a
17 collection allowance of 10 cents per tire to be retained
18 by the retail seller and a collection allowance of 10
19 cents per tire to be retained by the Department of
20 Revenue and paid into the General Revenue Fund;

21 (1.5) beginning on July 1, 2003, collect from
22 retail customers an additional 50 cents per new or used
23 tire sold and delivered in this State. The money
24 collected from this fee shall be deposited into the
25 Emergency Public Health Fund. This fee shall no longer
26 be collected beginning on January 1, 2008.

27 (2) accept for recycling used tires from customers,
28 at the point of transfer, in a quantity equal to the
29 number of new tires purchased; and

30 (3) post in a conspicuous place a written notice at
31 least 8.5 by 11 inches in size that includes the
32 universal recycling symbol and the following statements:
33 "DO NOT put used tires in the trash."; "Recycle your used

1 tires."; and "State law requires us to accept used tires
2 for recycling, in exchange for new tires purchased.".

3 (b) A person who accepts used tires for recycling under
4 subsection (a) shall not allow the tires to accumulate for
5 periods of more than 90 days.

6 (c) The requirements of subsection (a) of this Section
7 do not apply to mail order sales nor shall the retail sale of
8 a motor vehicle be considered to be the sale of tires
9 at retail or offering of tires for retail sale. Instead of
10 filing returns, retailers of tires may remit the tire user
11 fee of \$1.00 per tire to their suppliers of tires if the
12 supplier of tires is a registered retailer of tires and
13 agrees or otherwise arranges to collect and remit the tire
14 fee to the Department of Revenue, notwithstanding the fact
15 that the sale of the tire is a sale for resale and not a sale
16 at retail. A tire supplier who enters into such an
17 arrangement with a tire retailer shall be liable for the tax
18 on all tires sold to the tire retailer and must (i) provide
19 the tire retailer with a receipt that separately reflects the
20 tire tax collected from the retailer on each transaction and
21 (ii) accept used tires for recycling from the retailer's
22 customers. The tire supplier shall be entitled to the
23 collection allowance of 10 cents per tire.

24 The retailer of the tires must maintain in its books and
25 records evidence that the appropriate fee was paid to the
26 tire supplier and that the tire supplier has agreed to remit
27 the fee to the Department of Revenue for each tire sold by
28 the retailer. Otherwise, the tire retailer shall be directly
29 liable for the fee on all tires sold at retail. Tire
30 retailers paying the fee to their suppliers are not entitled
31 to the collection allowance of 10 cents per tire.

32 (d) The requirements of subsection (a) of this Section
33 shall apply exclusively to tires to be used for vehicles
34 defined in Section 1-217 of the Illinois Vehicle Code,

1 aircraft tires, special mobile equipment, and implements of
2 husbandry.

3 (e) The requirements of paragraph (1) of subsection (a)
4 do not apply to the sale of reprocessed tires. For purposes
5 of this Section, "reprocessed tire" means a used tire that
6 has been recapped, retreaded, or regrooved and that has not
7 been placed on a vehicle wheel rim.

8 (Source: P.A. 90-14, eff. 7-1-97.)

9 Section 50-63. The Environmental Impact Fee Law is
10 amended by changing Section 315 as follows:

11 (415 ILCS 125/315)

12 (Section scheduled to be repealed on January 1, 2013)

13 Sec. 315. Fee on receivers of fuel for sale or use;
14 collection and reporting. A person that is required to pay
15 the fee imposed by this Law shall pay the fee to the
16 Department by return showing all fuel purchased, acquired, or
17 received and sold, distributed or used during the preceding
18 calendar month, including losses of fuel as the result of
19 evaporation or shrinkage due to temperature variations, and
20 such other reasonable information as the Department may
21 require. Losses of fuel as the result of evaporation or
22 shrinkage due to temperature variations may not exceed 1% of
23 the total gallons in storage at the beginning of the month,
24 plus the receipts of gallonage during the month, minus the
25 gallonage remaining in storage at the end of the month. Any
26 loss reported that is in excess of this amount shall be
27 subject to the fee imposed by Section 310 of this Law. On and
28 after July 1, 2001, for each 6-month period January through
29 June, net losses of fuel (for each category of fuel that is
30 required to be reported on a return) as the result of
31 evaporation or shrinkage due to temperature variations may
32 not exceed 1% of the total gallons in storage at the

1 beginning of each January, plus the receipts of gallonage
2 each January through June, minus the gallonage remaining in
3 storage at the end of each June. On and after July 1, 2001,
4 for each 6-month period July through December, net losses of
5 fuel (for each category of fuel that is required to be
6 reported on a return) as the result of evaporation or
7 shrinkage due to temperature variations may not exceed 1% of
8 the total gallons in storage at the beginning of each July,
9 plus the receipts of gallonage each July through December,
10 minus the gallonage remaining in storage at the end of each
11 December. Any net loss reported that is in excess of this
12 amount shall be subject to the fee imposed by Section 310 of
13 this Law. For purposes of this Section, "net loss" means the
14 number of gallons gained through temperature variations minus
15 the number of gallons lost through temperature variations or
16 evaporation for each of the respective 6-month periods.

17 The return shall be prescribed by the Department and
18 shall be filed between the 1st and 20th days of each calendar
19 month. The Department may, in its discretion, combine the
20 return filed under this Law with the return filed under
21 Section 2b of the Motor Fuel Tax Law. If the return is
22 timely filed, the receiver may take a discount of 2% through
23 June 30, 2003 and 1.75% thereafter 2% to reimburse himself
24 for the expenses incurred in keeping records, preparing and
25 filing returns, collecting and remitting the fee, and
26 supplying data to the Department on request. However, the 2%
27 discount applies only to the amount of the fee payment that
28 accompanies a return that is timely filed in accordance with
29 this Section.

30 (Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

31 Section 50-75. The Unified Code of Corrections is
32 amended by changing Section 5-9-1 as follows:

1 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)
2 Sec. 5-9-1. Authorized fines.

3 (a) An offender may be sentenced to pay a fine which
4 shall not exceed for each offense:

5 (1) for a felony, \$25,000 or the amount specified
6 in the offense, whichever is greater, or where the
7 offender is a corporation, \$50,000 or the amount
8 specified in the offense, whichever is greater;

9 (2) for a Class A misdemeanor, \$2,500 or the amount
10 specified in the offense, whichever is greater;

11 (3) for a Class B or Class C misdemeanor, \$1,500;

12 (4) for a petty offense, \$1,000 or the amount
13 specified in the offense, whichever is less;

14 (5) for a business offense, the amount specified in
15 the statute defining that offense.

16 (b) A fine may be imposed in addition to a sentence of
17 conditional discharge, probation, periodic imprisonment, or
18 imprisonment.

19 (c) There shall be added to every fine imposed in
20 sentencing for a criminal or traffic offense, except an
21 offense relating to parking or registration, or offense by a
22 pedestrian, an additional penalty of \$5 for each \$40, or
23 fraction thereof, of fine imposed. The additional penalty of
24 \$5 for each \$40, or fraction thereof, of fine imposed, if not
25 otherwise assessed, shall also be added to every fine imposed
26 upon a plea of guilty, stipulation of facts or findings of
27 guilty, resulting in a judgment of conviction, or order of
28 supervision in criminal, traffic, local ordinance, county
29 ordinance, and conservation cases (except parking,
30 registration, or pedestrian violations), or upon a sentence
31 of probation without entry of judgment under Section 10 of
32 the Cannabis Control Act or Section 410 of the Controlled
33 Substances Act.

34 Such additional amounts shall be assessed by the court

1 imposing the fine and shall be collected by the Circuit Clerk
2 in addition to the fine and costs in the case. Each such
3 additional penalty shall be remitted by the Circuit Clerk
4 within one month after receipt to the State Treasurer. The
5 State Treasurer shall deposit \$1 for each \$40, or fraction
6 thereof, of fine imposed into the LEADS Maintenance Fund.
7 The remaining surcharge amount shall be deposited into the
8 Traffic and Criminal Conviction Surcharge Fund, unless the
9 fine, costs or additional amounts are subject to disbursement
10 by the circuit clerk under Section 27.5 of the Clerks of
11 Courts Act. Such additional penalty shall not be considered
12 a part of the fine for purposes of any reduction in the fine
13 for time served either before or after sentencing. Not
14 later than March 1 of each year the Circuit Clerk shall
15 submit a report of the amount of funds remitted to the State
16 Treasurer under this subsection (c) during the preceding
17 calendar year. Except as otherwise provided by Supreme Court
18 Rules, if a court in imposing a fine against an offender
19 levies a gross amount for fine, costs, fees and penalties,
20 the amount of the additional penalty provided for herein
21 shall be computed on the amount remaining after deducting
22 from the gross amount levied all fees of the Circuit Clerk,
23 the State's Attorney and the Sheriff. After deducting from
24 the gross amount levied the fees and additional penalty
25 provided for herein, less any other additional penalties
26 provided by law, the clerk shall remit the net balance
27 remaining to the entity authorized by law to receive the fine
28 imposed in the case. For purposes of this Section "fees of
29 the Circuit Clerk" shall include, if applicable, the fee
30 provided for under Section 27.3a of the Clerks of Courts Act
31 and the fee, if applicable, payable to the county in which
32 the violation occurred pursuant to Section 5-1101 of the
33 Counties Code.

34 (c-5) In addition to the fines imposed by subsection

1 (c), any person convicted or receiving an order of
2 supervision for driving under the influence of alcohol or
3 drugs shall pay an additional \$100 fee to the clerk. This
4 additional fee, less 2 1/2% that shall be used to defray
5 administrative costs incurred by the clerk, shall be remitted
6 by the clerk to the Treasurer within 60 days after receipt
7 for deposit into the Trauma Center Fund. This additional fee
8 of \$100 shall not be considered a part of the fine for
9 purposes of any reduction in the fine for time served either
10 before or after sentencing. Not later than March 1 of each
11 year the Circuit Clerk shall submit a report of the amount of
12 funds remitted to the State Treasurer under this subsection
13 (c-5) during the preceding calendar year.

14 The Circuit Clerk may accept payment of fines and costs
15 by credit card from an offender who has been convicted of a
16 traffic offense, petty offense or misdemeanor and may charge
17 the service fee permitted where fines and costs are paid by
18 credit card provided for in Section 27.3b of the Clerks of
19 Courts Act.

20 (c-7) In addition to the fines imposed by subsection
21 (c), any person convicted or receiving an order of
22 supervision for driving under the influence of alcohol or
23 drugs shall pay an additional \$5 fee to the clerk. This
24 additional fee, less 2 1/2% that shall be used to defray
25 administrative costs incurred by the clerk, shall be remitted
26 by the clerk to the Treasurer within 60 days after receipt
27 for deposit into the Spinal Cord Injury Paralysis Cure
28 Research Trust Fund. This additional fee of \$5 shall not be
29 considered a part of the fine for purposes of any reduction
30 in the fine for time served either before or after
31 sentencing. Not later than March 1 of each year the Circuit
32 Clerk shall submit a report of the amount of funds remitted
33 to the State Treasurer under this subsection (c-7) during the
34 preceding calendar year.

1 (c-9) There shall be added to every fine imposed in
2 sentencing for a criminal or traffic offense, except an
3 offense relating to parking or registration, or offense by a
4 pedestrian, an additional penalty of \$4 imposed. The
5 additional penalty of \$4 shall also be added to every fine
6 imposed upon a plea of guilty, stipulation of facts or
7 findings of guilty, resulting in a judgment of conviction, or
8 order of supervision in criminal, traffic, local ordinance,
9 county ordinance, or conservation cases (except parking,
10 registration, or pedestrian violations), or upon a sentence
11 of probation without entry of judgment under Section 10 of
12 the Cannabis Control Act or Section 410 of the Controlled
13 Substances Act. Such additional penalty of \$4 shall be
14 assessed by the court imposing the fine and shall be
15 collected by the circuit clerk in addition to any other fine,
16 costs, fees, and penalties in the case. Each such additional
17 penalty of \$4 shall be remitted to the State Treasurer by the
18 circuit clerk within one month after receipt. The State
19 Treasurer shall deposit the additional penalty of \$4 into the
20 Traffic and Criminal Conviction Surcharge Fund. The
21 additional penalty of \$4 shall be in addition to any other
22 fine, costs, fees, and penalties and shall not reduce or
23 affect the distribution of any other fine, costs, fees, and
24 penalties.

25 (d) In determining the amount and method of payment of a
26 fine, except for those fines established for violations of
27 Chapter 15 of the Illinois Vehicle Code, the court shall
28 consider:

29 (1) the financial resources and future ability of
30 the offender to pay the fine; and

31 (2) whether the fine will prevent the offender from
32 making court ordered restitution or reparation to the
33 victim of the offense; and

34 (3) in a case where the accused is a dissolved

1 corporation and the court has appointed counsel to
2 represent the corporation, the costs incurred either by
3 the county or the State for such representation.

4 (e) The court may order the fine to be paid forthwith or
5 within a specified period of time or in installments.

6 (f) All fines, costs and additional amounts imposed
7 under this Section for any violation of Chapters 3, 4, 6, and
8 11 of the Illinois Vehicle Code, or a similar provision of a
9 local ordinance, and any violation of the Child Passenger
10 Protection Act, or a similar provision of a local ordinance,
11 shall be collected and disbursed by the circuit clerk as
12 provided under Section 27.5 of the Clerks of Courts Act.

13 (Source: P.A. 92-431, eff. 1-1-02.)

14 Section 50-80. The Workers' Compensation Act is amended
15 by adding Section 4d as follows:

16 (820 ILCS 305/4d new)

17 Sec. 4d. Industrial Commission Operations Fund Fee.

18 (a) As of the effective date of this amendatory Act of
19 the 93rd General Assembly, each employer that self-insures
20 its liabilities arising under this Act or Workers'
21 Occupational Diseases Act shall pay a fee measured by the
22 annual actual wages paid in this State of such an employer in
23 the manner provided in this Section. Such proceeds shall be
24 deposited in the Industrial Commission Operations Fund. If an
25 employer survives or was formed by a merger, consolidation,
26 reorganization, or reincorporation, the actual wages paid in
27 this State of all employers party to the merger,
28 consolidation, reorganization, or reincorporation shall, for
29 purposes of determining the amount of the fee imposed by this
30 Section, be regarded as those of the surviving or new
31 employer.

32 (b) Beginning on the effective date of this amendatory

1 Act of the 93rd General Assembly and on July 1 of each year
2 thereafter, the Chairman shall charge and collect an annual
3 Industrial Commission Operations Fund Fee from every employer
4 subject to subsection (a) of this Section equal to 0.045% of
5 its annual actual wages paid in this State as reported in
6 each employer's annual self-insurance renewal filed for the
7 previous year as required by Section 4 of this Act and
8 Section 4 of the Workers' Occupational Diseases Act. All sums
9 collected by the Commission under the provisions of this
10 Section shall be paid promptly after the receipt of the same,
11 accompanied by a detailed statement thereof, into the
12 Industrial Commission Operations Fund.

13 (c) In addition to the authority specifically granted
14 under Section 16, the Chairman shall have such authority to
15 adopt rules or establish forms as may be reasonably necessary
16 for purposes of enforcing this Section. The Commission shall
17 have authority to defer, waive, or abate the fee or any
18 penalties imposed by this Section if in the Commission's
19 opinion the employer's solvency and ability to meet its
20 obligations to pay workers' compensation benefits would be
21 immediately threatened by payment of the fee due.

22 (d) When an employer fails to pay the full amount of any
23 annual Industrial Commission Operations Fund Fee of \$100 or
24 more due under this Section, there shall be added to the
25 amount due as a penalty the greater of \$1,000 or an amount
26 equal to 5% of the deficiency for each month or part of a
27 month that the deficiency remains unpaid.

28 (e) The Commission may enforce the collection of any
29 delinquent payment, penalty or portion thereof by legal
30 action or in any other manner by which the collection of
31 debts due the State of Illinois may be enforced under the
32 laws of this State.

33 (f) Whenever it appears to the satisfaction of the
34 Chairman that an employer has paid pursuant to this Act an

1 Industrial Commission Operations Fund Fee in an amount in
 2 excess of the amount legally collectable from the employer,
 3 the Chairman shall issue a credit memorandum for an amount
 4 equal to the amount of such overpayment. A credit memorandum
 5 may be applied for the 2-year period from the date of
 6 issuance against the payment of any amount due during that
 7 period under the fee imposed by this Section or, subject to
 8 reasonable rule of the Commission including requirement of
 9 notification, may be assigned to any other employer subject
 10 to regulation under this Act. Any application of credit
 11 memoranda after the period provided for in this Section is
 12 void.

13 ARTICLE 75

14 Section 75-1. The Secretary of State Act is amended by
 15 changing Section 5.5 as follows:

16 (15 ILCS 305/5.5)

17 Sec. 5.5. Secretary of State fees. There shall be paid
 18 to the Secretary of State the following fees:

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

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

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

23 For copies of exemplifications of records, or for a
 24 certified copy of any document, instrument, or paper when not
 25 otherwise provided by law, and it does not exceed legal size:
 26 \$0.50 per page or any portion of a page; and \$2 for the
 27 certificate, with seal affixed.

28 For copies of exemplifications of records or a certified
 29 copy of any document, instrument, or paper, when not
 30 otherwise provided for by law, that exceeds legal size: \$1
 31 per page or any portion of a page; and \$2 for the

1 certificate, with seal affixed.

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

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

10 For filing and recording an application under the Soil
11 Conservation Districts Law and making and issuing a
12 certificate for the application, under seal: \$10.

13 For recording any other document, instrument, or paper
14 required or permitted to be recorded with the Secretary of
15 State, which recording shall be done by any approved
16 photographic or photostatic process, if the page to be
17 recorded does not exceed legal size and the fees and charges
18 therefor are not otherwise fixed by law: \$0.50 per page or
19 any portion of a page; and \$2 for the certificate of
20 recording, with seal affixed.

21 For recording any other document, instrument, or paper
22 required or permitted to be recorded with the Secretary of
23 State, which recording shall be done by any approved
24 photographic or photostatic process, if the page to be
25 recorded exceeds legal size and the fees and charges therefor
26 are not otherwise fixed by law: \$1 per page or any portion of
27 a page; and \$2 for the certificate of recording attached to
28 the original, with seal affixed.

29 For each duplicate certified copy of a school land
30 patent: \$3.

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

32 For each page of a photostatic copy of surveyors field
33 notes: \$2.

34 For each page of a photostatic copy of a state land

1 patent, including certification: \$4.

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

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

6 For each check, money order, or bank draft returned by
7 the Secretary of State when it has not been honored: \$25 \$2.

8 For any research request received after the effective
9 date of the changes made to this Section by this amendatory
10 Act of the 93rd General Assembly by an out-of-State or
11 non-Illinois resident: \$10, prepaid and nonrefundable, for
12 which the requester will receive up to 2 unofficial
13 noncertified copies of the records requested. The fees under
14 this paragraph shall be deposited into the General Revenue
15 Fund.

16 The Illinois State Archives is authorized to charge
17 reasonable fees to reimburse the cost of production and
18 distribution of copies of finding aids to the records that it
19 holds or copies of published versions or editions of those
20 records in printed, microfilm, or electronic formats. The
21 fees under this paragraph shall be deposited into the General
22 Revenue Fund.

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

27 (Source: P.A. 89-233, eff. 1-1-96.)

28 Section 75-2. The Capital Development Board Act is
29 amended by changing Section 9.02a as follows:

30 (20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a)

31 (This Section is scheduled to be repealed on June 30,
32 2004)

1 Sec. 9.02a. To charge contract administration fees used
2 to administer and process the terms of contracts awarded by
3 this State. Contract administration fees shall not exceed 3%
4 ~~1-5%~~ of the contract amount. This Section is repealed June
5 30, 2004.

6 (Source: P.A. 91-795, eff. 6-9-00.)

7 Section 75-2.5. The Lobbyist Registration Act is amended
8 by changing Section 5 as follows:

9 (25 ILCS 170/5) (from Ch. 63, par. 175)

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

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

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

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

23 (d) A picture of the registrant.

24 Persons required to register under this Act prior to July
25 1, 2003, shall remit a single, annual and nonrefundable \$50
26 registration fee. All fees collected for registrations prior
27 to July 1, 2003, shall be deposited into the Lobbyist
28 Registration Administration Fund for administration and
29 enforcement of this Act. Beginning July 1, 2003, all persons
30 other than entities qualified under Section 501(c)(3) of the
31 Internal Revenue Code required to register under this Act
32 shall remit a single, annual, and nonrefundable \$300

1 registration fee. Entities required to register under this
2 Act which are qualified under Section 501(c)(3) of the
3 Internal Revenue Code shall remit a single, annual, and
4 nonrefundable \$100 registration fee. The increases in the
5 fees from \$50 to \$100 and from \$50 to \$300 by this amendatory
6 Act of the 93rd General Assembly are in addition to any other
7 fee increase enacted by the 93rd or any subsequent General
8 Assembly. Of each registration fee collected for
9 registrations on or after July 1, 2003, any additional amount
10 collected as a result of any other fee increase enacted by
11 the 93rd or any subsequent General Assembly shall be
12 deposited into the Lobbyist Registration Administration Fund
13 for the purposes provided by law for that fee increase, the
14 next \$100 shall be deposited into the Lobbyist Registration
15 Administration Fund for administration and enforcement of
16 this Act, and any balance shall be deposited into the General
17 Revenue Fund.

18 (Source: P.A. 88-187.)

19 Section 75-3. The State Finance Act is amended by adding
20 Section 5.596 and changing Sections 6z-34 and 6z-48 as
21 follows:

22 (30 ILCS 105/5.596 new)

23 Sec. 5.596. The Illinois Clean Water Fund.

24 (30 ILCS 105/6z-34)

25 Sec. 6z-34. Secretary of State Special Services Fund.
26 There is created in the State Treasury a special fund to be
27 known as the Secretary of State Special Services Fund.
28 Moneys deposited into the Fund may, subject to appropriation,
29 be used by the Secretary of State for any or all of the
30 following purposes:

31 (1) For general automation efforts within
32 operations of the Office of Secretary of State.

1 (2) For technology applications in any form that
2 will enhance the operational capabilities of the Office
3 of Secretary of State.

4 (3) To provide funds for any type of library grants
5 authorized and administered by the Secretary of State as
6 State Librarian.

7 These funds are in addition to any other funds otherwise
8 authorized to the Office of Secretary of State for like or
9 similar purposes.

10 On August 15, 1997, all fiscal year 1997 receipts that
11 exceed the amount of \$15,000,000 shall be transferred from
12 this Fund to the Statistical Services Revolving Fund; on
13 August 15, 1998 and each year thereafter through 2000, all
14 receipts from the fiscal year ending on the previous June
15 30th that exceed the amount of \$17,000,000 shall be
16 transferred from this Fund to the Statistical Services
17 Revolving Fund; and on August 15, 2001 and each year
18 thereafter through 2002, all receipts from the fiscal year
19 ending on the previous June 30th that exceed the amount of
20 \$19,000,000 shall be transferred from this Fund to the
21 Statistical Services Revolving Fund; and on August 15, 2003
22 and each year thereafter, all receipts from the fiscal year
23 ending on the previous June 30th that exceed the amount of
24 \$33,000,000 shall be transferred from this Fund to the
25 Statistical Services Revolving Fund.

26 (Source: P.A. 92-32, eff. 7-1-01.)

27 (30 ILCS 105/6z-48)

28 Sec. 6z-48. Motor Vehicle License Plate Fund.

29 (a) The Motor Vehicle License Plate Fund is hereby
30 created as a special fund in the State Treasury. The Fund
31 shall consist of the deposits provided for in Section 2-119
32 of the Illinois Vehicle Code and any moneys appropriated to
33 the Fund.

1 (b) The Motor Vehicle License Plate Fund shall be used,
2 subject to appropriation, for the costs incident to providing
3 new or replacement license plates for motor vehicles.

4 ~~(e) Any balance remaining in the Motor Vehicle License~~
5 ~~Plate Fund at the close of business on December 31, 2004~~
6 ~~shall be transferred into the Road Fund, and the Motor~~
7 ~~Vehicle License Plate Fund is abolished when that transfer~~
8 ~~has been made.~~

9 (Source: P.A. 91-37, eff. 7-1-99.)

10 Section 75-4. The Coin-Operated Amusement Device and
11 Redemption Machine Tax Act is amended by changing Sections 1,
12 2, 3, 4b, and 6 as follows:

13 (35 ILCS 510/1) (from Ch. 120, par. 481b.1)

14 Sec. 1. There is imposed, on the privilege of operating
15 every coin-in-the-slot-operated amusement device, including a
16 device operated or operable by insertion of coins, tokens,
17 chips or similar objects, in this State which returns to the
18 player thereof no money or property or right to receive money
19 or property, and on the privilege of operating in this State
20 a redemption machine as defined in Section 28-2 of the
21 Criminal Code of 1961, an annual a privilege tax of \$30 ~~\$15~~
22 for each device ~~for which a license was issued~~ for a period
23 beginning on or after August 1 of any year and prior to
24 August ~~February~~ 1 of the succeeding year. ~~A privilege tax of~~
25 ~~\$8 is imposed on the privilege of operating such a device for~~
26 ~~which a license was issued for a period beginning on or after~~
27 ~~February 1 of any year and ending July 31 of that year.~~

28 (Source: P.A. 86-905; 86-957; 87-855.)

29 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

30 Sec. 2. (a) Any person, firm, limited liability company,
31 or corporation which displays any device described in Section

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

24 (b) If an amount of tax, penalty, or interest has been
25 paid in error to the Department, the taxpayer may file a
26 claim for credit or refund with the Department. If it is
27 determined that the Department must issue a credit or refund
28 under this Act, the Department may first apply the amount of
29 the credit or refund due against any amount of tax, penalty,
30 or interest due under this Act from the taxpayer entitled to
31 the credit or refund. If proceedings are pending to
32 determine if any tax, penalty, or interest is due under this
33 Act from the taxpayer, the Department may withhold issuance
34 of the credit or refund pending the final disposition of

1 those proceedings and may apply that credit or refund against
2 any amount determined to be due to the Department as a result
3 of those proceedings. The balance, if any, of the credit or
4 refund shall be paid to the taxpayer.

5 If no tax, penalty, or interest is due and no proceedings
6 are pending to determine whether the taxpayer is indebted to
7 the Department for tax, penalty, or interest, the credit
8 memorandum or refund shall be issued to the taxpayer; or, the
9 credit memorandum may be assigned by the taxpayer, subject to
10 reasonable rules of the Department, to any other person who
11 is subject to this Act, and the amount of the credit
12 memorandum by the Department against any tax, penalty, or
13 interest due or to become due under this Act from the
14 assignee.

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

19 A claim for credit or refund shall be filed on a form
20 provided by the Department. As soon as practicable after any
21 claim for credit or refund is filed, the Department shall
22 determine the amount of credit or refund to which the
23 claimant is entitled and shall notify the claimant of that
24 determination.

25 A claim for credit or refund shall be filed with the
26 Department on the date it is received by the Department.
27 Upon receipt of any claim for credit or refund filed under
28 this Section, an officer or employee of the Department,
29 authorized by the Director of Revenue to acknowledge receipt
30 of such claims on behalf of the Department, shall deliver or
31 mail to the claimant or his duly authorized agent, a written
32 receipt, acknowledging that the claim has been filed with the
33 Department, describing the claim in sufficient detail to
34 identify it, and stating the date on which the claim was

1 received by the Department. The written receipt shall be
2 prima facie evidence that the Department received the claim
3 described in the receipt and shall be prima facie evidence of
4 the date when such claim was received by the Department. In
5 the absence of a written receipt, the records of the
6 Department as to whether a claim was received, or when the
7 claim was received by the Department, shall be deemed to be
8 prima facie correct in the event of any dispute between the
9 claimant, or his legal representative, and the Department on
10 these issues.

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

14 If the Department determines that the claimant is
15 entitled to a refund, the refund shall be made only from an
16 appropriation to the Department for that purpose. If the
17 amount appropriated is insufficient to pay claimants electing
18 to receive a cash refund, the Department by rule or
19 regulation shall first provide for the payment of refunds in
20 hardship cases as defined by the Department.

21 (Source: P.A. 88-194; 88-480; 88-670, eff. 12-2-94.)

22 (35 ILCS 510/3) (from Ch. 120, par. 481b.3)

23 Sec. 3. (1) All privilege tax decals licenses herein
24 provided for shall be transferable from one device to another
25 device. Any such transfer from one device to another shall be
26 reported to the Department of Revenue on forms prescribed by
27 such Department. All privilege tax decals licenses issued
28 hereunder shall expire on July 31 following issuance.

29 (2) (Blank).

30 (Source: P.A. 91-357, eff. 7-29-99.)

31 (35 ILCS 510/4b) (from Ch. 120, par. 481b.4b)

32 Sec. 4b. The Department of Revenue is hereby authorized

1 to implement a program whereby the privilege tax decals
2 licenses required by and the taxes imposed by this Act may be
3 distributed and collected on behalf of the Department by
4 State or national banks and by State or federal savings and
5 loan associations. The Department shall promulgate such
6 rules and regulations as are reasonable and necessary to
7 establish the system of collection of taxes and distribution
8 of privilege tax decals licenses authorized by this Section.
9 Such rules and regulations shall provide for the licensing of
10 such financial institutions, specification of information to
11 be disclosed in an application therefor and the imposition of
12 a license fee not in excess of \$100 annually.

13 (Source: P.A. 85-1423.)

14 (35 ILCS 510/6) (from Ch. 120, par. 481b.6)

15 Sec. 6. The Department of Revenue is hereby empowered and
16 authorized in the name of the People of the State of Illinois
17 in a suit or suits in any court of competent jurisdiction to
18 enforce the collection of any unpaid license tax, fines or
19 penalties provided for in this Act.

20 (Source: Laws 1953, p. 956.)

21 (35 ILCS 510/9 rep.)

22 Section 75-4.1. The Coin-Operated Amusement Device and
23 Redemption Machine Tax Act is amended by repealing Section 9.

24 Section 75-5. The Illinois Pension Code is amended by
25 changing Section 1A-112 as follows:

26 (40 ILCS 5/1A-112)

27 Sec. 1A-112. Fees.

28 (a) Every pension fund that is required to file an
29 annual statement under Section 1A-109 shall pay to the
30 Department an annual compliance fee. In the case of a

1 pension fund under Article 3 or 4 of this Code, the annual
2 compliance fee shall be 0.02% ~~0.007%~~ (2 ~~0.7~~ basis points) of
3 the total assets of the pension fund, as reported in the most
4 current annual statement of the fund, but not more than
5 \$8,000 ~~\$6,000~~. In the case of all other pension funds and
6 retirement systems, the annual compliance fee shall be \$8,000
7 ~~\$6,000~~.

8 (b) The annual compliance fee shall be due on June 30
9 for the following State fiscal year, except that the fee
10 payable in 1997 for fiscal year 1998 shall be due no earlier
11 than 30 days following the effective date of this amendatory
12 Act of 1997.

13 (c) Any information obtained by the Division that is
14 available to the public under the Freedom of Information Act
15 and is either compiled in published form or maintained on a
16 computer processible medium shall be furnished upon the
17 written request of any applicant and the payment of a
18 reasonable information services fee established by the
19 Director, sufficient to cover the total cost to the Division
20 of compiling, processing, maintaining, and generating the
21 information. The information may be furnished by means of
22 published copy or on a computer processed or computer
23 processible medium.

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

26 (d) Except as otherwise provided in this Section, all
27 fees and penalties collected by the Department under this
28 Code shall be deposited into the Public Pension Regulation
29 Fund.

30 (e) Fees collected under subsection (c) of this Section
31 and money collected under Section 1A-107 shall be deposited
32 into the Department's Statistical Services Revolving Fund and
33 credited to the account of the Public Pension Division. This
34 income shall be used exclusively for the purposes set forth

1 in Section 1A-107. Notwithstanding the provisions of Section
2 408.2 of the Illinois Insurance Code, no surplus funds
3 remaining in this account shall be deposited in the Insurance
4 Financial Regulation Fund. All money in this account that
5 the Director certifies is not needed for the purposes set
6 forth in Section 1A-107 of this Code shall be transferred to
7 the Public Pension Regulation Fund.

8 (f) Nothing in this Code prohibits the General Assembly
9 from appropriating funds from the General Revenue Fund to the
10 Department for the purpose of administering or enforcing this
11 Code.

12 (Source: P.A. 90-507, eff. 8-22-97.)

13 Section 75-7. The Illinois Savings and Loan Act of 1985
14 is amended by changing Section 2B-6 as follows:

15 (205 ILCS 105/2B-6) (from Ch. 17, par. 3302B-6)

16 Sec. 2B-6. Foreign savings and loan associations shall
17 pay to the Commissioner the following fees that shall be paid
18 into the Savings and Residential Finance Regulatory Fund, to
19 wit: For filing each application for admission to do
20 business in this State, \$1,125 \$750; and for each certificate
21 of authority and annual renewal of same, \$300 \$200.

22 (Source: P.A. 85-1143; 86-1213.)

23 Section 75-10. The Illinois Credit Union Act is amended
24 by changing Section 12 as follows:

25 (205 ILCS 305/12) (from Ch. 17, par. 4413)

26 Sec. 12. Regulatory fees.

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

1	TOTAL ASSETS	REGULATORY FEE
2	\$25,000 or less	<u>\$150</u> \$100
3	Over \$25,000 and not over	
4	\$100,000	<u>\$150</u> \$100 plus <u>\$6</u> \$4 per
5		\$1,000 of assets in excess of
6		\$25,000
7	Over \$100,000 and not over	
8	\$200,000	<u>\$600</u> \$400 plus <u>\$4.50</u> \$3 per
9		\$1,000 of assets in excess of
10		\$100,000
11	Over \$200,000 and not over	
12	\$500,000	<u>\$1,050</u> \$700 plus <u>\$3</u> \$2 per
13		\$1,000 of assets in excess of
14		\$200,000
15	Over \$500,000 and not over	
16	\$1,000,000	<u>\$1,950</u> \$1,300 plus <u>\$2.10</u> \$1.40
17		per \$1,000 of assets in excess
18		of \$500,000
19	Over \$1,000,000 and not	
20	over \$5,000,000.....	<u>\$3,000</u> \$2,000 plus <u>\$0.75</u> \$0.50
21		per \$1,000 of assets in
22		excess of \$1,000,000
23	Over \$5,000,000 and not	
24	over \$30,000,000	<u>\$6,000</u> \$4,000 plus <u>\$0.525</u>
25		\$0.35 per \$1,000 assets
26		in excess of \$5,000,000
27	Over \$30,000,000 and not	
28	over \$100,000,000	<u>\$19,125</u> \$12,750 plus <u>\$0.45</u>
29		\$0.30 per \$1,000 of assets in
30		excess of \$30,000,000
31	Over \$100,000,000 and not	
32	over \$500,000,000	<u>\$50,625</u> \$33,750 plus <u>\$0.225</u>
33		\$0.15 per \$1,000 of assets in
34		excess of \$100,000,000

1 Over \$500,000,000 \$140,625 ~~\$93,750~~ plus \$0.075
 2 ~~\$0.05~~ per \$1,000 of assets in
 3 excess of \$500,000,000

4 (2) The Director shall review the regulatory fee
 5 schedule in subsection (1) and the projected earnings on
 6 those fees on an annual basis and adjust the fee schedule no
 7 more than 5% annually if necessary to defray the estimated
 8 administrative and operational expenses of the Department as
 9 defined in subsection (5). The Director shall provide credit
 10 unions with written notice of any adjustment made in the
 11 regulatory fee schedule.

12 (3) Not later than March 1 of each calendar year, a
 13 credit union shall pay to the Department a regulatory fee for
 14 that calendar year in accordance with the regulatory fee
 15 schedule in subsection (1), on the basis of assets as of the
 16 Year-end Call Report of the preceding year. The regulatory
 17 fee shall not be less than \$150 ~~\$100~~ or more than \$187,500
 18 ~~\$125,000~~, provided that the regulatory fee cap of \$187,500
 19 ~~\$125,000~~ shall be adjusted to incorporate the same percentage
 20 increase as the Director makes in the regulatory fee schedule
 21 from time to time under subsection (2). No regulatory fee
 22 shall be collected from a credit union until it has been in
 23 operation for one year.

24 (4) The aggregate of all fees collected by the
 25 Department under this Act shall be paid promptly after they
 26 are received, accompanied by a detailed statement thereof,
 27 into the State Treasury and shall be set apart in the Credit
 28 Union Fund, a special fund hereby created in the State
 29 treasury. The amount from time to time deposited in the
 30 Credit Union Fund and shall be used to offset the ordinary
 31 administrative and operational expenses of the Department
 32 under this Act. All earnings received from investments of
 33 funds in the Credit Union Fund shall be deposited into the
 34 Credit Union Fund and may be used for the same purposes as

1 fees deposited into that Fund.

2 (5) The administrative and operational expenses for any
3 calendar year shall mean the ordinary and contingent expenses
4 for that year incidental to making the examinations provided
5 for by, and for administering, this Act, including all
6 salaries and other compensation paid for personal services
7 rendered for the State by officers or employees of the State
8 to enforce this Act; all expenditures for telephone and
9 telegraph charges, postage and postal charges, office
10 supplies and services, furniture and equipment, office space
11 and maintenance thereof, travel expenses and other necessary
12 expenses; all to the extent that such expenditures are
13 directly incidental to such examination or administration.

14 (6) When the aggregate of all fees collected by the
15 Department under this Act and all earnings thereon for any
16 calendar year exceeds 150% of the total administrative and
17 operational expenses under this Act for that year, such
18 excess shall be credited to credit unions and applied against
19 their regulatory fees for the subsequent year. The amount
20 credited to a credit union shall be in the same proportion as
21 the fee paid by such credit union for the calendar year in
22 which the excess is produced bears to the aggregate of the
23 fees collected by the Department under this Act for the same
24 year.

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

29 (8) Nothing in this Act shall prohibit the General
30 Assembly from appropriating funds to the Department from the
31 General Revenue Fund for the purpose of administering this
32 Act.

33 (Source: P.A. 91-755, eff. 1-1-01; 92-293, eff. 8-9-01.)

1 Section 75-15. The Currency Exchange Act is amended by
2 changing Section 16 as follows:

3 (205 ILCS 405/16) (from Ch. 17, par. 4832)

4 Sec. 16. Annual report; investigation; costs. Each
5 licensee shall annually, on or before the 1st day of March,
6 file a report with the Director for the calendar year period
7 from January 1st through December 31st, except that the
8 report filed on or before March 15, 1990 shall cover the
9 period from October 1, 1988 through December 31, 1989, (which
10 shall be used only for the official purposes of the Director)
11 giving such relevant information as the Director may
12 reasonably require concerning, and for the purpose of
13 examining, the business and operations during the preceding
14 fiscal year period of each licensed currency exchange
15 conducted by such licensee within the State. Such report
16 shall be made under oath and shall be in the form prescribed
17 by the Director and the Director may at any time and shall at
18 least once in each year investigate the currency exchange
19 business of any licensee and of every person, partnership,
20 association, limited liability company, and corporation who
21 or which shall be engaged in the business of operating a
22 currency exchange. For that purpose, the Director shall have
23 free access to the offices and places of business and to such
24 records of all such persons, firms, partnerships,
25 associations, limited liability companies and members
26 thereof, and corporations and to the officers and directors
27 thereof that shall relate to such currency exchange business.
28 The investigation may be conducted in conjunction with
29 representatives of other State agencies or agencies of
30 another state or of the United States as determined by the
31 Director. The Director may at any time inspect the locations
32 served by an ambulatory currency exchange, for the purpose of
33 determining whether such currency exchange is complying with

1 the provisions of this Act at each location served. The
2 Director may require by subpoena the attendance of and
3 examine under oath all persons whose testimony he may require
4 relative to such business, and in such cases the Director, or
5 any qualified representative of the Director whom the
6 Director may designate, may administer oaths to all such
7 persons called as witnesses, and the Director, or any such
8 qualified representative of the Director, may conduct such
9 examinations, and there shall be paid to the Director for
10 each such examination a fee of \$225 ~~\$150~~ for each day or part
11 thereof for each qualified representative designated and
12 required to conduct the examination; provided, however, that
13 in the case of an ambulatory currency exchange, such fee
14 shall be \$75 for each day or part thereof and shall not be
15 increased by reason of the number of locations served by it.
16 (Source: P.A. 92-398, eff. 1-1-02.)

17 Section 75-17. The Residential Mortgage License Act of
18 1987 is amended by changing Sections 2-2 and 2-6 as follows:

19 (205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

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

21 (a) The Commissioner shall issue a license upon
22 completion of all of the following:

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

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

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

32 (4) Except for a broker applying to renew a

1 license, the filing of an audited balance sheet including
2 all footnotes prepared by a certified public accountant
3 in accordance with generally accepted accounting
4 principles and generally accepted auditing principles
5 which evidences that the applicant meets the net worth
6 requirements of Section 3-5.

7 (5) The filing of proof satisfactory to the
8 Commissioner that the applicant, the members thereof if
9 the applicant is a partnership or association, the
10 members or managers thereof that retain any authority or
11 responsibility under the operating agreement if the
12 applicant is a limited liability company, or the officers
13 thereof if the applicant is a corporation have 3 years
14 experience preceding application in real estate finance.
15 Instead of this requirement, the applicant and the
16 applicant's officers or members, as applicable, may
17 satisfactorily complete a program of education in real
18 estate finance and fair lending, as approved by the
19 Commissioner, prior to receiving the initial license.
20 The Commissioner shall promulgate rules regarding proof
21 of experience requirements and educational requirements
22 and the satisfactory completion of those requirements.
23 The Commissioner may establish by rule a list of duly
24 licensed professionals and others who may be exempt from
25 this requirement.

26 (6) An investigation of the averments required by
27 Section 2-4, which investigation must allow the
28 Commissioner to issue positive findings stating that the
29 financial responsibility, experience, character, and
30 general fitness of the license applicant and of the
31 members thereof if the license applicant is a partnership
32 or association, of the officers and directors thereof if
33 the license applicant is a corporation, and of the
34 managers and members that retain any authority or

1 responsibility under the operating agreement if the
 2 license applicant is a limited liability company are such
 3 as to command the confidence of the community and to
 4 warrant belief that the business will be operated
 5 honestly, fairly and efficiently within the purpose of
 6 this Act. If the Commissioner shall not so find, he or
 7 she shall not issue such license, and he or she shall
 8 notify the license applicant of the denial.

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

12 Upon receipt of such license, a residential mortgage
 13 licensee shall be authorized to engage in the business
 14 regulated by this Act. Such license shall remain in full
 15 force and effect until it expires without renewal, is
 16 surrendered by the licensee or revoked or suspended as
 17 hereinafter provided.

18 (Source: P.A. 91-586, eff. 8-14-99.)

19 (205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

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

21 (a) Beginning July 1, 2003, licenses shall be renewed
 22 every year on the anniversary of the date of issuance of the
 23 original license. ~~Beginning--May--17--1992, licenses issued~~
 24 ~~before January 17, 1988, shall be renewed every 2 years on May~~
 25 ~~17--Beginning May--17--1992, licenses issued on or after~~
 26 ~~January--17--1988, shall be renewed every 2 years on the~~
 27 ~~anniversary of the date of the issuance of the original~~
 28 ~~license.---Licenses issued for first-time applicants on or~~
 29 ~~after May 17, 1992, shall be renewed on the first anniversary~~
 30 ~~of their issuance and every 2 years thereafter.~~ Properly
 31 completed renewal application forms and filing fees must be
 32 received by the Commissioner 45 days prior to the renewal
 33 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
5 a 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 ~~\$500~~ will be assessed to the
10 licensee 30 days after the proper renewal date and \$1,500
11 ~~\$1,000~~ each month thereafter, until the license is either
12 renewed or expires pursuant to Section 2-6, subsections
13 (c) and (d), of this Act.

14 (2) Such fee will be assessed without prior notice
15 to the licensee, but will be assessed only in cases
16 wherein the Commissioner has in his or her possession
17 documentation of the licensee's continuing activity for
18 which the unrenewed license was issued.

19 (c) A license which is not renewed by the date required
20 in this Section shall automatically become inactive. No
21 activity regulated by this Act shall be conducted by the
22 licensee when a license becomes inactive. An inactive
23 license may be reactivated by filing a completed reactivation
24 application with the Commissioner, payment of the renewal
25 fee, and payment of a reactivation fee equal to the renewal
26 fee.

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

29 (e) A licensee ceasing an activity or activities
30 regulated by this Act and desiring to no longer be licensed
31 shall so inform the Commissioner in writing and, at the same
32 time, convey the license and all other symbols or indicia of
33 licensure. The licensee shall include a plan for the
34 withdrawal from regulated business, including a timetable for

1 the disposition of the business. Upon receipt of such
2 written notice, the Commissioner shall issue a certified
3 statement canceling the license.

4 (Source: P.A. 90-301, eff. 8-1-97.)

5 Section 75-20. The Consumer Installment Loan Act is
6 amended by changing Section 2 as follows:

7 (205 ILCS 670/2) (from Ch. 17, par. 5402)

8 Sec. 2. Application; fees; positive net worth.
9 Application for such license shall be in writing, and in the
10 form prescribed by the Director. Such applicant at the time
11 of making such application shall pay to the Director the sum
12 of \$300 as an application fee and the additional sum of \$450
13 ~~\$300~~ as an annual license fee, for a period terminating on
14 the last day of the current calendar year; provided that if
15 the application is filed after June 30th in any year, such
16 license fee shall be 1/2 of the annual license fee for such
17 year.

18 Before the license is granted, every applicant shall
19 prove in form satisfactory to the Director that the applicant
20 has and will maintain a positive net worth of a minimum of
21 \$30,000. Every applicant and licensee shall maintain a
22 surety bond in the principal sum of \$25,000 issued by a
23 bonding company authorized to do business in this State and
24 which shall be approved by the Director. Such bond shall run
25 to the Director and shall be for the benefit of any consumer
26 who incurs damages as a result of any violation of the Act or
27 rules by a licensee. If the Director finds at any time that
28 a bond is of insufficient size, is insecure, exhausted, or
29 otherwise doubtful, an additional bond in such amount as
30 determined by the Director shall be filed by the licensee
31 within 30 days after written demand therefor by the Director.

32 "Net worth" means total assets minus total liabilities.

1 (Source: P.A. 92-398, eff. 1-1-02.)

2 Section 75-23. The Nursing Home Care Act is amended by
3 changing Section 3-103 as follows:

4 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

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

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

9 (2) All license applications shall be accompanied with
10 an application fee. The fee for an annual license shall be
11 based on the licensed capacity of the facility and shall be
12 determined as follows: 0-49 licensed beds, a flat fee of
13 \$500; 50-99 licensed beds, a flat fee of \$750; and for any
14 facility with 100 or more licensed beds, a fee of \$1,000 plus
15 \$10 per licensed bed. The fee for a 2-year license shall be
16 double the fee for the annual license set forth in the
17 preceding sentence. The first \$600,000 of such fees collected
18 each fiscal year shall be deposited with the State Treasurer
19 into the Long Term Care Monitor/Receiver Fund, which has been
20 created as a special fund in the State treasury. Any such
21 fees in excess of \$600,000 collected in a fiscal year shall
22 be deposited into the General Revenue Fund. All-applications,
23 except--those--of-homes-for-the-aged, shall-be-accompanied-by
24 an-application-fee-of-\$200-for-an-annual-license-and-\$400-for
25 a-2-year-license.-The-fee-shall-be-deposited-with--the--State
26 Treasurer--into--the--Long--Term--Care-Monitor/Receiver-Fund,
27 which-is-hereby-created--as--a--special--fund--in--the--State
28 Treasury. This special fund is to be used by the Department
29 for expenses related to the appointment of monitors and
30 receivers as contained in Sections 3-501 through 3-517. At
31 the end of each fiscal year, any funds in excess of
32 \$1,000,000 held in the Long Term Care Monitor/Receiver Fund

1 shall be deposited in the State's General Revenue Fund. The
2 application shall be under oath and the submission of false
3 or misleading information shall be a Class A misdemeanor. The
4 application shall contain the following information:

5 (a) The name and address of the applicant if an
6 individual, and if a firm, partnership, or association,
7 of every member thereof, and in the case of a
8 corporation, the name and address thereof and of its
9 officers and its registered agent, and in the case of a
10 unit of local government, the name and address of its
11 chief executive officer;

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

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

16 (d) The number and type of residents for which
17 maintenance, personal care, or nursing is to be provided;
18 and

19 (e) Such information relating to the number,
20 experience, and training of the employees of the
21 facility, any management agreements for the operation of
22 the facility, and of the moral character of the applicant
23 and employees as the Department may deem necessary.

24 (3) Each initial application shall be accompanied by a
25 financial statement setting forth the financial condition of
26 the applicant and by a statement from the unit of local
27 government having zoning jurisdiction over the facility's
28 location stating that the location of the facility is not in
29 violation of a zoning ordinance. An initial application for a
30 new facility shall be accompanied by a permit as required by
31 the "Illinois Health Facilities Planning Act". After the
32 application is approved, the applicant shall advise the
33 Department every 6 months of any changes in the information
34 originally provided in the application.

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

5 (Source: P.A. 86-663; 87-1102.)

6 Section 75-25. The Illinois Insurance Code is amended by
7 changing Sections 121-19, 123A-4, 123B-4, 123C-17, 131.24,
8 141a, 149, 310.1, 315.4, 325, 363a, 370, 403, 403A, 408, 412,
9 431, 445, 500-70, 500-110, 500-120, 500-135, 511.103,
10 511.105, 511.110, 512.63, 513a3, 513a4, 513a7, 529.5, 544,
11 1020, 1108, and 1204 as follows:

12 (215 ILCS 5/121-19) (from Ch. 73, par. 733-19)

13 Sec. 121-19. Fine for unauthorized insurance. Any
14 unauthorized insurer who transacts any unauthorized act of an
15 insurance business as set forth in this Act is guilty of a
16 business offense and may be fined not more than \$20,000
17 ~~\$10,000~~.

18 (Source: P. A. 78-255.)

19 (215 ILCS 5/123A-4) (from Ch. 73, par. 735A-4)

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

21 (1) An advisory organization must be licensed by the
22 Director before it is authorized to conduct activities in
23 this State.

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

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

30 (Source: P. A. 77-1882.)

1 (215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)
2 Sec. 123B-4. Risk retention groups not organized in this
3 State. Any risk retention group organized and licensed in a
4 state other than this State and seeking to do business as a
5 risk retention group in this State shall comply with the laws
6 of this State as follows:

7 A. Notice of operations and designation of the Director
8 as agent.

9 Before offering insurance in this State, a risk retention
10 group shall submit to the Director on a form approved by the
11 Director:

12 (1) a statement identifying the state or states in
13 which the risk retention group is organized and licensed
14 as a liability insurance company, its date of
15 organization, its principal place of business, and such
16 other information, including information on its
17 membership, as the Director may require to verify that
18 the risk retention group is qualified under subsection
19 (11) of Section 123B-2 of this Article;

20 (2) a copy of its plan of operations or a
21 feasibility study and revisions of such plan or study
22 submitted to its state of domicile; provided, however,
23 that the provision relating to the submission of a plan
24 of operation or a feasibility study shall not apply with
25 respect to any line or classification of liability
26 insurance which (a) was defined in the Product Liability
27 Risk Retention Act of 1981 before October 27, 1986, and
28 (b) was offered before such date by any risk retention
29 group which had been organized and operating for not less
30 than 3 years before such date; and

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

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

3 (1) a copy of the group's financial statement
4 submitted to the state in which the risk retention group
5 is organized and licensed, which shall be certified by an
6 independent public accountant and contain a statement of
7 opinion on loss and loss adjustment expense reserves made
8 by a member of the American Academy of Actuaries or a
9 qualified loss reserve specialist (under criteria
10 established by the National Association of Insurance
11 Commissioners);

12 (2) a copy of each examination of the risk
13 retention group as certified by the public official
14 conducting the examination;

15 (3) upon request by the Director, a copy of any
16 audit performed with respect to the risk retention group;
17 and

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

21 C. Taxation.

22 (1) Each risk retention group shall be liable for
23 the payment of premium taxes and taxes on premiums of
24 direct business for risks resident or located within this
25 State, and shall report to the Director the net premiums
26 written for risks resident or located within this State.
27 Such risk retention group shall be subject to taxation,
28 and any applicable fines and penalties related thereto,
29 on the same basis as a foreign admitted insurer.

30 (2) To the extent licensed insurance producers are
31 utilized pursuant to Section 123B-11, they shall report
32 to the Director the premiums for direct business for
33 risks resident or located within this State which such
34 licensees have placed with or on behalf of a risk

1 retention group not organized in this State.

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

- 10 (a) the limit of the liability;
11 (b) the time period covered;
12 (c) the effective date;
13 (d) the name of the risk retention group which
14 issued the policy;
15 (e) the gross premium charged; and
16 (f) the amount of return premiums, if any.

17 D. Compliance With unfair claims practices provisions.
18 Any risk retention group, its agents and representatives
19 shall be subject to the unfair claims practices provisions of
20 Sections 154.5 through 154.8 of this Code.

21 E. Deceptive, false, or fraudulent practices. Any risk
22 retention group shall comply with the laws of this State
23 regarding deceptive, false, or fraudulent acts or practices.
24 However, if the Director seeks an injunction regarding such
25 conduct, the injunction must be obtained from a court of
26 competent jurisdiction.

27 F. Examination regarding financial condition. Any risk
28 retention group must submit to an examination by the Director
29 to determine its financial condition if the commissioner of
30 insurance of the jurisdiction in which the group is organized
31 and licensed has not initiated an examination or does not
32 initiate an examination within 60 days after a request by the
33 Director. Any such examination shall be coordinated to avoid
34 unjustified repetition and conducted in an expeditious manner

1 and in accordance with the National Association of Insurance
2 Commissioners' Examiner Handbook.

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

7 "NOTICE

8 This policy is issued by your risk retention group. Your
9 risk retention group is not subject to all of the insurance
10 laws and regulations of your state. State insurance
11 insolvency guaranty fund protection is not available for your
12 risk retention group".

13 H. Prohibited acts regarding solicitation or sale. The
14 following acts by a risk retention group are hereby
15 prohibited:

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

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

22 I. Prohibition on ownership by an insurance company. No
23 risk retention group shall be allowed to do business in this
24 State if an insurance company is directly or indirectly a
25 member or owner of such risk retention group, other than in
26 the case of a risk retention group all of whose members are
27 insurance companies.

28 J. Prohibited coverage. No risk retention group may
29 offer insurance policy coverage prohibited by Articles IX or
30 XI of this Code or declared unlawful by the Illinois Supreme
31 Court; provided however, a risk retention group organized and
32 licensed in a state other than this State that selects the
33 law of this State to govern the validity, construction, or
34 enforceability of policies issued by it is permitted to

1 provide coverage under policies issued by it for penalties in
2 the nature of compensatory damages including, without
3 limitation, punitive damages and the multiplied portion of
4 multiple damages, so long as coverage of those penalties is
5 not prohibited by the law of the state under which the risk
6 retention group is organized.

7 K. Delinquency proceedings. A risk retention group not
8 organized in this State and doing business in this State
9 shall comply with a lawful order issued in a voluntary
10 dissolution proceeding or in a conservation, rehabilitation,
11 liquidation, or other delinquency proceeding commenced by the
12 Director or by another state insurance commissioner if there
13 has been a finding of financial impairment after an
14 examination under subsection F of Section 123B-4 of this
15 Article.

16 L. Compliance with injunctive relief. A risk retention
17 group shall comply with an injunctive order issued in another
18 state by a court of competent jurisdiction or by a United
19 States District Court based on a finding of financial
20 impairment or hazardous financial condition.

21 M. Penalties. A risk retention group that violates any
22 provision of this Article will be subject to fines and
23 penalties applicable to licensed insurers generally,
24 including revocation of its license or the right to do
25 business in this State, or both.

26 N. Operations prior to August 3, 1987. In addition to
27 complying with the requirements of this Section, any risk
28 retention group operating in this State prior to August 3,
29 1987, shall within 30 days after such effective date comply
30 with the provisions of subsection A of this Section.

31 (Source: P.A. 91-292, eff. 7-29-99.)

32 (215 ILCS 5/123C-17) (from Ch. 73, par. 735C-17)

33 Sec. 123C-17. Fees.

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

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

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

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

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

15 (Source: P.A. 87-108.)

16 (215 ILCS 5/131.24) (from Ch. 73, par. 743.24)

17 Sec. 131.24. Sanctions.

18 (1) Every director or officer of an insurance holding
19 company system who knowingly violates, participates in, or
20 assents to, or who knowingly permits any of the officers or
21 agents of the company to engage in transactions or make
22 investments which have not been properly filed or approved or
23 which violate this Article, shall pay, in their individual
24 capacity, a civil forfeiture of not more than \$100,000
25 ~~\$50,000~~ per violation, after notice and hearing before the
26 Director. In determining the amount of the civil forfeiture,
27 the Director shall take into account the appropriateness of
28 the forfeiture with respect to the gravity of the violation,
29 the history of previous violations, and such other matters as
30 justice may require.

31 (2) Whenever it appears to the Director that any company
32 subject to this Article or any director, officer, employee or
33 agent thereof has engaged in any transaction or entered into

1 a contract which is subject to Section 131.20, and any one of
2 Sections 131.16, 131.20a, 141, 141.1, or 174 of this Code and
3 which would not have been approved had such approval been
4 requested or would have been disapproved had required notice
5 been given, the Director may order the company to cease and
6 desist immediately any further activity under that
7 transaction or contract. After notice and hearing the
8 Director may also order (a) the company to void any such
9 contracts and restore the status quo if such action is in the
10 best interest of the policyholders or the public, and (b) any
11 affiliate of the company, which has received from the company
12 dividends, distributions, assets, loans, extensions of
13 credit, guarantees, or investments in violation of any such
14 Section, to immediately repay, refund or restore to the
15 company such dividends, distributions, assets, extensions of
16 credit, guarantees or investments.

17 (3) Whenever it appears to the Director that any company
18 or any director, officer, employee or agent thereof has
19 committed a willful violation of this Article, the Director
20 may cause criminal proceedings to be instituted in the
21 Circuit Court for the county in which the principal office of
22 the company is located or in the Circuit Court of Sangamon or
23 Cook County against such company or the responsible director,
24 officer, employee or agent thereof. Any company which
25 willfully violates this Article commits a business offense
26 and may be fined up to \$500,000 ~~\$250,000~~. Any individual who
27 willfully violates this Article commits a Class 4 felony and
28 may be fined in his individual capacity not more than
29 \$500,000 ~~\$250,000~~ or be imprisoned for not less than one year
30 nor more than 3 years, or both.

31 (4) Any officer, director, or employee of an insurance
32 holding company system who willfully and knowingly subscribes
33 to or makes or causes to be made any false statements or
34 false reports or false filings with the intent to deceive the

1 Director in the performance of his duties under this Article,
2 commits a Class 3 felony and upon conviction thereof, shall
3 be imprisoned for not less than 2 years nor more than 5
4 years or fined \$500,000 ~~\$250,000~~ or both. Any fines imposed
5 shall be paid by the officer, Director, or employee in his
6 individual capacity.

7 (Source: P.A. 89-97, eff. 7-7-95.)

8 (215 ILCS 5/141a) (from Ch. 73, par. 753a)

9 Sec. 141a. Managing general agents and retrospective
10 compensation agreements.

11 (a) As used in this Section, the following terms have
12 the following meanings:

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

15 "Gross direct written premium" means direct premium
16 including policy and membership fees, net of returns and
17 cancellations, and prior to any cessions.

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

21 "Managing general agent" means any person, firm,
22 association, or corporation, either separately or together
23 with affiliates, that:

24 (1) manages all or part of the insurance business
25 of an insurer (including the management of a separate
26 division, department, or underwriting office), and

27 (2) acts as an agent for the insurer whether known
28 as a managing general agent, manager, or other similar
29 term, and

30 (3) with or without the authority produces,
31 directly or indirectly, and underwrites:

32 (A) within any one calendar quarter, an amount
33 of gross direct written premium equal to or more

1 than 5% of the policyholders' surplus as reported in
2 the insurer's last annual statement, or

3 (B) within any one calendar year, an amount of
4 gross direct written premium equal to or more than
5 8% of the policyholders' surplus as reported in the
6 insurer's last annual statement, and either

7 (4) has the authority to bind the company in
8 settlement of individual claims in amounts in excess of
9 \$500, or

10 (5) has the authority to negotiate reinsurance on
11 behalf of the insurer.

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

15 (1) An employee of the insurer;

16 (2) A U.S. manager of the United States branch of
17 an alien insurer;

18 (3) An underwriting manager who, pursuant to a
19 contract meeting the standards of Section 141.1 manages
20 all or part of the insurance operations of the insurer,
21 is affiliated with the insurer, subject to Article VIII
22 1/2, and whose compensation is not based on the volume of
23 premiums written;

24 (4) The attorney or the attorney in fact authorized
25 and acting for or on behalf of the subscriber
26 policyholders of a reciprocal or inter-insurance
27 exchange, under the terms of the subscription agreement,
28 power of attorney, or policy of insurance or the attorney
29 in fact for any Lloyds organization licensed in this
30 State.

31 "Retrospective compensation agreement" means any
32 arrangement, agreement, or contract having as its purpose the
33 actual or constructive retention by the insurer of a fixed
34 proportion of the gross premiums, with the balance of the

1 premiums, retained actually or constructively by the agent or
2 the producer of the business, who assumes to pay therefrom
3 all losses, all subordinate commission, loss adjustment
4 expenses, and his profit, if any, with other provisions of
5 the arrangement, agreement, or contract being auxiliary or
6 incidental to that purpose.

7 "Underwrite" means to accept or reject risk on behalf of
8 the insurer.

9 (b) Licensure of managing general agents.

10 (1) No person, firm, association, or corporation
11 shall act in the capacity of a managing general agent
12 with respect to risks located in this State for an
13 insurer licensed in this State unless the person is a
14 licensed producer or a registered firm in this State
15 under Article XXXI of this Code or a licensed third party
16 administrator in this State under Article XXXI 1/4 of
17 this Code.

18 (2) No person, firm, association, or corporation
19 shall act in the capacity of a managing general agent
20 with respect to risks located outside this State for an
21 insurer domiciled in this State unless the person is a
22 licensed producer or a registered firm in this State
23 under Article XXXI of this Code or a licensed third party
24 administrator in this State under Article XXXI 1/4 of
25 this Code.

26 (3) The managing general agent must provide a
27 surety bond for the benefit of the insurer in an amount
28 equal to the greater of \$100,000 or 5% of the gross
29 direct written premium underwritten by the managing
30 general agent on behalf of the insurer. The bond shall
31 provide for a discovery period and prior notification of
32 cancellation in accordance with the rules of the
33 Department unless otherwise approved in writing by the
34 Director.

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

7 (5) Evidence of the existence of the bond and the
8 errors and omissions policy must be made available to the
9 Director upon his request.

10 (c) No person, firm, association, or corporation acting
11 in the capacity of a managing general agent shall place
12 business with an insurer unless there is in force a written
13 contract between the parties that sets forth the
14 responsibilities of each party, that, if both parties share
15 responsibility for a particular function, specifies the
16 division of responsibility, and that contains the following
17 minimum provisions:

18 (1) The insurer may terminate the contract for
19 cause upon written notice to the managing general agent.
20 The insurer may suspend the underwriting authority of the
21 managing general agent during the pendency of any dispute
22 regarding the cause for termination.

23 (2) The managing general agent shall render
24 accounts to the insurer detailing all transactions and
25 remit all funds due under the contract to the insurer on
26 not less than a monthly basis.

27 (3) All funds collected for the account of an
28 insurer shall be held by the managing general agent in a
29 fiduciary capacity in a bank that is a federally or State
30 chartered bank and that is a member of the Federal
31 Deposit Insurance Corporation. This account shall be
32 used for all payments on behalf of the insurer; however,
33 the managing general agent shall not have authority to
34 draw on any other accounts of the insurer. The managing

1 general agent may retain no more than 3 months estimated
2 claims payments and allocated loss adjustment expenses.

3 (4) Separate records of business written by the
4 managing general agent will be maintained. The insurer
5 shall have access to and the right to copy all accounts
6 and records related to its business in a form usable by
7 the insurer, and the Director shall have access to all
8 books, bank accounts, and records of the managing general
9 agent in a form usable to the Director.

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

12 (6) The managing general agent shall provide to the
13 company audited financial statements required under
14 paragraph (1) of subsection (d).

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

- 17 (A) the maximum annual premium volume;
- 18 (B) the basis of the rates to be charged;
- 19 (C) the types of risks that may be written;
- 20 (D) maximum limits of liability;
- 21 (E) applicable exclusions;
- 22 (F) territorial limitations;
- 23 (G) policy cancellation provisions; and
- 24 (H) the maximum policy period.

25 (8) The insurer shall have the right to: (i) cancel
26 or nonrenew any policy of insurance subject to applicable
27 laws and regulations concerning those actions; and (ii)
28 require cancellation of any subproducer's contract after
29 appropriate notice.

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

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

34 (B) a copy of the claim file must be sent to

1 the insurer at its request or as soon as it becomes
2 known that the claim:

3 (i) has the potential to exceed an amount
4 determined by the company;

5 (ii) involves a coverage dispute;

6 (iii) may exceed the managing general
7 agent's claims settlement authority;

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

9 (v) is closed by payment of an amount set
10 by the company.

11 (C) all claim files will be the joint property
12 of the insurer and the managing general agent.
13 However, upon an order of liquidation of the
14 insurer, the files shall become the sole property of
15 the insurer or its estate; the managing general
16 agent shall have reasonable access to and the right
17 to copy the files on a timely basis.

18 (D) any settlement authority granted to the
19 managing general agent may be terminated for cause
20 upon the insurer's written notice to the managing
21 general agent or upon the termination of the
22 contract. The insurer may suspend the settlement
23 authority during the pendency of any dispute
24 regarding the cause for termination.

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

28 (11) If the contract provides for a sharing of
29 interim profits by the managing general agent and the
30 managing general agent has the authority to determine the
31 amount of the interim profits by establishing loss
32 reserves, controlling claim payments, or by any other
33 manner, interim profits will not be paid to the managing
34 general agent until one year after they are earned for

1 property insurance business and until 5 years after they
2 are earned on casualty business and in either case, not
3 until the profits have been verified.

4 (12) The managing general agent shall not:

5 (A) Bind reinsurance or retrocessions on
6 behalf of the insurer, except that the managing
7 general agent may bind facultative reinsurance
8 contracts under obligatory facultative agreements if
9 the contract with the insurer contains reinsurance
10 underwriting guidelines including, for both
11 reinsurance assumed and ceded, a list of reinsurers
12 with which automatic agreements are in effect, the
13 coverages and amounts or percentages that may be
14 reinsured, and commission schedules.

15 (B) Appoint any producer without assuring that
16 the producer is lawfully licensed to transact the
17 type of insurance for which he is appointed.

18 (C) Without prior approval of the insurer, pay
19 or commit the insurer to pay a claim over a
20 specified amount, net of reinsurance, that shall not
21 exceed 1% of the insurer's policyholders' surplus as
22 of December 31 of the last completed calendar year.

23 (D) Collect any payment from a reinsurer or
24 commit the insurer to any claim settlement with a
25 reinsurer without prior approval of the insurer. If
26 prior approval is given, a report must be promptly
27 forwarded to the insurer.

28 (E) Permit its subproducer to serve on its
29 board of directors.

30 (F) Employ an individual who is also employed
31 by the insurer.

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

34 (d) Insurers shall have the following duties:

1 (1) The insurer shall have on file the managing
2 general agent's audited financial statements as of the
3 end of the most recent fiscal year prepared in accordance
4 with Generally Accepted Accounting Principles. The
5 insurer shall notify the Director if the auditor's
6 opinion on those statements is other than an unqualified
7 opinion. That notice shall be given to the Director
8 within 10 days of receiving the audited financial
9 statements or becoming aware that such opinion has been
10 given.

11 (2) If a managing general agent establishes loss
12 reserves, the insurer shall annually obtain the opinion
13 of an actuary attesting to the adequacy of loss reserves
14 established for losses incurred and outstanding on
15 business produced by the managing general agent, in
16 addition to any other required loss reserve
17 certification.

18 (3) The insurer shall periodically (at least
19 semiannually) conduct an on-site review of the
20 underwriting and claims processing operations of the
21 managing general agent.

22 (4) Binding authority for all reinsurance contracts
23 or participation in insurance or reinsurance syndicates
24 shall rest with an officer of the insurer, who shall not
25 be affiliated with the managing general agent.

26 (5) Within 30 days of entering into or terminating
27 a contract with a managing general agent, the insurer
28 shall provide written notification of the appointment or
29 termination to the Director. Notices of appointment of a
30 managing general agent shall include a statement of
31 duties that the applicant is expected to perform on
32 behalf of the insurer, the lines of insurance for which
33 the applicant is to be authorized to act, and any other
34 information the Director may request.

1 (6) An insurer shall review its books and records
2 each quarter to determine if any producer has become a
3 managing general agent. If the insurer determines that a
4 producer has become a managing general agent, the insurer
5 shall promptly notify the producer and the Director of
6 that determination, and the insurer and producer must
7 fully comply with the provisions of this Section within
8 30 days of the notification.

9 (7) The insurer shall file any managing general
10 agent contract for the Director's approval within 45 days
11 after the contract becomes subject to this Section.
12 Failure of the Director to disapprove the contract within
13 45 days shall constitute approval thereof. Upon
14 expiration of the contract, the insurer shall submit the
15 replacement contract for approval. Contracts filed under
16 this Section shall be exempt from filing under Sections
17 141, 141.1 and 131.20a.

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

23 (e) The acts of a managing general agent are considered
24 to be the acts of the insurer on whose behalf it is acting.
25 A managing general agent may be examined in the same manner
26 as an insurer.

27 (f) Retrospective compensation agreements for business
28 written under Section 4 of this Code in Illinois and outside
29 of Illinois by an insurer domiciled in this State must be
30 filed for approval. The standards for approval shall be as
31 set forth under Section 141 of this Code.

32 (g) Unless specifically required by the Director, the
33 provisions of this Section shall not apply to arrangements
34 between a managing general agent not underwriting any risks

1 located in Illinois and a foreign insurer domiciled in an
2 NAIC accredited state that has adopted legislation
3 substantially similar to the NAIC Managing General Agents
4 Model Act. "NAIC accredited state" means a state or
5 territory of the United States having an insurance regulatory
6 agency that maintains an accredited status granted by the
7 National Association of Insurance Commissioners.

8 (h) If the Director determines that a managing general
9 agent has not materially complied with this Section or any
10 regulation or order promulgated hereunder, after notice and
11 opportunity to be heard, the Director may order a penalty in
12 an amount not exceeding \$100,000 ~~\$50,000~~ for each separate
13 violation and may order the revocation or suspension of the
14 producer's license. If it is found that because of the
15 material noncompliance the insurer has suffered any loss or
16 damage, the Director may maintain a civil action brought by
17 or on behalf of the insurer and its policyholders and
18 creditors for recovery of compensatory damages for the
19 benefit of the insurer and its policyholders and creditors or
20 other appropriate relief. This subsection (h) shall not be
21 construed to prevent any other person from taking civil
22 action against a managing general agent.

23 (i) If an Order of Rehabilitation or Liquidation is
24 entered under Article XIII and the receiver appointed under
25 that Order determines that the managing general agent or any
26 other person has not materially complied with this Section or
27 any regulation or Order promulgated hereunder and the insurer
28 suffered any loss or damage therefrom, the receiver may
29 maintain a civil action for recovery of damages or other
30 appropriate sanctions for the benefit of the insurer.

31 Any decision, determination, or order of the Director
32 under this subsection shall be subject to judicial review
33 under the Administrative Review Law.

34 Nothing contained in this subsection shall affect the

1 right of the Director to impose any other penalties provided
2 for in this Code.

3 Nothing contained in this subsection is intended to or
4 shall in any manner limit or restrict the rights of
5 policyholders, claimants, and auditors.

6 (j) A domestic company shall not during any calendar
7 year write, through a managing general agent or managing
8 general agents, premiums in an amount equal to or greater
9 than its capital and surplus as of the preceding December
10 31st unless the domestic company requests in writing the
11 Director's permission to do so and the Director has either
12 approved the request or has not disapproved the request
13 within 45 days after the Director received the request.

14 No domestic company with less than \$5,000,000 of capital
15 and surplus may write any business through a managing general
16 agent unless the domestic company requests in writing the
17 Director's permission to do so and the Director has either
18 approved the request or has not disapproved the request
19 within 45 days after the Director received the request.

20 (Source: P.A. 88-364; 89-97, eff. 7-7-95.)

21 (215 ILCS 5/149) (from Ch. 73, par. 761)

22 Sec. 149. Misrepresentation and defamation prohibited.

23 (1) No company doing business in this State, and no
24 officer, director, agent, clerk or employee thereof, broker,
25 or any other person, shall make, issue or circulate or cause
26 or knowingly permit to be made, issued or circulated any
27 estimate, illustration, circular, or verbal or written
28 statement of any sort misrepresenting the terms of any policy
29 issued or to be issued by it or any other company or the
30 benefits or advantages promised thereby or any misleading
31 estimate of the dividends or share of the surplus to be
32 received thereon, or shall by the use of any name or title of
33 any policy or class of policies misrepresent the nature

1 thereof.

2 (2) No such company or officer, director, agent, clerk
3 or employee thereof, or broker shall make any misleading
4 representation or comparison of companies or policies, to any
5 person insured in any company for the purpose of inducing or
6 tending to induce a policyholder in any company to lapse,
7 forfeit, change or surrender his insurance, whether on a
8 temporary or permanent plan.

9 (3) No such company, officer, director, agent, clerk or
10 employee thereof, broker or other person shall make, issue or
11 circulate or cause or knowingly permit to be made, issued or
12 circulated any pamphlet, circular, article, literature or
13 verbal or written statement of any kind which contains any
14 false or malicious statement calculated to injure any company
15 doing business in this State in its reputation or business.

16 (4) No such company, or officer, director, agent, clerk
17 or employee thereof, no agent, broker, solicitor, or company
18 service representative, and no other person, firm,
19 corporation, or association of any kind or character, shall
20 make, issue, circulate, use, or utter, or cause or knowingly
21 permit to be made, issued, circulated, used, or uttered, any
22 policy or certificate of insurance, or endorsement or rider
23 thereto, or matter incorporated therein by reference, or
24 application blanks, or any stationery, pamphlet, circular,
25 article, literature, advertisement or advertising of any kind
26 or character, visual, or aural, including radio advertising
27 and television advertising, or any other verbal or written
28 statement or utterance (a) which tends to create the
29 impression or from which it may be implied or inferred,
30 directly or indirectly, that the company, its financial
31 condition or status, or the payment of its claims, or the
32 merits, desirability, or advisability of its policy forms or
33 kinds or plans of insurance are approved, endorsed, or
34 guaranteed by the State of Illinois or United States

1 Government or the Director or the Department or are secured
2 by Government bonds or are secured by a deposit with the
3 Director, or (b) which uses or refers to any deposit with the
4 Director or any certificate of deposit issued by the Director
5 or any facsimile, reprint, photograph, photostat, or other
6 reproduction of any such certificate of deposit.

7 (5) Any company, officer, director, agent, clerk or
8 employee thereof, broker, or other person who violates any of
9 the provisions of this Section, or knowingly participates in
10 or abets such violation, is guilty of a business offense and
11 shall be required to pay a penalty of not less than \$200 ~~\$100~~
12 nor more than \$10,000 ~~\$5,000~~, to be recovered in the name of
13 the People of the State of Illinois either by the Attorney
14 General or by the State's Attorney of the county in which the
15 violation occurs. The penalty so recovered shall be paid into
16 the county treasury if recovered by the State's Attorney or
17 into the State treasury if recovered by the Attorney General.

18 (6) No company shall be held guilty of having violated
19 any of the provisions of this Section by reason of the act of
20 any agent, solicitor or employee, not an officer, director or
21 department head thereof, unless an officer, director or
22 department head of such company shall have knowingly
23 permitted such act or shall have had prior knowledge thereof.

24 (7) Any person, association, organization, partnership,
25 business trust or corporation not authorized to transact an
26 insurance business in this State which disseminates in or
27 causes to be disseminated in this State any advertising,
28 invitations to inquire, questionnaires or requests for
29 information designed to result in a solicitation for the
30 purchase of insurance by residents of this State is also
31 subject to the sanctions of this Section. The phrase
32 "designed to result in a solicitation for the purchase of
33 insurance" includes but is not limited to:

34 (a) the use of any form or document which provides

1 either generalized or specific information or
2 recommendations regardless of the insurance needs of the
3 recipient or the availability of any insurance policy or
4 plan; or

5 (b) any offer to provide such information or
6 recommendation upon subsequent contacts or solicitation
7 either by the entity generating the material or some
8 other person; or

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

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

13 (e) the use of any material which, regardless of
14 the form and content used or the information imparted, is
15 intended to result, in the generation of leads for
16 further solicitations or the preparation of a mailing
17 list which can be sold to others for such purpose.

18 (Source: P.A. 90-655, eff. 7-30-98.)

19 (215 ILCS 5/310.1) (from Ch. 73, par. 922.1)

20 Sec. 310.1. Suspension, Revocation or Refusal to Renew
21 Certificate of Authority. (a) Domestic Societies. When, upon
22 investigation, the Director is satisfied that any domestic
23 society transacting business under this amendatory Act has
24 exceeded its powers or has failed to comply with any
25 provisions of this amendatory Act or is conducting business
26 fraudulently or in a way hazardous to its members, creditors
27 or the public or is not carrying out its contracts in good
28 faith, the Director shall notify the society of his or her
29 findings, stating in writing the grounds of his or her
30 dissatisfaction, and, after reasonable notice, require the
31 society on a date named to show cause why its certificate of
32 authority should not be revoked or suspended or why such
33 society should not be fined as hereinafter provided or why

1 the Director should not proceed against the society under
2 Article XIII of this Code. If, on the date named in said
3 notice, such objections have not been removed to the
4 satisfaction of the Director or if the society does not
5 present good and sufficient reasons why its authority to
6 transact business in this State should not at that time be
7 revoked or suspended or why such society should not be fined
8 as hereinafter provided, the Director may revoke the
9 authority of the society to continue business in this State
10 and proceed against the society under Article XIII of this
11 Code or suspend such certificate of authority for any period
12 of time up to, but not to exceed, 2 years; or may by order
13 require such society to pay to the people of the State of
14 Illinois a penalty in a sum not exceeding \$10,000 ~~\$5,000~~,
15 and, upon the failure of such society to pay such penalty
16 within 20 days after the mailing of such order, postage
17 prepaid, registered and addressed to the last known place of
18 business of such society, unless such order is stayed by an
19 order of a court of competent jurisdiction, the Director may
20 revoke or suspend the license of such society for any period
21 of time up to, but not exceeding, a period of 2 years.

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

25 (Source: P.A. 84-303.)

26 (215 ILCS 5/315.4) (from Ch. 73, par. 927.4)

27 Sec. 315.4. Penalties. (a) Any person who willfully
28 makes a false or fraudulent statement in or relating to an
29 application for membership or for the purpose of obtaining
30 money from, or a benefit in, any society shall upon
31 conviction be fined not less than \$200 ~~\$100~~ nor more than
32 \$10,000 ~~\$5,000~~ or be subject to imprisonment in the county
33 jail not less than 30 days nor more than one year, or both.

1 (b) Any person who willfully makes a false or fraudulent
2 statement in any verified report or declaration under oath
3 required or authorized by this amendatory Act, or of any
4 material fact or thing contained in a sworn statement
5 concerning the death or disability of an insured for the
6 purpose of procuring payment of a benefit named in the
7 certificate, shall be guilty of perjury and shall be subject
8 to the penalties therefor prescribed by law.

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

13 (d) Any person guilty of a willful violation of, or
14 neglect or refusal to comply with, the provisions of this
15 amendatory Act for which a penalty is not otherwise
16 prescribed shall upon conviction be subject to a fine not
17 exceeding \$10,000 \$5,000.

18 (Source: P.A. 84-303.)

19 (215 ILCS 5/325) (from Ch. 73, par. 937)

20 Sec. 325. Officers bonds.

21 The officer or officers of the association entrusted with
22 the custody of its funds shall within thirty days after the
23 effective date of this Code file with the Director a bond in
24 favor of the association in the penalty of double the amount
25 of its benefit account, as defined in the act mentioned in
26 section 316, as of the end of a preceding calendar year,
27 exclusive of such amount as the association may maintain on
28 deposit with the Director, (but in no event a bond in a
29 penalty of less than \$2,000 ~~one-thousand-dollars~~) with such
30 officer or officers as principal and a duly authorized surety
31 company as surety, conditioned upon the faithful performance
32 of his or their duties and the accounting of the funds
33 entrusted to his or their custody. If the penalty of any bond

1 filed pursuant to this section shall at any time be less than
2 twice the largest amount in the benefit fund of the
3 association not maintained on deposit with the Director
4 during the preceding calendar year, a new bond in the penalty
5 of double the largest amount in the benefit fund during said
6 preceding calendar year, with such officer or officers as
7 principal and a duly authorized surety company as surety,
8 conditioned as aforesaid, shall be filed with the Director
9 within sixty days after the end of such calendar year.

10 (Source: Laws 1945, p. 966.)

11 (215 ILCS 5/363a) (from Ch. 73, par. 975a)

12 Sec. 363a. Medicare supplement policies; disclosure,
13 advertising, loss ratio standards.

14 (1) Scope. This Section pertains to disclosure
15 requirements of companies and agents and mandatory and
16 prohibited practices of agents when selling a policy to
17 supplement the Medicare program or any other health insurance
18 policy sold to individuals eligible for Medicare. No policy
19 shall be referred to or labeled as a Medicare supplement
20 policy if it does not comply with the minimum standards
21 required by regulation pursuant to Section 363 of this Code.
22 Except as otherwise specifically provided in paragraph (d) of
23 subsection (6), this Section shall not apply to accident only
24 or specified disease type of policies or hospital confinement
25 indemnity or other type policies clearly unrelated to
26 Medicare.

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

30 (a) It may not include any reference to that
31 program on the envelope, the reply envelope, or the
32 address side of the reply postal card, if any, nor use
33 any language to imply that failure to respond to the

1 advertisement might result in loss of Medicare benefits.

2 (b) It must include a prominent statement to the
3 effect that in providing supplemental coverage the
4 insurer and agent involved in the solicitation are not in
5 any manner connected with that program.

6 (c) It must prominently disclose that it is an
7 advertisement for insurance or is intended to obtain
8 insurance prospects.

9 (d) It must prominently identify and set forth the
10 actual address of the insurer or insurers that issue the
11 coverage.

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

15 The Director may issue reasonable rules and regulations
16 for the purpose of establishing criteria and guidelines for
17 the advertising of Medicare supplement insurance.

18 (3) Mandatory agent practices. For the purpose of this
19 Act, "home solicitation sale by an agent" means a sale or
20 attempted sale of an insurance policy at the purchaser's
21 residence, agent's transient quarters, or away from the
22 agent's home office when the initial contact is personally
23 solicited by the agent or insurer. Any agent involved in any
24 home solicitation sale of a Medicare supplement policy or
25 other policy of accident and health insurance, subject to
26 subsection (1) of this Section, sold to individuals eligible
27 for Medicare shall promptly do the following:

28 (a) Identify himself as an insurance agent.

29 (b) Identify the insurer or insurers for which he
30 is a licensed agent.

31 (c) Provide the purchaser with a clearly printed or
32 typed identification of his name, address, telephone
33 number, and the name of the insurer in which the
34 insurance is to be written.

1 (d) Determine what, if any, policy is appropriate,
2 suitable, and nonduplicative for the purchaser
3 considering existing coverage and be able to provide
4 proof to the company that such a determination has been
5 made.

6 (e) Fully and completely disclose the purchaser's
7 medical history on the application if required for issue.

8 (f) Complete a Policy Check List in duplicate as
9 follows:

10 POLICY CHECK LIST

11 Applicant's Name:

12 Policy Number:

13 Name of Existing Insurer:

14 Expiration Date of Existing Insurance:

15 Medicare	Existing	Supplement	Insured's
16 Pays	Coverage	Pays	Responsibility
17 Service			
18 Hospital			
19 Skilled			
20 Nursing			
21 Home Care			
22 Prescription			
23 Drugs			

24 This policy does/does not (circle one) comply with
25 the minimum standards for Medicare supplements set forth
26 in Section 363 of the Illinois Insurance Code.

27 Signature of Applicant

28 Signature of Agent

29 This Policy Check List is to be completed in the
30 presence of the purchaser at the point of sale, and
31 copies of it, completed and duly signed, are to be
32 provided to the purchaser and to the company.

33 (g) Except in the case of refunds of premium made
34 pursuant to subsection (5) of Section 363 of this Code,

1 send by mail to an insured or an applicant for insurance,
2 when the insurer follows a practice of having agents
3 return premium refund drafts issued by the insurer, a
4 premium refund draft within 2 weeks of its receipt by the
5 agent from the insurer making such refund.

6 (h) Deliver to the purchaser, along with every
7 policy issued pursuant to Section 363 of this Code, an
8 Outline of Coverage as described in paragraph (b) of
9 subsection (6) of this Section.

10 (4) Prohibited agent practices.

11 (a) No insurance agent engaged in a home
12 solicitation sale of a Medicare supplement policy or
13 other policy of accident and health insurance, subject to
14 subsection (1) of this Section, sold to individuals
15 eligible for Medicare shall use any false, deceptive, or
16 misleading representation to induce a sale, or use any
17 plan, scheme, or ruse, that misrepresents the true status
18 or mission of the person making the call, or represent
19 directly or by implication that the agent:

20 (i) Is offering insurance that is approved or
21 recommended by the State or federal government to
22 supplement Medicare.

23 (ii) Is in any way representing, working for,
24 or compensated by a local, State, or federal
25 government agency.

26 (iii) Is engaged in an advisory business in
27 which his compensation is unrelated to the sale of
28 insurance by the use of terms such as Medicare
29 consultant, Medicare advisor, Medicare Bureau,
30 disability insurance consultant, or similar
31 expression in a letter, envelope, reply card, or
32 other.

33 (iv) Will provide a continuing service to the
34 purchaser of the policy unless he does provide

1 services to the purchaser beyond the sale and
2 renewal of policies.

3 (b) No agent engaged in a home solicitation sale of
4 a Medicare supplement policy or other policy of accident
5 and health insurance sold to individuals eligible for
6 Medicare shall misrepresent, directly or by implication,
7 any of the following:

8 (i) The identity of the insurance company or
9 companies he represents.

10 (ii) That the assistance programs of the State
11 or county or the federal Medicare programs for
12 medical insurance are to be discontinued or are
13 increasing in cost to the prospective buyer or are
14 in any way endangered.

15 (iii) That an insurance company in which the
16 prospective purchaser is insured is financially
17 unstable, cancelling its outstanding policies,
18 merging, or withdrawing from the State.

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

20 (v) The effective date of coverage under the
21 policy.

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

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

26 (5) Mandatory company practices. Any company involved
27 in the sale of Medicare supplement policies or any policies
28 of accident and health insurance (subject to subsection (1)
29 of this Section) sold to individuals eligible for Medicare
30 shall do the following:

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

34 (b) Make certain that policies of Medicare

1 supplement insurance are not issued, and any premium
2 collected for those policies is refunded, when they are
3 deemed duplicative, inappropriate, or not suitable
4 considering existing coverage with the company.

5 (c) Maintain copies of the Policy Check List as
6 completed by the agent at the point of sale of a Medicare
7 supplement policy or any policy of accident and health
8 insurance (subject to subsection (1) of this Section)
9 sold to individuals eligible for Medicare on file at the
10 company's regional or other administrative office.

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

14 (a) No Medicare supplement policy or certificate
15 shall be delivered in this State unless an outline of
16 coverage is delivered to the applicant at the time
17 application is made and, except for direct response
18 policies, an acknowledgement from the applicant of
19 receipt of the outline is obtained.

20 (b) Outline of coverage requirements for Medicare
21 supplement policies.

22 (i) Insurers issuing Medicare supplement
23 policies or certificates for delivery in this State
24 shall provide an outline of coverage to all
25 applicants at the time application is made and,
26 except for direct response policies, shall obtain an
27 acknowledgement of receipt of the outline from the
28 applicant.

29 (ii) If an outline of coverage is provided at
30 the time of application and the Medicare supplement
31 policy or certificate is issued on a basis that
32 would require revision of the outline, a substitute
33 outline of coverage properly describing the policy
34 or certificate must accompany the policy or

1 certificate when it is delivered and shall contain
2 immediately above the company name, in no less than
3 12 point type, the following statement:

4 "NOTICE: Read this outline of coverage
5 carefully. It is not identical to the outline of
6 coverage provided upon application and the coverage
7 originally applied for has not been issued."

8 (iii) The outline of coverage provided to
9 applicants shall be in the form prescribed by rule
10 by the Department.

11 (c) Insurers issuing policies that provide hospital
12 or medical expense coverage on an expense incurred or
13 indemnity basis, other than incidentally, to a person or
14 persons eligible for Medicare shall provide to the
15 policyholder a buyer's guide approved by the Director.
16 Delivery of the buyer's guide shall be made whether or
17 not the policy qualifies as a "Medicare Supplement
18 Coverage" in accordance with Section 363 of this Code.
19 Except in the case of direct response insurers, delivery
20 of the buyer's guide shall be made at the time of
21 application, and acknowledgement of receipt of
22 certification of delivery of the buyer's guide shall be
23 provided to the insurer. Direct response insurers shall
24 deliver the buyer's guide upon request, but not later
25 than at the time the policy is delivered.

26 (d) Outlines of coverage delivered in connection
27 with policies defined in subsection (4) of Section 355a
28 of this Code as Hospital confinement Indemnity (Section
29 4c), Accident Only Coverage (Section 4f), Specified
30 Disease (Section 4g) or Limited Benefit Health Insurance
31 Coverage to persons eligible for Medicare shall contain,
32 in addition to other requirements for those outlines, the
33 following language that shall be printed on or attached
34 to the first page of the outline of coverage:

1 "This policy, certificate or subscriber contract IS
2 NOT A MEDICARE SUPPLEMENT policy or certificate. It does
3 not fully supplement your federal Medicare health
4 insurance. If you are eligible for Medicare, review the
5 Guide to Health Insurance for People with Medicare
6 available from the company."

7 (e) In the case wherein a policy, as defined in
8 paragraph (a) of subsection (2) of Section 355a of this
9 Code, being sold to a person eligible for Medicare
10 provides one or more but not all of the minimum standards
11 for Medicare supplements set forth in Section 363 of this
12 Code, disclosure must be provided that the policy is not
13 a Medicare supplement and does not meet the minimum
14 benefit standards set for those policies in this State.

15 (7) Loss ratio standards.

16 (a) Every issuer of Medicare supplement policies or
17 certificates in this State, as defined in Section 363 of
18 this Code, shall file annually its rates, rating
19 schedule, and supporting documentation demonstrating that
20 it is in compliance with the applicable loss ratio
21 standards of this State. All filings of rates and rating
22 schedules shall demonstrate that the actual and
23 anticipated losses in relation to premiums comply with
24 the requirements of this Code.

25 (b) Medicare supplement policies shall, for the
26 entire period for which rates are computed to provide
27 coverage, on the basis of incurred claims experience and
28 earned premiums for the period and in accordance with
29 accepted actuarial principles and practices, return to
30 policyholders in the form of aggregate benefits the
31 following:

32 (i) In the case of group policies, at least
33 75% of the aggregate amount of premiums earned.

34 (ii) In the case of individual policies, at

1 least 60% of the aggregate amount of premiums
2 earned; and beginning November 5, 1991, at least 65%
3 of the aggregate amount of premiums earned.

4 (iii) In the case of sponsored group policies
5 in which coverage is marketed on an individual basis
6 by direct response to eligible individuals in that
7 group only, at least 65% of the aggregate amount of
8 premiums earned.

9 (c) For the purposes of this Section, the insurer
10 shall be deemed to comply with the loss ratio standards
11 if: (i) for the most recent year, the ratio of the
12 incurred losses to earned premiums for policies or
13 certificates that have been in force for 3 years or more
14 is greater than or equal to the applicable percentages
15 contained in this Section; and (ii) the anticipated
16 losses in relation to premiums over the entire period for
17 which the policy is rated comply with the requirements of
18 this Section. An anticipated third-year loss ratio that
19 is greater than or equal to the applicable percentage
20 shall be demonstrated for policies or certificates in
21 force less than 3 years.

22 (8) Applicability. This Section shall apply to those
23 companies writing the kind or kinds of business enumerated in
24 Classes 1(b) and 2(a) of Section 4 of this Code and to those
25 entities organized and operating under the Voluntary Health
26 Services Plans Act and the Health Maintenance Organization
27 Act.

28 (9) Penalties.

29 (a) Any company or agent who is found to have
30 violated any of the provisions of this Section may be
31 required by order of the Director of Insurance to forfeit
32 by civil penalty not less than \$500 ~~\$250~~ nor more than
33 \$5,000 ~~\$2,500~~ for each offense. Written notice will be
34 issued and an opportunity for a hearing will be granted

1 pursuant to subsection (2) of Section 403A of this Code.

2 (b) In addition to any other applicable penalties
3 for violations of this Code, the Director may require
4 insurers violating any provision of this Code or
5 regulations promulgated pursuant to this Code to cease
6 marketing in this State any Medicare supplement policy or
7 certificate that is related directly or indirectly to a
8 violation and may require the insurer to take actions as
9 are necessary to comply with the provisions of Sections
10 363 and 363a of this Code.

11 (c) After June 30, 1991, no person may advertise,
12 solicit for the sale or purchase of, offer for sale, or
13 deliver a Medicare supplement policy that has not been
14 approved by the Director. A person who knowingly
15 violates, directly or through an agent, the provisions of
16 this paragraph commits a Class 3 felony. Any person who
17 violates the provisions of this paragraph may be
18 subjected to a civil penalty not to exceed \$10,000
19 ~~\$5,000~~. The civil penalty authorized in this paragraph
20 shall be enforced in the manner provided in Section 403A
21 of this Code.

22 (10) Replacement. Application forms shall include a
23 question designed to elicit information as to whether a
24 Medicare supplement policy or certificate is intended to
25 replace any similar accident and sickness policy or
26 certificate presently in force. A supplementary application
27 or other form to be signed by the applicant containing the
28 question may be used. Upon determining that a sale of
29 Medicare supplement coverage will involve replacement, an
30 insurer, other than a direct response insurer, or its agent,
31 shall furnish the applicant, prior to issuance or delivery of
32 the Medicare supplement policy or certificate, a notice
33 regarding replacement of Medicare supplement coverage. One
34 copy of the notice shall be provided to the applicant, and an

1 additional copy signed by the applicant shall be retained by
2 the insurer. A direct response insurer shall deliver to the
3 applicant at the time of the issuance of the policy the
4 notice regarding replacement of Medicare supplement coverage.
5 (Source: P.A. 88-313; 89-484, eff. 6-21-96.)

6 (215 ILCS 5/370) (from Ch. 73, par. 982)

7 Sec. 370. Policies issued in violation of
8 article-Penalty.

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

13 (2) The Director may revoke the license of any foreign
14 or alien company, or of the agent thereof wilfully violating
15 any provision of this article or suspend such license for any
16 period of time up to, but not to exceed, two years; or may by
17 order require such insurance company or agent to pay to the
18 people of the State of Illinois a penalty in a sum not
19 exceeding \$1,000 ~~five-hundred-dollars~~, and upon the failure
20 of such insurance company or agent to pay such penalty within
21 twenty days after the mailing of such order, postage prepaid,
22 registered, and addressed to the last known place of business
23 of such insurance company or agent, unless such order is
24 stayed by an order of a court of competent jurisdiction, the
25 Director of Insurance may revoke or suspend the license of
26 such insurance company or agent for any period of time up to,
27 but not exceeding a period of, two years.

28 (Source: P.A. 77-2699.)

29 (215 ILCS 5/403) (from Ch. 73, par. 1015)

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

31 (1) In the conduct of any examination, investigation or
32 hearing provided for by this Code, the Director or other

1 officer designated by him or her to conduct the same, shall
2 have power to compel the attendance of any person by
3 subpoena, to administer oaths and to examine any person under
4 oath concerning the business, conduct or affairs of any
5 company or person subject to the provisions of this Code, and
6 in connection therewith to require the production of any
7 books, records or papers relevant to the inquiry.

8 (2) If a person subpoenaed to attend such inquiry fails
9 to obey the command of the subpoena without reasonable
10 excuse, or if a person in attendance upon such inquiry shall,
11 without reasonable cause, refuse to be sworn or to be
12 examined or to answer a question or to produce a book or
13 paper when ordered to do so by any officer conducting such
14 inquiry, or if any person fails to perform any act required
15 hereunder to be performed, he or she shall be required to pay
16 a penalty of not more than \$2,000 ~~\$1,000~~ to be recovered in
17 the name of the People of the State of Illinois by the
18 State's Attorney of the county in which the violation occurs,
19 and the penalty so recovered shall be paid into the county
20 treasury.

21 (3) When any person neglects or refuses without
22 reasonable cause to obey a subpoena issued by the Director,
23 or refuses without reasonable cause to testify, to be sworn
24 or to produce any book or paper described in the subpoena,
25 the Director may file a petition against such person in the
26 circuit court of the county in which the testimony is desired
27 to be or has been taken or has been attempted to be taken,
28 briefly setting forth the fact of such refusal or neglect and
29 attaching a copy of the subpoena and the return of service
30 thereon and applying for an order requiring such person to
31 attend, testify or produce the books or papers before the
32 Director or his or her actuary, supervisor, deputy or
33 examiner, at such time or place as may be specified in such
34 order. Any circuit court of this State, upon the filing of

1 such petition, either before or after notice to such person,
2 may, in the judicial discretion of such court, order the
3 attendance of such person, the production of books and papers
4 and the giving of testimony before the Director or any of his
5 or her actuaries, supervisors, deputies or examiners. If such
6 person shall fail or refuse to obey the order of the court
7 and it shall appear to the court that the failure or refusal
8 of such person to obey its order is wilful, and without
9 lawful excuse, the court shall punish such person by fine or
10 imprisonment in the county jail, or both, as the nature of
11 the case may require, as is now, or as may hereafter be
12 lawful for the court to do in cases of contempt of court.

13 (4) The fees of witnesses for attendance and travel
14 shall be the same as the fees of witnesses before the circuit
15 courts of this State. When a witness is subpoenaed by or
16 testifies at the instance of the Director or other officer
17 designated by him or her, such fees shall be paid in the same
18 manner as other expenses of the Department. When a witness is
19 subpoenaed or testifies at the instance of any other party to
20 any such proceeding, the cost of the subpoena or subpoenas
21 duces tecum and the fee of the witness shall be borne by the
22 party at whose instance a witness is summoned. In such case,
23 the Department in its discretion, may require a deposit to
24 cover the cost of such service and witness fees.

25 (Source: P.A. 83-334.)

26 (215 ILCS 5/403A) (from Ch. 73, par. 1015A)

27 Sec. 403A. Violations; Notice of Apparent Liability;
28 Limitation of Forfeiture Liability. (1) Any company or
29 person, agent or broker, officer or director and any other
30 person subject to this Code and as may be defined in Section
31 2 of this Code, who willfully or repeatedly fails to observe
32 or who otherwise violates any of the provisions of this Code
33 or any rule or regulation promulgated by the Director under

1 authority of this Code or any final order of the Director
2 entered under the authority of this Code shall by civil
3 penalty forfeit to the State of Illinois a sum not to exceed
4 \$2,000 ~~\$1,000~~. Each day during which a violation occurs
5 constitutes a separate offense. The civil penalty provided
6 for in this Section shall apply only to those Sections of
7 this Code or administrative regulations thereunder that do
8 not otherwise provide for a monetary civil penalty.

9 (2) No forfeiture liability under paragraph (1) of this
10 Section may attach unless a written notice of apparent
11 liability has been issued by the Director and received by the
12 respondent, or the Director sends written notice of apparent
13 liability by registered or certified mail, return receipt
14 requested, to the last known address of the respondent. Any
15 respondent so notified must be granted an opportunity to
16 request a hearing within 10 days from receipt of notice, or
17 to show in writing, why he should not be held liable. A
18 notice issued under this Section must set forth the date,
19 facts and nature of the act or omission with which the
20 respondent is charged and must specifically identify the
21 particular provision of the Code, rule, regulation or order
22 of which a violation is charged.

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

29 (4) The civil penalty forfeitures provided for in this
30 Section are payable to the General Revenue Fund of the State
31 of Illinois, and may be recovered in a civil suit in the name
32 of the State of Illinois brought in the Circuit Court in
33 Sangamon County, or in the Circuit Court of the county where
34 the respondent is domiciled or has its principal operating

1 office.

2 (5) In any case where the Director issues a notice of
3 apparent liability looking toward the imposition of a civil
4 penalty forfeiture under this Section, that fact may not be
5 used in any other proceeding before the Director to the
6 prejudice of the respondent to whom the notice was issued,
7 unless (a) the civil penalty forfeiture has been paid, or (b)
8 a court has ordered payment of the civil penalty forfeiture
9 and that order has become final.

10 (Source: P.A. 86-938.)

11 (215 ILCS 5/408) (from Ch. 73, par. 1020)

12 Sec. 408. Fees and charges.

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

16 (a) For filing all documents submitted for the
17 incorporation or organization or certification of a
18 domestic company, except for a fraternal benefit society,
19 \$2,000 ~~\$1,000~~.

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

23 (c) For filing amendments to articles of
24 incorporation and amendments to declaration of
25 organization, except for a fraternal benefit society, a
26 mutual benefit association, a burial society or a farm
27 mutual, \$200 ~~\$100~~.

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

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

33 (f) For filing bylaws or amendments thereto, \$50

1 \$25.

2 (g) For filing agreement of merger or
3 consolidation:

4 (i) for a domestic company, except for a
5 fraternal benefit society, a mutual benefit
6 association, a burial society, or a farm mutual,
7 \$2,000 ~~\$1,000~~.

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

10 (iii) for a fraternal benefit society, a
11 mutual benefit association, a burial society, or a
12 farm mutual, \$200 ~~\$100~~.

13 (h) For filing agreements of reinsurance by a
14 domestic company, \$200 ~~\$100~~.

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

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

22 (k) For filing declaration of withdrawal of a
23 foreign or alien company, \$50 ~~\$25~~.

24 (l) For filing annual statement, except a fraternal
25 benefit society, a mutual benefit association, a burial
26 society, or a farm mutual, \$200 ~~\$100~~.

27 (m) For filing annual statement by a fraternal
28 benefit society, \$100 ~~\$50~~.

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

31 (o) For issuing a certificate of authority or
32 renewal thereof except to a fraternal benefit society,
33 \$200 ~~\$100~~.

34 (p) For issuing a certificate of authority or

1 renewal thereof to a fraternal benefit society, \$100 \$50.

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

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

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

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

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

11 (v) For multiple copies of documents or
12 certificates listed in subparagraphs (r), (s), and (u) of
13 paragraph (1) of this Section, \$10 for the first copy of
14 a certificate of any type and \$5 for each additional copy
15 of the same certificate requested at the same time,
16 unless, pursuant to paragraph (2) of this Section, the
17 Director finds these additional fees excessive.

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

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

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

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

25 (y) For filing a plan of exchange of the stock of a
26 domestic stock insurance company, a plan of
27 demutualization of a domestic mutual company, or a plan
28 of reorganization under Article XII, \$2,000 \$1,000.

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

32 (aa) For filing an agreement to purchase the
33 business of an organization authorized under the Dental
34 Service Plan Act or the Voluntary Health Services Plans

1 Act or of a health maintenance organization or a limited
2 health service organization, \$2,000 ~~\$1,000~~.

3 (bb) For filing a statement of acquisition of a
4 foreign or alien insurance company as defined in Section
5 131.12a of this Code, \$1,000 ~~\$500~~.

6 (cc) For filing a registration statement as
7 required in Sections 131.13 and 131.14, the notification
8 as required by Sections 131.16, 131.20a, or 141.4, or an
9 agreement or transaction required by Sections 124.2(2),
10 141, 141a, or 141.1, \$200 ~~\$100~~.

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

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

14 (ii) a workers' compensation service company,
15 \$500 ~~\$250~~;

16 (iii) a self-insured automobile fleet, \$200
17 ~~\$100~~; or

18 (iv) a renewal of or amendment of any license
19 issued pursuant to (i), (ii), or (iii) above, \$100
20 ~~\$50~~.

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

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

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

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

34 (ii) For a permit to solicit subscriptions to a

1 syndicate or limited syndicate, \$100 \$50.

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

6 (i) For the purposes of the form filing fee,
7 filings made on insert page basis will be considered
8 one form at the time of its original submission.
9 Changes made to a form subsequent to its approval
10 shall be considered a new filing.

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

14 (iii) Fees charged for a policy filed as it
15 will be issued regardless of the number of forms
16 comprising that policy shall not exceed \$1,000 \$500
17 or \$2,000 \$1000 for advisory or rating
18 organizations.

19 (iv) The Director may by rule exempt forms
20 from such fees.

21 (kk) For filing an application for licensing of a
22 reinsurance intermediary, \$500 \$250.

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

25 (2) When printed copies or numerous copies of the same
26 paper or records are furnished or certified, the Director may
27 reduce such fees for copies if he finds them excessive. He
28 may, when he considers it in the public interest, furnish
29 without charge to state insurance departments and persons
30 other than companies, copies or certified copies of reports
31 of examinations and of other papers and records.

32 (3) The expenses incurred in any performance examination
33 authorized by law shall be paid by the company or person
34 being examined. The charge shall be reasonably related to the

1 cost of the examination including but not limited to
2 compensation of examiners, electronic data processing costs,
3 supervision and preparation of an examination report and
4 lodging and travel expenses. All lodging and travel expenses
5 shall be in accord with the applicable travel regulations as
6 published by the Department of Central Management Services
7 and approved by the Governor's Travel Control Board, except
8 that out-of-state lodging and travel expenses related to
9 examinations authorized under Section 132 shall be in
10 accordance with travel rates prescribed under paragraph
11 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2,
12 for reimbursement of subsistence expenses incurred during
13 official travel. All lodging and travel expenses may be
14 reimbursed directly upon authorization of the Director. With
15 the exception of the direct reimbursements authorized by the
16 Director, all performance examination charges collected by
17 the Department shall be paid to the Insurance Producers
18 Administration Fund, however, the electronic data processing
19 costs incurred by the Department in the performance of any
20 examination shall be billed directly to the company being
21 examined for payment to the Statistical Services Revolving
22 Fund.

23 (4) At the time of any service of process on the
24 Director as attorney for such service, the Director shall
25 charge and collect the sum of \$20 ~~\$10,000~~, which may be
26 recovered as taxable costs by the party to the suit or action
27 causing such service to be made if he prevails in such suit
28 or action.

29 (5) (a) The costs incurred by the Department of
30 Insurance in conducting any hearing authorized by law shall
31 be assessed against the parties to the hearing in such
32 proportion as the Director of Insurance may determine upon
33 consideration of all relevant circumstances including: (1)
34 the nature of the hearing; (2) whether the hearing was

1 instigated by, or for the benefit of a particular party or
2 parties; (3) whether there is a successful party on the
3 merits of the proceeding; and (4) the relative levels of
4 participation by the parties.

5 (b) For purposes of this subsection (5) costs incurred
6 shall mean the hearing officer fees, court reporter fees, and
7 travel expenses of Department of Insurance officers and
8 employees; provided however, that costs incurred shall not
9 include hearing officer fees or court reporter fees unless
10 the Department has retained the services of independent
11 contractors or outside experts to perform such functions.

12 (c) The Director shall make the assessment of costs
13 incurred as part of the final order or decision arising out
14 of the proceeding; provided, however, that such order or
15 decision shall include findings and conclusions in support of
16 the assessment of costs. This subsection (5) shall not be
17 construed as permitting the payment of travel expenses unless
18 calculated in accordance with the applicable travel
19 regulations of the Department of Central Management Services,
20 as approved by the Governor's Travel Control Board. The
21 Director as part of such order or decision shall require all
22 assessments for hearing officer fees and court reporter fees,
23 if any, to be paid directly to the hearing officer or court
24 reporter by the party(s) assessed for such costs. The
25 assessments for travel expenses of Department officers and
26 employees shall be reimbursable to the Director of Insurance
27 for deposit to the fund out of which those expenses had been
28 paid.

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

32 (6) The Director shall charge and collect an annual
33 financial regulation fee from every domestic company for
34 examination and analysis of its financial condition and to

1 fund the internal costs and expenses of the Interstate
2 Insurance Receivership Commission as may be allocated to the
3 State of Illinois and companies doing an insurance business
4 in this State pursuant to Article X of the Interstate
5 Insurance Receivership Compact. The fee shall be the greater
6 fixed amount based upon the combination of nationwide direct
7 premium income and nationwide reinsurance assumed premium
8 income or upon admitted assets calculated under this
9 subsection as follows:

10 (a) Combination of nationwide direct premium income
11 and nationwide reinsurance assumed premium.

12 (i) \$150 ~~\$100~~, if the premium is less than
13 \$500,000 and there is no reinsurance assumed
14 premium;

15 (ii) \$750 ~~\$500~~, if the premium is \$500,000 or
16 more, but less than \$5,000,000 and there is no
17 reinsurance assumed premium; or if the premium is
18 less than \$5,000,000 and the reinsurance assumed
19 premium is less than \$10,000,000;

20 (iii) \$3,750 ~~\$2,500~~, if the premium is less
21 than \$5,000,000 and the reinsurance assumed premium
22 is \$10,000,000 or more;

23 (iv) \$7,500 ~~\$5,000~~, if the premium is
24 \$5,000,000 or more, but less than \$10,000,000;

25 (v) \$18,000 ~~\$12,000~~, if the premium is
26 \$10,000,000 or more, but less than \$25,000,000;

27 (vi) \$22,500 ~~\$15,000~~, if the premium is
28 \$25,000,000 or more, but less than \$50,000,000;

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

31 (viii) \$37,500 ~~\$25,000~~, if the premium is
32 \$100,000,000 or more.

33 (b) Admitted assets.

34 (i) \$150 ~~\$100~~, if admitted assets are less

1 than \$1,000,000;

2 (ii) \$750 \$500, if admitted assets are
3 \$1,000,000 or more, but less than \$5,000,000;

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

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

8 (v) \$18,000 \$12,000, if admitted assets are
9 \$50,000,000 or more, but less than \$100,000,000;

10 (vi) \$22,500 \$15,000, if admitted assets are
11 \$100,000,000 or more, but less than \$500,000,000;

12 (vii) \$30,000 \$20,000, if admitted assets are
13 \$500,000,000 or more, but less than \$1,000,000,000;

14 (viii) \$37,500 \$25,000, if admitted assets are
15 \$1,000,000,000 or more.

16 (c) The sum of financial regulation fees charged to
17 the domestic companies of the same affiliated group shall
18 not exceed \$250,000 \$100,000 in the aggregate in any
19 single year and shall be billed by the Director to the
20 member company designated by the group.

21 (7) The Director shall charge and collect an annual
22 financial regulation fee from every foreign or alien company,
23 except fraternal benefit societies, for the examination and
24 analysis of its financial condition and to fund the internal
25 costs and expenses of the Interstate Insurance Receivership
26 Commission as may be allocated to the State of Illinois and
27 companies doing an insurance business in this State pursuant
28 to Article X of the Interstate Insurance Receivership
29 Compact. The fee shall be a fixed amount based upon Illinois
30 direct premium income and nationwide reinsurance assumed
31 premium income in accordance with the following schedule:

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

34 (b) \$750 \$500, if the premium is \$500,000 or more,

1 but less than \$5,000,000 and there is no reinsurance
2 assumed premium; or if the premium is less than
3 \$5,000,000 and the reinsurance assumed premium is less
4 than \$10,000,000;

5 (c) \$3,750 ~~\$2,500~~, if the premium is less than
6 \$5,000,000 and the reinsurance assumed premium is
7 \$10,000,000 or more;

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

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

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

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

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

18 The sum of financial regulation fees under this
19 subsection (7) charged to the foreign or alien companies
20 within the same affiliated group shall not exceed \$250,000
21 ~~\$100,000~~ in the aggregate in any single year and shall be
22 billed by the Director to the member company designated by
23 the group.

24 (8) Beginning January 1, 1992, the financial regulation
25 fees imposed under subsections (6) and (7) of this Section
26 shall be paid by each company or domestic affiliated group
27 annually. After January 1, 1994, the fee shall be billed by
28 Department invoice based upon the company's premium income or
29 admitted assets as shown in its annual statement for the
30 preceding calendar year. The invoice is due upon receipt and
31 must be paid no later than June 30 of each calendar year.
32 All financial regulation fees collected by the Department
33 shall be paid to the Insurance Financial Regulation Fund.
34 The Department may not collect financial examiner per diem

1 charges from companies subject to subsections (6) and (7) of
2 this Section undergoing financial examination after June 30,
3 1992.

4 (9) In addition to the financial regulation fee required
5 by this Section, a company undergoing any financial
6 examination authorized by law shall pay the following costs
7 and expenses incurred by the Department: electronic data
8 processing costs, the expenses authorized under Section
9 131.21 and subsection (d) of Section 132.4 of this Code, and
10 lodging and travel expenses.

11 Electronic data processing costs incurred by the
12 Department in the performance of any examination shall be
13 billed directly to the company undergoing examination for
14 payment to the Statistical Services Revolving Fund. Except
15 for direct reimbursements authorized by the Director or
16 direct payments made under Section 131.21 or subsection (d)
17 of Section 132.4 of this Code, all financial regulation fees
18 and all financial examination charges collected by the
19 Department shall be paid to the Insurance Financial
20 Regulation Fund.

21 All lodging and travel expenses shall be in accordance
22 with applicable travel regulations published by the
23 Department of Central Management Services and approved by the
24 Governor's Travel Control Board, except that out-of-state
25 lodging and travel expenses related to examinations
26 authorized under Sections 132.1 through 132.7 shall be in
27 accordance with travel rates prescribed under paragraph
28 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2,
29 for reimbursement of subsistence expenses incurred during
30 official travel. All lodging and travel expenses may be
31 reimbursed directly upon the authorization of the Director.

32 In the case of an organization or person not subject to
33 the financial regulation fee, the expenses incurred in any
34 financial examination authorized by law shall be paid by the

1 organization or person being examined. The charge shall be
2 reasonably related to the cost of the examination including,
3 but not limited to, compensation of examiners and other costs
4 described in this subsection.

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

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

12 (12) For purposes of this Section:

13 (a) "Domestic company" means a company as defined
14 in Section 2 of this Code which is incorporated or
15 organized under the laws of this State, and in addition
16 includes a not-for-profit corporation authorized under
17 the Dental Service Plan Act or the Voluntary Health
18 Services Plans Act, a health maintenance organization,
19 and a limited health service organization.

20 (b) "Foreign company" means a company as defined in
21 Section 2 of this Code which is incorporated or organized
22 under the laws of any state of the United States other
23 than this State and in addition includes a health
24 maintenance organization and a limited health service
25 organization which is incorporated or organized under the
26 laws of any state of the United States other than this
27 State.

28 (c) "Alien company" means a company as defined in
29 Section 2 of this Code which is incorporated or organized
30 under the laws of any country other than the United
31 States.

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

1 (e) "Mutual benefit association" means a company,
2 association or corporation authorized by the Director to
3 do business in this State under the provisions of Article
4 XVIII of this Code.

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

9 (g) "Farm mutual" means a district, county and
10 township mutual insurance company authorized by the
11 Director to do business in this State under the
12 provisions of the Farm Mutual Insurance Company Act of
13 1986.

14 (Source: P.A. 90-177, eff. 7-23-97; 90-583, eff. 5-29-98;
15 91-357, eff. 7-29-99.)

16 (215 ILCS 5/412) (from Ch. 73, par. 1024)
17 Sec. 412. Refunds; penalties; collection.

18 (1) (a) Whenever it appears to the satisfaction of the
19 Director that because of some mistake of fact, error in
20 calculation, or erroneous interpretation of a statute of this
21 or any other state, any authorized company has paid to him,
22 pursuant to any provision of law, taxes, fees, or other
23 charges in excess of the amount legally chargeable against
24 it, during the 6 year period immediately preceding the
25 discovery of such overpayment, he shall have power to refund
26 to such company the amount of the excess or excesses by
27 applying the amount or amounts thereof toward the payment of
28 taxes, fees, or other charges already due, or which may
29 thereafter become due from that company until such excess or
30 excesses have been fully refunded, or upon a written request
31 from the authorized company, the Director shall provide a
32 cash refund within 120 days after receipt of the written

1 request if all necessary information has been filed with the
2 Department in order for it to perform an audit of the annual
3 return for the year in which the overpayment occurred or
4 within 120 days after the date the Department receives all
5 the necessary information to perform such audit. The
6 Director shall not provide a cash refund if there are
7 insufficient funds in the Insurance Premium Tax Refund Fund
8 to provide a cash refund, if the amount of the overpayment is
9 less than \$100, or if the amount of the overpayment can be
10 fully offset against the taxpayer's estimated liability for
11 the year following the year of the cash refund request. Any
12 cash refund shall be paid from the Insurance Premium Tax
13 Refund Fund, a special fund hereby created in the State
14 treasury.

15 (b) Beginning January 1, 2000 and thereafter, the
16 Department shall deposit a percentage of the amounts
17 collected under Sections 409, 444, and 444.1 of this Code
18 into the Insurance Premium Tax Refund Fund. The percentage
19 deposited into the Insurance Premium Tax Refund Fund shall be
20 the annual percentage. The annual percentage shall be
21 calculated as a fraction, the numerator of which shall be the
22 amount of cash refunds approved by the Director for payment
23 and paid during the preceding calendar year as a result of
24 overpayment of tax liability under Sections 409, 444, and
25 444.1 of this Code and the denominator of which shall be the
26 amounts collected pursuant to Sections 409, 444, and 444.1 of
27 this Code during the preceding calendar year. However, if
28 there were no cash refunds paid in a preceding calendar year,
29 the Department shall deposit 5% of the amount collected in
30 that preceding calendar year pursuant to Sections 409, 444,
31 and 444.1 of this Code into the Insurance Premium Tax Refund
32 Fund instead of an amount calculated by using the annual
33 percentage.

34 (c) Beginning July 1, 1999, moneys in the Insurance

1 Premium Tax Refund Fund shall be expended exclusively for the
2 purpose of paying cash refunds resulting from overpayment of
3 tax liability under Sections 409, 444, and 444.1 of this Code
4 as determined by the Director pursuant to subsection 1(a) of
5 this Section. Cash refunds made in accordance with this
6 Section may be made from the Insurance Premium Tax Refund
7 Fund only to the extent that amounts have been deposited and
8 retained in the Insurance Premium Tax Refund Fund.

9 (d) This Section shall constitute an irrevocable and
10 continuing appropriation from the Insurance Premium Tax
11 Refund Fund for the purpose of paying cash refunds pursuant
12 to the provisions of this Section.

13 (2) When any insurance company or any surplus line
14 producer fails to file any tax return required under Sections
15 408.1, 409, 444, 444.1 and 445 of this Code or Section 12 of
16 the Fire Investigation Act on the date prescribed, including
17 any extensions, there shall be added as a penalty ~~\$400~~ \$200
18 or ~~10%~~ 5% of the amount of such tax, whichever is greater,
19 for each month or part of a month of failure to file, the
20 entire penalty not to exceed ~~\$2,000~~ \$1,000 or ~~50%~~ 25% of the
21 tax due, whichever is greater.

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

28 (b) If such failure to pay is determined by the Director
29 to be wilful, after a hearing under Sections 402 and 403,
30 there shall be added to the tax as a penalty an amount equal
31 to the greater of ~~50%~~ 25% of the deficiency or ~~10%~~ 5% of the
32 amount due and unpaid for each month or part of a month that
33 the deficiency remains unpaid commencing with the date that
34 the amount becomes due. Such amount shall be in lieu of any

1 determined under paragraph (a).

2 (4) Any insurance company or any surplus line producer
3 which fails to pay the full amount due under this Section or
4 Sections 408.1, 409, 444, 444.1 or 445 of this Code, or
5 Section 12 of the Fire Investigation Act is liable, in
6 addition to the tax and any penalties, for interest on such
7 deficiency at the rate of 12% per annum, or at such higher
8 adjusted rates as are or may be established under subsection
9 (b) of Section 6621 of the Internal Revenue Code, from the
10 date that payment of any such tax was due, determined without
11 regard to any extensions, to the date of payment of such
12 amount.

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

19 (6) In the event that the certificate of authority of a
20 foreign or alien company is revoked for any cause or the
21 company withdraws from this State prior to the renewal date
22 of the certificate of authority as provided in Section 114,
23 the company may recover the amount of any such tax paid in
24 advance. Except as provided in this subsection, no revocation
25 or withdrawal excuses payment of or constitutes grounds for
26 the recovery of any taxes or penalties imposed by this Code.

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

33 (Source: P.A. 91-643, eff. 8-20-99.)

1 (215 ILCS 5/431) (from Ch. 73, par. 1038)

2 Sec. 431. Penalty.

3 Any person who violates a cease and desist order of the
4 Director under Section 427, after it has become final, and
5 while such order is in effect, or who violates an order of
6 the Circuit Court under Section 429, shall, upon proof
7 thereof to the satisfaction of the court, forfeit and pay to
8 the State of Illinois, a sum not to exceed \$1,000 ~~\$500~~, which
9 may be recovered in a civil action, for each violation.

10 (Source: Laws 1967, p. 990.)

11 (215 ILCS 5/445) (from Ch. 73, par. 1057)

12 Sec. 445. Surplus line.

13 (1) Surplus line defined; surplus line insurer
14 requirements. Surplus line insurance is insurance on an
15 Illinois risk of the kinds specified in Classes 2 and 3 of
16 Section 4 of this Code procured from an unauthorized insurer
17 or a domestic surplus line insurer as defined in Section 445a
18 after the insurance producer representing the insured or the
19 surplus line producer is unable, after diligent effort, to
20 procure said insurance from insurers which are authorized to
21 transact business in this State other than domestic surplus
22 line insurers as defined in Section 445a.

23 Insurance producers may procure surplus line insurance
24 only if licensed as a surplus line producer under this
25 Section and may procure that insurance only from an
26 unauthorized insurer or from a domestic surplus line insurer
27 as defined in Section 445a:

28 (a) that based upon information available to the
29 surplus line producer has a policyholders surplus of not
30 less than \$15,000,000 determined in accordance with
31 accounting rules that are applicable to authorized
32 insurers; and

33 (b) that has standards of solvency and management

1 that are adequate for the protection of policyholders;
2 and

3 (c) where an unauthorized insurer does not meet the
4 standards set forth in (a) and (b) above, a surplus line
5 producer may, if necessary, procure insurance from that
6 insurer only if prior written warning of such fact or
7 condition is given to the insured by the insurance
8 producer or surplus line producer.

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

13 (a) completing a prelicensing course of study. The
14 course provided for by this Section shall be conducted
15 under rules and regulations prescribed by the Director.
16 The Director may administer the course or may make
17 arrangements, including contracting with an outside
18 educational service, for administering the course and
19 collecting the non-refundable application fee provided
20 for in this subsection. Any charges assessed by the
21 Director or the educational service for administering the
22 course shall be paid directly by the individual
23 applicants. Each applicant required to take the course
24 shall enclose with the application a non-refundable \$20
25 \$10 application fee payable to the Director plus a
26 separate course administration fee. An applicant who
27 fails to appear for the course as scheduled, or appears
28 but fails to complete the course, shall not be entitled
29 to any refund, and shall be required to submit a new
30 request to attend the course together with all the
31 requisite fees before being rescheduled for another
32 course at a later date; and

33 (b) payment of an annual license fee of \$400 \$200;
34 and

1 (c) procurement of the surety bond required in
2 subsection (4) of this Section.

3 A surplus line producer so licensed shall keep a separate
4 account of the business transacted thereunder which shall be
5 open at all times to the inspection of the Director or his
6 representative.

7 The prelicensing course of study requirement in (a) above
8 shall not apply to insurance producers who were licensed
9 under the Illinois surplus line law on or before the
10 effective date of this amendatory Act of the 92nd General
11 Assembly.

12 (3) Taxes and reports.

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

14 A surplus line producer shall file with the Director
15 on or before February 1 and August 1 of each year a
16 report in the form prescribed by the Director on all
17 surplus line insurance procured from unauthorized
18 insurers during the preceding 6 month period ending
19 December 31 or June 30 respectively, and on the filing of
20 such report shall pay to the Director for the use and
21 benefit of the State a sum equal to 3.5% 3% of the gross
22 premiums less returned premiums upon all surplus line
23 insurance procured or cancelled during the preceding 6
24 months.

25 Any surplus line producer who fails to pay the full
26 amount due under this subsection is liable, in addition
27 to the amount due, for such penalty and interest charges
28 as are provided for under Section 412 of this Code. The
29 Director, through the Attorney General, may institute an
30 action in the name of the People of the State of
31 Illinois, in any court of competent jurisdiction, for the
32 recovery of the amount of such taxes and penalties due,
33 and prosecute the same to final judgment, and take such
34 steps as are necessary to collect the same.

1 (b) Fire Marshal Tax.

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

8 (c) Taxes and fees charged to insured. The taxes
9 imposed under this subsection and the countersigning fees
10 charged by the Surplus Line Association of Illinois may
11 be charged to and collected from surplus line insureds.

12 (4) Bond. Each surplus line producer, as a condition to
13 receiving a surplus line producer's license, shall execute
14 and deliver to the Director a surety bond to the People of
15 the State in the penal sum of \$20,000, with a surety which is
16 authorized to transact business in this State, conditioned
17 that the surplus line producer will pay to the Director the
18 tax, interest and penalties levied under subsection (3) of
19 this Section.

20 (5) Submission of documents to Surplus Line Association
21 of Illinois. A surplus line producer shall submit every
22 insurance contract issued under his or her license to the
23 Surplus Line Association of Illinois for recording and
24 countersignature. The submission and countersignature may be
25 effected through electronic means. The submission shall set
26 forth:

27 (a) the name of the insured;

28 (b) the description and location of the insured
29 property or risk;

30 (c) the amount insured;

31 (d) the gross premiums charged or returned;

32 (e) the name of the unauthorized insurer or
33 domestic surplus line insurer as defined in Section 445a
34 from whom coverage has been procured;

1 (f) the kind or kinds of insurance procured; and
2 (g) amount of premium subject to tax required by
3 Section 12 of the Fire Investigation Act.

4 Proposals, endorsements, and other documents which
5 are incidental to the insurance but which do not affect
6 the premium charged are exempted from filing and
7 countersignature.

8 The submission of insuring contracts to the Surplus
9 Line Association of Illinois constitutes a certification
10 by the surplus line producer or by the insurance producer
11 who presented the risk to the surplus line producer for
12 placement as a surplus line risk that after diligent
13 effort the required insurance could not be procured from
14 insurers which are authorized to transact business in
15 this State other than domestic surplus line insurers as
16 defined in Section 445a and that such procurement was
17 otherwise in accordance with the surplus line law.

18 (6) Countersignature required. It shall be unlawful for
19 an insurance producer to deliver any unauthorized insurer
20 contract or domestic surplus line insurer contract unless
21 such insurance contract is countersigned by the Surplus Line
22 Association of Illinois.

23 (7) Inspection of records. A surplus line producer
24 shall maintain separate records of the business transacted
25 under his or her license, including complete copies of
26 surplus line insurance contracts maintained on paper or by
27 electronic means, which records shall be open at all times
28 for inspection by the Director and by the Surplus Line
29 Association of Illinois.

30 (8) Violations and penalties. The Director may suspend
31 or revoke or refuse to renew a surplus line producer license
32 for any violation of this Code. In addition to or in lieu of
33 suspension or revocation, the Director may subject a surplus
34 line producer to a civil penalty of up to \$2,000 ~~\$1,000~~ for

1 each cause for suspension or revocation. Such penalty is
2 enforceable under subsection (5) of Section 403A of this
3 Code.

4 (9) Director may declare insurer ineligible. If the
5 Director determines that the further assumption of risks
6 might be hazardous to the policyholders of an unauthorized
7 insurer, the Director may order the Surplus Line Association
8 of Illinois not to countersign insurance contracts evidencing
9 insurance in such insurer and order surplus line producers to
10 cease procuring insurance from such insurer.

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

25 (11) The Illinois Surplus Line law does not apply to
26 insurance of property and operations of railroads or aircraft
27 engaged in interstate or foreign commerce, insurance of
28 vessels, crafts or hulls, cargoes, marine builder's risks,
29 marine protection and indemnity, or other risks including
30 strikes and war risks insured under ocean or wet marine forms
31 of policies.

32 (12) Surplus line insurance procured under this Section,
33 including insurance procured from a domestic surplus line
34 insurer, is not subject to the provisions of the Illinois

1 Insurance Code other than Sections 123, 123.1, 401, 401.1,
2 402, 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4,
3 and all of the provisions of Article XXXI to the extent that
4 the provisions of Article XXXI are not inconsistent with the
5 terms of this Act.

6 (Source: P.A. 92-386, eff. 1-1-02.)

7 (215 ILCS 5/500-70)

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

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

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

16 (2) violating any insurance laws, or violating any
17 rule, subpoena, or order of the Director or of another
18 state's insurance commissioner;

19 (3) obtaining or attempting to obtain a license
20 through misrepresentation or fraud;

21 (4) improperly withholding, misappropriating or
22 converting any moneys or properties received in the
23 course of doing insurance business;

24 (5) intentionally misrepresenting the terms of an
25 actual or proposed insurance contract or application for
26 insurance;

27 (6) having been convicted of a felony;

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

30 (8) using fraudulent, coercive, or dishonest
31 practices, or demonstrating incompetence,
32 untrustworthiness or financial irresponsibility in the
33 conduct of business in this State or elsewhere;

1 (9) having an insurance producer license, or its
2 equivalent, denied, suspended, or revoked in any other
3 state, province, district or territory;

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

6 (11) improperly using notes or any other reference
7 material to complete an examination for an insurance
8 license;

9 (12) knowingly accepting insurance business from an
10 individual who is not licensed;

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

13 (14) failing to pay state income tax or penalty or
14 interest or comply with any administrative or court order
15 directing payment of state income tax or failed to file a
16 return or to pay any final assessment of any tax due to
17 the Department of Revenue; or

18 (15) failing to make satisfactory repayment to the
19 Illinois Student Assistance Commission for a delinquent
20 or defaulted student loan.

21 (b) If the action by the Director is to nonrenew,
22 suspend, or revoke a license or to deny an application for a
23 license, the Director shall notify the applicant or licensee
24 and advise, in writing, the applicant or licensee of the
25 reason for the suspension, revocation, denial or nonrenewal
26 of the applicant's or licensee's license. The applicant or
27 licensee may make written demand upon the Director within 30
28 days after the date of mailing for a hearing before the
29 Director to determine the reasonableness of the Director's
30 action. The hearing must be held within not fewer than 20
31 days nor more than 30 days after the mailing of the notice of
32 hearing and shall be held pursuant to 50 Ill. Adm. Code 2402.

33 (c) The license of a business entity may be suspended,
34 revoked, or refused if the Director finds, after hearing,

1 that an individual licensee's violation was known or should
2 have been known by one or more of the partners, officers, or
3 managers acting on behalf of the partnership, corporation,
4 limited liability company, or limited liability partnership
5 and the violation was neither reported to the Director nor
6 corrective action taken.

7 (d) In addition to or instead of any applicable denial,
8 suspension, or revocation of a license, a person may, after
9 hearing, be subject to a civil penalty of up to \$10,000
10 ~~\$5,000~~ for each cause for denial, suspension, or revocation,
11 however, the civil penalty may total no more than \$100,000
12 ~~\$20,000~~.

13 (e) The Director has the authority to enforce the
14 provisions of and impose any penalty or remedy authorized by
15 this Article against any person who is under investigation
16 for or charged with a violation of this Code or rules even if
17 the person's license or registration has been surrendered or
18 has lapsed by operation of law.

19 (f) Upon the suspension, denial, or revocation of a
20 license, the licensee or other person having possession or
21 custody of the license shall promptly deliver it to the
22 Director in person or by mail. The Director shall publish all
23 suspensions, denials, or revocations after the suspensions,
24 denials, or revocations become final in a manner designed to
25 notify interested insurance companies and other persons.

26 (g) A person whose license is revoked or whose
27 application is denied pursuant to this Section is ineligible
28 to apply for any license for 3 years after the revocation or
29 denial. A person whose license as an insurance producer has
30 been revoked, suspended, or denied may not be employed,
31 contracted, or engaged in any insurance related capacity
32 during the time the revocation, suspension, or denial is in
33 effect.

34 (Source: P.A. 92-386, eff. 1-1-02.)

1 (215 ILCS 5/500-110)

2 Sec. 500-110. Regulatory examinations.

3 (a) The Director may examine any applicant for or holder
4 of an insurance producer license, limited line producer
5 license or temporary insurance producer license or any
6 business entity.

7 (b) All persons being examined, as well as their
8 officers, directors, insurance producers, limited lines
9 producers, and temporary insurance producers must provide to
10 the Director convenient and free access, at all reasonable
11 hours at their offices, to all books, records, documents, and
12 other papers relating to the persons' insurance business
13 affairs. The officers, directors, insurance producers,
14 limited lines producers, temporary insurance producers, and
15 employees must facilitate and aid the Director in the
16 examinations as much as it is in their power to do so.

17 (c) The Director may designate an examiner or examiners
18 to conduct any examination under this Section. The Director
19 or his or her designee may administer oaths and examine under
20 oath any individual relative to the business of the person
21 being examined.

22 (d) The examiners designated by the Director under this
23 Section may make reports to the Director. A report alleging
24 substantive violations of this Article or any rules
25 prescribed by the Director must be in writing and be based
26 upon facts ascertained from the books, records, documents,
27 papers, and other evidence obtained by the examiners or from
28 sworn or affirmed testimony of or written affidavits from the
29 person's officers, directors, insurance producers, limited
30 lines producer, temporary insurance producers, or employees
31 or other individuals, as given to the examiners. The report
32 of an examination must be verified by the examiners.

33 (e) If a report is made, the Director must either
34 deliver a duplicate of the report to the person being

1 examined or send the duplicate by certified or registered
2 mail to the person's address of record. The Director shall
3 afford the person an opportunity to demand a hearing with
4 reference to the facts and other evidence contained in the
5 report. The person may request a hearing within 14 calendar
6 days after he or she receives the duplicate of the
7 examination report by giving the Director written notice of
8 that request, together with a written statement of the
9 person's objections to the report. The Director must, if
10 requested to do so, conduct a hearing in accordance with
11 Sections 402 and 403 of this Code. The Director must issue a
12 written order based upon the examination report and upon the
13 hearing, if a hearing is held, within 90 days after the
14 report is filed, or within 90 days after the hearing if a
15 hearing is held. If the report is refused or otherwise
16 undeliverable, or a hearing is not requested in a timely
17 fashion, the right to a hearing is waived. After the hearing
18 or the expiration of the time period in which a person may
19 request a hearing, if the examination reveals that the person
20 is operating in violation of any law, rule, or prior order,
21 the Director in the written order may require the person to
22 take any action the Director considers necessary or
23 appropriate in accordance with the report or examination
24 hearing. The order is subject to review under the
25 Administrative Review Law.

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

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

34 (Source: P.A. 92-386, eff. 1-1-02.)

1 (215 ILCS 5/500-120)

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

3 (a) A person, partnership, association, or corporation
4 licensed by the Department who, due to employment with any
5 unit of government that would cause a conflict of interest
6 with the holding of that license, notifies the Director in
7 writing on forms prescribed by the Department and, subject to
8 rules of the Department, makes payment of applicable
9 licensing renewal fees, may elect to place the license on an
10 inactive status.

11 (b) A licensee whose license is on inactive status may
12 have the license restored by making application to the
13 Department on such form as may be prescribed by the
14 Department. The application must be accompanied with a fee of
15 \$100 \$50 plus the current applicable license fee.

16 (c) A license may be placed on inactive status for a
17 2-year period, and upon request, the inactive status may be
18 extended for a successive 2-year period not to exceed a
19 cumulative 4-year inactive period. After a license has been
20 on inactive status for 4 years or more, the licensee must
21 meet all of the standards required of a new applicant before
22 the license may be restored to active status.

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

26 (Source: P.A. 92-386, eff. 1-1-02.)

27 (215 ILCS 5/500-135)

28 Sec. 500-135. Fees.

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

30 (1) a fee of \$180 for a person who is a resident of
31 Illinois, and \$250 for a person who is not a resident of
32 Illinois, \$150 payable once every 2 years for an
33 insurance producer license;

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

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

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

8 (5) a \$50 \$25 application fee for the processing of
9 a request to take the written examination for an
10 insurance producer license;

11 (6) an annual registration fee of \$1,000 \$500 for
12 registration of an education provider;

13 (7) a certification fee of \$50 \$25 for each
14 certified pre-licensing or continuing education course
15 and an annual fee of \$20 \$10 for renewing the
16 certification of each such course;

17 (8) a fee of \$180 for a person who is a resident of
18 Illinois, and \$250 for a person who is not a resident of
19 Illinois, \$50 payable once every 2 years for a car rental
20 limited line license;

21 (9) a fee of \$200 \$150 payable once every 2 years
22 for a limited lines license other than the licenses
23 issued under items (1) through (7) of subsection (a) of
24 Section 500-100 or a car rental limited line license.

25 (b) Except as otherwise provided, all fees paid to and
26 collected by the Director under this Section shall be paid
27 promptly after receipt thereof, together with a detailed
28 statement of such fees, into a special fund in the State
29 Treasury to be known as the Insurance Producer Administration
30 Fund. The moneys deposited into the Insurance Producer
31 Administration Fund may be used only for payment of the
32 expenses of the Department in the execution, administration,
33 and enforcement of the insurance laws of this State, and
34 shall be appropriated as otherwise provided by law for the

1 payment of those expenses with first priority being any
2 expenses incident to or associated with the administration
3 and enforcement of this Article.

4 (Source: P.A. 92-386, eff. 1-1-02.)

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

6 Sec. 511.103. Application. The applicant for a license
7 shall file with the Director an application upon a form
8 prescribed by the Director, which shall include or have
9 attached the following:

10 (1) The names, addresses and official positions of the
11 individuals who are responsible for the conduct of the
12 affairs of the administrator, including but not limited to
13 all members of the board of directors, board of trustees,
14 executive committee, or other governing board or committee,
15 the principal officers in the case of a corporation or the
16 partners in the case of a partnership; and

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

20 (Source: P.A. 84-887.)

21 (215 ILCS 5/511.105) (from Ch. 73, par. 1065.58-105)

22 Sec. 511.105. License. (a) The Director shall cause a
23 license to be issued to each applicant that has demonstrated
24 to the Director's satisfaction compliance with the
25 requirements of this Article.

26 (b) Each administrator license shall remain in effect as
27 long as the holder of the license maintains in force and
28 effect the bond required by Section 511.104 and pays the
29 annual fee of \$200 ~~\$100~~ prior to the anniversary date of the
30 license, unless the license is revoked or suspended pursuant
31 to Section 511.107.

32 (c) Each license shall contain the name, business

1 address and identification number of the licensee, the date
2 the license was issued and any other information the Director
3 considers proper.

4 (Source: P.A. 84-887.)

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

6 Sec. 511.110. Administrative Fine. (a) If the Director
7 finds that one or more grounds exist for the revocation or
8 suspension of a license issued under this Article, the
9 Director may, in lieu of or in addition to such suspension or
10 revocation, impose a fine upon the administrator.

11 (b) With respect to any knowing and wilful violation of
12 a lawful order of the Director, any applicable portion of the
13 Illinois Insurance Code or Part of Title 50 of the Illinois
14 Administrative Code, or a provision of this Article, the
15 Director may impose a fine upon the administrator in an
16 amount not to exceed \$10,000 ~~\$5,000~~ for each such violation.
17 In no event shall such fine exceed an aggregate amount of
18 \$50,000 ~~\$25,000~~ for all knowing and wilful violations arising
19 out of the same action.

20 (Source: P.A. 84-887.)

21 (215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

22 Sec. 512.63. Fees. (a) The fees required by this Article
23 are as follows:

24 (1) Public Insurance Adjuster license annual fee, \$100
25 ~~\$30~~;

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

27 (3) Application Fee for processing each request to take
28 the written examination for a Public Adjuster license, \$20
29 ~~\$10~~.

30 (Source: P.A. 83-1362.)

31 (215 ILCS 5/513a3) (from Ch. 73, par. 1065.60a3)

1 Sec. 513a3. License required.

2 (a) No person may act as a premium finance company or
3 hold himself out to be engaged in the business of financing
4 insurance premiums, either directly or indirectly, without
5 first having obtained a license as a premium finance company
6 from the Director.

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

11 (c) In addition to any other penalty set forth in this
12 Article, any person violating subsection (a) of this Section
13 may, after hearing as set forth in Article XXIV of this Code,
14 be required to pay a civil penalty of not more than \$2,000
15 ~~\$1000~~ for each offense.

16 (d) In addition to any other penalty set forth in this
17 Article, any person violating subsection (a) of this Section
18 is guilty of a Class A misdemeanor. Any individual violating
19 subsection (a) of this Section, and misappropriating or
20 converting any monies collected in conjunction with the
21 violation, is guilty of a Class 4 felony.

22 (Source: P.A. 89-626, eff. 8-9-96.)

23 (215 ILCS 5/513a4) (from Ch. 73, par. 1065.60a4)

24 Sec. 513a4. Application and license.

25 (a) Each application for a premium finance license shall
26 be made on a form specified by the Director and shall be
27 signed by the applicant declaring under penalty of refusal,
28 suspension, or revocation of the license that the statements
29 made in the application are true, correct, and complete to
30 the best of the applicant's knowledge and belief. The
31 Director shall cause to be issued a license to each applicant
32 that has demonstrated to the Director that the applicant:

33 (1) is competent and trustworthy and of a good

1 business reputation;

2 (2) has a minimum net worth of \$50,000; and

3 (3) has paid the fees required by this Article.

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

6 (1) certify that no charge for financing premiums
7 shall exceed the rates permitted by this Article;

8 (2) certify that the premium finance agreement or
9 other forms being used are in compliance with the
10 requirements of this Article;

11 (3) certify that he or she has a minimum net worth
12 of \$50,000; and

13 (4) attach with the application a non-refundable
14 annual fee of \$400 \$200.

15 (c) An applicant who has met the requirements of
16 subsection (a) and subsection (b) shall be issued a premium
17 finance license.

18 (d) Each premium finance license shall remain in effect
19 as long as the holder of the license annually continues to
20 meet the requirements of subsections (a) and (b) by the due
21 date unless the license is revoked or suspended by the
22 Director.

23 (e) The individual holder of a premium finance license
24 shall inform the Director in writing of a change in residence
25 address within 30 days of the change, and a corporation,
26 partnership, or association holder of a premium finance
27 license shall inform the Director in writing of a change in
28 business address within 30 days of the change.

29 (f) Every partnership or corporation holding a license
30 as a premium finance company shall appoint one or more
31 partners or officers to be responsible for the firm's
32 compliance with the Illinois Insurance Code and applicable
33 rules and regulations. Any change in the appointed person or
34 persons shall be reported to the Director in writing within

1 30 days of the change.

2 (Source: P.A. 87-811.)

3 (215 ILCS 5/513a7) (from Ch. 73, par. 1065.60a7)

4 Sec. 513a7. License suspension; revocation or denial.

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

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

10 (2) has intentionally made a material misstatement
11 in the application for a license;

12 (3) has obtained or attempted to obtain a license
13 through misrepresentation or fraud;

14 (4) has misappropriated or converted to his own use
15 or improperly withheld monies;

16 (5) has used fraudulent, coercive, or dishonest
17 practices or has demonstrated incompetence,
18 untrustworthiness, or financial irresponsibility;

19 (6) has been, within the past 3 years, convicted of
20 a felony, unless the individual demonstrates to the
21 Director sufficient rehabilitation to warrant public
22 trust;

23 (7) has failed to appear without reasonable cause
24 or excuse in response to a subpoena issued by the
25 Director;

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

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

31 (b) Suspension, revocation, or denial of a license under
32 this Section shall be by written order sent to the licensee
33 or applicant by certified or registered mail at the address

1 specified in the records of the Department. The licensee or
2 applicant may in writing request a hearing within 30 days
3 from the date of mailing. If no written request is made the
4 order shall be final upon the expiration of that 30 day
5 period.

6 (c) If the licensee or applicant requests a hearing
7 under this Section, the Director shall issue a written notice
8 of hearing sent to the licensee or applicant by certified or
9 registered mail at his address, as specified in the records
10 of the Department, and stating:

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

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

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

19 (d) Upon the suspension or revocation of a license, the
20 licensee or other person having possession or custody of the
21 license shall promptly deliver it to the Director in person
22 or by mail. The Director shall publish all suspensions and
23 revocations after they become final in a manner designed to
24 notify interested insurance companies and other persons.

25 (e) Any person whose license is revoked or denied under
26 this Section shall be ineligible to apply for any license for
27 2 years. A suspension under this Section may be for a period
28 of up to 2 years.

29 (f) In addition to or instead of a denial, suspension,
30 or revocation of a license under this Section, the licensee
31 may be subjected to a civil penalty of up to \$2,000 ~~\$1,000~~
32 for each cause for denial, suspension, or revocation. The
33 penalty is enforceable under subsection (5) of Section 403A
34 of this Code.

1 (Source: P.A. 87-811.)

2 (215 ILCS 5/529.5) (from Ch. 73, par. 1065.76-5)

3 Sec. 529.5. The Industry Placement Facility shall
4 compile an annual operating report, and publish such report
5 in at least 2 newspapers having widespread circulation in the
6 State, which report shall include:

7 (1) a description of the origin and purpose of the
8 Illinois Fair Plan and its relationship to the property and
9 casualty insurance industry in Illinois;

10 (2) a financial statement specifying the amount of
11 profit or loss incurred by the Facility for its financial
12 year; and

13 (3) a disclosure as to the amount of subsidization per
14 type of policy written by the Facility, which is provided by
15 the property and casualty insurance companies operating in
16 Illinois, if any.

17 This annual report shall be a matter of public record to
18 be made available to any person requesting a copy from the
19 Facility at a fee not to exceed \$10 \$5 per copy. A copy
20 shall be available for inspection at the Department of
21 Insurance.

22 (Source: P.A. 82-499.)

23 (215 ILCS 5/544) (from Ch. 73, par. 1065.94)

24 Sec. 544. Powers of the Director. The Director shall
25 either (a) suspend or revoke, after notice and hearing
26 pursuant to Sections 401, 402 and 403 of this Code, the
27 certificate of authority to do business in this State of any
28 member company which fails to pay an assessment when due or
29 fails to comply with the plan of operation, or (b) levy a
30 fine on any member company which fails to pay an assessment
31 when due. Such fine shall not exceed 5% per month of the
32 unpaid assessment, except that no fine shall be less than

1 \$200 ~~\$100~~ per month.

2 (Source: P.A. 85-576.)

3 (215 ILCS 5/1020) (from Ch. 73, par. 1065.720)

4 Sec. 1020. Penalties. (A) In any case where a hearing
5 pursuant to Section 1016 results in the finding of a knowing
6 violation of this Article, the Director may, in addition to
7 the issuance of a cease and desist order as prescribed in
8 Section 1018, order payment of a monetary penalty of not more
9 than \$1,000 ~~\$500~~ for each violation but not to exceed \$20,000
10 ~~\$10,000~~ in the aggregate for multiple violations.

11 (B) Any person who violates a cease and desist order of
12 the Director under Section 1018 of this Article may, after
13 notice and hearing and upon order of the Director, be subject
14 to one or more of the following penalties, at the discretion
15 of the Director:

16 (1) a monetary fine of not more than \$20,000 ~~\$10,000~~ for
17 each violation,

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

21 (3) suspension or revocation of an insurance
22 institution's or agent's license.

23 (Source: P.A. 82-108.)

24 (215 ILCS 5/1108) (from Ch. 73, par. 1065.808)

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

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

28 (a) A statement of intent to provide named
29 coverages.

30 (b) The trust agreement between the trust sponsor
31 and the trustees, detailing the organization and
32 administration of the trust and fiduciary

1 responsibilities.

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

5 (d) By April 1 of each year a financial statement
6 for the preceding calendar year ending December 31, and a
7 list of all beneficiaries during the year. The financial
8 statement and report shall be in such form as the
9 Director of Insurance may prescribe. The truth and
10 accuracy of the financial statement shall be attested to
11 by each trustee. Each Risk Retention Trust shall file
12 with the Director by June 1 an opinion of an independent
13 certified public accountant on the financial condition of
14 the Risk Retention Trust for the most recent calendar
15 year and the results of its operations, changes in
16 financial position and changes in capital and surplus for
17 the year then ended in conformity with accounting
18 practices permitted or prescribed by the Illinois
19 Department of Insurance.

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

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

25 (2) The Director of Insurance shall charge, collect and
26 give proper acquittances for the payment of the following
27 fees and charges:

28 (a) For filing trust instruments, amendments
29 thereto and financial statement and report of the
30 trustees, \$50 \$25.

31 (b) For copies of papers or records per page, \$2
32 \$1.

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

34 (d) For filing an application for the licensing of

1 a risk retention trust, \$1,000 \$500.

2 (3) The trust shall keep its books and records in
3 accordance with the provisions of Section 133 of this Code.
4 The Director may examine such books and records from time to
5 time as provided in Sections 132 through 132.7 of this Code
6 and may charge the expense of such examination to the trust
7 as provided in subsection (3) of Section 408 of this Code.

8 (4) Trust funds established under this Section and all
9 persons interest therein or dealing therewith shall be
10 subject to the provisions of Sections 133, 144.1, 149, 401,
11 401.1, 402, 403, 403A, 412, and all of the provisions of
12 Articles VII, VIII, XII 1/2 and XIII of the Code, as amended.
13 Except as otherwise provided in this Section, trust funds
14 established under and which fully comply with this Section,
15 shall not be subjected to any other provision of the Code.

16 (5) The Director of Insurance may make reasonable rules
17 and regulations pertaining to the standards of coverage and
18 administration of the trust authorized by this Section. Such
19 rules may include but need not be limited to reasonable
20 standards for fiduciary duties of the trustees, standards for
21 the investment of funds, limitation of risks assumed, minimum
22 size, capital, surplus, reserves, and contingency reserves.

23 (Source: P.A. 89-97, eff. 7-7-95.)

24 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

25 Sec. 1204. (A) The Director shall promulgate rules and
26 regulations which shall require each insurer licensed to
27 write property or casualty insurance in the State and each
28 syndicate doing business on the Illinois Insurance Exchange
29 to record and report its loss and expense experience and
30 other data as may be necessary to assess the relationship of
31 insurance premiums and related income as compared to
32 insurance costs and expenses. The Director may designate one
33 or more rate service organizations or advisory organizations

1 to gather and compile such experience and data. The Director
 2 shall require each insurer licensed to write property or
 3 casualty insurance in this State and each syndicate doing
 4 business on the Illinois Insurance Exchange to submit a
 5 report, on a form furnished by the Director, showing its
 6 direct writings in this State and companywide.

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

10 (1) Political subdivision liability insurance
 11 reported separately in the following categories:

- 12 (a) municipalities;
- 13 (b) school districts;
- 14 (c) other political subdivisions;
- 15 (2) Public official liability insurance;
- 16 (3) Dram shop liability insurance;
- 17 (4) Day care center liability insurance;
- 18 (5) Labor, fraternal or religious organizations
 19 liability insurance;

20 (6) Errors and omissions liability insurance;

21 (7) Officers and directors liability insurance
 22 reported separately as follows:

- 23 (a) non-profit entities;
- 24 (b) for-profit entities;
- 25 (8) Products liability insurance;
- 26 (9) Medical malpractice insurance;
- 27 (10) Attorney malpractice insurance;
- 28 (11) Architects and engineers malpractice
 29 insurance; and

30 (12) Motor vehicle insurance reported separately
 31 for commercial and private passenger vehicles as follows:

- 32 (a) motor vehicle physical damage insurance;
- 33 (b) motor vehicle liability insurance.

34 (C) Such report may include, but need not be limited to

1 the following data, both specific to this State and
2 companywide, in the aggregate or by type of insurance for the
3 previous year on a calendar year basis:

- 4 (1) Direct premiums written;
- 5 (2) Direct premiums earned;
- 6 (3) Number of policies;
- 7 (4) Net investment income, using appropriate
8 estimates where necessary;
- 9 (5) Losses paid;
- 10 (6) Losses incurred;
- 11 (7) Loss reserves:
 - 12 (a) Losses unpaid on reported claims;
 - 13 (b) Losses unpaid on incurred but not reported
14 claims;
- 15 (8) Number of claims:
 - 16 (a) Paid claims;
 - 17 (b) Arising claims;
- 18 (9) Loss adjustment expenses:
 - 19 (a) Allocated loss adjustment expenses;
 - 20 (b) Unallocated loss adjustment expenses;
- 21 (10) Net underwriting gain or loss;
- 22 (11) Net operation gain or loss, including net
23 investment income;
- 24 (12) Any other information requested by the
25 Director.

26 (D) In addition to the information which may be
27 requested under subsection (C), the Director may also request
28 on a companywide, aggregate basis, Federal Income Tax
29 recoverable, net realized capital gain or loss, net
30 unrealized capital gain or loss, and all other expenses not
31 requested in subsection (C) above.

32 (E) Violations - Suspensions - Revocations.

33 (1) Any company or person subject to this Article,
34 who willfully or repeatedly fails to observe or who

1 otherwise violates any of the provisions of this Article
2 or any rule or regulation promulgated by the Director
3 under authority of this Article or any final order of the
4 Director entered under the authority of this Article
5 shall by civil penalty forfeit to the State of Illinois a
6 sum not to exceed \$2,000 ~~\$1,000~~. Each day during which a
7 violation occurs constitutes a separate offense.

8 (2) No forfeiture liability under paragraph (1) of
9 this subsection may attach unless a written notice of
10 apparent liability has been issued by the Director and
11 received by the respondent, or the Director sends written
12 notice of apparent liability by registered or certified
13 mail, return receipt requested, to the last known address
14 of the respondent. Any respondent so notified must be
15 granted an opportunity to request a hearing within 10
16 days from receipt of notice, or to show in writing, why
17 he should not be held liable. A notice issued under this
18 Section must set forth the date, facts and nature of the
19 act or omission with which the respondent is charged and
20 must specifically identify the particular provision of
21 this Article, rule, regulation or order of which a
22 violation is charged.

23 (3) No forfeiture liability under paragraph (1) of
24 this subsection may attach for any violation occurring
25 more than 2 years prior to the date of issuance of the
26 notice of apparent liability and in no event may the
27 total civil penalty forfeiture imposed for the acts or
28 omissions set forth in any one notice of apparent
29 liability exceed \$100,000 ~~\$50,000~~.

30 (4) All administrative hearings conducted pursuant
31 to this Article are subject to 50 Ill. Adm. Code 2402 and
32 all administrative hearings are subject to the
33 Administrative Review Law.

34 (5) The civil penalty forfeitures provided for in

1 this Section are payable to the General Revenue Fund of
2 the State of Illinois, and may be recovered in a civil
3 suit in the name of the State of Illinois brought in the
4 Circuit Court in Sangamon County or in the Circuit Court
5 of the county where the respondent is domiciled or has
6 its principal operating office.

7 (6) In any case where the Director issues a notice
8 of apparent liability looking toward the imposition of a
9 civil penalty forfeiture under this Section that fact may
10 not be used in any other proceeding before the Director
11 to the prejudice of the respondent to whom the notice was
12 issued, unless (a) the civil penalty forfeiture has been
13 paid, or (b) a court has ordered payment of the civil
14 penalty forfeiture and that order has become final.

15 (7) When any person or company has a license or
16 certificate of authority under this Code and knowingly
17 fails or refuses to comply with a lawful order of the
18 Director requiring compliance with this Article, entered
19 after notice and hearing, within the period of time
20 specified in the order, the Director may, in addition to
21 any other penalty or authority provided, revoke or refuse
22 to renew the license or certificate of authority of such
23 person or company, or may suspend the license or
24 certificate of authority of such person or company until
25 compliance with such order has been obtained.

26 (8) When any person or company has a license or
27 certificate of authority under this Code and knowingly
28 fails or refuses to comply with any provisions of this
29 Article, the Director may, after notice and hearing, in
30 addition to any other penalty provided, revoke or refuse
31 to renew the license or certificate of authority of such
32 person or company, or may suspend the license or
33 certificate of authority of such person or company, until
34 compliance with such provision of this Article has been

1 obtained.

2 (9) No suspension or revocation under this Section
3 may become effective until 5 days from the date that the
4 notice of suspension or revocation has been personally
5 delivered or delivered by registered or certified mail to
6 the company or person. A suspension or revocation under
7 this Section is stayed upon the filing, by the company or
8 person, of a petition for judicial review under the
9 Administrative Review Law.

10 (Source: P.A. 91-357, eff. 7-29-99.)

11 Section 75-26. The Reinsurance Intermediary Act is
12 amended by changing Section 55 as follows:

13 (215 ILCS 100/55) (from Ch. 73, par. 1655)

14 Sec. 55. Penalties and liabilities.

15 (a) If the Director determines that a reinsurance
16 intermediary has not materially complied with this Act or any
17 regulation or Order promulgated hereunder, after notice and
18 opportunity to be heard, the Director may order a penalty in
19 an amount not exceeding \$100,000 ~~\$50,000~~ for each separate
20 violation and may order the revocation or suspension of the
21 reinsurance intermediary's license. If it is found that
22 because of the material noncompliance the insurer or
23 reinsurer has suffered any loss or damage, the Director may
24 maintain a civil action brought by or on behalf of the
25 reinsurer or insurer and its policyholders and creditors for
26 recovery of compensatory damages for the benefit of the
27 reinsurer or insurer and its policyholders and creditors or
28 seek other appropriate relief.

29 This subsection (a) shall not be construed to prevent any
30 other person from taking civil action against a reinsurance
31 intermediary.

32 (b) If an Order of Rehabilitation or Liquidation of the

1 insurer is entered under Article XIII of the Illinois
2 Insurance Code and the receiver appointed under that Order
3 determines that the reinsurance intermediary or any other
4 person has not materially complied with this Act or any
5 regulation or Order promulgated hereunder and the insurer has
6 suffered any loss or damage therefrom, the receiver may
7 maintain a civil action for recovery of damages or other
8 appropriate sanctions for the benefit of the insurer.

9 (c) The decision, determination, or order of the
10 Director under subsection (a) of this Section shall be
11 subject to judicial review under the Administrative Review
12 Law.

13 (d) Nothing contained in this Act shall affect the right
14 of the Director to impose any other penalties provided in the
15 Illinois Insurance Code.

16 (e) Nothing contained in this Act is intended to or
17 shall in any manner limit or restrict the rights of
18 policyholders, claimants, creditors, or other third parties
19 or confer any rights to those persons.

20 (Source: P.A. 87-108; 88-364.)

21 Section 75-26.1. The Employee Leasing Company Act is
22 amended by changing Section 20 as follows:

23 (215 ILCS 113/20)

24 Sec. 20. Registration.

25 (a) A lessor shall register with the Department prior to
26 becoming a qualified self-insured for workers' compensation
27 or becoming eligible to be issued a workers' compensation and
28 employers' liability insurance policy. The registration
29 shall:

30 (1) identify the name of the lessor;

31 (2) identify the address of the principal place of
32 business of the lessor;

1 (3) include the lessor's taxpayer or employer
2 identification number;

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

7 (5) include a list of the officers and directors of
8 the lessor and its predecessors, successors, or alter
9 egos in the preceding 5 years; and

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

12 Amounts received as registration fees shall be deposited
13 into the Insurance Producer Administration Fund.

14 (b) (Blank).

15 (c) Lessors registering pursuant to this Section shall
16 notify the Department within 30 days as to any changes in any
17 information provided pursuant to this Section.

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

20 (e) The Department may prescribe any forms that are
21 necessary to promote the efficient administration of this
22 Section.

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

26 (Source: P.A. 90-499, eff. 1-1-98; 90-794, eff. 8-14-98.)

27 Section 75-26.2. The Health Care Purchasing Group Act is
28 amended by changing Section 20 as follows:

29 (215 ILCS 123/20)

30 Sec. 20. HPG sponsors. Except as provided by Sections 15
31 and 25 of this Act, only a corporation authorized by the
32 Secretary of State to transact business in Illinois may

1 sponsor one or more HPGs with no more than 100,000 covered
2 individuals by negotiating, soliciting, or servicing health
3 insurance contracts for HPGs and their members. Such a
4 corporation may assert and maintain authority to act as an
5 HPG sponsor by complying with all of the following
6 requirements:

7 (1) The principal officers and directors
8 responsible for the conduct of the HPG sponsor must
9 perform their HPG sponsor related functions in Illinois.

10 (2) No insurance risk may be borne or retained by
11 the HPG sponsor; all health insurance contracts issued to
12 HPGs through the HPG sponsor must be delivered in
13 Illinois.

14 (3) No HPG sponsor may collect premium in its name
15 or hold or manage premium or claim fund accounts unless
16 duly qualified and licensed as a managing general agent
17 pursuant to Section 141a of the Illinois Insurance Code
18 or as a third party administrator pursuant to Section
19 511.105 of the Illinois Insurance Code.

20 (4) If the HPG gives an offer, application, notice,
21 or proposal of insurance to an employer, it must disclose
22 the total cost of the insurance. Dues, fees, or charges
23 to be paid to the HPG, HPG sponsor, or any other entity
24 as a condition to purchasing the insurance must be
25 itemized. The HPG shall also disclose to its members the
26 amount of any dividends, experience refunds, or other
27 such payments it receives from the risk-bearer.

28 (5) An HPG sponsor must register with the Director
29 before negotiating or soliciting any group or master
30 health insurance contract for any HPG and must renew the
31 registration annually on forms and at times prescribed by
32 the Director in rules specifying, at minimum, (i) the
33 identity of the officers and directors of the HPG sponsor
34 corporation; (ii) a certification that those persons have

1 not been convicted of any felony offense involving a
2 breach of fiduciary duty or improper manipulation of
3 accounts; (iii) the number of employer members then
4 enrolled in each HPG sponsored; (iv) the date on which
5 each HPG was issued a group or master health insurance
6 contract, if any; and (v) the date on which each such
7 contract, if any, was terminated.

8 (6) At the time of initial registration and each
9 renewal thereof an HPG sponsor shall pay a fee of \$200
10 \$100 to the Director.

11 (Source: P.A. 90-337, eff. 1-1-98; 91-617, eff. 1-1-00.)

12 Section 75-26.3. The Service Contract Act is amended by
13 changing Section 25 as follows:

14 (215 ILCS 152/25)

15 Sec. 25. Registration requirements for service contract
16 providers.

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

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

21 (2) a list identifying the service contract
22 provider's executive officer or officers directly
23 responsible for the service contract provider's service
24 contract business;

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

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

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

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

6 (Source: P.A. 90-711, eff. 8-7-98.)

7 Section 75-27. The Title Insurance Act is amended by
8 changing Section 14 as follows:

9 (215 ILCS 155/14) (from Ch. 73, par. 1414)

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

13 (1) for filing the original application for a
14 certificate of authority and receiving the deposit
15 required under this Act, \$500;

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

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

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

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

22 (b) Each title insurance company shall pay, for all of
23 its title insurance agents subject to this Act for filing an
24 annual registration of its agents, an amount equal to \$3
25 ~~\$1.00~~ for each policy issued by all of its agents in the
26 immediately preceding calendar year, ~~provided such sum shall~~
27 ~~not exceed \$20,000 per annum.~~

28 (Source: P.A. 86-239.)

29 Section 75-28. The Viatical Settlements Act is amended
30 by changing Section 10 as follows:

1 (215 ILCS 158/10)

2 Sec. 10. License requirements.

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

6 (b) Application for a viatical settlement provider
7 license shall be made to the Director by the applicant on a
8 form prescribed by the Director. The application shall be
9 accompanied by a fee of \$3,000 ~~\$1,500~~, which shall be
10 deposited into the Insurance Producer Administration Fund.

11 (c) Viatical settlement providers' licenses may be
12 renewed from year to year on the anniversary date upon (1)
13 submission of renewal forms prescribed by the Director and
14 (2) payment of the annual renewal fee of \$1,500 ~~\$750~~, which
15 shall be deposited into the Insurance Producer Administration
16 Fund. Failure to pay the fee within the terms prescribed by
17 the Director shall result in the expiration of the license.

18 (d) Applicants for a viatical settlement provider's
19 license shall provide such information as the Director may
20 require. The Director shall have authority, at any time, to
21 require the applicant to fully disclose the identity of all
22 stockholders, partners, officers, and employees. The
23 Director may, in the exercise of discretion, refuse to issue
24 a license in the name of any firm, partnership, or
25 corporation if not satisfied that an officer, employee,
26 stockholder, or partner thereof who may materially influence
27 the applicant's conduct meets the standards of this Act.

28 (e) A viatical settlement provider's license issued to a
29 partnership, corporation, or other entity authorizes all
30 members, officers, and designated employees to act as
31 viatical settlement providers under the license. All those
32 persons must be named in the application and any supplements
33 thereto.

34 (f) Upon the filing of an application for a viatical

1 settlement provider's license and the payment of the license
2 fee, the Director shall make an investigation of the
3 applicant and may issue a license if the Director finds that
4 the applicant:

5 (1) has provided a detailed plan of operation;

6 (2) is competent and trustworthy and intends to act
7 in good faith in the capacity authorized by the license
8 applied for;

9 (3) has a good business reputation and has had
10 experience, training, or education so as to be qualified
11 in the business for which the license is applied for; and

12 (4) if a corporation, is a corporation incorporated
13 under the laws of this State or a foreign corporation
14 authorized to transact business in this State.

15 (g) The Director may not issue a license to a
16 nonresident applicant, unless a written designation of an
17 agent for service of process is filed and maintained with the
18 Director or the applicant has filed with the Director the
19 applicant's written irrevocable consent that any action
20 against the applicant may be commenced against the applicant
21 by service of process on the Director.

22 (h) A viatical settlement provider must assume
23 responsibility for all actions of its appointed viatical
24 settlement agents associated with a viatical settlement.

25 (Source: P.A. 89-484, eff. 6-21-96.)

26 Section 75-30. The Public Utilities Act is amended by
27 changing Section 6-108 as follows:

28 (220 ILCS 5/6-108) (from Ch. 111 2/3, par. 6-108)

29 Sec. 6-108. The Commission shall charge every public
30 utility receiving permission under this Act for the issue of
31 stocks, bonds, notes and other evidences of indebtedness an
32 amount equal to 12 10 cents for every \$100 of the par or

1 stated value of stocks, and 24 20 cents for every \$100 of the
2 principal amount of bonds, notes or other evidences of
3 indebtedness, authorized by the Commission, which shall be
4 paid to the Commission no later than 30 days after service of
5 the Commission order authorizing the issuance of those
6 stocks, bonds, notes or other evidences of indebtedness.
7 Provided, that if any such stock, bonds, notes or other
8 evidences of indebtedness constitutes or creates a lien or
9 charge on, or right to profits from, any property not
10 situated in this State, this fee shall be paid only on the
11 amount of any such issue which is the same proportion of the
12 whole issue as the property situated in this State is of the
13 total property on which such securities issue creates a lien
14 or charge, or from which a right to profits is established;
15 and provided further, that no public utility shall be
16 required to pay any fee for permission granted to it by the
17 Commission in any of the following cases:

18 (1) To guarantee bonds or other securities.

19 (2) To issue bonds, notes or other evidences of
20 indebtedness issued for the purpose of converting,
21 exchanging, taking over, refunding, discharging or retiring
22 any bonds, notes or other evidences of indebtedness except:

23 (a) When issued for an aggregate period of longer
24 than 2 years for the purpose of converting, exchanging,
25 taking over, refunding, discharging or retiring any note,
26 or renewals thereof, issued without the consent of the
27 State Public Utilities Commission of Illinois or the
28 Public Utilities Commission or the Illinois Commerce
29 Commission; or

30 (b) When issued for the purpose of converting,
31 exchanging, taking over, refunding, discharging or
32 retiring bonds, notes or other evidences of indebtedness
33 issued prior to January 1, 1914, and upon which no fee
34 has been previously paid.

1 (3) To issue shares of stock upon the conversion of
2 convertible bonds, notes or other evidences of indebtedness
3 or upon the conversion of convertible stock of another class
4 in accordance with a conversion privilege contained in such
5 convertible bonds, notes or other evidences of indebtedness
6 or contained in such convertible stock, as the case may be,
7 where a fee (in the amount payable under this Section in the
8 case of evidences of indebtedness) has been previously paid
9 for the issuance of such convertible bonds, notes or other
10 evidences of indebtedness, or where a fee (in the amount
11 payable under this Section in the case of stocks) has been
12 previously paid for the issuance of such convertible stock,
13 or where such convertible stock was issued prior to July 1,
14 1951 and upon which no fee has been previously paid, as the
15 case may be.

16 (4) To issue shares of stocks for the purpose of
17 redeeming or otherwise retiring, or in exchange for, other
18 stocks, where the fee for the issuance of such other stocks
19 has been previously paid, or where such other stocks were
20 issued prior to July 1, 1951 and upon which no fee has been
21 previously paid, as the case may be, but only to the extent
22 that the par or stated value of the shares of stock so issued
23 does not exceed the par or stated value of the other stocks
24 redeemed or otherwise retired or exchanged.

25 All fees collected by the Commission under this Section
26 shall be paid within 10 days after the receipt of the same,
27 accompanied by a detailed statement of the same, into the
28 Public Utility Fund in the State treasury.

29 (Source: P.A. 87-971.)

30 Section 75-35. The Professional Boxing Act is amended by
31 changing Section 23 as follows:

32 (225 ILCS 105/23) (from Ch. 111, par. 5023)

1 (Section scheduled to be repealed on January 1, 2012)

2 Sec. 23. Fees. The fees for the administration and
3 enforcement of this Act including, but not limited to,
4 original licensure, renewal, and restoration shall be set by
5 rule. The fees shall not be refundable. Beginning July 1,
6 2003, all of the fees, taxes, and fines collected under this
7 Act shall be deposited into the General Professions Dedicated
8 Fund.

9 (Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00;
10 92-16, eff. 6-28-01; 92-499, eff. 1-1-02.)

11 Section 75-40. The Illinois Certified Shorthand
12 Reporters Act of 1984 is amended by changing Section 17 as
13 follows:

14 (225 ILCS 415/17) (from Ch. 111, par. 6217)

15 (Section scheduled to be repealed on January 1, 2004)

16 Sec. 17. Fees; returned checks; expiration while in
17 military.

18 (a) The fees for the administration and enforcement of
19 this Act, including but not limited to, original
20 certification, renewal and restoration, shall be set by rule.

21 (b) Beginning July 1, 2003, all of the fees and fines
22 collected under this Act shall be deposited into the General
23 Professions Dedicated Fund.

24 (c) Any person who delivers a check or other payment to
25 the Department that is returned to the Department unpaid by
26 the financial institution upon which it is drawn shall pay to
27 the Department, in addition to the amount already owed to the
28 Department, a fine of \$50. The fines imposed by this Section
29 are in addition to any other discipline provided under this
30 Act prohibiting unlicensed practice or practice on a
31 nonrenewed license. The Department shall notify the person
32 that payment of fees and fines shall be paid to the

1 Department by certified check or money order within 30
2 calendar days of the notification. If, after the expiration
3 of 30 days from the date of the notification, the person has
4 failed to submit the necessary remittance, the Department
5 shall automatically terminate the license or certificate or
6 deny the application, without hearing. If, after termination
7 or denial, the person seeks a license or certificate, he or
8 she shall apply to the Department for restoration or issuance
9 of the license or certificate and pay all fees and fines due
10 to the Department. The Department may establish a fee for the
11 processing of an application for restoration of a license or
12 certificate to pay all expenses of processing this
13 application. The Director may waive the fines due under this
14 Section in individual cases where the Director finds that the
15 fines would be unreasonable or unnecessarily burdensome.

16 However, any person whose license has expired while he
17 has been engaged (1) in federal or state service active duty,
18 or (2) in training or education under the supervision of the
19 United States preliminary to induction into the military
20 service, may have his license renewed, reinstated or restored
21 without paying any lapsed renewal and restoration fees, if
22 within 2 years after termination of such service, training or
23 education other than by dishonorable discharge, he furnishes
24 the Department with satisfactory proof that he has been so
25 engaged and that his service, training or education has been
26 so terminated.

27 (Source: P.A. 92-146, eff. 1-1-02.)

28 Section 75-45. The Weights and Measures Act is amended
29 by changing Section 8.1 as follows:

30 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

31 Sec. 8.1. Registration of servicepersons, service
32 agents, and special sealers. No person, firm, or corporation

1 shall sell, install, service, recondition or repair a
2 weighing or measuring device used in trade or commerce
3 without first obtaining a certificate of registration.
4 Applications by individuals for a certificate of registration
5 shall be made to the Department, shall be in writing on forms
6 prescribed by the Department, and shall be accompanied by the
7 required fee.

8 Each application shall provide such information that will
9 enable the Department to pass on the qualifications of the
10 applicant for the certificate of registration. The
11 information requests shall include present residence,
12 location of the business to be licensed under this Act,
13 whether the applicant has had any previous registration under
14 this Act or any federal, state, county, or local law,
15 ordinance, or regulation relating to servicepersons and
16 service Agencies, whether the applicant has ever had a
17 registration suspended or revoked, whether the applicant has
18 been convicted of a felony, and such other information as the
19 Department deems necessary to determine if the applicant is
20 qualified to receive a certificate of registration.

21 Before any certificate of registration is issued, the
22 Department shall require the registrant to meet the following
23 qualifications:

24 (1) Has possession of or available for use weights
25 and measures, standards, and testing equipment
26 appropriate in design and adequate in amount to provide
27 the services for which the person is requesting
28 registration.

29 (2) Passes a qualifying examination for each type
30 of weighing or measuring device he intends to install,
31 service, recondition, or repair.

32 (3) Demonstrates a working knowledge of weighing
33 and measuring devices for which he intends to be
34 registered.

1 (4) Has a working knowledge of all appropriate
2 weights and measures laws and their rules and
3 regulations.

4 (5) Has available a current copy of National
5 Institute of Standards and Technology Handbook 44.

6 (6) Pays the prescribed registration fee for the
7 type of registration:

8 (A) The annual fee for a Serviceperson
9 Certificate of Registration shall be ~~\$25~~ \$5.

10 (B) The annual fee for a Special Sealer
11 Certificate of Registration shall be ~~\$50~~ \$25.

12 (C) The annual fee for a Service Agency
13 Certificate of Registration shall be ~~\$50~~ \$25.

14 "Registrant" means any individual, partnership,
15 corporation, agency, firm, or company registered by the
16 Department who installs, services, repairs, or reconditions,
17 for hire, award, commission, or any other payment of any
18 kind, any commercial weighing or measuring device.

19 "Commercial weighing and measuring device" means any
20 weight or measure or weighing or measuring device
21 commercially used or employed (i) in establishing size,
22 quantity, extent, area, or measurement of quantities, things,
23 produce, or articles for distribution or consumption which
24 are purchased, offered, or submitted for sale, hire, or
25 award, or (ii) in computing any basic charge or payment for
26 services rendered, except as otherwise excluded by Section 2
27 of this Act, and shall also include any accessory attached to
28 or used in connection with a commercial weighing or measuring
29 device when the accessory is so designed or installed that
30 its operation affects, or may affect, the accuracy of the
31 device.

32 "Serviceperson" means any individual who sells, installs,
33 services, repairs, or reconditions, for hire, award,
34 commission, or any other payment of kind, a commercial

1 weighing or measuring device.

2 "Service agency" means any individual, agency, firm,
3 company, or corporation that, for hire, award, commission, or
4 any other payment of any kind, sells, installs, services,
5 repairs, or reconditions a commercial weighing or measuring
6 device.

7 "Special sealer" means any serviceperson who is allowed
8 to service only one service agency's liquid petroleum meters
9 or liquid petroleum measuring devices.

10 Each registered service agency and serviceperson shall
11 have report forms, known as "Placed in Service Reports".
12 These forms shall be executed in triplicate, shall include
13 the assigned registration number (in the case where a
14 registered serviceperson is representing a registered service
15 agency both assigned registration numbers shall be included),
16 and shall be signed by a registered serviceperson or by a
17 registered serviceperson representing a registered service
18 agency for each rejected or repaired device restored to
19 service and for each newly installed device placed in
20 service. Whenever a registered serviceperson or special
21 sealer places into service a weighing or measuring device,
22 there shall be affixed to the device indicator a decal
23 provided by the Department that indicates the device
24 accuracy.

25 Within 5 days after a device is restored to service or
26 placed in service, the original of a properly executed
27 "Placed in Service Report", together with any official
28 rejection tag or seal removed from the device, shall be
29 mailed to the Department. The duplicate copy of the report
30 shall be handed to the owner or operator of the device and
31 the triplicate copy of the report shall be retained by the
32 service agency or serviceperson.

33 A registered service agency and a registered
34 serviceperson shall submit, at least once every 2 years to

1 the Department for examination and certification, any
2 standards and testing equipment that are used, or are to be
3 used, in the performance of the service and testing functions
4 with respect to weighing and measuring devices for which
5 competence is registered. A registered serviceperson or
6 agency shall not use in servicing commercial weighing and
7 measuring devices any standards or testing equipment that
8 have not been certified by the Department.

9 When a serviceperson's or service agency's weights and
10 measures are carried to a National Institute of Standards and
11 Technology approved out-of-state weights and measures
12 laboratory for inspection and testing, the serviceperson or
13 service agency shall be responsible for providing the
14 Department a copy of the current certification of all weights
15 and measures used in the repair, service, or testing of
16 weighing or measuring devices within the State of Illinois.

17 All registered servicepersons placing into service scales
18 in excess of 30,000 pounds shall have a minimum of 10,000
19 pounds of State approved certified test weights to accurately
20 test a scale.

21 Persons working as apprentices are not subject to
22 registration if they work with and under the supervision of a
23 registered serviceperson.

24 The Director is authorized to promulgate, after public
25 hearing, rules and regulations necessary to enforce the
26 provisions of this Section.

27 For good cause and after a hearing upon reasonable
28 notice, the Director may deny any application for
29 registration or any application for renewal of registration,
30 or may revoke or suspend the registration of any registrant.

31 The Director may publish from time to time as he deems
32 appropriate, and may supply upon request, lists of registered
33 servicepersons and registered service agencies.

34 All final administrative decisions of the Director under

1 this Section shall be subject to judicial review under the
2 Administrative Review Law. The term "administrative
3 decision" is defined as in Section 1 of the Administrative
4 Review Law.

5 (Source: P.A. 88-600, eff. 9-1-94.)

6 Section 75-52. The Environmental Protection Act is
7 amended by changing Sections 9.6, 12.2, 16.1, 22.8, 22.15,
8 22.44, 39.5, 56.4, 56.5, and 56.6 and adding Sections 9.12,
9 9.13, 12.5, and 12.6 as follows:

10 (415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

11 Sec. 9.6. Air pollution operating permit fee.

12 (a) For any site for which an air pollution operating
13 permit is required, other than a site permitted solely as a
14 retail liquid dispensing facility that has air pollution
15 control equipment or an agrichemical facility with an
16 endorsed permit pursuant to Section 39.4, the owner or
17 operator of that site shall pay an initial annual fee to the
18 Agency within 30 days of receipt of the permit and an annual
19 fee each year thereafter for as long as a permit is in
20 effect. The owner or operator of a portable emission unit,
21 as defined in 35 Ill. Adm. Code 201.170, may change the site
22 of any unit previously permitted without paying an additional
23 fee under this Section for each site change, provided that no
24 further change to the permit is otherwise necessary or
25 requested.

26 (b) Notwithstanding any rules to the contrary, the
27 following fee amounts shall apply:

28 (1) The fee for a site permitted to emit less than
29 25 tons per year of any combination of regulated air
30 pollutants, as defined in Section 39.5 of this Act, is
31 \$100 per year, beginning July 1, 1993, and increases to
32 \$200 per year beginning on July 1, 2003, except as

1 provided in subsection (c) of this Section.

2 (2) The fee for a site permitted to emit at least
3 25 tons per year but less than 100 tons per year of any
4 combination of regulated air pollutants, as defined in
5 Section 39.5 of this Act, is \$1,000 per year beginning
6 July 1, 1993, and increases to \$1,800 per year beginning
7 on July 1, 2003, except as provided in subsection (c) of
8 this Section.

9 (3) The fee for a site permitted to emit at least
10 100 tons per year of any combination of regulated air
11 pollutants is \$2,500 per year beginning July 1, 1993, and
12 increases to \$3,500 per year beginning on July 1, 2003,
13 except as provided in subsection (c) of this Section;
14 provided, however, that the fee shall not exceed the
15 amount that would be required for the site if it were
16 subject to the fee requirements of Section 39.5 of this
17 Act.

18 (c) The owner or operator of any source subject to
19 paragraphs (b)(1), (b)(2), or (b)(3) of this Section that
20 becomes subject to Section 39.5 of this Act shall continue to
21 pay the fee set forth in this Section until the source
22 becomes subject to the fee set forth within subsection 18 of
23 Section 39.5 of this Act. In the event a site has paid a fee
24 under this Section during the 12 month period following the
25 effective date of the CAAPP for that site, the fee amount
26 shall be deducted from any amount due under subsection 18 of
27 Section 39.5 of this Act. Owners or operators that are
28 subject to paragraph (b)(1), (b)(2), or (b)(3) of this
29 Section, but that are not also subject to Section 39.5, or
30 excluded pursuant to subsection 1.1 or subsection 3(c) of
31 Section 39.5 shall continue to pay the fee amounts set forth
32 within paragraphs (b)(1), (b)(2), or (b)(3), whichever is
33 applicable.

34 (d) Only one air pollution site fee may be collected

1 from any site, even if such site receives more than one air
2 pollution control permit.

3 (e) The Agency shall establish procedures for the
4 collection of air pollution site fees. Air pollution site
5 fees may be paid annually, or in advance for the number of
6 years for which the permit is issued, at the option of the
7 owner or operator. Payment in advance does not exempt the
8 owner or operator from paying any increase in the fee that
9 may occur during the term of the permit; the owner or
10 operator must pay the amount of the increase upon and from
11 the effective date of the increase.

12 (f) The Agency may deny an application for the issuance,
13 transfer, or renewal of an air pollution operating permit if
14 any air pollution site fee owed by the applicant has not been
15 paid within 60 days of the due date, unless the applicant, at
16 the time of application, pays to the Agency in advance the
17 air pollution site fee for the site that is the subject of
18 the operating permit, plus any other air pollution site fees
19 then owed by the applicant. The denial of an air pollution
20 operating permit for failure to pay an air pollution site fee
21 shall be subject to review by the Board pursuant to the
22 provisions of subsection (a) of Section 40 of this Act.

23 (g) If the Agency determines that an owner or operator
24 of a site was required, but failed, to timely obtain an air
25 pollution operating permit, and as a result avoided the
26 payment of permit fees, the Agency may collect the avoided
27 permit fees with or without pursuing enforcement under
28 Section 31 of this Act. The avoided permit fees shall be
29 calculated as double the amount that would have been owed had
30 a permit been timely obtained. Fees collected pursuant to
31 this subsection (g) shall be deposited into the Environmental
32 Protection Permit and Inspection Fund.

33 (h) If the Agency determines that an owner or operator
34 of a site was required, but failed, to timely obtain an air

1 pollution operating permit and as a result avoided the
2 payment of permit fees, an enforcement action may be brought
3 under Section 31 of this Act. In addition to any other
4 relief that may be obtained as part of this action, the
5 Agency may seek to recover the avoided permit fees. The
6 avoided permit fees shall be calculated as double the amount
7 that would have been owed had a permit been timely obtained.
8 Fees collected pursuant to this subsection (h) shall be
9 deposited into the Environmental Protection Permit and
10 Inspection Fund.

11 (i) If a permittee subject to a fee under this Section
12 fails to pay the fee within 90 days of its due date, or makes
13 the fee payment from an account with insufficient funds to
14 cover the amount of the fee payment, the Agency shall notify
15 the permittee of the failure to pay the fee. If the
16 permittee fails to pay the fee within 60 days after such
17 notification, the Agency may, by written notice, immediately
18 revoke the air pollution operating permit. Failure of the
19 Agency to notify the permittee of failure to pay a fee due
20 under this Section, or the payment of the fee from an account
21 with insufficient funds to cover the amount of the fee
22 payment, does not excuse or alter the duty of the permittee
23 to comply with the provisions of this Section.

24 (Source: P.A. 90-367, eff. 8-10-97.)

25 (415 ILCS 5/9.12 new)

26 Sec. 9.12. Construction permit fees for air pollution
27 sources.

28 (a) An applicant for a new or revised air pollution
29 construction permit shall pay a fee, as established in this
30 Section, to the Agency at the time that he or she submits the
31 application for a construction permit. Except as set forth
32 below, the fee for each activity or category listed in this
33 Section is separate and is cumulative with any other

1 applicable fee listed in this Section.

2 (b) The fee amounts in this subsection (b) apply to
3 construction permit applications relating to (i) a source
4 subject to Section 39.5 of this Act (the Clean Air Act Permit
5 Program); (ii) a source that, upon issuance of the requested
6 construction permit, will become a major source subject to
7 Section 39.5; or (iii) a source that has or will require a
8 federally enforceable State operating permit limiting its
9 potential to emit.

10 (1) Base fees for each construction permit
11 application shall be assessed as follows:

12 (A) If the construction permit application
13 relates to one or more new emission units or to a
14 combination of new and modified emission units, a
15 fee of \$4,000 for the first new emission unit and a
16 fee of \$1,000 for each additional new or modified
17 emission unit; provided that the total base fee
18 under this subdivision (A) shall not exceed \$10,000.

19 (B) If the construction permit application
20 relates to one or more modified emission units but
21 not to any new emission unit, a fee of \$2,000 for
22 the first modified emission unit and a fee of \$1,000
23 for each additional modified emission unit; provided
24 that the total base fee under this subdivision (B)
25 shall not exceed \$5,000.

26 (2) Supplemental fees for each construction permit
27 application shall be assessed as follows:

28 (A) If, based on the construction permit
29 application, the source will be, but is not
30 currently, subject to Section 39.5 of this Act, a
31 CAAPP entry fee of \$5,000.

32 (B) If the construction permit application
33 involves (i) a new source or emission unit subject
34 to Section 39.2 of this Act, (ii) a commercial

1 incinerator or other municipal waste, hazardous
2 waste, or waste tire incinerator, (iii) a commercial
3 power generator, or (iv) one or more other emission
4 units designated as a complex source by Agency
5 rulemaking, a fee of \$25,000.

6 (C) If the construction permit application
7 involves an emissions netting exercise or reliance
8 on a contemporaneous emissions decrease for a
9 pollutant to avoid application of the federal PSD
10 program (40 CFR 52.21) or nonattainment new source
11 review (35 Ill. Adm. Code 203), a fee of \$3,000 for
12 each such pollutant.

13 (D) If the construction permit application is
14 for a new major source subject to the federal PSD
15 program, a fee of \$12,000.

16 (E) If the construction permit application is
17 for a new major source subject to nonattainment new
18 source review, a fee of \$20,000.

19 (F) If the construction permit application is
20 for a major modification subject to the federal PSD
21 program, a fee of \$6,000.

22 (G) If the construction permit application is
23 for a major modification subject to nonattainment
24 new source review, a fee of \$12,000.

25 (H) If the construction permit application
26 review involves a determination of whether an
27 emission unit has Clean Unit Status and is therefore
28 not subject to the Best Available Control Technology
29 (BACT) or Lowest Achievable Emission Rate (LAER)
30 under the federal PSD program or nonattainment new
31 source review, a fee of \$5,000 per unit for which a
32 determination is requested or otherwise required.

33 (I) If the construction permit application
34 review involves a determination of the Maximum

1 Achievable Control Technology standard for a
2 pollutant and the project is not otherwise subject
3 to BACT or LAER for a related pollutant under the
4 federal PSD program or nonattainment new source
5 review, a fee of \$5,000 per unit for which a
6 determination is requested or otherwise required.

7 (J) If the applicant is requesting a
8 construction permit that will alter the source's
9 status so that it is no longer a major source
10 subject to Section 39.5 of this Act, a fee of
11 \$4,000.

12 (3) If a public hearing is held regarding the
13 construction permit application, an administrative fee of
14 \$10,000, subject to adjustment under subsection (f) of
15 this Section.

16 (c) The fee amounts in this subsection (c) apply to
17 construction permit applications relating to a source that,
18 upon issuance of the construction permit, will not (i) be or
19 become subject to Section 39.5 of this Act (the Clean Air Act
20 Permit Program) or (ii) have or require a federally
21 enforceable state operating permit limiting its potential to
22 emit.

23 (1) Base fees for each construction permit
24 application shall be assessed as follows:

25 (A) For a construction permit application
26 involving a single new emission unit, a fee of \$500.

27 (B) For a construction permit application
28 involving more than one new emission unit, a fee of
29 \$1,000.

30 (C) For a construction permit application
31 involving no more than 2 modified emission units, a
32 fee of \$500.

33 (D) For a construction permit application
34 involving more than 2 modified emission units, a fee

1 of \$1,000.

2 (2) Supplemental fees for each construction permit
3 application shall be assessed as follows:

4 (A) If the source is a new source, i.e., does
5 not currently have an operating permit, an entry fee
6 of \$500;

7 (B) If the construction permit application
8 involves (i) a new source or emission unit subject
9 to Section 39.2 of this Act, (ii) a commercial
10 incinerator or a municipal waste, hazardous waste,
11 or waste tire incinerator, (iii) a commercial power
12 generator, or (iv) an emission unit designated as a
13 complex source by Agency rulemaking, a fee of
14 \$15,000.

15 (3) If a public hearing is held regarding the
16 construction permit application, an administrative fee of
17 \$10,000.

18 (d) If no other fee is applicable under this Section, a
19 construction permit application addressing one or more of the
20 following shall be subject to a filing fee of \$500:

21 (1) A construction permit application to add or
22 replace a control device on a permitted emission unit.

23 (2) A construction permit application to conduct a
24 pilot project or trial burn for a permitted emission
25 unit.

26 (3) A construction permit application for a land
27 remediation project.

28 (4) A construction permit application for an
29 insignificant activity as described in 35 Ill. Adm. Code
30 201.210.

31 (5) A construction permit application to revise an
32 emissions testing methodology or the timing of required
33 emissions testing.

34 (6) A construction permit application that provides

1 for a change in the name, address, or phone number of any
2 person identified in the permit, or for a change in the
3 stated ownership or control, or for a similar minor
4 administrative permit change at the source.

5 (e) No fee shall be assessed for a request to correct an
6 issued permit that involves only an Agency error, if the
7 request is received within the deadline for a permit appeal
8 to the Pollution Control Board.

9 (f) The applicant for a new or revised air pollution
10 construction permit shall submit to the Agency, with the
11 construction permit application, both a certification of the
12 fee that he or she estimates to be due under this Section and
13 the fee itself.

14 (g) Notwithstanding the requirements of Section 39(a) of
15 this Act, the application for an air pollution construction
16 permit shall not be deemed to be filed with the Agency until
17 the Agency receives the initial air pollution construction
18 permit application fee and the certified estimate of the fee
19 required by this Section. Unless the Agency has received the
20 initial air pollution construction permit application fee and
21 the certified estimate of the fee required by this Section,
22 the Agency is not required to review or process the
23 application.

24 (h) If the Agency determines at any time that a
25 construction permit application is subject to an additional
26 fee under this Section that the applicant has not submitted,
27 the Agency shall notify the applicant in writing of the
28 amount due under this Section. The applicant shall have 60
29 days to remit the assessed fee to the Agency.

30 If the proper fee established under this Section is not
31 submitted within 60 days after the request for further
32 remittance:

33 (1) If the construction permit has not yet been
34 issued, the Agency is not required to further review or

1 process, and the provisions of Section 39(a) of this Act
2 do not apply to, the application for a construction
3 permit until such time as the proper fee is remitted.

4 (2) If the construction permit has been issued, the
5 Agency may, upon written notice, immediately revoke the
6 construction permit.

7 The denial or revocation of a construction permit does
8 not excuse the applicant from the duty of paying the fees
9 required under this Section.

10 (i) The Agency may deny the issuance of a pending air
11 pollution construction permit or the subsequent operating
12 permit if the applicant has not paid the required fees by the
13 date required for issuance of the permit. The denial or
14 revocation of a permit for failure to pay a construction
15 permit fee is subject to review by the Board pursuant to the
16 provisions of subsection (a) of Section 40 of this Act.

17 (j) If the owner or operator undertakes construction
18 without obtaining an air pollution construction permit, the
19 fee under this Section is still required. Payment of the
20 required fee does not preclude the Agency or the Attorney
21 General or other authorized persons from pursuing enforcement
22 against the applicant for failure to have an air pollution
23 construction permit prior to commencing construction.

24 (k) If an air pollution construction permittee makes a
25 fee payment under this Section from an account with
26 insufficient funds to cover the amount of the fee payment,
27 the Agency shall notify the permittee of the failure to pay
28 the fee. If the permittee fails to pay the fee within 60
29 days after such notification, the Agency may, by written
30 notice, immediately revoke the air pollution construction
31 permit. Failure of the Agency to notify the permittee of the
32 permittee's failure to make payment does not excuse or alter
33 the duty of the permittee to comply with the provisions of
34 this Section.

1 (l) The Agency may establish procedures for the
2 collection of air pollution construction permit fees.

3 (m) Fees collected pursuant to this Section shall be
4 deposited into the Environmental Protection Permit and
5 Inspection Fund.

6 (415 ILCS 5/9.13 new)

7 Sec. 9.13. Asbestos fees.

8 (a) For any site for which the owner or operator must
9 file an original 10-day notice of intent to renovate or
10 demolish pursuant to 40 CFR 61.145(b) (part of the federal
11 asbestos National Emission Standard for Hazardous Air
12 Pollutants or NESHAP), the owner or operator shall pay to the
13 Agency with the filing of each 10-day Notice a fee of \$150.

14 (b) If demolition or renovation of a site has commenced
15 without proper filing of the 10-day Notice, the fee is double
16 the amount otherwise due. This doubling of the fee is in
17 addition to any other penalties under this Act, the federal
18 NESHAP, or otherwise, and does not preclude the Agency, the
19 Attorney General, or other authorized persons from pursuing
20 an enforcement action against the owner or operator for
21 failure to file a 10-day Notice prior to commencing
22 demolition or renovation activities.

23 (c) In the event that an owner or operator makes a fee
24 payment under this Section from an account with insufficient
25 funds to cover the amount of the fee payment, the 10-day
26 Notice shall be deemed improperly filed. The Agency shall so
27 notify the owner or operator within 60 days of receiving the
28 notice of insufficient funds. Failure of the Agency to so
29 notify the owner or operator does not excuse or alter the
30 duty of the owner or operator to comply with the requirements
31 of this Section.

32 (d) Where asbestos remediation or demolition activities
33 have not been conducted in accordance with the asbestos

1 NESHAP, in addition to the fees imposed by this Section, the
2 Agency may also collect its actual costs incurred for
3 asbestos-related activities at the site, including without
4 limitation costs of sampling, sample analysis, remediation
5 plan review, and activity oversight for demolition or
6 renovation.

7 (e) Fees and cost recovery amounts collected under this
8 Section shall be deposited into the Environmental Protection
9 Permit and Inspection Fund.

10 (415 ILCS 5/12.2) (from Ch. 111 1/2, par. 1012.2)

11 Sec. 12.2. Water pollution construction permit fees.

12 (a) Beginning July 1, 2003 ~~January 1, 1991~~, the Agency
13 shall collect a fee in the amount set forth in this Section:
14 ~~subsection-(e)~~

15 (1) for any sewer which requires a construction
16 permit under paragraph (b) of Section 12, from each
17 applicant for a sewer construction permit under paragraph
18 (b) of Section 12 or regulations adopted hereunder; and-

19 (2) for any treatment works, industrial
20 pretreatment works, or industrial wastewater source that
21 requires a construction permit under paragraph (b) of
22 Section 12, from the applicant for the construction
23 permit. However, no fee shall be required for a
24 treatment works or wastewater source directly covered and
25 authorized under an NPDES permit issued by the Agency,
26 nor for any treatment works, industrial pretreatment
27 works, or industrial wastewater source (i) that is under
28 or pending construction authorized by a valid
29 construction permit issued by the Agency prior to July 1,
30 2003, during the term of that construction permit, or
31 (ii) for which a completed construction permit
32 application has been received by the Agency prior to July
33 1, 2003, with respect to the permit issued under that

1 application.

2 (b) Each applicant or person required to pay a fee under
3 this Section shall submit the fee to the Agency along with
4 the permit application. The Agency shall deny any
5 construction permit application for which a fee is required
6 under this Section that does not contain the appropriate fee.

7 (c) The amount of the fee is as follows:

8 (1) A \$100 ~~\$50~~ fee shall be required for any sewer
9 constructed with a design population of 1.

10 (2) A \$400 ~~\$200~~ fee shall be required for any sewer
11 constructed with a design population of 2 to 20.

12 (3) A \$800 ~~\$400~~ fee shall be required for any sewer
13 constructed with a design population greater than 20 but
14 less than 101.

15 (4) A \$1200 ~~\$600~~ fee shall be required for any
16 sewer constructed with a design population greater than
17 100 but less than 500.

18 (5) A \$2400 ~~\$1200~~ fee shall be required for any
19 sewer constructed with a design population of 500 or
20 more.

21 (6) A \$1,000 fee shall be required for any
22 industrial wastewater source that does not require
23 pretreatment of the wastewater prior to discharge to the
24 publicly owned treatment works or publicly regulated
25 treatment works.

26 (7) A \$3,000 fee shall be required for any
27 industrial wastewater source that requires pretreatment
28 of the wastewater for non-toxic pollutants prior to
29 discharge to the publicly owned treatment works or
30 publicly regulated treatment works.

31 (8) A \$6,000 fee shall be required for any
32 industrial wastewater source that requires pretreatment
33 of the wastewater for toxic pollutants prior to discharge
34 to the publicly owned treatment works or publicly

1 regulated treatment works.

2 (9) A \$2,500 fee shall be required for construction
3 relating to land application of industrial sludge or
4 spray irrigation of industrial wastewater.

5 All fees collected by the Agency under this Section shall
6 be deposited into the Environmental Protection Permit and
7 Inspection Fund in accordance with Section 22.8.

8 (d) Prior to a final Agency decision on a permit
9 application for which a fee has been paid under this Section,
10 the applicant may propose modification to the application in
11 accordance with this Act and regulations adopted hereunder
12 without any additional fee becoming due, unless the proposed
13 modifications cause an increase in the design population
14 served by the sewer specified in the permit application
15 before the modifications or the modifications cause a change
16 in the applicable fee category stated in subsection (c). If
17 the modifications cause such an increase or change the fee
18 category and the increase results in additional fees being
19 due under subsection (c), the applicant shall submit the
20 additional fee to the Agency with the proposed modifications.

21 (e) No fee shall be due under this Section from:

22 (1) any department, agency or unit of State
23 government for installing or extending a sewer;

24 (2) any unit of local government with which the
25 Agency has entered into a written delegation agreement
26 under Section 4 which allows such unit to issue
27 construction permits under this Title, or regulations
28 adopted hereunder, for installing or extending a sewer;
29 or

30 (3) any unit of local government or school district
31 for installing or extending a sewer where both of the
32 following conditions are met:

33 (i) the cost of the installation or extension
34 is paid wholly from monies of the unit of local

1 government or school district, State grants or
2 loans, federal grants or loans, or any combination
3 thereof; and

4 (ii) the unit of local government or school
5 district is not given monies, reimbursed or paid,
6 either in whole or in part, by another person
7 (except for State grants or loans or federal grants
8 or loans) for the installation or extension.

9 (f) The Agency may establish procedures relating to the
10 collection of fees under this Section. The Agency shall not
11 refund any fee paid to it under this Section.
12 Notwithstanding the provisions of any rule adopted before
13 July 1, 2003 concerning fees under this Section, the Agency
14 shall assess and collect the fees imposed under subdivision
15 (a)(2) of this Section and the increases in the fees imposed
16 under subdivision (a)(1) of this Section beginning on July 1,
17 2003, for all completed applications received on or after
18 that date.

19 (g) Notwithstanding any other provision of this Act, the
20 Agency shall, not later than 45 days following the receipt of
21 both an application for a construction permit and the fee
22 required by this Section, either approve that application and
23 issue a permit or tender to the applicant a written statement
24 setting forth with specificity the reasons for the
25 disapproval of the application and denial of a permit. If
26 the Agency takes no final action within 45 days after the
27 filing of the application for a permit, the applicant may
28 deem the permit issued.

29 (h) For purposes of this Section:

30 "Toxic pollutants" means those pollutants defined in
31 Section 502(13) of the federal Clean Water Act and
32 regulations adopted pursuant to that Act.

33 "Industrial" refers to those industrial users referenced
34 in Section 502(13) of the federal Clean Water Act and

1 regulations adopted pursuant to that Act.

2 "Pretreatment" means the reduction of the amount of
3 pollutants, the elimination of pollutants, or the alteration
4 of the nature of pollutant properties in wastewater prior to
5 or in lieu of discharging or otherwise introducing those
6 pollutants into a publicly owned treatment works or publicly
7 regulated treatment works.

8 (Source: P.A. 87-843; 88-488.)

9 (415 ILCS 5/12.5 new)

10 Sec. 12.5. NPDES discharge fees; sludge permit fees.

11 (a) Beginning July 1, 2003, the Agency shall assess and
12 collect annual fees (i) in the amounts set forth in
13 subsection (e) for all discharges that require an NPDES
14 permit under subsection (f) of Section 12, from each person
15 holding an NPDES permit authorizing those discharges
16 (including a person who continues to discharge under an
17 expired permit pending renewal), and (ii) in the amounts set
18 forth in subsection (f) of this Section for all activities
19 that require a permit under subsection (b) of Section 12,
20 from each person holding a domestic sewage sludge generator
21 or user permit.

22 Each person subject to this Section must remit the
23 applicable annual fee to the Agency in accordance with the
24 requirements set forth in this Section and any rules adopted
25 pursuant to this Section.

26 (b) Within 30 days after the effective date of this
27 Section, and by May 31 of each year thereafter, the Agency
28 shall send a fee notice by mail to each existing permittee
29 subject to a fee under this Section at his or her address of
30 record. The notice shall state the amount of the applicable
31 annual fee and the date by which payment is required.

32 Except as provided in subsection (c) with respect to
33 initial fees under new permits and certain modifications of

1 existing permits, fees payable under this Section for the 12
2 months beginning July 1, 2003 are due by the date specified
3 in the fee notice, which shall be no less than 30 days after
4 the date the fee notice is mailed by the Agency, and fees
5 payable under this Section for subsequent years shall be due
6 on July 1 or as otherwise required in any rules that may be
7 adopted pursuant to this Section.

8 (c) The initial annual fee for discharges under a new
9 individual NPDES permit or for activity under a new
10 individual sludge generator or sludge user permit must be
11 remitted to the Agency prior to the issuance of the permit.
12 The Agency shall provide notice of the amount of the fee to
13 the applicant during its review of the application. In the
14 case of a new individual NPDES or sludge permit issued during
15 the months of January through June, the Agency may prorate
16 the initial annual fee payable under this Section.

17 The initial annual fee for discharges or other activity
18 under a general NPDES permit must be remitted to the Agency
19 as part of the application for coverage under that general
20 permit.

21 If a requested modification to an existing NPDES permit
22 causes a change in the applicable fee categories under
23 subsection (e) that results in an increase in the required
24 fee, the permittee must pay to the Agency the amount of the
25 increase, prorated for the number of months remaining before
26 the next July 1, before the modification is granted.

27 (d) Failure to submit the fee required under this
28 Section by the due date constitutes a violation of this
29 Section. Late payments shall incur an interest penalty,
30 calculated at the rate in effect from time to time for tax
31 delinquencies under subsection (a) of Section 1003 of the
32 Illinois Income Tax Act, from the date the fee is due until
33 the date the fee payment is received by the Agency.

34 (e) The annual fees applicable to discharges under NPDES

1 permits are as follows:

2 (1) For NPDES permits for publicly owned treatment
3 works, other facilities for which the wastewater being
4 treated and discharged is primarily domestic sewage, and
5 wastewater discharges from the operation of public water
6 supply treatment facilities, the fee is:

7 (i) \$1,500 for facilities with a Design
8 Average Flow rate of less than 100,000 gallons per
9 day;

10 (ii) \$5,000 for facilities with a Design
11 Average Flow rate of at least 100,000 gallons per
12 day but less than 500,000 gallons per day;

13 (iii) \$7,500 for facilities with a Design
14 Average Flow rate of at least 500,000 gallons per
15 day but less than 1,000,000 gallons per day;

16 (iv) \$15,000 for facilities with a Design
17 Average Flow rate of at least 1,000,000 gallons per
18 day but less than 5,000,000 gallons per day;

19 (v) \$30,000 for facilities with a Design
20 Average Flow rate of at least 5,000,000 gallons per
21 day but less than 10,000,000 gallons per day; and

22 (vi) \$50,000 for facilities with a Design
23 Average Flow rate of 10,000,000 gallons per day or
24 more.

25 (2) For NPDES permits for treatment works or sewer
26 collection systems that include combined sewer overflow
27 outfalls, the fee is:

28 (i) \$1,000 for systems serving a tributary
29 population of 10,000 or less;

30 (ii) \$5,000 for systems serving a tributary
31 population that is greater than 10,000 but not more
32 than 25,000; and

33 (iii) \$20,000 for systems serving a tributary
34 population that is greater than 25,000.

1 The fee amounts in this subdivision (e)(2) are in
2 addition to the fees stated in subdivision (e)(1) when
3 the combined sewer overflow outfall is contained within a
4 permit subject to subsection (e)(1) fees.

5 (3) For NPDES permits for mines producing coal, the
6 fee is \$5,000.

7 (4) For NPDES permits for mines other than mines
8 producing coal, the fee is \$5,000.

9 (5) For NPDES permits for industrial activity where
10 toxic substances are not regulated, other than permits
11 covered under subdivision (e)(3) or (e)(4), the fee is:

12 (i) \$1,000 for a facility with a Design
13 Average Flow rate that is not more than 10,000
14 gallons per day;

15 (ii) \$2,500 for a facility with a Design
16 Average Flow rate that is more than 10,000 gallons
17 per day but not more than 100,000 gallons per day;
18 and

19 (iii) \$10,000 for a facility with a Design
20 Average Flow rate that is more than 100,000 gallons
21 per day.

22 (6) For NPDES permits for industrial activity where
23 toxic substances are regulated, other than permits
24 covered under subdivision (e)(3) or (e)(4), the fee is:

25 (i) \$15,000 for a facility with a Design
26 Average Flow rate that is not more than 250,000
27 gallons per day; and

28 (ii) \$20,000 for a facility with a Design
29 Average Flow rate that is more than 250,000 gallons
30 per day.

31 (7) For NPDES permits for industrial activity
32 classified by USEPA as a major discharge, other than
33 permits covered under subdivision (e)(3) or (e)(4), the
34 fee is:

1 (i) \$30,000 for a facility where toxic
2 substances are not regulated; and

3 (ii) \$50,000 for a facility where toxic
4 substances are regulated.

5 (8) For NPDES permits for municipal separate storm
6 sewer systems, the fee is \$1,000.

7 (9) For NPDES permits for construction site or
8 industrial storm water, the fee is \$500.

9 (f) The annual fee for activities under a permit that
10 authorizes applying sludge on land is \$2,500 for a sludge
11 generator permit and \$5,000 for a sludge user permit.

12 (g) More than one of the annual fees specified in
13 subsections (e) and (f) may be applicable to a permit holder.
14 These fees are in addition to any other fees required under
15 this Act.

16 (h) The fees imposed under this Section do not apply to
17 the State or any department or agency of the State, nor to
18 any school district.

19 (i) The Agency may adopt rules to administer the fee
20 program established in this Section. The Agency may include
21 provisions pertaining to invoices, notice of late payment,
22 and disputes concerning the amount or timeliness of payment.
23 The Agency may set forth procedures and criteria for the
24 acceptance of payments. The absence of such rules does not
25 affect the duty of the Agency to immediately begin the
26 assessment and collection of fees under this Section.

27 (j) All fees and interest penalties collected by the
28 Agency under this Section shall be deposited into the
29 Illinois Clean Water Fund, which is hereby created as a
30 special fund in the State treasury. Gifts, supplemental
31 environmental project funds, and grants may be deposited into
32 the Fund. Investment earnings on moneys held in the Fund
33 shall be credited to the Fund.

34 Subject to appropriation, the moneys in the Fund shall be

1 used by the Agency to carry out the Agency's clean water
2 activities.

3 (k) Fees paid to the Agency under this Section are not
4 refundable.

5 (415 ILCS 5/12.6 new)

6 Sec. 12.6. Certification fees.

7 (a) Beginning July 1, 2003, the Agency shall collect a
8 fee in the amount set forth in subsection (b) from each
9 applicant for a state water quality certification required by
10 Section 401 of the federal Clean Water Act prior to a federal
11 authorization pursuant to Section 404 of that Act; except
12 that the fee does not apply to the State or any department or
13 agency of the State, nor to any school district.

14 (b) The amount of the fee for a State water quality
15 certification is \$350 or 1% of the gross value of the
16 proposed project, whichever is greater, but not to exceed
17 \$10,000.

18 (c) Each applicant seeking a federal authorization of an
19 action requiring a Section 401 state water quality
20 certification by the Agency shall submit the required fee
21 with the application. The Agency shall deny an application
22 for which a fee is required under this Section, if the
23 application does not contain the appropriate fee.

24 (d) The Agency may establish procedures relating to the
25 collection of fees under this Section. Notwithstanding the
26 adoption of any rules establishing such procedures, the
27 Agency may begin collecting fees under this Section on July
28 1, 2003 for all complete applications received on or after
29 that date.

30 All fees collected by the Agency under this Section shall
31 be deposited into the Illinois Clean Water Fund. Fees paid
32 under this Section are not refundable.

1 (415 ILCS 5/16.1) (from Ch. 111 1/2, par. 1016.1)
2 Sec. 16.1. Permit fees.

3 (a) ~~Beginning--January--17--1990,~~ Except as provided in
4 subsection (f), the Agency shall collect a fee in the amount
5 set forth in subsection (d) from: (1) each applicant for a
6 construction permit under this Title, or regulations adopted
7 hereunder, to install or extend water main; and (2) each
8 person who submits as-built plans under this Title, or
9 regulations adopted hereunder, to install or extend water
10 main.

11 (b) Except as provided in subsection (c), each applicant
12 or person required to pay a fee under this Section shall
13 submit the fee to the Agency along with the permit
14 application or as-built plans. The Agency shall deny any
15 construction permit application for which a fee is required
16 under this Section that does not contain the appropriate fee.
17 The Agency shall not approve any as-built plans for which a
18 fee is required under this Section that do not contain the
19 appropriate fee.

20 (c) Each applicant for an emergency construction permit
21 under this Title, or regulations adopted hereunder, to
22 install or extend a water main shall submit the appropriate
23 fee to the Agency within 10 calendar days from the date of
24 issuance of the emergency construction permit.

25 (d) The amount of the fee is as follows:
26 (1) \$240 \$120 if the construction permit
27 application is to install or extend water main that is
28 more than 200 feet, but not more than 1,000 feet in
29 length;
30 (2) \$720 \$360 if the construction permit
31 application is to install or extend water main that is
32 more than 1,000 feet but not more than 5,000 feet in
33 length;
34 (3) \$1200 \$600 if the construction permit

1 application is to install or extend water main that is
2 more than 5,000 feet in length.

3 (e) Prior to a final Agency decision on a permit
4 application for which a fee has been paid under this Section,
5 the applicant may propose modifications to the application in
6 accordance with this Act and regulations adopted hereunder
7 without any additional fee becoming due unless the proposed
8 modifications cause the length of water main to increase
9 beyond the length specified in the permit application before
10 the modifications. If the modifications cause such an
11 increase and the increase results in additional fees being
12 due under subsection (d), the applicant shall submit the
13 additional fee to the Agency with the proposed modifications.

14 (f) No fee shall be due under this Section from (1) any
15 department, agency or unit of State government for installing
16 or extending a water main; (2) any unit of local government
17 with which the Agency has entered into a written delegation
18 agreement under Section 4 of this Act which allows such unit
19 to issue construction permits under this Title, or
20 regulations adopted hereunder, for installing or extending a
21 water main; or (3) any unit of local government or school
22 district for installing or extending a water main where both
23 of the following conditions are met: (i) the cost of the
24 installation or extension is paid wholly from monies of the
25 unit of local government or school district, State grants or
26 loans, federal grants or loans, or any combination thereof;
27 and (ii) the unit of local government or school district is
28 not given monies, reimbursed or paid, either in whole or in
29 part, by another person (except for State grants or loans or
30 federal grants or loans) for the installation or extension.

31 (g) The Agency may establish procedures relating to the
32 collection of fees under this Section. The Agency shall not
33 refund any fee paid to it under this Section.

34 (h) For the purposes of this Section, the term "water

1 main" means any pipe that is to be used for the purpose of
2 distributing potable water which serves or is accessible to
3 more than one property, dwelling or rental unit, and that is
4 exterior to buildings.

5 (i) Notwithstanding any other provision of this Act, the
6 Agency shall, not later than 45 days following the receipt of
7 both an application for a construction permit and the fee
8 required by this Section, either approve that application and
9 issue a permit or tender to the applicant a written statement
10 setting forth with specificity the reasons for the
11 disapproval of the application and denial of a permit. If
12 there is no final action by the Agency within 45 days after
13 the filing of the application for a permit, the applicant may
14 deem the permit issued.

15 (Source: P.A. 86-670; 87-843.)

16 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

17 Sec. 22.8. Environmental Protection Permit and
18 Inspection Fund.

19 (a) There is hereby created in the State Treasury a
20 special fund to be known as the Environmental Protection
21 Permit and Inspection Fund. All fees collected by the Agency
22 pursuant to this Section, Section 9.6, 12.2, 16.1, 22.2
23 (j)(6)(E)(v)(IV), 56.4, 56.5, 56.6, and subsection (f) of
24 Section 5 of this Act or pursuant to Section 22 of the Public
25 Water Supply Operations Act and funds collected under
26 subsection (b.5) of Section 42 of this Act shall be deposited
27 into the Fund. In addition to any monies appropriated from
28 the General Revenue Fund, monies in the Fund shall be
29 appropriated by the General Assembly to the Agency in amounts
30 deemed necessary for manifest, permit, and inspection
31 activities and for processing requests under Section 22.2
32 (j)(6)(E)(v)(IV).

33 The General Assembly may appropriate monies in the Fund

1 deemed necessary for Board regulatory and adjudicatory
2 proceedings.

3 (b) ~~On and after January 1, 1989,~~ The Agency shall
4 collect from the owner or operator of any of the following
5 types of hazardous waste disposal sites or management
6 facilities which require a RCRA permit under subsection (f)
7 of Section 21 of this Act, or a UIC permit under subsection
8 (g) of Section 12 of this Act, an annual fee in the amount
9 of:

10 (1) \$35,000 (\$70,000 beginning in 2004) for a
11 hazardous waste disposal site receiving hazardous waste
12 if the hazardous waste disposal site is located off the
13 site where such waste was produced;

14 (2) \$9,000 (\$18,000 beginning in 2004) for a
15 hazardous waste disposal site receiving hazardous waste
16 if the hazardous waste disposal site is located on the
17 site where such waste was produced;

18 (3) \$7,000 (\$14,000 beginning in 2004) for a
19 hazardous waste disposal site receiving hazardous waste
20 if the hazardous waste disposal site is an underground
21 injection well;

22 (4) \$2,000 (\$4,000 beginning in 2004) for a
23 hazardous waste management facility treating hazardous
24 waste by incineration;

25 (5) \$1,000 (\$2,000 beginning in 2004) for a
26 hazardous waste management facility treating hazardous
27 waste by a method, technique or process other than
28 incineration;

29 (6) \$1,000 (\$2,000 beginning in 2004) for a
30 hazardous waste management facility storing hazardous
31 waste in a surface impoundment or pile; ~~or~~

32 (7) \$250 (\$500 beginning in 2004) for a hazardous
33 waste management facility storing hazardous waste other
34 than in a surface impoundment or pile; and-

1 (8) Beginning in 2004, \$500 for a large quantity
 2 hazardous waste generator required to submit an annual or
 3 biennial report for hazardous waste generation.

4 (c) Where two or more operational units are located
 5 within a single hazardous waste disposal site, the Agency
 6 shall collect from the owner or operator of such site an
 7 annual fee equal to the highest fee imposed by subsection (b)
 8 of this Section upon any single operational unit within the
 9 site.

10 (d) The fee imposed upon a hazardous waste disposal site
 11 under this Section shall be the exclusive permit and
 12 inspection fee applicable to hazardous waste disposal at such
 13 site, provided that nothing in this Section shall be
 14 construed to diminish or otherwise affect any fee imposed
 15 upon the owner or operator of a hazardous waste disposal site
 16 by Section 22.2.

17 (e) The Agency shall establish procedures, no later than
 18 December 1, 1984, relating to the collection of the hazardous
 19 waste disposal site fees authorized by this Section. Such
 20 procedures shall include, but not be limited to the time and
 21 manner of payment of fees to the Agency, which shall be
 22 quarterly, payable at the beginning of each quarter for
 23 hazardous waste disposal site fees. Annual fees required
 24 under paragraph (7) of subsection (b) of this Section shall
 25 accompany the annual report required by Board regulations for
 26 the calendar year for which the report applies.

27 (f) For purposes of this Section, a hazardous waste
 28 disposal site consists of one or more of the following
 29 operational units:

30 (1) a landfill receiving hazardous waste for
 31 disposal;

32 (2) a waste pile or surface impoundment, receiving
 33 hazardous waste, in which residues which exhibit any of
 34 the characteristics of hazardous waste pursuant to Board

1 regulations are reasonably expected to remain after
2 closure;

3 (3) a land treatment facility receiving hazardous
4 waste; or

5 (4) a well injecting hazardous waste.

6 (g) The Agency shall assess a fee for each manifest
7 provided by the Agency. For manifests provided on or after
8 January 1, 1989 but before July 1, 2003, the fee shall be \$1
9 per manifest. For manifests provided on or after July 1,
10 2003, the fee shall be \$3 per manifest.

11 ~~(g) On and after January 1, 1989, the Agency shall~~
12 ~~assess a fee of \$1.00 for each manifest provided by the~~
13 ~~Agency, except that the Agency shall furnish up to 20~~
14 ~~manifests requested by any generator at no charge and no~~
15 ~~generator shall be required to pay more than \$500 per year in~~
16 ~~such manifest fees.~~

17 (Source: P.A. 89-79, eff. 6-30-95; 90-372, eff. 7-1-98.)

18 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

19 Sec. 22.15. Solid Waste Management Fund; fees.

20 (a) There is hereby created within the State Treasury a
21 special fund to be known as the "Solid Waste Management
22 Fund", to be constituted from the fees collected by the State
23 pursuant to this Section and from repayments of loans made
24 from the Fund for solid waste projects. Moneys received by
25 the Department of Commerce and Community Affairs in repayment
26 of loans made pursuant to the Illinois Solid Waste Management
27 Act shall be deposited into the Solid Waste Management
28 Revolving Loan Fund.

29 (b) ~~On and after January 1, 1987,~~ The Agency shall
30 assess and collect a fee in the amount set forth herein from
31 the owner or operator of each sanitary landfill permitted or
32 required to be permitted by the Agency to dispose of solid
33 waste if the sanitary landfill is located off the site where

1 such waste was produced and if such sanitary landfill is
2 owned, controlled, and operated by a person other than the
3 generator of such waste. The Agency shall deposit all fees
4 collected into the Solid Waste Management Fund. If a site is
5 contiguous to one or more landfills owned or operated by the
6 same person, the volumes permanently disposed of by each
7 landfill shall be combined for purposes of determining the
8 fee under this subsection.

9 (1) If more than 150,000 cubic yards of
10 non-hazardous solid waste is permanently disposed of at a
11 site in a calendar year, the owner or operator shall
12 either pay a fee of 95 cents ~~45-cents~~ per cubic yard or,
13 alternatively, the owner or operator may weigh the
14 quantity of the solid waste permanently disposed of with
15 a device for which certification has been obtained under
16 the Weights and Measures Act and pay a fee of \$2.00 ~~95~~
17 ~~cents~~ per ton of solid waste permanently disposed of. In
18 no case shall the fee collected or paid by the owner or
19 operator under this paragraph exceed \$1.55 ~~\$1.05~~ per
20 cubic yard or \$3.27 ~~\$2.22~~ per ton.

21 (2) If more than 100,000 cubic yards but not more
22 than 150,000 cubic yards of non-hazardous waste is
23 permanently disposed of at a site in a calendar year, the
24 owner or operator shall pay a fee of \$52,630 ~~\$25,000~~.

25 (3) If more than 50,000 cubic yards but not more
26 than 100,000 cubic yards of non-hazardous solid waste is
27 permanently disposed of at a site in a calendar year, the
28 owner or operator shall pay a fee of \$23,790 ~~\$11,300~~.

29 (4) If more than 10,000 cubic yards but not more
30 than 50,000 cubic yards of non-hazardous solid waste is
31 permanently disposed of at a site in a calendar year, the
32 owner or operator shall pay a fee of \$7,260 ~~\$3,450~~.

33 (5) If not more than 10,000 cubic yards of
34 non-hazardous solid waste is permanently disposed of at a

1 site in a calendar year, the owner or operator shall pay
2 a fee of \$1050 \$500.

3 (c) (Blank.)

4 (d) The Agency shall establish rules relating to the
5 collection of the fees authorized by this Section. Such
6 rules shall include, but not be limited to:

7 (1) necessary records identifying the quantities of
8 solid waste received or disposed;

9 (2) the form and submission of reports to accompany
10 the payment of fees to the Agency;

11 (3) the time and manner of payment of fees to the
12 Agency, which payments shall not be more often than
13 quarterly; and

14 (4) procedures setting forth criteria establishing
15 when an owner or operator may measure by weight or volume
16 during any given quarter or other fee payment period.

17 (e) Pursuant to appropriation, all monies in the Solid
18 Waste Management Fund shall be used by the Agency and the
19 Department of Commerce and Community Affairs for the purposes
20 set forth in this Section and in the Illinois Solid Waste
21 Management Act, including for the costs of fee collection and
22 administration.

23 (f) The Agency is authorized to enter into such
24 agreements and to promulgate such rules as are necessary to
25 carry out its duties under this Section and the Illinois
26 Solid Waste Management Act.

27 (g) On the first day of January, April, July, and
28 October of each year, beginning on July 1, 1996, the State
29 Comptroller and Treasurer shall transfer \$500,000 from the
30 Solid Waste Management Fund to the Hazardous Waste Fund.
31 Moneys transferred under this subsection (g) shall be used
32 only for the purposes set forth in item (1) of subsection (d)
33 of Section 22.2.

34 (h) The Agency is authorized to provide financial

1 assistance to units of local government for the performance
2 of inspecting, investigating and enforcement activities
3 pursuant to Section 4(r) at nonhazardous solid waste disposal
4 sites.

5 (i) The Agency is authorized to support the operations
6 of an industrial materials exchange service, and to conduct
7 household waste collection and disposal programs.

8 (j) A unit of local government, as defined in the Local
9 Solid Waste Disposal Act, in which a solid waste disposal
10 facility is located may establish a fee, tax, or surcharge
11 with regard to the permanent disposal of solid waste. All
12 fees, taxes, and surcharges collected under this subsection
13 shall be utilized for solid waste management purposes,
14 including long-term monitoring and maintenance of landfills,
15 planning, implementation, inspection, enforcement and other
16 activities consistent with the Solid Waste Management Act and
17 the Local Solid Waste Disposal Act, or for any other
18 environment-related purpose, including but not limited to an
19 environment-related public works project, but not for the
20 construction of a new pollution control facility other than a
21 household hazardous waste facility. However, the total fee,
22 tax or surcharge imposed by all units of local government
23 under this subsection (j) upon the solid waste disposal
24 facility shall not exceed:

25 (1) 60¢ per cubic yard if more than 150,000 cubic
26 yards of non-hazardous solid waste is permanently
27 disposed of at the site in a calendar year, unless the
28 owner or operator weighs the quantity of the solid waste
29 received with a device for which certification has been
30 obtained under the Weights and Measures Act, in which
31 case the fee shall not exceed \$1.27 per ton of solid
32 waste permanently disposed of.

33 (2) \$33,350 if more than 100,000 cubic yards, but
34 not more than 150,000 cubic yards, of non-hazardous waste

1 is permanently disposed of at the site in a calendar
2 year.

3 (3) \$15,500 if more than 50,000 cubic yards, but
4 not more than 100,000 cubic yards, of non-hazardous solid
5 waste is permanently disposed of at the site in a
6 calendar year.

7 (4) \$4,650 if more than 10,000 cubic yards, but not
8 more than 50,000 cubic yards, of non-hazardous solid
9 waste is permanently disposed of at the site in a
10 calendar year.

11 (5) \$650 if not more than 10,000 cubic yards of
12 non-hazardous solid waste is permanently disposed of at
13 the site in a calendar year.

14 The corporate authorities of the unit of local government
15 may use proceeds from the fee, tax, or surcharge to reimburse
16 a highway commissioner whose road district lies wholly or
17 partially within the corporate limits of the unit of local
18 government for expenses incurred in the removal of
19 nonhazardous, nonfluid municipal waste that has been dumped
20 on public property in violation of a State law or local
21 ordinance.

22 A county or Municipal Joint Action Agency that imposes a
23 fee, tax, or surcharge under this subsection may use the
24 proceeds thereof to reimburse a municipality that lies wholly
25 or partially within its boundaries for expenses incurred in
26 the removal of nonhazardous, nonfluid municipal waste that
27 has been dumped on public property in violation of a State
28 law or local ordinance.

29 If the fees are to be used to conduct a local sanitary
30 landfill inspection or enforcement program, the unit of local
31 government must enter into a written delegation agreement
32 with the Agency pursuant to subsection (r) of Section 4. The
33 unit of local government and the Agency shall enter into such
34 a written delegation agreement within 60 days after the

1 establishment of such fees. At least annually, the Agency
2 shall conduct an audit of the expenditures made by units of
3 local government from the funds granted by the Agency to the
4 units of local government for purposes of local sanitary
5 landfill inspection and enforcement programs, to ensure that
6 the funds have been expended for the prescribed purposes
7 under the grant.

8 The fees, taxes or surcharges collected under this
9 subsection (j) shall be placed by the unit of local
10 government in a separate fund, and the interest received on
11 the moneys in the fund shall be credited to the fund. The
12 monies in the fund may be accumulated over a period of years
13 to be expended in accordance with this subsection.

14 A unit of local government, as defined in the Local Solid
15 Waste Disposal Act, shall prepare and distribute to the
16 Agency, in April of each year, a report that details spending
17 plans for monies collected in accordance with this
18 subsection. The report will at a minimum include the
19 following:

20 (1) The total monies collected pursuant to this
21 subsection.

22 (2) The most current balance of monies collected
23 pursuant to this subsection.

24 (3) An itemized accounting of all monies expended
25 for the previous year pursuant to this subsection.

26 (4) An estimation of monies to be collected for the
27 following 3 years pursuant to this subsection.

28 (5) A narrative detailing the general direction and
29 scope of future expenditures for one, 2 and 3 years.

30 The exemptions granted under Sections 22.16 and 22.16a,
31 and under subsections (c) and (k) of this Section, shall be
32 applicable to any fee, tax or surcharge imposed under this
33 subsection (j); except that the fee, tax or surcharge
34 authorized to be imposed under this subsection (j) may be

1 made applicable by a unit of local government to the
2 permanent disposal of solid waste after December 31, 1986,
3 under any contract lawfully executed before June 1, 1986
4 under which more than 150,000 cubic yards (or 50,000 tons) of
5 solid waste is to be permanently disposed of, even though the
6 waste is exempt from the fee imposed by the State under
7 subsection (b) of this Section pursuant to an exemption
8 granted under Section 22.16.

9 (k) In accordance with the findings and purposes of the
10 Illinois Solid Waste Management Act, beginning January 1,
11 1989 the fee under subsection (b) and the fee, tax or
12 surcharge under subsection (j) shall not apply to:

- 13 (1) Waste which is hazardous waste; or
14 (2) Waste which is pollution control waste; or
15 (3) Waste from recycling, reclamation or reuse
16 processes which have been approved by the Agency as being
17 designed to remove any contaminant from wastes so as to
18 render such wastes reusable, provided that the process
19 renders at least 50% of the waste reusable; or
20 (4) Non-hazardous solid waste that is received at a
21 sanitary landfill and composted or recycled through a
22 process permitted by the Agency; or
23 (5) Any landfill which is permitted by the Agency
24 to receive only demolition or construction debris or
25 landscape waste.

26 (Source: P.A. 92-574, eff. 6-26-02.)

27 (415 ILCS 5/22.44)

28 Sec. 22.44. Subtitle D management fees.

29 (a) There is created within the State treasury a special
30 fund to be known as the "Subtitle D Management Fund"
31 constituted from the fees collected by the State under this
32 Section.

33 (b) ~~On--and--after--January--17--1994,~~ The Agency shall

1 assess and collect a fee in the amount set forth in this
2 subsection from the owner or operator of each sanitary
3 landfill permitted or required to be permitted by the Agency
4 to dispose of solid waste if the sanitary landfill is located
5 off the site where the waste was produced and if the sanitary
6 landfill is owned, controlled, and operated by a person other
7 than the generator of the waste. The Agency shall deposit
8 all fees collected under this subsection into the Subtitle D
9 Management Fund. If a site is contiguous to one or more
10 landfills owned or operated by the same person, the volumes
11 permanently disposed of by each landfill shall be combined
12 for purposes of determining the fee under this subsection.

13 (1) If more than 150,000 cubic yards of
14 non-hazardous solid waste is permanently disposed of at a
15 site in a calendar year, the owner or operator shall
16 either pay a fee of 10.1 cents ~~5.5-cents~~ per cubic yard
17 or, alternatively, the owner or operator may weigh the
18 quantity of the solid waste permanently disposed of with
19 a device for which certification has been obtained under
20 the Weights and Measures Act and pay a fee of 22 cents ~~12~~
21 ~~cents~~ per ton of waste permanently disposed of.

22 (2) If more than 100,000 cubic yards, but not more
23 than 150,000 cubic yards, of non-hazardous waste is
24 permanently disposed of at a site in a calendar year, the
25 owner or operator shall pay a fee of \$7,020 ~~\$3,825~~.

26 (3) If more than 50,000 cubic yards, but not more
27 than 100,000 cubic yards, of non-hazardous solid waste is
28 permanently disposed of at a site in a calendar year, the
29 owner or operator shall pay a fee of \$3,120 ~~\$1,700~~.

30 (4) If more than 10,000 cubic yards, but not more
31 than 50,000 cubic yards, of non-hazardous solid waste is
32 permanently disposed of at a site in a calendar year, the
33 owner or operator shall pay a fee of \$975 ~~\$530~~.

34 (5) If not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at a
2 site in a calendar year, the owner or operator shall pay
3 a fee of \$210 ~~\$110~~.

4 (c) The fee under subsection (b) shall not apply to any
5 of the following:

6 (1) Hazardous waste.

7 (2) Pollution control waste.

8 (3) Waste from recycling, reclamation, or reuse
9 processes that have been approved by the Agency as being
10 designed to remove any contaminant from wastes so as to
11 render the wastes reusable, provided that the process
12 renders at least 50% of the waste reusable.

13 (4) Non-hazardous solid waste that is received at a
14 sanitary landfill and composted or recycled through a
15 process permitted by the Agency.

16 (5) Any landfill that is permitted by the Agency to
17 receive only demolition or construction debris or
18 landscape waste.

19 (d) The Agency shall establish rules relating to the
20 collection of the fees authorized by this Section. These
21 rules shall include, but not be limited to the following:

22 (1) Necessary records identifying the quantities of
23 solid waste received or disposed.

24 (2) The form and submission of reports to accompany
25 the payment of fees to the Agency.

26 (3) The time and manner of payment of fees to the
27 Agency, which payments shall not be more often than
28 quarterly.

29 (4) Procedures setting forth criteria establishing
30 when an owner or operator may measure by weight or volume
31 during any given quarter or other fee payment period.

32 (e) Fees collected under this Section shall be in
33 addition to any other fees collected under any other Section.

34 (f) The Agency shall not refund any fee paid to it under

1 this Section.

2 (g) Pursuant to appropriation, all moneys in the
3 Subtitle D Management Fund shall be used by the Agency to
4 administer the United States Environmental Protection
5 Agency's Subtitle D Program provided in Sections 4004 and
6 4010 of the Resource Conservation and Recovery Act of 1976
7 (P.L. 94-580) as it relates to a municipal solid waste
8 landfill program in Illinois and to fund a delegation of
9 inspecting, investigating, and enforcement functions, within
10 the municipality only, pursuant to subsection (r) of Section
11 4 of this Act to a municipality having a population of more
12 than 1,000,000 inhabitants. The Agency shall execute a
13 delegation agreement pursuant to subsection (r) of Section 4
14 of this Act with a municipality having a population of more
15 than 1,000,000 inhabitants within 90 days of September 13,
16 1993 and shall on an annual basis distribute from the
17 Subtitle D Management Fund to that municipality no less than
18 \$150,000.

19 (Source: P.A. 92-574, eff. 6-26-02.)

20 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

21 Sec. 39.5. Clean Air Act Permit Program.

22 1. Definitions.

23 For purposes of this Section:

24 "Administrative permit amendment" means a permit revision
25 subject to subsection 13 of this Section.

26 "Affected source for acid deposition" means a source that
27 includes one or more affected units under Title IV of the
28 Clean Air Act.

29 "Affected States" for purposes of formal distribution of
30 a draft CAAPP permit to other States for comments prior to
31 issuance, means all States:

32 (1) Whose air quality may be affected by the source
33 covered by the draft permit and that are contiguous to

1 Illinois; or

2 (2) That are within 50 miles of the source.

3 "Affected unit for acid deposition" shall have the
4 meaning given to the term "affected unit" in the regulations
5 promulgated under Title IV of the Clean Air Act.

6 "Applicable Clean Air Act requirement" means all of the
7 following as they apply to emissions units in a source
8 (including regulations that have been promulgated or approved
9 by USEPA pursuant to the Clean Air Act which directly impose
10 requirements upon a source and other such federal
11 requirements which have been adopted by the Board. These may
12 include requirements and regulations which have future
13 effective compliance dates. Requirements and regulations
14 will be exempt if USEPA determines that such requirements
15 need not be contained in a Title V permit):

16 (1) Any standard or other requirement provided for
17 in the applicable state implementation plan approved or
18 promulgated by USEPA under Title I of the Clean Air Act
19 that implement the relevant requirements of the Clean Air
20 Act, including any revisions to the state Implementation
21 Plan promulgated in 40 CFR Part 52, Subparts A and O and
22 other subparts applicable to Illinois. For purposes of
23 this subsection (1) of this definition, "any standard or
24 other requirement" shall mean only such standards or
25 requirements directly enforceable against an individual
26 source under the Clean Air Act.

27 (2)(i) Any term or condition of any preconstruction
28 permits issued pursuant to regulations approved or
29 promulgated by USEPA under Title I of the Clean Air
30 Act, including Part C or D of the Clean Air Act.

31 (ii) Any term or condition as required
32 pursuant to Section 39.5 of any federally
33 enforceable State operating permit issued pursuant
34 to regulations approved or promulgated by USEPA

1 under Title I of the Clean Air Act, including Part C
2 or D of the Clean Air Act.

3 (3) Any standard or other requirement under Section
4 111 of the Clean Air Act, including Section 111(d).

5 (4) Any standard or other requirement under Section
6 112 of the Clean Air Act, including any requirement
7 concerning accident prevention under Section 112(r)(7) of
8 the Clean Air Act.

9 (5) Any standard or other requirement of the acid
10 rain program under Title IV of the Clean Air Act or the
11 regulations promulgated thereunder.

12 (6) Any requirements established pursuant to
13 Section 504(b) or Section 114(a)(3) of the Clean Air Act.

14 (7) Any standard or other requirement governing
15 solid waste incineration, under Section 129 of the Clean
16 Air Act.

17 (8) Any standard or other requirement for consumer
18 and commercial products, under Section 183(e) of the
19 Clean Air Act.

20 (9) Any standard or other requirement for tank
21 vessels, under Section 183(f) of the Clean Air Act.

22 (10) Any standard or other requirement of the
23 program to control air pollution from Outer Continental
24 Shelf sources, under Section 328 of the Clean Air Act.

25 (11) Any standard or other requirement of the
26 regulations promulgated to protect stratospheric ozone
27 under Title VI of the Clean Air Act, unless USEPA has
28 determined that such requirements need not be contained
29 in a Title V permit.

30 (12) Any national ambient air quality standard or
31 increment or visibility requirement under Part C of Title
32 I of the Clean Air Act, but only as it would apply to
33 temporary sources permitted pursuant to Section 504(e) of
34 the Clean Air Act.

1 "Applicable requirement" means all applicable Clean Air
2 Act requirements and any other standard, limitation, or other
3 requirement contained in this Act or regulations promulgated
4 under this Act as applicable to sources of air contaminants
5 (including requirements that have future effective compliance
6 dates).

7 "CAAPP" means the Clean Air Act Permit Program, developed
8 pursuant to Title V of the Clean Air Act.

9 "CAAPP application" means an application for a CAAPP
10 permit.

11 "CAAPP Permit" or "permit" (unless the context suggests
12 otherwise) means any permit issued, renewed, amended,
13 modified or revised pursuant to Title V of the Clean Air Act.

14 "CAAPP source" means any source for which the owner or
15 operator is required to obtain a CAAPP permit pursuant to
16 subsection 2 of this Section.

17 "Clean Air Act" means the Clean Air Act, as now and
18 hereafter amended, 42 U.S.C. 7401, et seq.

19 "Designated representative" shall have the meaning given
20 to it in Section 402(26) of the Clean Air Act and the
21 regulations promulgated thereunder which states that the term
22 'designated representative' shall mean a responsible person
23 or official authorized by the owner or operator of a unit to
24 represent the owner or operator in all matters pertaining to
25 the holding, transfer, or disposition of allowances allocated
26 to a unit, and the submission of and compliance with permits,
27 permit applications, and compliance plans for the unit.

28 "Draft CAAPP permit" means the version of a CAAPP permit
29 for which public notice and an opportunity for public comment
30 and hearing is offered by the Agency.

31 "Effective date of the CAAPP" means the date that USEPA
32 approves Illinois' CAAPP.

33 "Emission unit" means any part or activity of a
34 stationary source that emits or has the potential to emit any

1 air pollutant. This term is not meant to alter or affect the
2 definition of the term "unit" for purposes of Title IV of the
3 Clean Air Act.

4 "Federally enforceable" means enforceable by USEPA.

5 "Final permit action" means the Agency's granting with
6 conditions, refusal to grant, renewal of, or revision of a
7 CAAPP permit, the Agency's determination of incompleteness of
8 a submitted CAAPP application, or the Agency's failure to act
9 on an application for a permit, permit renewal, or permit
10 revision within the time specified in paragraph 5(j),
11 subsection 13, or subsection 14 of this Section.

12 "General permit" means a permit issued to cover numerous
13 similar sources in accordance with subsection 11 of this
14 Section.

15 "Major source" means a source for which emissions of one
16 or more air pollutants meet the criteria for major status
17 pursuant to paragraph 2(c) of this Section.

18 "Maximum achievable control technology" or "MACT" means
19 the maximum degree of reductions in emissions deemed
20 achievable under Section 112 of the Clean Air Act.

21 "Owner or operator" means any person who owns, leases,
22 operates, controls, or supervises a stationary source.

23 "Permit modification" means a revision to a CAAPP permit
24 that cannot be accomplished under the provisions for
25 administrative permit amendments under subsection 13 of this
26 Section.

27 "Permit revision" means a permit modification or
28 administrative permit amendment.

29 "Phase II" means the period of the national acid rain
30 program, established under Title IV of the Clean Air Act,
31 beginning January 1, 2000, and continuing thereafter.

32 "Phase II acid rain permit" means the portion of a CAAPP
33 permit issued, renewed, modified, or revised by the Agency
34 during Phase II for an affected source for acid deposition.

1 "Potential to emit" means the maximum capacity of a
2 stationary source to emit any air pollutant under its
3 physical and operational design. Any physical or operational
4 limitation on the capacity of a source to emit an air
5 pollutant, including air pollution control equipment and
6 restrictions on hours of operation or on the type or amount
7 of material combusted, stored, or processed, shall be treated
8 as part of its design if the limitation is enforceable by
9 USEPA. This definition does not alter or affect the use of
10 this term for any other purposes under the Clean Air Act, or
11 the term "capacity factor" as used in Title IV of the Clean
12 Air Act or the regulations promulgated thereunder.

13 "Preconstruction Permit" or "Construction Permit" means a
14 permit which is to be obtained prior to commencing or
15 beginning actual construction or modification of a source or
16 emissions unit.

17 "Proposed CAAPP permit" means the version of a CAAPP
18 permit that the Agency proposes to issue and forwards to
19 USEPA for review in compliance with applicable requirements
20 of the Act and regulations promulgated thereunder.

21 "Regulated air pollutant" means the following:

22 (1) Nitrogen oxides (NOx) or any volatile organic
23 compound.

24 (2) Any pollutant for which a national ambient air
25 quality standard has been promulgated.

26 (3) Any pollutant that is subject to any standard
27 promulgated under Section 111 of the Clean Air Act.

28 (4) Any Class I or II substance subject to a
29 standard promulgated under or established by Title VI of
30 the Clean Air Act.

31 (5) Any pollutant subject to a standard promulgated
32 under Section 112 or other requirements established under
33 Section 112 of the Clean Air Act, including Sections
34 112(g), (j) and (r).

1 (i) Any pollutant subject to requirements
2 under Section 112(j) of the Clean Air Act. Any
3 pollutant listed under Section 112(b) for which the
4 subject source would be major shall be considered to
5 be regulated 18 months after the date on which USEPA
6 was required to promulgate an applicable standard
7 pursuant to Section 112(e) of the Clean Air Act, if
8 USEPA fails to promulgate such standard.

9 (ii) Any pollutant for which the requirements
10 of Section 112(g)(2) of the Clean Air Act have been
11 met, but only with respect to the individual source
12 subject to Section 112(g)(2) requirement.

13 "Renewal" means the process by which a permit is reissued
14 at the end of its term.

15 "Responsible official" means one of the following:

16 (1) For a corporation: a president, secretary,
17 treasurer, or vice-president of the corporation in charge
18 of a principal business function, or any other person who
19 performs similar policy or decision-making functions for
20 the corporation, or a duly authorized representative of
21 such person if the representative is responsible for the
22 overall operation of one or more manufacturing,
23 production, or operating facilities applying for or
24 subject to a permit and either (i) the facilities employ
25 more than 250 persons or have gross annual sales or
26 expenditures exceeding \$25 million (in second quarter
27 1980 dollars), or (ii) the delegation of authority to
28 such representative is approved in advance by the Agency.

29 (2) For a partnership or sole proprietorship: a
30 general partner or the proprietor, respectively, or in
31 the case of a partnership in which all of the partners
32 are corporations, a duly authorized representative of the
33 partnership if the representative is responsible for the
34 overall operation of one or more manufacturing,

1 production, or operating facilities applying for or
2 subject to a permit and either (i) the facilities employ
3 more than 250 persons or have gross annual sales or
4 expenditures exceeding \$25 million (in second quarter
5 1980 dollars), or (ii) the delegation of authority to
6 such representative is approved in advance by the Agency.

7 (3) For a municipality, State, Federal, or other
8 public agency: either a principal executive officer or
9 ranking elected official. For the purposes of this part,
10 a principal executive officer of a Federal agency
11 includes the chief executive officer having
12 responsibility for the overall operations of a principal
13 geographic unit of the agency (e.g., a Regional
14 Administrator of USEPA).

15 (4) For affected sources for acid deposition:

16 (i) The designated representative shall be the
17 "responsible official" in so far as actions,
18 standards, requirements, or prohibitions under Title
19 IV of the Clean Air Act or the regulations
20 promulgated thereunder are concerned.

21 (ii) The designated representative may also be
22 the "responsible official" for any other purposes
23 with respect to air pollution control.

24 "Section 502(b)(10) changes" means changes that
25 contravene express permit terms. "Section 502(b)(10) changes"
26 do not include changes that would violate applicable
27 requirements or contravene federally enforceable permit terms
28 or conditions that are monitoring (including test methods),
29 recordkeeping, reporting, or compliance certification
30 requirements.

31 "Solid waste incineration unit" means a distinct
32 operating unit of any facility which combusts any solid waste
33 material from commercial or industrial establishments or the
34 general public (including single and multiple residences,

1 hotels, and motels). The term does not include incinerators
2 or other units required to have a permit under Section 3005
3 of the Solid Waste Disposal Act. The term also does not
4 include (A) materials recovery facilities (including primary
5 or secondary smelters) which combust waste for the primary
6 purpose of recovering metals, (B) qualifying small power
7 production facilities, as defined in Section 3(17)(C) of the
8 Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying
9 cogeneration facilities, as defined in Section 3(18)(B) of
10 the Federal Power Act (16 U.S.C. 796(18)(B)), which burn
11 homogeneous waste (such as units which burn tires or used
12 oil, but not including refuse-derived fuel) for the
13 production of electric energy or in the case of qualifying
14 cogeneration facilities which burn homogeneous waste for the
15 production of electric energy and steam or forms of useful
16 energy (such as heat) which are used for industrial,
17 commercial, heating or cooling purposes, or (C) air curtain
18 incinerators provided that such incinerators only burn wood
19 wastes, yard waste and clean lumber and that such air curtain
20 incinerators comply with opacity limitations to be
21 established by the USEPA by rule.

22 "Source" means any stationary source (or any group of
23 stationary sources) that are located on one or more
24 contiguous or adjacent properties that are under common
25 control of the same person (or persons under common control)
26 and that belongs to a single major industrial grouping. For
27 the purposes of defining "source," a stationary source or
28 group of stationary sources shall be considered part of a
29 single major industrial grouping if all of the pollutant
30 emitting activities at such source or group of sources
31 located on contiguous or adjacent properties and under common
32 control belong to the same Major Group (i.e., all have the
33 same two-digit code) as described in the Standard Industrial
34 Classification Manual, 1987, or such pollutant emitting

1 activities at a stationary source (or group of stationary
2 sources) located on contiguous or adjacent properties and
3 under common control constitute a support facility. The
4 determination as to whether any group of stationary sources
5 are located on contiguous or adjacent properties, and/or are
6 under common control, and/or whether the pollutant emitting
7 activities at such group of stationary sources constitute a
8 support facility shall be made on a case by case basis.

9 "Stationary source" means any building, structure,
10 facility, or installation that emits or may emit any
11 regulated air pollutant or any pollutant listed under Section
12 112(b) of the Clean Air Act.

13 "Support facility" means any stationary source (or group
14 of stationary sources) that conveys, stores, or otherwise
15 assists to a significant extent in the production of a
16 principal product at another stationary source (or group of
17 stationary sources). A support facility shall be considered
18 to be part of the same source as the stationary source (or
19 group of stationary sources) that it supports regardless of
20 the 2-digit Standard Industrial Classification code for the
21 support facility.

22 "USEPA" means the Administrator of the United States
23 Environmental Protection Agency (USEPA) or a person
24 designated by the Administrator.

25 1.1. Exclusion From the CAAPP.

26 a. An owner or operator of a source which
27 determines that the source could be excluded from the
28 CAAPP may seek such exclusion prior to the date that the
29 CAAPP application for the source is due but in no case
30 later than 9 months after the effective date of the CAAPP
31 through the imposition of federally enforceable
32 conditions limiting the "potential to emit" of the source
33 to a level below the major source threshold for that
34 source as described in paragraph 2(c) of this Section,

1 within a State operating permit issued pursuant to
2 Section 39(a) of this Act. After such date, an exclusion
3 from the CAAPP may be sought under paragraph 3(c) of this
4 Section.

5 b. An owner or operator of a source seeking
6 exclusion from the CAAPP pursuant to paragraph (a) of
7 this subsection must submit a permit application
8 consistent with the existing State permit program which
9 specifically requests such exclusion through the
10 imposition of such federally enforceable conditions.

11 c. Upon such request, if the Agency determines that
12 the owner or operator of a source has met the
13 requirements for exclusion pursuant to paragraph (a) of
14 this subsection and other applicable requirements for
15 permit issuance under Section 39(a) of this Act, the
16 Agency shall issue a State operating permit for such
17 source under Section 39(a) of this Act, as amended, and
18 regulations promulgated thereunder with federally
19 enforceable conditions limiting the "potential to emit"
20 of the source to a level below the major source threshold
21 for that source as described in paragraph 2(c) of this
22 Section.

23 d. The Agency shall provide an owner or operator of
24 a source which may be excluded from the CAAPP pursuant to
25 this subsection with reasonable notice that the owner or
26 operator may seek such exclusion.

27 e. The Agency shall provide such sources with the
28 necessary permit application forms.

29 2. Applicability.

30 a. Sources subject to this Section shall include:

31 i. Any major source as defined in paragraph
32 (c) of this subsection.

33 ii. Any source subject to a standard or other
34 requirements promulgated under Section 111 (New

1 Source Performance Standards) or Section 112
2 (Hazardous Air Pollutants) of the Clean Air Act,
3 except that a source is not required to obtain a
4 permit solely because it is subject to regulations
5 or requirements under Section 112(r) of the Clean
6 Air Act.

7 iii. Any affected source for acid deposition,
8 as defined in subsection 1 of this Section.

9 iv. Any other source subject to this Section
10 under the Clean Air Act or regulations promulgated
11 thereunder, or applicable Board regulations.

12 b. Sources exempted from this Section shall
13 include:

14 i. All sources listed in paragraph (a) of this
15 subsection which are not major sources, affected
16 sources for acid deposition or solid waste
17 incineration units required to obtain a permit
18 pursuant to Section 129(e) of the Clean Air Act,
19 until the source is required to obtain a CAAPP
20 permit pursuant to the Clean Air Act or regulations
21 promulgated thereunder.

22 ii. Nonmajor sources subject to a standard or
23 other requirements subsequently promulgated by USEPA
24 under Section 111 or 112 of the Clean Air Act which
25 are determined by USEPA to be exempt at the time a
26 new standard is promulgated.

27 iii. All sources and source categories that
28 would be required to obtain a permit solely because
29 they are subject to Part 60, Subpart AAA - Standards
30 of Performance for New Residential Wood Heaters (40
31 CFR Part 60).

32 iv. All sources and source categories that
33 would be required to obtain a permit solely because
34 they are subject to Part 61, Subpart M - National

1 Emission Standard for Hazardous Air Pollutants for
2 Asbestos, Section 61.145 (40 CFR Part 61).

3 v. Any other source categories exempted by
4 USEPA regulations pursuant to Section 502(a) of the
5 Clean Air Act.

6 c. For purposes of this Section the term "major
7 source" means any source that is:

8 i. A major source under Section 112 of the
9 Clean Air Act, which is defined as:

10 A. For pollutants other than
11 radionuclides, any stationary source or group
12 of stationary sources located within a
13 contiguous area and under common control that
14 emits or has the potential to emit, in the
15 aggregate, 10 tons per year (tpy) or more of
16 any hazardous air pollutant which has been
17 listed pursuant to Section 112(b) of the Clean
18 Air Act, 25 tpy or more of any combination of
19 such hazardous air pollutants, or such lesser
20 quantity as USEPA may establish by rule.
21 Notwithstanding the preceding sentence,
22 emissions from any oil or gas exploration or
23 production well (with its associated equipment)
24 and emissions from any pipeline compressor or
25 pump station shall not be aggregated with
26 emissions from other similar units, whether or
27 not such units are in a contiguous area or
28 under common control, to determine whether such
29 stations are major sources.

30 B. For radionuclides, "major source"
31 shall have the meaning specified by the USEPA
32 by rule.

33 ii. A major stationary source of air
34 pollutants, as defined in Section 302 of the Clean

1 Air Act, that directly emits or has the potential to
2 emit, 100 tpy or more of any air pollutant
3 (including any major source of fugitive emissions of
4 any such pollutant, as determined by rule by USEPA).
5 For purposes of this subsection, "fugitive
6 emissions" means those emissions which could not
7 reasonably pass through a stack, chimney, vent, or
8 other functionally-equivalent opening. The fugitive
9 emissions of a stationary source shall not be
10 considered in determining whether it is a major
11 stationary source for the purposes of Section 302(j)
12 of the Clean Air Act, unless the source belongs to
13 one of the following categories of stationary
14 source:

- 15 A. Coal cleaning plants (with thermal
16 dryers).
- 17 B. Kraft pulp mills.
- 18 C. Portland cement plants.
- 19 D. Primary zinc smelters.
- 20 E. Iron and steel mills.
- 21 F. Primary aluminum ore reduction plants.
- 22 G. Primary copper smelters.
- 23 H. Municipal incinerators capable of
24 charging more than 250 tons of refuse per day.
- 25 I. Hydrofluoric, sulfuric, or nitric acid
26 plants.
- 27 J. Petroleum refineries.
- 28 K. Lime plants.
- 29 L. Phosphate rock processing plants.
- 30 M. Coke oven batteries.
- 31 N. Sulfur recovery plants.
- 32 O. Carbon black plants (furnace process).
- 33 P. Primary lead smelters.
- 34 Q. Fuel conversion plants.

- 1 R. Sintering plants.
- 2 S. Secondary metal production plants.
- 3 T. Chemical process plants.
- 4 U. Fossil-fuel boilers (or combination
5 thereof) totaling more than 250 million British
6 thermal units per hour heat input.
- 7 V. Petroleum storage and transfer units
8 with a total storage capacity exceeding 300,000
9 barrels.
- 10 W. Taconite ore processing plants.
- 11 X. Glass fiber processing plants.
- 12 Y. Charcoal production plants.
- 13 Z. Fossil fuel-fired steam electric
14 plants of more than 250 million British thermal
15 units per hour heat input.
- 16 AA. All other stationary source
17 categories regulated by a standard promulgated
18 under Section 111 or 112 of the Clean Air Act,
19 but only with respect to those air pollutants
20 that have been regulated for that category.
- 21 BB. Any other stationary source category
22 designated by USEPA by rule.
- 23 iii. A major stationary source as defined in
24 part D of Title I of the Clean Air Act including:
- 25 A. For ozone nonattainment areas, sources
26 with the potential to emit 100 tons or more per
27 year of volatile organic compounds or oxides of
28 nitrogen in areas classified as "marginal" or
29 "moderate", 50 tons or more per year in areas
30 classified as "serious", 25 tons or more per
31 year in areas classified as "severe", and 10
32 tons or more per year in areas classified as
33 "extreme"; except that the references in this
34 clause to 100, 50, 25, and 10 tons per year of

1 nitrogen oxides shall not apply with respect to
2 any source for which USEPA has made a finding,
3 under Section 182(f)(1) or (2) of the Clean Air
4 Act, that requirements otherwise applicable to
5 such source under Section 182(f) of the Clean
6 Air Act do not apply. Such sources shall
7 remain subject to the major source criteria of
8 paragraph 2(c)(ii) of this subsection.

9 B. For ozone transport regions
10 established pursuant to Section 184 of the
11 Clean Air Act, sources with the potential to
12 emit 50 tons or more per year of volatile
13 organic compounds (VOCs).

14 C. For carbon monoxide nonattainment
15 areas (1) that are classified as "serious", and
16 (2) in which stationary sources contribute
17 significantly to carbon monoxide levels as
18 determined under rules issued by USEPA, sources
19 with the potential to emit 50 tons or more per
20 year of carbon monoxide.

21 D. For particulate matter (PM-10)
22 nonattainment areas classified as "serious",
23 sources with the potential to emit 70 tons or
24 more per year of PM-10.

25 3. Agency Authority To Issue CAAPP Permits and Federally
26 Enforceable State Operating Permits.

27 a. The Agency shall issue CAAPP permits under this
28 Section consistent with the Clean Air Act and regulations
29 promulgated thereunder and this Act and regulations
30 promulgated thereunder.

31 b. The Agency shall issue CAAPP permits for fixed
32 terms of 5 years, except CAAPP permits issued for solid
33 waste incineration units combusting municipal waste which
34 shall be issued for fixed terms of 12 years and except

1 CAAPP permits for affected sources for acid deposition
2 which shall be issued for initial terms to expire on
3 December 31, 1999, and for fixed terms of 5 years
4 thereafter.

5 c. The Agency shall have the authority to issue a
6 State operating permit for a source under Section 39(a)
7 of this Act, as amended, and regulations promulgated
8 thereunder, which includes federally enforceable
9 conditions limiting the "potential to emit" of the source
10 to a level below the major source threshold for that
11 source as described in paragraph 2(c) of this Section,
12 thereby excluding the source from the CAAPP, when
13 requested by the applicant pursuant to paragraph 5(u) of
14 this Section. The public notice requirements of this
15 Section applicable to CAAPP permits shall also apply to
16 the initial issuance of permits under this paragraph.

17 d. For purposes of this Act, a permit issued by
18 USEPA under Section 505 of the Clean Air Act, as now and
19 hereafter amended, shall be deemed to be a permit issued
20 by the Agency pursuant to Section 39.5 of this Act.

21 4. Transition.

22 a. An owner or operator of a CAAPP source shall not
23 be required to renew an existing State operating permit
24 for any emission unit at such CAAPP source once a CAAPP
25 application timely submitted prior to expiration of the
26 State operating permit has been deemed complete. For
27 purposes other than permit renewal, the obligation upon
28 the owner or operator of a CAAPP source to obtain a State
29 operating permit is not removed upon submittal of the
30 complete CAAPP permit application. An owner or operator
31 of a CAAPP source seeking to make a modification to a
32 source prior to the issuance of its CAAPP permit shall be
33 required to obtain a construction and/or operating permit
34 as required for such modification in accordance with the

1 State permit program under Section 39(a) of this Act, as
2 amended, and regulations promulgated thereunder. The
3 application for such construction and/or operating permit
4 shall be considered an amendment to the CAAPP application
5 submitted for such source.

6 b. An owner or operator of a CAAPP source shall
7 continue to operate in accordance with the terms and
8 conditions of its applicable State operating permit
9 notwithstanding the expiration of the State operating
10 permit until the source's CAAPP permit has been issued.

11 c. An owner or operator of a CAAPP source shall
12 submit its initial CAAPP application to the Agency no
13 later than 12 months after the effective date of the
14 CAAPP. The Agency may request submittal of initial CAAPP
15 applications during this 12 month period according to a
16 schedule set forth within Agency procedures, however, in
17 no event shall the Agency require such submittal earlier
18 than 3 months after such effective date of the CAAPP. An
19 owner or operator may voluntarily submit its initial
20 CAAPP application prior to the date required within this
21 paragraph or applicable procedures, if any, subsequent to
22 the date the Agency submits the CAAPP to USEPA for
23 approval.

24 d. The Agency shall act on initial CAAPP
25 applications in accordance with subsection 5(j) of this
26 Section.

27 e. For purposes of this Section, the term "initial
28 CAAPP application" shall mean the first CAAPP application
29 submitted for a source existing as of the effective date
30 of the CAAPP.

31 f. The Agency shall provide owners or operators of
32 CAAPP sources with at least three months advance notice
33 of the date on which their applications are required to
34 be submitted. In determining which sources shall be

1 subject to early submittal, the Agency shall include
2 among its considerations the complexity of the permit
3 application, and the burden that such early submittal
4 will have on the source.

5 g. The CAAPP permit shall upon becoming effective
6 supersede the State operating permit.

7 h. The Agency shall have the authority to adopt
8 procedural rules, in accordance with the Illinois
9 Administrative Procedure Act, as the Agency deems
10 necessary, to implement this subsection.

11 5. Applications and Completeness.

12 a. An owner or operator of a CAAPP source shall
13 submit its complete CAAPP application consistent with the
14 Act and applicable regulations.

15 b. An owner or operator of a CAAPP source shall
16 submit a single complete CAAPP application covering all
17 emission units at that source.

18 c. To be deemed complete, a CAAPP application must
19 provide all information, as requested in Agency
20 application forms, sufficient to evaluate the subject
21 source and its application and to determine all
22 applicable requirements, pursuant to the Clean Air Act,
23 and regulations thereunder, this Act and regulations
24 thereunder. Such Agency application forms shall be
25 finalized and made available prior to the date on which
26 any CAAPP application is required.

27 d. An owner or operator of a CAAPP source shall
28 submit, as part of its complete CAAPP application, a
29 compliance plan, including a schedule of compliance,
30 describing how each emission unit will comply with all
31 applicable requirements. Any such schedule of compliance
32 shall be supplemental to, and shall not sanction
33 noncompliance with, the applicable requirements on which
34 it is based.

1 e. Each submitted CAAPP application shall be
2 certified for truth, accuracy, and completeness by a
3 responsible official in accordance with applicable
4 regulations.

5 f. The Agency shall provide notice to a CAAPP
6 applicant as to whether a submitted CAAPP application is
7 complete. Unless the Agency notifies the applicant of
8 incompleteness, within 60 days of receipt of the CAAPP
9 application, the application shall be deemed complete.
10 The Agency may request additional information as needed
11 to make the completeness determination. The Agency may
12 to the extent practicable provide the applicant with a
13 reasonable opportunity to correct deficiencies prior to a
14 final determination of completeness.

15 g. If after the determination of completeness the
16 Agency finds that additional information is necessary to
17 evaluate or take final action on the CAAPP application,
18 the Agency may request in writing such information from
19 the source with a reasonable deadline for response.

20 h. If the owner or operator of a CAAPP source
21 submits a timely and complete CAAPP application, the
22 source's failure to have a CAAPP permit shall not be a
23 violation of this Section until the Agency takes final
24 action on the submitted CAAPP application, provided,
25 however, where the applicant fails to submit the
26 requested information under paragraph 5(g) within the
27 time frame specified by the Agency, this protection shall
28 cease to apply.

29 i. Any applicant who fails to submit any relevant
30 facts necessary to evaluate the subject source and its
31 CAAPP application or who has submitted incorrect
32 information in a CAAPP application shall, upon becoming
33 aware of such failure or incorrect submittal, submit
34 supplementary facts or correct information to the Agency.

1 In addition, an applicant shall provide to the Agency
2 additional information as necessary to address any
3 requirements which become applicable to the source
4 subsequent to the date the applicant submitted its
5 complete CAAPP application but prior to release of the
6 draft CAAPP permit.

7 j. The Agency shall issue or deny the CAAPP permit
8 within 18 months after the date of receipt of the
9 complete CAAPP application, with the following
10 exceptions: (i) permits for affected sources for acid
11 deposition shall be issued or denied within 6 months
12 after receipt of a complete application in accordance
13 with subsection 17 of this Section; (ii) the Agency shall
14 act on initial CAAPP applications within 24 months after
15 the date of receipt of the complete CAAPP application;
16 (iii) the Agency shall act on complete applications
17 containing early reduction demonstrations under Section
18 112(i)(5) of the Clean Air Act within 9 months of receipt
19 of the complete CAAPP application.

20 Where the Agency does not take final action on the
21 permit within the required time period, the permit shall
22 not be deemed issued; rather, the failure to act shall be
23 treated as a final permit action for purposes of judicial
24 review pursuant to Sections 40.2 and 41 of this Act.

25 k. The submittal of a complete CAAPP application
26 shall not affect the requirement that any source have a
27 preconstruction permit under Title I of the Clean Air
28 Act.

29 l. Unless a timely and complete renewal application
30 has been submitted consistent with this subsection, a
31 CAAPP source operating upon the expiration of its CAAPP
32 permit shall be deemed to be operating without a CAAPP
33 permit. Such operation is prohibited under this Act.

34 m. Permits being renewed shall be subject to the

1 same procedural requirements, including those for public
2 participation and federal review and objection, that
3 apply to original permit issuance.

4 n. For purposes of permit renewal, a timely
5 application is one that is submitted no less than 9
6 months prior to the date of permit expiration.

7 o. The terms and conditions of a CAAPP permit shall
8 remain in effect until the issuance of a CAAPP renewal
9 permit provided a timely and complete CAAPP application
10 has been submitted.

11 p. The owner or operator of a CAAPP source seeking
12 a permit shield pursuant to paragraph 7(j) of this
13 Section shall request such permit shield in the CAAPP
14 application regarding that source.

15 q. The Agency shall make available to the public
16 all documents submitted by the applicant to the Agency,
17 including each CAAPP application, compliance plan
18 (including the schedule of compliance), and emissions or
19 compliance monitoring report, with the exception of
20 information entitled to confidential treatment pursuant
21 to Section 7 of this Act.

22 r. The Agency shall use the standardized forms
23 required under Title IV of the Clean Air Act and
24 regulations promulgated thereunder for affected sources
25 for acid deposition.

26 s. An owner or operator of a CAAPP source may
27 include within its CAAPP application a request for
28 permission to operate during a startup, malfunction, or
29 breakdown consistent with applicable Board regulations.

30 t. An owner or operator of a CAAPP source, in order
31 to utilize the operational flexibility provided under
32 paragraph 7(l) of this Section, must request such use and
33 provide the necessary information within its CAAPP
34 application.

1 u. An owner or operator of a CAAPP source which
2 seeks exclusion from the CAAPP through the imposition of
3 federally enforceable conditions, pursuant to paragraph
4 3(c) of this Section, must request such exclusion within
5 a CAAPP application submitted consistent with this
6 subsection on or after the date that the CAAPP
7 application for the source is due. Prior to such date,
8 but in no case later than 9 months after the effective
9 date of the CAAPP, such owner or operator may request the
10 imposition of federally enforceable conditions pursuant
11 to paragraph 1.1(b) of this Section.

12 v. CAAPP applications shall contain accurate
13 information on allowable emissions to implement the fee
14 provisions of subsection 18 of this Section.

15 w. An owner or operator of a CAAPP source shall
16 submit within its CAAPP application emissions information
17 regarding all regulated air pollutants emitted at that
18 source consistent with applicable Agency procedures.
19 Emissions information regarding insignificant activities
20 or emission levels, as determined by the Agency pursuant
21 to Board regulations, may be submitted as a list within
22 the CAAPP application. The Agency shall propose
23 regulations to the Board defining insignificant
24 activities or emission levels, consistent with federal
25 regulations, if any, no later than 18 months after the
26 effective date of this amendatory Act of 1992, consistent
27 with Section 112(n)(1) of the Clean Air Act. The Board
28 shall adopt final regulations defining insignificant
29 activities or emission levels no later than 9 months
30 after the date of the Agency's proposal.

31 x. The owner or operator of a new CAAPP source
32 shall submit its complete CAAPP application consistent
33 with this subsection within 12 months after commencing
34 operation of such source. The owner or operator of an

1 existing source that has been excluded from the
2 provisions of this Section under subsection 1.1 or
3 subsection 3(c) of this Section and that becomes subject
4 to the CAAPP solely due to a change in operation at the
5 source shall submit its complete CAAPP application
6 consistent with this subsection at least 180 days before
7 commencing operation in accordance with the change in
8 operation.

9 y. The Agency shall have the authority to adopt
10 procedural rules, in accordance with the Illinois
11 Administrative Procedure Act, as the Agency deems
12 necessary to implement this subsection.

13 6. Prohibitions.

14 a. It shall be unlawful for any person to violate
15 any terms or conditions of a permit issued under this
16 Section, to operate any CAAPP source except in compliance
17 with a permit issued by the Agency under this Section or
18 to violate any other applicable requirements. All terms
19 and conditions of a permit issued under this Section are
20 enforceable by USEPA and citizens under the Clean Air
21 Act, except those, if any, that are specifically
22 designated as not being federally enforceable in the
23 permit pursuant to paragraph 7(m) of this Section.

24 b. After the applicable CAAPP permit or renewal
25 application submittal date, as specified in subsection 5
26 of this Section, no person shall operate a CAAPP source
27 without a CAAPP permit unless the complete CAAPP permit
28 or renewal application for such source has been timely
29 submitted to the Agency.

30 c. No owner or operator of a CAAPP source shall
31 cause or threaten or allow the continued operation of an
32 emission source during malfunction or breakdown of the
33 emission source or related air pollution control
34 equipment if such operation would cause a violation of

1 the standards or limitations applicable to the source,
2 unless the CAAPP permit granted to the source provides
3 for such operation consistent with this Act and
4 applicable Board regulations.

5 7. Permit Content.

6 a. All CAAPP permits shall contain emission
7 limitations and standards and other enforceable terms and
8 conditions, including but not limited to operational
9 requirements, and schedules for achieving compliance at
10 the earliest reasonable date, which are or will be
11 required to accomplish the purposes and provisions of
12 this Act and to assure compliance with all applicable
13 requirements.

14 b. The Agency shall include among such conditions
15 applicable monitoring, reporting, record keeping and
16 compliance certification requirements, as authorized by
17 paragraphs d, e, and f of this subsection, that the
18 Agency deems necessary to assure compliance with the
19 Clean Air Act, the regulations promulgated thereunder,
20 this Act, and applicable Board regulations. When
21 monitoring, reporting, record keeping, and compliance
22 certification requirements are specified within the Clean
23 Air Act, regulations promulgated thereunder, this Act, or
24 applicable regulations, such requirements shall be
25 included within the CAAPP permit. The Board shall have
26 authority to promulgate additional regulations where
27 necessary to accomplish the purposes of the Clean Air
28 Act, this Act, and regulations promulgated thereunder.

29 c. The Agency shall assure, within such conditions,
30 the use of terms, test methods, units, averaging periods,
31 and other statistical conventions consistent with the
32 applicable emission limitations, standards, and other
33 requirements contained in the permit.

34 d. To meet the requirements of this subsection with

1 the analyses.

2 D. The analytical techniques or methods
3 used.

4 E. The results of such analyses.

5 F. The operating conditions as existing
6 at the time of sampling or measurement.

7 ii. Retention of records of all monitoring
8 data and support information for a period of at
9 least 5 years from the date of the monitoring
10 sample, measurement, report, or application.
11 Support information includes all calibration and
12 maintenance records, original strip-chart recordings
13 for continuous monitoring instrumentation, and
14 copies of all reports required by the permit.

15 f. To meet the requirements of this subsection with
16 respect to reporting, the permit shall incorporate and
17 identify all applicable reporting requirements and
18 require the following:

19 i. Submittal of reports of any required
20 monitoring every 6 months. More frequent submittals
21 may be requested by the Agency if such submittals
22 are necessary to assure compliance with this Act or
23 regulations promulgated by the Board thereunder.
24 All instances of deviations from permit requirements
25 must be clearly identified in such reports. All
26 required reports must be certified by a responsible
27 official consistent with subsection 5 of this
28 Section.

29 ii. Prompt reporting of deviations from permit
30 requirements, including those attributable to upset
31 conditions as defined in the permit, the probable
32 cause of such deviations, and any corrective actions
33 or preventive measures taken.

34 g. Each CAAPP permit issued under subsection 10 of

1 this Section shall include a condition prohibiting
2 emissions exceeding any allowances that the source
3 lawfully holds under Title IV of the Clean Air Act or the
4 regulations promulgated thereunder, consistent with
5 subsection 17 of this Section and applicable regulations,
6 if any.

7 h. All CAAPP permits shall state that, where
8 another applicable requirement of the Clean Air Act is
9 more stringent than any applicable requirement of
10 regulations promulgated under Title IV of the Clean Air
11 Act, both provisions shall be incorporated into the
12 permit and shall be State and federally enforceable.

13 i. Each CAAPP permit issued under subsection 10 of
14 this Section shall include a severability clause to
15 ensure the continued validity of the various permit
16 requirements in the event of a challenge to any portions
17 of the permit.

18 j. The following shall apply with respect to owners
19 or operators requesting a permit shield:

20 i. The Agency shall include in a CAAPP permit,
21 when requested by an applicant pursuant to paragraph
22 5(p) of this Section, a provision stating that
23 compliance with the conditions of the permit shall
24 be deemed compliance with applicable requirements
25 which are applicable as of the date of release of
26 the proposed permit, provided that:

27 A. The applicable requirement is
28 specifically identified within the permit; or

29 B. The Agency in acting on the CAAPP
30 application or revision determines in writing
31 that other requirements specifically identified
32 are not applicable to the source, and the
33 permit includes that determination or a concise
34 summary thereof.

1 ii. The permit shall identify the requirements
2 for which the source is shielded. The shield shall
3 not extend to applicable requirements which are
4 promulgated after the date of release of the
5 proposed permit unless the permit has been modified
6 to reflect such new requirements.

7 iii. A CAAPP permit which does not expressly
8 indicate the existence of a permit shield shall not
9 provide such a shield.

10 iv. Nothing in this paragraph or in a CAAPP
11 permit shall alter or affect the following:

12 A. The provisions of Section 303
13 (emergency powers) of the Clean Air Act,
14 including USEPA's authority under that section.

15 B. The liability of an owner or operator
16 of a source for any violation of applicable
17 requirements prior to or at the time of permit
18 issuance.

19 C. The applicable requirements of the
20 acid rain program consistent with Section
21 408(a) of the Clean Air Act.

22 D. The ability of USEPA to obtain
23 information from a source pursuant to Section
24 114 (inspections, monitoring, and entry) of the
25 Clean Air Act.

26 k. Each CAAPP permit shall include an emergency
27 provision providing an affirmative defense of emergency
28 to an action brought for noncompliance with
29 technology-based emission limitations under a CAAPP
30 permit if the following conditions are met through
31 properly signed, contemporaneous operating logs, or other
32 relevant evidence:

33 i. An emergency occurred and the permittee can
34 identify the cause(s) of the emergency.

1 ii. The permitted facility was at the time
2 being properly operated.

3 iii. The permittee submitted notice of the
4 emergency to the Agency within 2 working days of the
5 time when emission limitations were exceeded due to
6 the emergency. This notice must contain a detailed
7 description of the emergency, any steps taken to
8 mitigate emissions, and corrective actions taken.

9 iv. During the period of the emergency the
10 permittee took all reasonable steps to minimize
11 levels of emissions that exceeded the emission
12 limitations, standards, or requirements in the
13 permit.

14 For purposes of this subsection, "emergency" means
15 any situation arising from sudden and reasonably
16 unforeseeable events beyond the control of the source,
17 such as an act of God, that requires immediate corrective
18 action to restore normal operation, and that causes the
19 source to exceed a technology-based emission limitation
20 under the permit, due to unavoidable increases in
21 emissions attributable to the emergency. An emergency
22 shall not include noncompliance to the extent caused by
23 improperly designed equipment, lack of preventative
24 maintenance, careless or improper operation, or operation
25 error.

26 In any enforcement proceeding, the permittee
27 seeking to establish the occurrence of an emergency has
28 the burden of proof. This provision is in addition to
29 any emergency or upset provision contained in any
30 applicable requirement. This provision does not relieve
31 a permittee of any reporting obligations under existing
32 federal or state laws or regulations.

33 1. The Agency shall include in each permit issued
34 under subsection 10 of this Section:

1 i. Terms and conditions for reasonably
2 anticipated operating scenarios identified by the
3 source in its application. The permit terms and
4 conditions for each such operating scenario shall
5 meet all applicable requirements and the
6 requirements of this Section.

7 A. Under this subparagraph, the source
8 must record in a log at the permitted facility
9 a record of the scenario under which it is
10 operating contemporaneously with making a
11 change from one operating scenario to another.

12 B. The permit shield described in
13 paragraph 7(j) of this Section shall extend to
14 all terms and conditions under each such
15 operating scenario.

16 ii. Where requested by an applicant, all terms
17 and conditions allowing for trading of emissions
18 increases and decreases between different emission
19 units at the CAAPP source, to the extent that the
20 applicable requirements provide for trading of such
21 emissions increases and decreases without a
22 case-by-case approval of each emissions trade. Such
23 terms and conditions:

24 A. Shall include all terms required under
25 this subsection to determine compliance;

26 B. Must meet all applicable requirements;

27 C. Shall extend the permit shield
28 described in paragraph 7(j) of this Section to
29 all terms and conditions that allow such
30 increases and decreases in emissions.

31 m. The Agency shall specifically designate as not
32 being federally enforceable under the Clean Air Act any
33 terms and conditions included in the permit that are not
34 specifically required under the Clean Air Act or federal

1 regulations promulgated thereunder. Terms or conditions
2 so designated shall be subject to all applicable state
3 requirements, except the requirements of subsection 7
4 (other than this paragraph, paragraph q of subsection 7,
5 subsections 8 through 11, and subsections 13 through 16
6 of this Section. The Agency shall, however, include such
7 terms and conditions in the CAAPP permit issued to the
8 source.

9 n. Each CAAPP permit issued under subsection 10 of
10 this Section shall specify and reference the origin of
11 and authority for each term or condition, and identify
12 any difference in form as compared to the applicable
13 requirement upon which the term or condition is based.

14 o. Each CAAPP permit issued under subsection 10 of
15 this Section shall include provisions stating the
16 following:

17 i. Duty to comply. The permittee must comply
18 with all terms and conditions of the CAAPP permit.
19 Any permit noncompliance constitutes a violation of
20 the Clean Air Act and the Act, and is grounds for
21 any or all of the following: enforcement action;
22 permit termination, revocation and reissuance, or
23 modification; or denial of a permit renewal
24 application.

25 ii. Need to halt or reduce activity not a
26 defense. It shall not be a defense for a permittee
27 in an enforcement action that it would have been
28 necessary to halt or reduce the permitted activity
29 in order to maintain compliance with the conditions
30 of this permit.

31 iii. Permit actions. The permit may be
32 modified, revoked, reopened, and reissued, or
33 terminated for cause in accordance with the
34 applicable subsections of Section 39.5 of this Act.

1 The filing of a request by the permittee for a
2 permit modification, revocation and reissuance, or
3 termination, or of a notification of planned changes
4 or anticipated noncompliance does not stay any
5 permit condition.

6 iv. Property rights. The permit does not
7 convey any property rights of any sort, or any
8 exclusive privilege.

9 v. Duty to provide information. The permittee
10 shall furnish to the Agency within a reasonable time
11 specified by the Agency any information that the
12 Agency may request in writing to determine whether
13 cause exists for modifying, revoking and reissuing,
14 or terminating the permit or to determine compliance
15 with the permit. Upon request, the permittee shall
16 also furnish to the Agency copies of records
17 required to be kept by the permit or, for
18 information claimed to be confidential, the
19 permittee may furnish such records directly to USEPA
20 along with a claim of confidentiality.

21 vi. Duty to pay fees. The permittee must pay
22 fees to the Agency consistent with the fee schedule
23 approved pursuant to subsection 18 of this Section,
24 and submit any information relevant thereto.

25 vii. Emissions trading. No permit revision
26 shall be required for increases in emissions allowed
27 under any approved economic incentives, marketable
28 permits, emissions trading, and other similar
29 programs or processes for changes that are provided
30 for in the permit and that are authorized by the
31 applicable requirement.

32 p. Each CAAPP permit issued under subsection 10 of
33 this Section shall contain the following elements with
34 respect to compliance:

1 i. Compliance certification, testing,
2 monitoring, reporting, and record keeping
3 requirements sufficient to assure compliance with
4 the terms and conditions of the permit. Any
5 document (including reports) required by a CAAPP
6 permit shall contain a certification by a
7 responsible official that meets the requirements of
8 subsection 5 of this Section and applicable
9 regulations.

10 ii. Inspection and entry requirements that
11 necessitate that, upon presentation of credentials
12 and other documents as may be required by law and in
13 accordance with constitutional limitations, the
14 permittee shall allow the Agency, or an authorized
15 representative to perform the following:

16 A. Enter upon the permittee's premises
17 where a CAAPP source is located or
18 emissions-related activity is conducted, or
19 where records must be kept under the conditions
20 of the permit.

21 B. Have access to and copy, at reasonable
22 times, any records that must be kept under the
23 conditions of the permit.

24 C. Inspect at reasonable times any
25 facilities, equipment (including monitoring and
26 air pollution control equipment), practices, or
27 operations regulated or required under the
28 permit.

29 D. Sample or monitor any substances or
30 parameters at any location:

31 1. As authorized by the Clean Air
32 Act, at reasonable times, for the purposes
33 of assuring compliance with the CAAPP
34 permit or applicable requirements; or

1 the compliance of the source with its emissions
2 limitations, standards, and work practices.

3 C. A requirement that the compliance
4 certification include the following:

5 1. The identification of each term
6 or condition contained in the permit that
7 is the basis of the certification.

8 2. The compliance status.

9 3. Whether compliance was continuous
10 or intermittent.

11 4. The method(s) used for
12 determining the compliance status of the
13 source, both currently and over the
14 reporting period consistent with
15 subsection 7 of Section 39.5 of the Act.

16 D. A requirement that all compliance
17 certifications be submitted to USEPA as well as
18 to the Agency.

19 E. Additional requirements as may be
20 specified pursuant to Sections 114(a)(3) and
21 504(b) of the Clean Air Act.

22 F. Other provisions as the Agency may
23 require.

24 q. If the owner or operator of CAAPP source can
25 demonstrate in its CAAPP application, including an
26 application for a significant modification, that an
27 alternative emission limit would be equivalent to that
28 contained in the applicable Board regulations, the Agency
29 shall include the alternative emission limit in the CAAPP
30 permit, which shall supersede the emission limit set
31 forth in the applicable Board regulations, and shall
32 include conditions that insure that the resulting
33 emission limit is quantifiable, accountable, enforceable,
34 and based on replicable procedures.

1 8. Public Notice; Affected State Review.

2 a. The Agency shall provide notice to the public,
3 including an opportunity for public comment and a
4 hearing, on each draft CAAPP permit for issuance, renewal
5 or significant modification, subject to Sections 7(a) and
6 7.1 of this Act.

7 b. The Agency shall prepare a draft CAAPP permit
8 and a statement that sets forth the legal and factual
9 basis for the draft CAAPP permit conditions, including
10 references to the applicable statutory or regulatory
11 provisions. The Agency shall provide this statement to
12 any person who requests it.

13 c. The Agency shall give notice of each draft CAAPP
14 permit to the applicant and to any affected State on or
15 before the time that the Agency has provided notice to
16 the public, except as otherwise provided in this Act.

17 d. The Agency, as part of its submittal of a
18 proposed permit to USEPA (or as soon as possible after
19 the submittal for minor permit modification procedures
20 allowed under subsection 14 of this Section), shall
21 notify USEPA and any affected State in writing of any
22 refusal of the Agency to accept all of the
23 recommendations for the proposed permit that an affected
24 State submitted during the public or affected State
25 review period. The notice shall include the Agency's
26 reasons for not accepting the recommendations. The
27 Agency is not required to accept recommendations that are
28 not based on applicable requirements or the requirements
29 of this Section.

30 e. The Agency shall make available to the public
31 any CAAPP permit application, compliance plan (including
32 the schedule of compliance), CAAPP permit, and emissions
33 or compliance monitoring report. If an owner or operator
34 of a CAAPP source is required to submit information

1 entitled to protection from disclosure under Section 7(a)
2 or Section 7.1 of this Act, the owner or operator shall
3 submit such information separately. The requirements of
4 Section 7(a) or Section 7.1 of this Act shall apply to
5 such information, which shall not be included in a CAAPP
6 permit unless required by law. The contents of a CAAPP
7 permit shall not be entitled to protection under Section
8 7(a) or Section 7.1 of this Act.

9 f. The Agency shall have the authority to adopt
10 procedural rules, in accordance with the Illinois
11 Administrative Procedure Act, as the Agency deems
12 necessary, to implement this subsection.

13 9. USEPA Notice and Objection.

14 a. The Agency shall provide to USEPA for its review
15 a copy of each CAAPP application (including any
16 application for permit modification), statement of basis
17 as provided in paragraph 8(b) of this Section, proposed
18 CAAPP permit, CAAPP permit, and, if the Agency does not
19 incorporate any affected State's recommendations on a
20 proposed CAAPP permit, a written statement of this
21 decision and its reasons for not accepting the
22 recommendations, except as otherwise provided in this Act
23 or by agreement with USEPA. To the extent practicable,
24 the preceding information shall be provided in computer
25 readable format compatible with USEPA's national database
26 management system.

27 b. The Agency shall not issue the proposed CAAPP
28 permit if USEPA objects in writing within 45 days of
29 receipt of the proposed CAAPP permit and all necessary
30 supporting information.

31 c. If USEPA objects in writing to the issuance of
32 the proposed CAAPP permit within the 45-day period, the
33 Agency shall respond in writing and may revise and
34 resubmit the proposed CAAPP permit in response to the

1 stated objection, to the extent supported by the record,
2 within 90 days after the date of the objection. Prior to
3 submitting a revised permit to USEPA, the Agency shall
4 provide the applicant and any person who participated in
5 the public comment process, pursuant to subsection 8 of
6 this Section, with a 10-day period to comment on any
7 revision which the Agency is proposing to make to the
8 permit in response to USEPA's objection in accordance
9 with Agency procedures.

10 d. Any USEPA objection under this subsection,
11 according to the Clean Air Act, will include a statement
12 of reasons for the objection and a description of the
13 terms and conditions that must be in the permit, in order
14 to adequately respond to the objections. Grounds for a
15 USEPA objection include the failure of the Agency to:
16 (1) submit the items and notices required under this
17 subsection; (2) submit any other information necessary to
18 adequately review the proposed CAAPP permit; or (3)
19 process the permit under subsection 8 of this Section
20 except for minor permit modifications.

21 e. If USEPA does not object in writing to issuance
22 of a permit under this subsection, any person may
23 petition USEPA within 60 days after expiration of the
24 45-day review period to make such objection.

25 f. If the permit has not yet been issued and USEPA
26 objects to the permit as a result of a petition, the
27 Agency shall not issue the permit until USEPA's objection
28 has been resolved. The Agency shall provide a 10-day
29 comment period in accordance with paragraph c of this
30 subsection. A petition does not, however, stay the
31 effectiveness of a permit or its requirements if the
32 permit was issued after expiration of the 45-day review
33 period and prior to a USEPA objection.

34 g. If the Agency has issued a permit after

1 expiration of the 45-day review period and prior to
2 receipt of a USEPA objection under this subsection in
3 response to a petition submitted pursuant to paragraph e
4 of this subsection, the Agency may, upon receipt of an
5 objection from USEPA, revise and resubmit the permit to
6 USEPA pursuant to this subsection after providing a
7 10-day comment period in accordance with paragraph c of
8 this subsection. If the Agency fails to submit a revised
9 permit in response to the objection, USEPA shall modify,
10 terminate or revoke the permit. In any case, the source
11 will not be in violation of the requirement to have
12 submitted a timely and complete application.

13 h. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary, to implement this subsection.

17 10. Final Agency Action.

18 a. The Agency shall issue a CAAPP permit, permit
19 modification, or permit renewal if all of the following
20 conditions are met:

21 i. The applicant has submitted a complete and
22 certified application for a permit, permit
23 modification, or permit renewal consistent with
24 subsections 5 and 14 of this Section, as applicable,
25 and applicable regulations.

26 ii. The applicant has submitted with its
27 complete application an approvable compliance plan,
28 including a schedule for achieving compliance,
29 consistent with subsection 5 of this Section and
30 applicable regulations.

31 iii. The applicant has timely paid the fees
32 required pursuant to subsection 18 of this Section
33 and applicable regulations.

34 iv. The Agency has received a complete CAAPP

1 application and, if necessary, has requested and
2 received additional information from the applicant
3 consistent with subsection 5 of this Section and
4 applicable regulations.

5 v. The Agency has complied with all applicable
6 provisions regarding public notice and affected
7 State review consistent with subsection 8 of this
8 Section and applicable regulations.

9 vi. The Agency has provided a copy of each
10 CAAPP application, or summary thereof, pursuant to
11 agreement with USEPA and proposed CAAPP permit
12 required under subsection 9 of this Section to
13 USEPA, and USEPA has not objected to the issuance of
14 the permit in accordance with the Clean Air Act and
15 40 CFR Part 70.

16 b. The Agency shall have the authority to deny a
17 CAAPP permit, permit modification, or permit renewal if
18 the applicant has not complied with the requirements of
19 paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA
20 objects to its issuance.

21 c. i. Prior to denial of a CAAPP permit, permit
22 modification, or permit renewal under this Section,
23 the Agency shall notify the applicant of the
24 possible denial and the reasons for the denial.

25 ii. Within such notice, the Agency shall
26 specify an appropriate date by which the applicant
27 shall adequately respond to the Agency's notice.
28 Such date shall not exceed 15 days from the date the
29 notification is received by the applicant. The
30 Agency may grant a reasonable extension for good
31 cause shown.

32 iii. Failure by the applicant to adequately
33 respond by the date specified in the notification or
34 by any granted extension date shall be grounds for

1 denial of the permit.

2 For purposes of obtaining judicial review under
3 Sections 40.2 and 41 of this Act, the Agency shall
4 provide to USEPA and each applicant, and, upon
5 request, to affected States, any person who
6 participated in the public comment process, and any
7 other person who could obtain judicial review under
8 Sections 40.2 and 41 of this Act, a copy of each
9 CAAPP permit or notification of denial pertaining to
10 that party.

11 d. The Agency shall have the authority to adopt
12 procedural rules, in accordance with the Illinois
13 Administrative Procedure Act, as the Agency deems
14 necessary, to implement this subsection.

15 11. General Permits.

16 a. The Agency may issue a general permit covering
17 numerous similar sources, except for affected sources for
18 acid deposition unless otherwise provided in regulations
19 promulgated under Title IV of the Clean Air Act.

20 b. The Agency shall identify, in any general
21 permit, criteria by which sources may qualify for the
22 general permit.

23 c. CAAPP sources that would qualify for a general
24 permit must apply for coverage under the terms of the
25 general permit or must apply for a CAAPP permit
26 consistent with subsection 5 of this Section and
27 applicable regulations.

28 d. The Agency shall comply with the public comment
29 and hearing provisions of this Section as well as the
30 USEPA and affected State review procedures prior to
31 issuance of a general permit.

32 e. When granting a subsequent request by a
33 qualifying CAAPP source for coverage under the terms of a
34 general permit, the Agency shall not be required to

1 repeat the public notice and comment procedures. The
2 granting of such request shall not be considered a final
3 permit action for purposes of judicial review.

4 f. The Agency may not issue a general permit to
5 cover any discrete emission unit at a CAAPP source if
6 another CAAPP permit covers emission units at the source.

7 g. The Agency shall have the authority to adopt
8 procedural rules, in accordance with the Illinois
9 Administrative Procedure Act, as the Agency deems
10 necessary, to implement this subsection.

11 12. Operational Flexibility.

12 a. An owner or operator of a CAAPP source may make
13 changes at the CAAPP source without requiring a prior
14 permit revision, consistent with subparagraphs (a) (i)
15 through (a) (iii) of this subsection, so long as the
16 changes are not modifications under any provision of
17 Title I of the Clean Air Act and they do not exceed the
18 emissions allowable under the permit (whether expressed
19 therein as a rate of emissions or in terms of total
20 emissions), provided that the owner or operator of the
21 CAAPP source provides USEPA and the Agency with written
22 notification as required below in advance of the proposed
23 changes, which shall be a minimum of 7 days, unless
24 otherwise provided by the Agency in applicable
25 regulations regarding emergencies. The owner or operator
26 of a CAAPP source and the Agency shall each attach such
27 notice to their copy of the relevant permit.

28 i. An owner or operator of a CAAPP source may
29 make Section 502 (b) (10) changes without a permit
30 revision, if the changes are not modifications under
31 any provision of Title I of the Clean Air Act and
32 the changes do not exceed the emissions allowable
33 under the permit (whether expressed therein as a
34 rate of emissions or in terms of total emissions).

1 A. For each such change, the written
2 notification required above shall include a
3 brief description of the change within the
4 source, the date on which the change will
5 occur, any change in emissions, and any permit
6 term or condition that is no longer applicable
7 as a result of the change.

8 B. The permit shield described in
9 paragraph 7(j) of this Section shall not apply
10 to any change made pursuant to this
11 subparagraph.

12 ii. An owner or operator of a CAAPP source may
13 trade increases and decreases in emissions in the
14 CAAPP source, where the applicable implementation
15 plan provides for such emission trades without
16 requiring a permit revision. This provision is
17 available in those cases where the permit does not
18 already provide for such emissions trading.

19 A. Under this subparagraph (a)(ii), the
20 written notification required above shall
21 include such information as may be required by
22 the provision in the applicable implementation
23 plan authorizing the emissions trade, including
24 at a minimum, when the proposed changes will
25 occur, a description of each such change, any
26 change in emissions, the permit requirements
27 with which the source will comply using the
28 emissions trading provisions of the applicable
29 implementation plan, and the pollutants emitted
30 subject to the emissions trade. The notice
31 shall also refer to the provisions in the
32 applicable implementation plan with which the
33 source will comply and provide for the
34 emissions trade.

1 B. The permit shield described in
2 paragraph 7(j) of this Section shall not apply
3 to any change made pursuant to this
4 subparagraph (a) (ii). Compliance with the
5 permit requirements that the source will meet
6 using the emissions trade shall be determined
7 according to the requirements of the applicable
8 implementation plan authorizing the emissions
9 trade.

10 iii. If requested within a CAAPP application,
11 the Agency shall issue a CAAPP permit which contains
12 terms and conditions, including all terms required
13 under subsection 7 of this Section to determine
14 compliance, allowing for the trading of emissions
15 increases and decreases at the CAAPP source solely
16 for the purpose of complying with a
17 federally-enforceable emissions cap that is
18 established in the permit independent of otherwise
19 applicable requirements. The owner or operator of a
20 CAAPP source shall include in its CAAPP application
21 proposed replicable procedures and permit terms that
22 ensure the emissions trades are quantifiable and
23 enforceable. The permit shall also require
24 compliance with all applicable requirements.

25 A. Under this subparagraph (a)(iii), the
26 written notification required above shall state
27 when the change will occur and shall describe
28 the changes in emissions that will result and
29 how these increases and decreases in emissions
30 will comply with the terms and conditions of
31 the permit.

32 B. The permit shield described in
33 paragraph 7(j) of this Section shall extend to
34 terms and conditions that allow such increases

1 and decreases in emissions.

2 b. An owner or operator of a CAAPP source may make
3 changes that are not addressed or prohibited by the
4 permit, other than those which are subject to any
5 requirements under Title IV of the Clean Air Act or are
6 modifications under any provisions of Title I of the
7 Clean Air Act, without a permit revision, in accordance
8 with the following requirements:

9 (i) Each such change shall meet all applicable
10 requirements and shall not violate any existing
11 permit term or condition;

12 (ii) Sources must provide contemporaneous
13 written notice to the Agency and USEPA of each such
14 change, except for changes that qualify as
15 insignificant under provisions adopted by the Agency
16 or the Board. Such written notice shall describe
17 each such change, including the date, any change in
18 emissions, pollutants emitted, and any applicable
19 requirement that would apply as a result of the
20 change;

21 (iii) The change shall not qualify for the
22 shield described in paragraph 7(j) of this Section;
23 and

24 (iv) The permittee shall keep a record
25 describing changes made at the source that result in
26 emissions of a regulated air pollutant subject to an
27 applicable Clean Air Act requirement, but not
28 otherwise regulated under the permit, and the
29 emissions resulting from those changes.

30 c. The Agency shall have the authority to adopt
31 procedural rules, in accordance with the Illinois
32 Administrative Procedure Act, as the Agency deems
33 necessary to implement this subsection.

34 13. Administrative Permit Amendments.

1 a. The Agency shall take final action on a request
2 for an administrative permit amendment within 60 days of
3 receipt of the request. Neither notice nor an
4 opportunity for public and affected State comment shall
5 be required for the Agency to incorporate such revisions,
6 provided it designates the permit revisions as having
7 been made pursuant to this subsection.

8 b. The Agency shall submit a copy of the revised
9 permit to USEPA.

10 c. For purposes of this Section the term
11 "administrative permit amendment" shall be defined as a
12 permit revision that can accomplish one or more of the
13 changes described below:

14 i. Corrects typographical errors;

15 ii. Identifies a change in the name, address,
16 or phone number of any person identified in the
17 permit, or provides a similar minor administrative
18 change at the source;

19 iii. Requires more frequent monitoring or
20 reporting by the permittee;

21 iv. Allows for a change in ownership or
22 operational control of a source where the Agency
23 determines that no other change in the permit is
24 necessary, provided that a written agreement
25 containing a specific date for transfer of permit
26 responsibility, coverage, and liability between the
27 current and new permittees has been submitted to the
28 Agency;

29 v. Incorporates into the CAAPP permit the
30 requirements from preconstruction review permits
31 authorized under a USEPA-approved program, provided
32 the program meets procedural and compliance
33 requirements substantially equivalent to those
34 contained in this Section;

1 vi. (Blank); or

2 vii. Any other type of change which USEPA has
3 determined as part of the approved CAAPP permit
4 program to be similar to those included in this
5 subsection.

6 d. The Agency shall, upon taking final action
7 granting a request for an administrative permit
8 amendment, allow coverage by the permit shield in
9 paragraph 7(j) of this Section for administrative permit
10 amendments made pursuant to subparagraph (c)(v) of this
11 subsection which meet the relevant requirements for
12 significant permit modifications.

13 e. Permit revisions and modifications, including
14 administrative amendments and automatic amendments
15 (pursuant to Sections 408(b) and 403(d) of the Clean Air
16 Act or regulations promulgated thereunder), for purposes
17 of the acid rain portion of the permit shall be governed
18 by the regulations promulgated under Title IV of the
19 Clean Air Act. Owners or operators of affected sources
20 for acid deposition shall have the flexibility to amend
21 their compliance plans as provided in the regulations
22 promulgated under Title IV of the Clean Air Act.

23 f. The CAAPP source may implement the changes
24 addressed in the request for an administrative permit
25 amendment immediately upon submittal of the request.

26 g. The Agency shall have the authority to adopt
27 procedural rules, in accordance with the Illinois
28 Administrative Procedure Act, as the Agency deems
29 necessary, to implement this subsection.

30 14. Permit Modifications.

31 a. Minor permit modification procedures.

32 i. The Agency shall review a permit
33 modification using the "minor permit" modification
34 procedures only for those permit modifications that:

1 A. Do not violate any applicable
2 requirement;

3 B. Do not involve significant changes to
4 existing monitoring, reporting, or
5 recordkeeping requirements in the permit;

6 C. Do not require a case-by-case
7 determination of an emission limitation or
8 other standard, or a source-specific
9 determination of ambient impacts, or a
10 visibility or increment analysis;

11 D. Do not seek to establish or change a
12 permit term or condition for which there is no
13 corresponding underlying requirement and which
14 avoids an applicable requirement to which the
15 source would otherwise be subject. Such terms
16 and conditions include:

17 1. A federally enforceable emissions
18 cap assumed to avoid classification as a
19 modification under any provision of Title
20 I of the Clean Air Act; and

21 2. An alternative emissions limit
22 approved pursuant to regulations
23 promulgated under Section 112(i)(5) of the
24 Clean Air Act;

25 E. Are not modifications under any
26 provision of Title I of the Clean Air Act; and

27 F. Are not required to be processed as a
28 significant modification.

29 ii. Notwithstanding subparagraphs (a)(i) and
30 (b)(ii) of this subsection, minor permit
31 modification procedures may be used for permit
32 modifications involving the use of economic
33 incentives, marketable permits, emissions trading,
34 and other similar approaches, to the extent that

1 such minor permit modification procedures are
2 explicitly provided for in an applicable
3 implementation plan or in applicable requirements
4 promulgated by USEPA.

5 iii. An applicant requesting the use of minor
6 permit modification procedures shall meet the
7 requirements of subsection 5 of this Section and
8 shall include the following in its application:

9 A. A description of the change, the
10 emissions resulting from the change, and any
11 new applicable requirements that will apply if
12 the change occurs;

13 B. The source's suggested draft permit;

14 C. Certification by a responsible
15 official, consistent with paragraph 5(e) of
16 this Section and applicable regulations, that
17 the proposed modification meets the criteria
18 for use of minor permit modification procedures
19 and a request that such procedures be used; and

20 D. Completed forms for the Agency to use
21 to notify USEPA and affected States as required
22 under subsections 8 and 9 of this Section.

23 iv. Within 5 working days of receipt of a
24 complete permit modification application, the Agency
25 shall notify USEPA and affected States of the
26 requested permit modification in accordance with
27 subsections 8 and 9 of this Section. The Agency
28 promptly shall send any notice required under
29 paragraph 8(d) of this Section to USEPA.

30 v. The Agency may not issue a final permit
31 modification until after the 45-day review period
32 for USEPA or until USEPA has notified the Agency
33 that USEPA will not object to the issuance of the
34 permit modification, whichever comes first, although

1 the Agency can approve the permit modification prior
2 to that time. Within 90 days of the Agency's
3 receipt of an application under the minor permit
4 modification procedures or 15 days after the end of
5 USEPA's 45-day review period under subsection 9 of
6 this Section, whichever is later, the Agency shall:

7 A. Issue the permit modification as
8 proposed;

9 B. Deny the permit modification
10 application;

11 C. Determine that the requested
12 modification does not meet the minor permit
13 modification criteria and should be reviewed
14 under the significant modification procedures;
15 or

16 D. Revise the draft permit modification
17 and transmit to USEPA the new proposed permit
18 modification as required by subsection 9 of
19 this Section.

20 vi. Any CAAPP source may make the change
21 proposed in its minor permit modification
22 application immediately after it files such
23 application. After the CAAPP source makes the
24 change allowed by the preceding sentence, and until
25 the Agency takes any of the actions specified in
26 subparagraphs (a)(v)(A) through (a)(v)(C) of this
27 subsection, the source must comply with both the
28 applicable requirements governing the change and the
29 proposed permit terms and conditions. During this
30 time period, the source need not comply with the
31 existing permit terms and conditions it seeks to
32 modify. If the source fails to comply with its
33 proposed permit terms and conditions during this
34 time period, the existing permit terms and

1 conditions which it seeks to modify may be enforced
2 against it.

3 vii. The permit shield under subparagraph 7(j)
4 of this Section may not extend to minor permit
5 modifications.

6 viii. If a construction permit is required,
7 pursuant to Section 39(a) of this Act and
8 regulations thereunder, for a change for which the
9 minor permit modification procedures are applicable,
10 the source may request that the processing of the
11 construction permit application be consolidated with
12 the processing of the application for the minor
13 permit modification. In such cases, the provisions
14 of this Section, including those within subsections
15 5, 8, and 9, shall apply and the Agency shall act on
16 such applications pursuant to subparagraph 14(a)(v).
17 The source may make the proposed change immediately
18 after filing its application for the minor permit
19 modification. Nothing in this subparagraph shall
20 otherwise affect the requirements and procedures
21 applicable to construction permits.

22 b. Group Processing of Minor Permit Modifications.

23 i. Where requested by an applicant within its
24 application, the Agency shall process groups of a
25 source's applications for certain modifications
26 eligible for minor permit modification processing
27 in accordance with the provisions of this paragraph
28 (b).

29 ii. Permit modifications may be processed in
30 accordance with the procedures for group processing,
31 for those modifications:

32 A. Which meet the criteria for minor
33 permit modification procedures under
34 subparagraph 14(a)(i) of this Section; and

1 B. That collectively are below 10 percent
2 of the emissions allowed by the permit for the
3 emissions unit for which change is requested,
4 20 percent of the applicable definition of
5 major source set forth in subsection 2 of this
6 Section, or 5 tons per year, whichever is
7 least.

8 iii. An applicant requesting the use of group
9 processing procedures shall meet the requirements of
10 subsection 5 of this Section and shall include the
11 following in its application:

12 A. A description of the change, the
13 emissions resulting from the change, and any
14 new applicable requirements that will apply if
15 the change occurs.

16 B. The source's suggested draft permit.

17 C. Certification by a responsible
18 official consistent with paragraph 5(e) of this
19 Section, that the proposed modification meets
20 the criteria for use of group processing
21 procedures and a request that such procedures
22 be used.

23 D. A list of the source's other pending
24 applications awaiting group processing, and a
25 determination of whether the requested
26 modification, aggregated with these other
27 applications, equals or exceeds the threshold
28 set under subparagraph (b)(ii)(B) of this
29 subsection.

30 E. Certification, consistent with
31 paragraph 5(e), that the source has notified
32 USEPA of the proposed modification. Such
33 notification need only contain a brief
34 description of the requested modification.

1 F. Completed forms for the Agency to use
2 to notify USEPA and affected states as required
3 under subsections 8 and 9 of this Section.

4 iv. On a quarterly basis or within 5 business
5 days of receipt of an application demonstrating that
6 the aggregate of a source's pending applications
7 equals or exceeds the threshold level set forth
8 within subparagraph (b)(ii)(B) of this subsection,
9 whichever is earlier, the Agency shall promptly
10 notify USEPA and affected States of the requested
11 permit modifications in accordance with subsections
12 8 and 9 of this Section. The Agency shall send any
13 notice required under paragraph 8(d) of this Section
14 to USEPA.

15 v. The provisions of subparagraph (a)(v) of
16 this subsection shall apply to modifications
17 eligible for group processing, except that the
18 Agency shall take one of the actions specified in
19 subparagraphs (a)(v)(A) through (a)(v)(D) of this
20 subsection within 180 days of receipt of the
21 application or 15 days after the end of USEPA's
22 45-day review period under subsection 9 of this
23 Section, whichever is later.

24 vi. The provisions of subparagraph (a)(vi) of
25 this subsection shall apply to modifications for
26 group processing.

27 vii. The provisions of paragraph 7(j) of this
28 Section shall not apply to modifications eligible
29 for group processing.

30 c. Significant Permit Modifications.

31 i. Significant modification procedures shall
32 be used for applications requesting significant
33 permit modifications and for those applications that
34 do not qualify as either minor permit modifications

1 or as administrative permit amendments.

2 ii. Every significant change in existing
3 monitoring permit terms or conditions and every
4 relaxation of reporting or recordkeeping
5 requirements shall be considered significant. A
6 modification shall also be considered significant if
7 in the judgment of the Agency action on an
8 application for modification would require decisions
9 to be made on technically complex issues. Nothing
10 herein shall be construed to preclude the permittee
11 from making changes consistent with this Section
12 that would render existing permit compliance terms
13 and conditions irrelevant.

14 iii. Significant permit modifications must
15 meet all the requirements of this Section, including
16 those for applications (including completeness
17 review), public participation, review by affected
18 States, and review by USEPA applicable to initial
19 permit issuance and permit renewal. The Agency
20 shall take final action on significant permit
21 modifications within 9 months after receipt of a
22 complete application.

23 d. The Agency shall have the authority to adopt
24 procedural rules, in accordance with the Illinois
25 Administrative Procedure Act, as the Agency deems
26 necessary, to implement this subsection.

27 15. Reopenings for Cause by the Agency.

28 a. Each issued CAAPP permit shall include
29 provisions specifying the conditions under which the
30 permit will be reopened prior to the expiration of the
31 permit. Such revisions shall be made as expeditiously as
32 practicable. A CAAPP permit shall be reopened and
33 revised under any of the following circumstances, in
34 accordance with procedures adopted by the Agency:

1 i. Additional requirements under the Clean Air
2 Act become applicable to a major CAAPP source for
3 which 3 or more years remain on the original term of
4 the permit. Such a reopening shall be completed not
5 later than 18 months after the promulgation of the
6 applicable requirement. No such revision is
7 required if the effective date of the requirement is
8 later than the date on which the permit is due to
9 expire.

10 ii. Additional requirements (including excess
11 emissions requirements) become applicable to an
12 affected source for acid deposition under the acid
13 rain program. Excess emissions offset plans shall
14 be deemed to be incorporated into the permit upon
15 approval by USEPA.

16 iii. The Agency or USEPA determines that the
17 permit contains a material mistake or that
18 inaccurate statements were made in establishing the
19 emissions standards, limitations, or other terms or
20 conditions of the permit.

21 iv. The Agency or USEPA determines that the
22 permit must be revised or revoked to assure
23 compliance with the applicable requirements.

24 b. In the event that the Agency determines that
25 there are grounds for revoking a CAAPP permit, for cause,
26 consistent with paragraph a of this subsection, it shall
27 file a petition before the Board setting forth the basis
28 for such revocation. In any such proceeding, the Agency
29 shall have the burden of establishing that the permit
30 should be revoked under the standards set forth in this
31 Act and the Clean Air Act. Any such proceeding shall be
32 conducted pursuant to the Board's procedures for
33 adjudicatory hearings and the Board shall render its
34 decision within 120 days of the filing of the petition.

1 The Agency shall take final action to revoke and reissue
2 a CAAPP permit consistent with the Board's order.

3 c. Proceedings regarding a reopened CAAPP permit
4 shall follow the same procedures as apply to initial
5 permit issuance and shall affect only those parts of the
6 permit for which cause to reopen exists.

7 d. Reopenings under paragraph (a) of this
8 subsection shall not be initiated before a notice of such
9 intent is provided to the CAAPP source by the Agency at
10 least 30 days in advance of the date that the permit is
11 to be reopened, except that the Agency may provide a
12 shorter time period in the case of an emergency.

13 e. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary, to implement this subsection.

17 16. Reopenings for Cause by USEPA.

18 a. When USEPA finds that cause exists to terminate,
19 modify, or revoke and reissue a CAAPP permit pursuant to
20 subsection 15 of this Section, and thereafter notifies
21 the Agency and the permittee of such finding in writing,
22 the Agency shall forward to USEPA and the permittee a
23 proposed determination of termination, modification, or
24 revocation and reissuance as appropriate, in accordance
25 with paragraph b of this subsection. The Agency's
26 proposed determination shall be in accordance with the
27 record, the Clean Air Act, regulations promulgated
28 thereunder, this Act and regulations promulgated
29 thereunder. Such proposed determination shall not affect
30 the permit or constitute a final permit action for
31 purposes of this Act or the Administrative Review Law.
32 The Agency shall forward to USEPA such proposed
33 determination within 90 days after receipt of the
34 notification from USEPA. If additional time is necessary

1 to submit the proposed determination, the Agency shall
2 request a 90-day extension from USEPA and shall submit
3 the proposed determination within 180 days of receipt of
4 notification from USEPA.

5 b. i. Prior to the Agency's submittal to USEPA
6 of a proposed determination to terminate or revoke
7 and reissue the permit, the Agency shall file a
8 petition before the Board setting forth USEPA's
9 objection, the permit record, the Agency's proposed
10 determination, and the justification for its
11 proposed determination. The Board shall conduct a
12 hearing pursuant to the rules prescribed by Section
13 32 of this Act, and the burden of proof shall be on
14 the Agency.

15 ii. After due consideration of the written and
16 oral statements, the testimony and arguments that
17 shall be submitted at hearing, the Board shall issue
18 and enter an interim order for the proposed
19 determination, which shall set forth all changes, if
20 any, required in the Agency's proposed
21 determination. The interim order shall comply with
22 the requirements for final orders as set forth in
23 Section 33 of this Act. Issuance of an interim order
24 by the Board under this paragraph, however, shall
25 not affect the permit status and does not constitute
26 a final action for purposes of this Act or the
27 Administrative Review Law.

28 iii. The Board shall cause a copy of its
29 interim order to be served upon all parties to the
30 proceeding as well as upon USEPA. The Agency shall
31 submit the proposed determination to USEPA in
32 accordance with the Board's Interim Order within 180
33 days after receipt of the notification from USEPA.

34 c. USEPA shall review the proposed determination to

1 terminate, modify, or revoke and reissue the permit
2 within 90 days of receipt.

3 i. When USEPA reviews the proposed
4 determination to terminate or revoke and reissue and
5 does not object, the Board shall, within 7 days of
6 receipt of USEPA's final approval, enter the interim
7 order as a final order. The final order may be
8 appealed as provided by Title XI of this Act. The
9 Agency shall take final action in accordance with
10 the Board's final order.

11 ii. When USEPA reviews such proposed
12 determination to terminate or revoke and reissue and
13 objects, the Agency shall submit USEPA's objection
14 and the Agency's comments and recommendation on the
15 objection to the Board and permittee. The Board
16 shall review its interim order in response to
17 USEPA's objection and the Agency's comments and
18 recommendation and issue a final order in accordance
19 with Sections 32 and 33 of this Act. The Agency
20 shall, within 90 days after receipt of such
21 objection, respond to USEPA's objection in
22 accordance with the Board's final order.

23 iii. When USEPA reviews such proposed
24 determination to modify and objects, the Agency
25 shall, within 90 days after receipt of the
26 objection, resolve the objection and modify the
27 permit in accordance with USEPA's objection, based
28 upon the record, the Clean Air Act, regulations
29 promulgated thereunder, this Act, and regulations
30 promulgated thereunder.

31 d. If the Agency fails to submit the proposed
32 determination pursuant to paragraph a of this subsection
33 or fails to resolve any USEPA objection pursuant to
34 paragraph c of this subsection, USEPA will terminate,

1 modify, or revoke and reissue the permit.

2 e. The Agency shall have the authority to adopt
3 procedural rules, in accordance with the Illinois
4 Administrative Procedure Act, as the Agency deems
5 necessary, to implement this subsection.

6 17. Title IV; Acid Rain Provisions.

7 a. The Agency shall act on initial CAAPP
8 applications for affected sources for acid deposition in
9 accordance with this Section and Title V of the Clean Air
10 Act and regulations promulgated thereunder, except as
11 modified by Title IV of the Clean Air Act and regulations
12 promulgated thereunder. The Agency shall issue initial
13 CAAPP permits to the affected sources for acid deposition
14 which shall become effective no earlier than January 1,
15 1995, and which shall terminate on December 31, 1999, in
16 accordance with this Section. Subsequent CAAPP permits
17 issued to affected sources for acid deposition shall be
18 issued for a fixed term of 5 years. Title IV of the Clean
19 Air Act and regulations promulgated thereunder, including
20 but not limited to 40 C.F.R. Part 72, as now or hereafter
21 amended, are applicable to and enforceable under this
22 Act.

23 b. A designated representative of an affected
24 source for acid deposition shall submit a timely and
25 complete Phase II acid rain permit application and
26 compliance plan to the Agency, not later than January 1,
27 1996, that meets the requirements of Titles IV and V of
28 the Clean Air Act and regulations. The Agency shall act
29 on the Phase II acid rain permit application and
30 compliance plan in accordance with this Section and Title
31 V of the Clean Air Act and regulations promulgated
32 thereunder, except as modified by Title IV of the Clean
33 Air Act and regulations promulgated thereunder. The
34 Agency shall issue the Phase II acid rain permit to an

1 affected source for acid deposition no later than
2 December 31, 1997, which shall become effective on
3 January 1, 2000, in accordance with this Section, except
4 as modified by Title IV and regulations promulgated
5 thereunder; provided that the designated representative
6 of the source submitted a timely and complete Phase II
7 permit application and compliance plan to the Agency that
8 meets the requirements of Title IV and V of the Clean Air
9 Act and regulations.

10 c. Each Phase II acid rain permit issued in
11 accordance with this subsection shall have a fixed term
12 of 5 years. Except as provided in paragraph b above, the
13 Agency shall issue or deny a Phase II acid rain permit
14 within 18 months of receiving a complete Phase II permit
15 application and compliance plan.

16 d. A designated representative of a new unit, as
17 defined in Section 402 of the Clean Air Act, shall submit
18 a timely and complete Phase II acid rain permit
19 application and compliance plan that meets the
20 requirements of Titles IV and V of the Clean Air Act and
21 its regulations. The Agency shall act on the new unit's
22 Phase II acid rain permit application and compliance plan
23 in accordance with this Section and Title V of the Clean
24 Air Act and its regulations, except as modified by Title
25 IV of the Clean Air Act and its regulations. The Agency
26 shall reopen the new unit's CAAPP permit for cause to
27 incorporate the approved Phase II acid rain permit in
28 accordance with this Section. The Phase II acid rain
29 permit for the new unit shall become effective no later
30 than the date required under Title IV of the Clean Air
31 Act and its regulations.

32 e. A designated representative of an affected
33 source for acid deposition shall submit a timely and
34 complete Title IV NOx permit application to the Agency,

1 not later than January 1, 1998, that meets the
2 requirements of Titles IV and V of the Clean Air Act and
3 its regulations. The Agency shall reopen the Phase II
4 acid rain permit for cause and incorporate the approved
5 NOx provisions into the Phase II acid rain permit not
6 later than January 1, 1999, in accordance with this
7 Section, except as modified by Title IV of the Clean Air
8 Act and regulations promulgated thereunder. Such
9 reopening shall not affect the term of the Phase II acid
10 rain permit.

11 f. The designated representative of the affected
12 source for acid deposition shall renew the initial CAAPP
13 permit and Phase II acid rain permit in accordance with
14 this Section and Title V of the Clean Air Act and
15 regulations promulgated thereunder, except as modified by
16 Title IV of the Clean Air Act and regulations promulgated
17 thereunder.

18 g. In the case of an affected source for acid
19 deposition for which a complete Phase II acid rain permit
20 application and compliance plan are timely received under
21 this subsection, the complete permit application and
22 compliance plan, including amendments thereto, shall be
23 binding on the owner, operator and designated
24 representative, all affected units for acid deposition at
25 the affected source, and any other unit, as defined in
26 Section 402 of the Clean Air Act, governed by the Phase
27 II acid rain permit application and shall be enforceable
28 as an acid rain permit for purposes of Titles IV and V of
29 the Clean Air Act, from the date of submission of the
30 acid rain permit application until a Phase II acid rain
31 permit is issued or denied by the Agency.

32 h. The Agency shall not include or implement any
33 measure which would interfere with or modify the
34 requirements of Title IV of the Clean Air Act or

1 regulations promulgated thereunder.

2 i. Nothing in this Section shall be construed as
3 affecting allowances or USEPA's decision regarding an
4 excess emissions offset plan, as set forth in Title IV of
5 the Clean Air Act or regulations promulgated thereunder.

6 i. No permit revision shall be required for
7 increases in emissions that are authorized by
8 allowances acquired pursuant to the acid rain
9 program, provided that such increases do not require
10 a permit revision under any other applicable
11 requirement.

12 ii. No limit shall be placed on the number of
13 allowances held by the source. The source may not,
14 however, use allowances as a defense to
15 noncompliance with any other applicable requirement.

16 iii. Any such allowance shall be accounted for
17 according to the procedures established in
18 regulations promulgated under Title IV of the Clean
19 Air Act.

20 j. To the extent that the federal regulations
21 promulgated under Title IV, including but not limited to
22 40 C.F.R. Part 72, as now or hereafter amended, are
23 inconsistent with the federal regulations promulgated
24 under Title V, the federal regulations promulgated under
25 Title IV shall take precedence.

26 k. The USEPA may intervene as a matter of right in
27 any permit appeal involving a Phase II acid rain permit
28 provision or denial of a Phase II acid rain permit.

29 l. It is unlawful for any owner or operator to
30 violate any terms or conditions of a Phase II acid rain
31 permit issued under this subsection, to operate any
32 affected source for acid deposition except in compliance
33 with a Phase II acid rain permit issued by the Agency
34 under this subsection, or to violate any other applicable

1 requirements.

2 m. The designated representative of an affected
3 source for acid deposition shall submit to the Agency the
4 data and information submitted quarterly to USEPA,
5 pursuant to 40 CFR 75.64, concurrently with the
6 submission to USEPA. The submission shall be in the same
7 electronic format as specified by USEPA.

8 n. The Agency shall act on any petition for
9 exemption of a new unit or retired unit, as those terms
10 are defined in Section 402 of the Clean Air Act, from the
11 requirements of the acid rain program in accordance with
12 Title IV of the Clean Air Act and its regulations.

13 o. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary to implement this subsection.

17 18. Fee Provisions.

18 a. For each 12 month period after the date on which
19 the USEPA approves or conditionally approves the CAAPP,
20 but in no event prior to January 1, 1994, a source
21 subject to this Section or excluded under subsection 1.1
22 or paragraph 3(c) of this Section, shall pay a fee as
23 provided in this part (a) of this subsection 18.
24 However, a source that has been excluded from the
25 provisions of this Section under subsection 1.1 or
26 paragraph 3(c) of this Section because the source emits
27 less than 25 tons per year of any combination of
28 regulated air pollutants shall pay fees in accordance
29 with paragraph (1) of subsection (b) of Section 9.6.

30 i. The fee for a source allowed to emit less
31 than 100 tons per year of any combination of
32 regulated air pollutants shall be \$1,800 ~~\$1,000~~ per
33 year.

34 ii. The fee for a source allowed to emit 100

1 tons or more per year of any combination of
 2 regulated air pollutants, except for those regulated
 3 air pollutants excluded in paragraph 18(f) of this
 4 subsection, shall be as follows:

5 A. The Agency shall assess an annual fee
 6 of \$18.00 ~~\$13.50~~ per ton for the allowable
 7 emissions of all regulated air pollutants at
 8 that source during the term of the permit.
 9 These fees shall be used by the Agency and the
 10 Board to fund the activities required by Title
 11 V of the Clean Air Act including such
 12 activities as may be carried out by other State
 13 or local agencies pursuant to paragraph (d) of
 14 this subsection. The amount of such fee shall
 15 be based on the information supplied by the
 16 applicant in its complete CAAPP permit
 17 application or in the CAAPP permit if the
 18 permit has been granted and shall be determined
 19 by the amount of emissions that the source is
 20 allowed to emit annually, provided however,
 21 that no source shall be required to pay an
 22 annual fee in excess of \$250,000 ~~\$100,000~~. The
 23 Agency shall provide as part of the permit
 24 application form required under subsection 5 of
 25 this Section a separate fee calculation form
 26 which will allow the applicant to identify the
 27 allowable emissions and calculate the fee for
 28 the term of the permit. In no event shall the
 29 Agency raise the amount of allowable emissions
 30 requested by the applicant unless such
 31 increases are required to demonstrate
 32 compliance with terms of a CAAPP permit.

33 Notwithstanding the above, any applicant
 34 may seek a change in its permit which would

1 result in increases in allowable emissions due
 2 to an increase in the hours of operation or
 3 production rates of an emission unit or units
 4 and such a change shall be consistent with the
 5 construction permit requirements of the
 6 existing State permit program, under Section
 7 39(a) of this Act and applicable provisions of
 8 this Section. Where a construction permit is
 9 required, the Agency shall expeditiously grant
 10 such construction permit and shall, if
 11 necessary, modify the CAAPP permit based on the
 12 same application.

13 B. The applicant or permittee may pay the
 14 fee annually or semiannually for those fees
 15 greater than \$5,000. However, any applicant
 16 paying a fee equal to or greater than \$100,000
 17 shall pay the full amount on July 1, for the
 18 subsequent fiscal year, or pay 50% of the fee
 19 on July 1 and the remaining 50% by the next
 20 January 1. The Agency may change any annual
 21 billing date upon reasonable notice, but shall
 22 prorate the new bill so that the permittee or
 23 applicant does not pay more than its required
 24 fees for the fee period for which payment is
 25 made.

26 b. (Blank).

27 c. (Blank). ~~There shall be created a CAA Fee Panel~~
 28 ~~of 5 persons. The Panel shall:~~

29 ~~i. If it deems necessary on an annual basis,~~
 30 ~~render advisory opinions to the Agency and the~~
 31 ~~General Assembly regarding the appropriate level of~~
 32 ~~Title V Clean Air Act fees for the next fiscal year.~~
 33 ~~Such advisory opinions shall be based on a study of~~
 34 ~~the operations of the Agency and any other entity~~

1 requesting appropriations from the CAA Permit Fund.
2 This study shall recommend changes in the fee
3 structure, if warranted. The study will be based on
4 the ability of the Agency or other entity to
5 effectively utilize the funds generated as well as
6 the entity's conformance with the objectives and
7 measurable benchmarks identified by the Agency as
8 justification for the prior year's fee. Such
9 advisory opinions shall be submitted to the
10 appropriation committees no later than April 15th of
11 each year.

12 ii. Not be compensated for their services, but
13 shall receive reimbursement for their expenses.

14 iii. Be appointed as follows: 4 members by
15 the Director of the Agency from a list of no more
16 than 8 persons, submitted by representatives of
17 associations who represent facilities subject to the
18 provisions of this subsection and the Director of
19 the Agency or designee.

20 d. There is hereby created in the State Treasury a
21 special fund to be known as the "CAA Permit Fund". All
22 Funds collected by the Agency pursuant to this subsection
23 shall be deposited into the Fund. The General Assembly
24 shall appropriate monies from this Fund to the Agency and
25 to the Board to carry out their obligations under this
26 Section. The General Assembly may also authorize monies
27 to be granted by the Agency from this Fund to other State
28 and local agencies which perform duties related to the
29 CAAPP. Interest generated on the monies deposited in this
30 Fund shall be returned to the Fund. The General Assembly
31 may appropriate up to the sum of \$25,000 to the Agency
32 from the CAA Permit Fund for use by the Panel in carrying
33 out its responsibilities under this subsection.

34 e. The Agency shall have the authority to adopt

1 procedural rules, in accordance with the Illinois
2 Administrative Procedure Act, as the Agency deems
3 necessary to implement this subsection.

4 f. For purposes of this subsection, the term
5 "regulated air pollutant" shall have the meaning given to
6 it under subsection 1 of this Section but shall exclude
7 the following:

8 i. carbon monoxide;

9 ii. any Class I or II substance which is a
10 regulated air pollutant solely because it is listed
11 pursuant to Section 602 of the Clean Air Act; and

12 iii. any pollutant that is a regulated air
13 pollutant solely because it is subject to a standard
14 or regulation under Section 112(r) of the Clean Air
15 Act based on the emissions allowed in the permit
16 effective in that calendar year, at the time the
17 applicable bill is generated.

18 19. Air Toxics Provisions.

19 a. In the event that the USEPA fails to promulgate
20 in a timely manner a standard pursuant to Section 112(d)
21 of the Clean Air Act, the Agency shall have the authority
22 to issue permits, pursuant to Section 112(j) of the Clean
23 Air Act and regulations promulgated thereunder, which
24 contain emission limitations which are equivalent to the
25 emission limitations that would apply to a source if an
26 emission standard had been promulgated in a timely manner
27 by USEPA pursuant to Section 112(d). Provided, however,
28 that the owner or operator of a source shall have the
29 opportunity to submit to the Agency a proposed emission
30 limitation which it determines to be equivalent to the
31 emission limitations that would apply to such source if
32 an emission standard had been promulgated in a timely
33 manner by USEPA. If the Agency refuses to include the
34 emission limitation proposed by the owner or operator in

1 a CAAPP permit, the owner or operator may petition the
2 Board to establish whether the emission limitation
3 proposal submitted by the owner or operator provides for
4 emission limitations which are equivalent to the emission
5 limitations that would apply to the source if the
6 emission standard had been promulgated by USEPA in a
7 timely manner. The Board shall determine whether the
8 emission limitation proposed by the owner or operator or
9 an alternative emission limitation proposed by the Agency
10 provides for the level of control required under Section
11 112 of the Clean Air Act, or shall otherwise establish an
12 appropriate emission limitation, pursuant to Section 112
13 of the Clean Air Act.

14 b. Any Board proceeding brought under paragraph (a)
15 or (e) of this subsection shall be conducted according to
16 the Board's procedures for adjudicatory hearings and the
17 Board shall render its decision within 120 days of the
18 filing of the petition. Any such decision shall be
19 subject to review pursuant to Section 41 of this Act.
20 Where USEPA promulgates an applicable emission standard
21 prior to the issuance of the CAAPP permit, the Agency
22 shall include in the permit the promulgated standard,
23 provided that the source shall have the compliance period
24 provided under Section 112(i) of the Clean Air Act. Where
25 USEPA promulgates an applicable standard subsequent to
26 the issuance of the CAAPP permit, the Agency shall revise
27 such permit upon the next renewal to reflect the
28 promulgated standard, providing a reasonable time for the
29 applicable source to comply with the standard, but no
30 longer than 8 years after the date on which the source is
31 first required to comply with the emissions limitation
32 established under this subsection.

33 c. The Agency shall have the authority to implement
34 and enforce complete or partial emission standards

1 promulgated by USEPA pursuant to Section 112(d), and
2 standards promulgated by USEPA pursuant to Sections
3 112(f), 112(h), 112(m), and 112(n), and may accept
4 delegation of authority from USEPA to implement and
5 enforce Section 112(l) and requirements for the
6 prevention and detection of accidental releases pursuant
7 to Section 112(r) of the Clean Air Act.

8 d. The Agency shall have the authority to issue
9 permits pursuant to Section 112(i)(5) of the Clean Air
10 Act.

11 e. The Agency has the authority to implement
12 Section 112(g) of the Clean Air Act consistent with the
13 Clean Air Act and federal regulations promulgated
14 thereunder. If the Agency refuses to include the emission
15 limitations proposed in an application submitted by an
16 owner or operator for a case-by-case maximum achievable
17 control technology (MACT) determination, the owner or
18 operator may petition the Board to determine whether the
19 emission limitation proposed by the owner or operator or
20 an alternative emission limitation proposed by the Agency
21 provides for a level of control required by Section 112
22 of the Clean Air Act, or to otherwise establish an
23 appropriate emission limitation under Section 112 of the
24 Clean Air Act.

25 20. Small Business.

26 a. For purposes of this subsection:

27 "Program" is the Small Business Stationary Source
28 Technical and Environmental Compliance Assistance Program
29 created within this State pursuant to Section 507 of the
30 Clean Air Act and guidance promulgated thereunder, to
31 provide technical assistance and compliance information
32 to small business stationary sources;

33 "Small Business Assistance Program" is a component
34 of the Program responsible for providing sufficient

1 communications with small businesses through the
2 collection and dissemination of information to small
3 business stationary sources; and

4 "Small Business Stationary Source" means a
5 stationary source that:

6 1. is owned or operated by a person that
7 employs 100 or fewer individuals;

8 2. is a small business concern as defined in
9 the "Small Business Act";

10 3. is not a major source as that term is
11 defined in subsection 2 of this Section;

12 4. does not emit 50 tons or more per year of
13 any regulated air pollutant; and

14 5. emits less than 75 tons per year of all
15 regulated pollutants.

16 b. The Agency shall adopt and submit to USEPA,
17 after reasonable notice and opportunity for public
18 comment, as a revision to the Illinois state
19 implementation plan, plans for establishing the Program.

20 c. The Agency shall have the authority to enter
21 into such contracts and agreements as the Agency deems
22 necessary to carry out the purposes of this subsection.

23 d. The Agency may establish such procedures as it
24 may deem necessary for the purposes of implementing and
25 executing its responsibilities under this subsection.

26 e. There shall be appointed a Small Business
27 Ombudsman (hereinafter in this subsection referred to as
28 "Ombudsman") to monitor the Small Business Assistance
29 Program. The Ombudsman shall be a nonpartisan designated
30 official, with the ability to independently assess
31 whether the goals of the Program are being met.

32 f. The State Ombudsman Office shall be located in
33 an existing Ombudsman office within the State or in any
34 State Department.

1 g. There is hereby created a State Compliance
2 Advisory Panel (hereinafter in this subsection referred
3 to as "Panel") for determining the overall effectiveness
4 of the Small Business Assistance Program within this
5 State.

6 h. The selection of Panel members shall be by the
7 following method:

8 1. The Governor shall select two members who
9 are not owners or representatives of owners of small
10 business stationary sources to represent the general
11 public;

12 2. The Director of the Agency shall select one
13 member to represent the Agency; and

14 3. The State Legislature shall select four
15 members who are owners or representatives of owners
16 of small business stationary sources. Both the
17 majority and minority leadership in both Houses of
18 the Legislature shall appoint one member of the
19 panel.

20 i. Panel members should serve without compensation
21 but will receive full reimbursement for expenses
22 including travel and per diem as authorized within this
23 State.

24 j. The Panel shall select its own Chair by a
25 majority vote. The Chair may meet and consult with the
26 Ombudsman and the head of the Small Business Assistance
27 Program in planning the activities for the Panel.

28 21. Temporary Sources.

29 a. The Agency may issue a single permit authorizing
30 emissions from similar operations by the same source
31 owner or operator at multiple temporary locations, except
32 for sources which are affected sources for acid
33 deposition under Title IV of the Clean Air Act.

34 b. The applicant must demonstrate that the

1 operation is temporary and will involve at least one
2 change of location during the term of the permit.

3 c. Any such permit shall meet all applicable
4 requirements of this Section and applicable regulations,
5 and include conditions assuring compliance with all
6 applicable requirements at all authorized locations and
7 requirements that the owner or operator notify the Agency
8 at least 10 days in advance of each change in location.

9 22. Solid Waste Incineration Units.

10 a. A CAAPP permit for a solid waste incineration
11 unit combusting municipal waste subject to standards
12 promulgated under Section 129(e) of the Clean Air Act
13 shall be issued for a period of 12 years and shall be
14 reviewed every 5 years, unless the Agency requires more
15 frequent review through Agency procedures.

16 b. During the review in paragraph (a) of this
17 subsection, the Agency shall fully review the previously
18 submitted CAAPP permit application and corresponding
19 reports subsequently submitted to determine whether the
20 source is in compliance with all applicable requirements.

21 c. If the Agency determines that the source is not
22 in compliance with all applicable requirements it shall
23 revise the CAAPP permit as appropriate.

24 d. The Agency shall have the authority to adopt
25 procedural rules, in accordance with the Illinois
26 Administrative Procedure Act, as the Agency deems
27 necessary, to implement this subsection.

28 (Source: P.A. 92-24, eff. 7-1-01.)

29 (415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)

30 Sec. 56.4. Medical waste manifests.

31 (a) Manifests for potentially infectious medical waste
32 shall consist of an original (the first page of the form) and
33 3 copies. Upon delivery of potentially infectious medical

1 waste by a generator to a transporter, the transporter shall
2 deliver one copy of the completed manifest to the generator.
3 Upon delivery of potentially infectious medical waste by a
4 transporter to a treatment or disposal facility, the
5 transporter shall keep one copy of the completed manifest,
6 and the transporter shall deliver the original and one copy
7 of the completed manifest to the treatment or disposal
8 facility. The treatment or disposal facility shall keep one
9 copy of the completed manifest and return the original to the
10 generator within 35 days. The manifest, as provided for in
11 this Section, shall not terminate while being transferred
12 between the generator, transporter, transfer station, or
13 storage facility, unless transfer activities are conducted at
14 the treatment or disposal facility. The manifest shall
15 terminate at the treatment or disposal facility.

16 (b) Potentially infectious medical waste manifests shall
17 be in a form prescribed and provided by the Agency.
18 Generators and transporters of potentially infectious medical
19 waste and facilities accepting potentially infectious medical
20 waste are not required to submit copies of such manifests to
21 the Agency. The manifest described in this Section shall be
22 used for the transportation of potentially infectious medical
23 waste instead of the manifest described in Section 22.01 of
24 this Act. Copies of each manifest shall be retained for 3
25 years by generators, transporters, and facilities, and shall
26 be available for inspection and copying by the Agency.

27 (c) The Agency shall assess a fee of \$4.00 ~~\$2.00~~ for
28 each potentially infectious medical waste manifest provided
29 by the Agency.

30 (d) All fees collected by the Agency under this Section
31 shall be deposited into the Environmental Protection Permit
32 and Inspection Fund. The Agency may establish procedures
33 relating to the collection of fees under this Section. The
34 Agency shall not refund any fee paid to it under this

1 Section.

2 (Source: P.A. 90-773, eff. 8-14-98.)

3 (415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

4 Sec. 56.5. Medical waste hauling fees.

5 (a) The Agency shall annually collect a \$2000 ~~\$1000~~ fee
6 for each potentially infectious medical waste hauling permit
7 application and, in addition, shall collect a fee of \$250 for
8 each potentially infectious medical waste hauling vehicle
9 identified in the annual permit application and for each
10 vehicle that is added to the permit during the annual period.
11 Each applicant required to pay a fee under this Section shall
12 submit the fee along with the permit application. The Agency
13 shall deny any permit application for which a fee is required
14 under this Section that does not contain the appropriate fee.

15 (b) All fees collected by the Agency under this Section
16 shall be deposited into the Environmental Protection Permit
17 and Inspection Fund. The Agency may establish procedures
18 relating to the collection of fees under this Section. The
19 Agency shall not refund any fee paid to it under this
20 Section.

21 (c) The Agency shall not collect a fee under this
22 Section from any hospital that transports only potentially
23 infectious medical waste generated by its own activities or
24 by members of its medical staff.

25 (Source: P.A. 87-752.)

26 (415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

27 Sec. 56.6. Medical waste transportation fees.

28 (a) The Agency shall collect from each transporter of
29 potentially infectious medical waste required to have a
30 permit under Section 56.1(f) of this Act a fee in the amount
31 of 3 ~~1.5~~ cents per pound of potentially infectious medical
32 waste transported. The Agency shall collect from each

1 transporter of potentially infectious medical waste not
2 required to have a permit under Section 56.1(f)(1)(A) of this
3 Act a fee in the amount of 3 1.5 cents per pound of
4 potentially infectious medical waste transported to a site or
5 facility not owned, controlled, or operated by the
6 transporter. The Agency shall deny any permit required under
7 Section 56.1(f) of this Act from any applicant who has not
8 paid to the Agency all fees due under this Section.

9 A fee in the amount of 3 1.5 cents per pound of
10 potentially infectious medical waste shall be collected by
11 the Agency from a potentially infectious medical waste
12 storage site or treatment facility receiving potentially
13 infectious medical waste, unless the fee has been previously
14 paid by a transporter.

15 (b) The Agency shall establish procedures, not later
16 than January 1, 1992, relating to the collection of the fees
17 authorized by this Section. These procedures shall include,
18 but not be limited to: (i) necessary records identifying the
19 quantities of potentially infectious medical waste
20 transported; (ii) the form and submission of reports to
21 accompany the payment of fees to the Agency; and (iii) the
22 time and manner of payment of fees to the Agency, which
23 payments shall be not more often than quarterly.

24 (c) All fees collected by the Agency under this Section
25 shall be deposited into the Environmental Protection Permit
26 and Inspection Fund. The Agency may establish procedures
27 relating to the collection of fees under this Section. The
28 Agency shall not refund any fee paid to it under this
29 Section.

30 (d) The Agency shall not collect a fee under this
31 Section from a person transporting potentially infectious
32 medical waste to a hospital when the person is a member of
33 the hospital's medical staff.

34 (Source: P.A. 87-752; 87-1097.)

1 Section 75-55. The Illinois Pesticide Act is amended by
2 changing Sections 6 and 22.1 as follows:

3 (415 ILCS 60/6) (from Ch. 5, par. 806)

4 Sec. 6. Registration.

5 1. Every pesticide which is distributed, sold, offered
6 for sale within this State, delivered for transportation or
7 transported in interstate commerce or between points within
8 the State through any point outside the State, shall be
9 registered with the Director or his designated agent, subject
10 to provisions of this Act. Such registration shall be
11 renewed annually with registrations expiring December 31 each
12 year. Registration is not required if a pesticide is shipped
13 from one plant or warehouse to another plant or warehouse by
14 the same person and is used solely at such plant or warehouse
15 as a constituent part to make a pesticide which is registered
16 under provisions of this Act and FIFRA.

17 2. Registration applicant shall file a statement with
18 the Director which shall include:

19 A. The name and address of the applicant and the
20 name and address of the person whose name will appear on
21 the label if different from the applicant's.

22 B. The name of the pesticide.

23 C. A copy of the labeling accompanying the
24 pesticide under customary conditions of distribution,
25 sale and use, including ingredient statement, direction
26 for use, use classification, and precautionary or warning
27 statements.

28 3. The Director may require the submission of complete
29 formula data.

30 4. The Director may require a full description of tests
31 made and the results thereof, upon which the claims are
32 based, for any pesticide not registered pursuant to FIFRA, or
33 on any pesticide under consideration to be classified for

1 restricted use.

2 A. The Director will not consider data he required
3 of the initial registrant of a pesticide in support of
4 another applicants' registration unless the subsequent
5 applicant has obtained written permission to use such
6 data.

7 B. In the case of renewal registration, the
8 Director may accept a statement only with respect to
9 information which is different from that furnished
10 previously.

11 5. The Director may prescribe other requirements to
12 support a pesticide registration by regulation.

13 6. For the years preceding the year 2004, any registrant
14 desiring to register a pesticide product at any time during
15 one year shall pay the annual registration fee of \$100 per
16 product registered for that applicant. For the years 2004 and
17 thereafter, the annual product registration fee is \$200 per
18 product ~~\$130~~.

19 In addition, for the years preceding the year 2004 any
20 business registering a pesticide product at any time during
21 one year shall pay the annual business registration fee of
22 \$250. For the years 2004 and thereafter, the annual business
23 registration fee shall be \$400 ~~\$300~~. Each legal entity of
24 the business shall pay the annual business registration fee.

25 For the years preceding the year 2004, any applicant
26 requesting an experimental use permit shall pay the annual
27 fee of \$100 per permit and all special local need pesticide
28 registration applicants shall pay an annual fee of \$100 per
29 product. For the years 2004 and thereafter, the annual
30 experimental use permit fee and special local need pesticide
31 registration fee is \$200 per permit ~~\$130~~. Subsequent SLN
32 registrations for a pesticide already registered shall be
33 exempted from the registration fee.

34 A. All registration accepted and approved by the

1 Director shall expire on the 31st day of December in any
2 one year unless cancelled. Registration for a special
3 local need may be granted for a specific period of time
4 with the approval date and expiration date specified.

5 B. If a registration for special local need granted
6 by the Director does not receive approval of the
7 Administrator of USEPA, the registration shall expire on
8 the date of the Administrator's disapproval.

9 7. Registrations approved and accepted by the Director
10 and in effect on the 31st day of December, for which renewal
11 application is made, shall continue in full force and effect
12 until the Director notifies the registrant that the renewal
13 has been approved and accepted or the registration is denied
14 under this Act. Renewal registration forms will be provided
15 to applicants by the Director.

16 8. If the renewal of a pesticide registration is not
17 filed within 30 days of the date of expiration, a penalty
18 late registration assessment of \$300 ~~\$200~~ per product shall
19 apply in lieu of the normal annual product registration fee.
20 The late registration assessment shall not apply if the
21 applicant furnishes an affidavit certifying that no
22 unregulated pesticide was distributed or sold during the
23 period of registration. The late assessment is not a bar to
24 prosecution for doing business without proper registry.

25 9. The Director may prescribe by regulation to allow
26 pesticide use for a special local need, pursuant to FIFRA.

27 10. The Director may prescribe by regulation the
28 provisions for and requirements of registering a pesticide
29 intended for experimental use.

30 11. The Director shall not make any lack of essentiality
31 a criterion for denial of registration of any pesticide.
32 Where 2 pesticides meet the requirements, one should not be
33 registered in preference to the other.

34 12. It shall be the duty of the pesticide registrant to

1 properly dispose of any pesticide the registration of which
2 has been suspended, revoked or cancelled or which is
3 otherwise not properly registered in the State.

4 (Source: P.A. 90-205, eff. 1-1-98.)

5 (415 ILCS 60/22.1) (from Ch. 5, par. 822.1)

6 Sec. 22.1. Pesticide Control Fund. There is hereby
7 created in the State Treasury a special fund to be known as
8 the Pesticide Control Fund. All registration, penalty and
9 license fees collected by the Department pursuant to this Act
10 shall be deposited into the Fund. The amount annually
11 collected as fees shall be appropriated by the General
12 Assembly to the Department for the purposes of conducting a
13 public educational program on the proper use of pesticides,
14 for other activities related to the enforcement of this Act,
15 and for administration of the Insect Pest and Plant Disease
16 Act. However, the increase in fees in Sections 6, 10, and 13
17 of this Act resulting from this amendatory Act of 1990 shall
18 be used by the Department for the purpose of carrying out the
19 Department's powers and duties as set forth in paragraph 8 of
20 Section 19 of this Act. The monies collected under Section
21 13.1 of this Act shall be deposited in the Agrichemical
22 Incident Response Fund. In addition, for the years 2004 and
23 thereafter, \$125 of each pesticide annual business
24 registration fee and \$50 of each pesticide product annual
25 registration fee collected by the Department pursuant to
26 Section 6, paragraph 6 of this Act shall be deposited by the
27 Department directly into the State's General Revenue Fund.

28 (Source: P.A. 90-372, eff. 7-1-98.)

29 Section 75-58. The Alternate Fuels Act is amended by
30 changing Sections 35 and 40 as follows:

31 (415 ILCS 120/35)

1 Sec. 35. User fees.

2 (a) ~~During--fiscal-years-1999,--2000,--2001,--and-2002~~ The
3 Office of the Secretary of State shall collect annual user
4 fees from any individual, partnership, association,
5 corporation, or agency of the United States government that
6 registers any combination of 10 or more of the following
7 types of motor vehicles in the Covered Area: (1) vehicles of
8 the First Division, as defined in the Illinois Vehicle Code;
9 (2) vehicles of the Second Division registered under the B,
10 D, F, H, MD, MF, MG, MH and MJ plate categories, as defined
11 in the Illinois Vehicle Code; and (3) commuter vans and
12 livery vehicles as defined in the Illinois Vehicle Code.
13 This Section does not apply to vehicles registered under the
14 International Registration Plan under Section 3-402.1 of the
15 Illinois Vehicle Code. The user fee shall be \$20 for each
16 vehicle registered in the Covered Area for each fiscal year.
17 The Office of the Secretary of State shall collect the \$20
18 when a vehicle's registration fee is paid.

19 (b) Owners of State, county, and local government
20 vehicles, rental vehicles, antique vehicles, electric
21 vehicles, and motorcycles are exempt from paying the user
22 fees on such vehicles.

23 (c) The Office of the Secretary of State shall deposit
24 the user fees collected into the Alternate Fuels Fund.

25 (Source: P.A. 92-858, eff. 1-3-03.)

26 (415 ILCS 120/40)

27 Sec. 40. Appropriations from the Alternate Fuels Fund.

28 (a) User Fees Funds. The Agency shall estimate the
29 amount of user fees expected to be collected under Section 35
30 of this Act for each fiscal year ~~years-1999,--2000,--2001,--and~~
31 ~~2002~~. User fee funds shall be deposited into and distributed
32 from the Alternate Fuels Fund in the following manner:

33 (1) In each of fiscal years 1999, 2000, 2001, and

1 2002, and 2003, an amount not to exceed \$200,000, and
2 beginning in fiscal year 2004 an annual amount not to
3 exceed \$225,000, may be appropriated to the Agency from
4 the Alternate Fuels Fund to pay its costs of
5 administering the programs authorized by Section 30 of
6 this Act. Up to \$200,000 may be appropriated to the
7 Office of the Secretary of State in each of fiscal years
8 1999, 2000, 2001, and 2002, and 2003 from the Alternate
9 Fuels Fund to pay the Secretary of State's costs of
10 administering the programs authorized under this Act.
11 Beginning in fiscal year 2004 and in each fiscal year
12 thereafter, an amount not to exceed \$225,000 may be
13 appropriated to the Secretary of State from the Alternate
14 Fuels Fund to pay the Secretary of State's costs of
15 administering the programs authorized under this Act.

16 (2) In fiscal years 1999, 2000, 2001, and 2002,
17 after appropriation of the amounts authorized by item (1)
18 of subsection (a) of this Section, the remaining moneys
19 estimated to be collected during each fiscal year shall
20 be appropriated as follows: 80% of the remaining moneys
21 shall be appropriated to fund the programs authorized by
22 Section 30, and 20% shall be appropriated to fund the
23 programs authorized by Section 25. In fiscal year 2004
24 and each fiscal year thereafter, after appropriation of
25 the amounts authorized by item (1) of subsection (a) of
26 this Section, the remaining moneys estimated to be
27 collected during each fiscal year shall be appropriated
28 as follows: 70% of the remaining moneys shall be
29 appropriated to fund the programs authorized by Section
30 30 and 30% shall be appropriated to fund the programs
31 authorized by Section 31.

32 (3) (Blank). ~~Additional---appropriations--to--the~~
33 ~~Agency--from--the--Alternate--Fuels--Fund--to--pay--its--costs--of~~
34 ~~administering--the--programs--authorized--by--Section--30--of~~

1 ~~this Act may be made in fiscal years following 2002, not~~
2 ~~to exceed the amount of \$200,000 in any fiscal year, if~~
3 ~~funds are still available and program costs are still~~
4 ~~being incurred.~~

5 (4) Moneys appropriated to fund the programs
6 authorized in Sections 25 and 30 shall be expended only
7 after they have been collected and deposited into the
8 Alternate Fuels Fund.

9 (b) General Revenue Fund Appropriations. General Revenue
10 Fund amounts appropriated to and deposited into the Alternate
11 Fuels Fund shall be distributed from the Alternate Fuels Fund
12 in the following manner:

13 (1) In each of fiscal years 2003 and 2004, an
14 amount not to exceed \$50,000 may be appropriated to the
15 Department of Commerce and Community Affairs from the
16 Alternate Fuels Fund to pay its costs of administering
17 the programs authorized by Sections 31 and 32.

18 (2) In each of fiscal years 2003 and 2004, an
19 amount not to exceed \$50,000 may be appropriated to the
20 Department of Commerce and Community Affairs to fund the
21 programs authorized by Section 32.

22 (3) In each of fiscal years 2003 and 2004, after
23 appropriation of the amounts authorized in items (1) and
24 (2) of subsection (b) of this Section, the remaining
25 moneys received from the General Revenue Fund shall be
26 appropriated as follows: 52.632% of the remaining moneys
27 shall be appropriated to fund the programs authorized by
28 Sections 25 and 30 and 47.368% of the remaining moneys
29 shall be appropriated to fund the programs authorized by
30 Section 31. The moneys appropriated to fund the
31 programs authorized by Sections 25 and 30 shall be used
32 as follows: 20% shall be used to fund the programs
33 authorized by Section 25, and 80% shall be used to fund
34 the programs authorized by Section 30.

1 Moneys appropriated to fund the programs authorized in
2 Section 31 shall be expended only after they have been
3 deposited into the Alternate Fuels Fund.

4 (Source: P.A. 92-858, eff. 1-3-03.)

5 Section 75-65. The Boiler and Pressure Vessel Safety Act
6 is amended by changing Section 13 as follows:

7 (430 ILCS 75/13) (from Ch. 111 1/2, par. 3214)

8 Sec. 13. Inspection fees. The owner or user of a
9 boiler or pressure vessel required by this Act to be
10 inspected by the Chief Inspector or his Deputy Inspector
11 shall pay directly to the Office of the State Fire Marshal,
12 upon completion of inspection, fees established by the Board.

13 On and after October 1, 2003, 50% of the fees for
14 certification of boilers and pressure vessels as described in
15 Section 11 shall be deposited into the General Revenue Fund
16 and the remaining fees received under this Act shall be
17 deposited in the Fire Prevention Fund.

18 (Source: P.A. 88-608, eff. 1-1-95; 89-467, eff. 1-1-97.)

19 Section 75-70. The Illinois Commercial Feed Act of 1961
20 is amended by changing Sections 6 and 14.3 as follows:

21 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

22 Sec. 6. Inspection fees and reports.

23 (a) An inspection fee at the rate of 20 ~~16~~ cents per ton
24 shall be paid to the Director on commercial feed distributed
25 in this State by the person who first distributes the
26 commercial feed subject to the following:

27 (1) The inspection fee is not required on the first
28 distribution, if made to an Exempt Buyer, who with
29 approval from the Director, will become responsible for
30 the fee.

1 (2) Customer-formula feeds are hereby exempted if
2 the inspection fee is paid on the commercial feeds which
3 they contain.

4 (3) A fee shall not be paid on a commercial feed if
5 the payment has been made by a previous distributor.

6 (4) In the case of pet food and specialty pet food
7 which are distributed in the State in packages of 10
8 pounds or less, an annual fee of \$75 ~~\$50~~ shall be paid in
9 lieu of an inspection fee. The inspection fee required by
10 subsection (a) shall apply to pet food and specialty pet
11 food distribution in packages exceeding 10 pounds. All
12 fees collected pursuant to this Section shall be paid
13 into the Feed Control Fund in the State Treasury.

14 (b) The minimum inspection fee shall be \$25 every 6
15 months.

16 (c) Each person who is liable for the payment of the
17 inspection fee shall:

18 (1) File, not later than the last day of January
19 and July of each year, a statement setting forth the
20 number of net tons of commercial feeds distributed in
21 this State during the preceding calendar 6 months period;
22 and upon filing such statement shall pay the inspection
23 fee at the rate stated in paragraph (a) of this Section.
24 This report shall be made on a summary form provided by
25 the Director or on other forms as approved by the
26 Director. If the tonnage report is not filed and the
27 inspection fee is not paid within 15 days after the end
28 of the filing date a collection fee amounting to 10% of
29 the inspection fee that is due or \$50 whichever is
30 greater, shall be assessed against the person who is
31 liable for the payment of the inspection fee in addition
32 to the inspection fee that is due.

33 (2) Keep such records as may be necessary or
34 required by the Director to indicate accurately the

1 tonnage of commercial feed distributed in this State, and
2 the Director shall have the right to examine such records
3 to verify statements of tonnage. Failure to make an
4 accurate statement of tonnage or to pay the inspection
5 fee or comply as provided herein shall constitute
6 sufficient cause for the cancellation of all
7 registrations or firm licenses on file for the
8 manufacturer or distributor.

9 (Source: P.A. 87-664.)

10 (505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

11 Sec. 14.3. Feed Control Fund. There is created in the
12 State Treasury a special fund to be known as the Feed Control
13 Fund. All firm license, inspection, and penalty fees
14 collected by the Department under this Act shall be deposited
15 in the Feed Control Fund. In addition, for the years 2004 and
16 thereafter, \$22 of each annual fee collected by the
17 Department pursuant to Section 6, paragraph 4 of this Act
18 shall be deposited by the Department directly into the
19 State's General Revenue Fund. the amount annually collected
20 as fees shall be appropriated by the General Assembly to the
21 Department for activities related to the enforcement of this
22 Act.

23 (Source: P.A. 87-664.)

24 Section 75-75. The Illinois Fertilizer Act of 1961 is
25 amended by changing Sections 4 and 6 as follows:

26 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

27 Sec. 4. Registration.

28 (a) Each brand and grade of commercial fertilizer shall
29 be registered before being distributed in this State. The
30 application for registration shall be submitted with a label
31 or facsimile of same to the Director on form furnished by the

1 Director, and shall be accompanied by a fee of \$10 \$5 per
2 grade within a brand. Upon approval by the Director a copy of
3 the registration shall be furnished to the applicant. All
4 registrations expire on December 31 of each year.

5 The application shall include the following information:

- 6 (1) The net weight
- 7 (2) The brand and grade
- 8 (3) The guaranteed analysis
- 9 (4) The name and address of the registrant.

10 (b) A distributor shall not be required to register any
11 brand of commercial fertilizer or custom mix which is already
12 registered under this Act by another person.

13 (c) The plant nutrient content of each and every
14 commercial fertilizer must remain uniform for the period of
15 registration and, in no case, shall the percentage of any
16 guaranteed plant nutrient element be changed in such a manner
17 that the crop-producing quality of the commercial fertilizer
18 is lowered.

19 (d) Each custom mixer shall register annually with the
20 Director on forms furnished by the Director. The application
21 for registration shall be accompanied by a fee of \$50 ~~\$25.00~~,
22 unless the custom mixer elects to register each mixture,
23 paying a fee of \$10 ~~\$5.00~~ per mixture. Upon approval by the
24 Director, a copy of the registration shall be furnished to
25 the applicant. All registrations expire on December 31 of
26 each year.

27 (e) A custom mix as defined in section 3(f), prepared
28 for one consumer shall not be co-mingled with the custom
29 mixed fertilizer prepared for another consumer.

30 (f) All fees collected pursuant to this Section shall be
31 paid into the State treasury.

32 (Source: Laws 1967, p. 297.)

33 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

1 Sec. 6. Inspection fees.

2 (a) There shall be paid to the Director for all
3 commercial fertilizers or custom mix distributed in this
4 State an inspection fee at the rate of 25¢ ~~20¢~~ per ton. Sales
5 to manufacturers or exchanges between them are hereby
6 exempted from the inspection fee.

7 On individual packages of commercial or custom mix or
8 specialty fertilizers containing 5 pounds or less, or if in
9 liquid form containers of 4,000 cubic centimeters or less,
10 there shall be paid instead of the 25¢ ~~20¢~~ per ton inspection
11 fee, an annual inspection fee of \$25 for each grade within a
12 brand sold or distributed. Where a person sells commercial or
13 custom mix or specialty fertilizers in packages of 5 pounds
14 or less, or 4,000 cubic centimeters or less if in liquid
15 form, and also sells in larger packages than 5 pounds or
16 liquid containers larger than 4,000 cubic centimeters, this
17 annual inspection fee of \$25 applies only to that portion
18 sold in packages of 5 pounds or less or 4,000 cubic
19 centimeters or less, and that portion sold in larger packages
20 or containers shall be subject to the same inspection fee of
21 25¢ ~~20¢~~ per ton as provided in this Act. The increased fees
22 shall be effective after June 30, 1989.

23 (b) Every person who distributes a commercial fertilizer
24 or custom mix in this State shall file with the Director, on
25 forms furnished by the Director, a semi-annual statement for
26 the periods ending June 30 and December 31, setting forth the
27 number of net tons of each grade of commercial fertilizers
28 within a brand or the net tons of custom mix distributed. The
29 report shall be due on or before the 15th day of the month
30 following the close of each semi-annual period and upon the
31 statement shall pay the inspection fee at the rate stated in
32 paragraph (a) of this Section.

33 One half of the 25¢ ~~20¢~~ per ton inspection fee shall be
34 paid into the Fertilizer Control Fund and all other fees

1 collected under this Section shall be paid into the State
2 treasury.

3 If the tonnage report is not filed and the payment of
4 inspection fee is not made within 30 days after the end of
5 the semi-annual period, a collection fee amounting to 10%
6 (minimum \$10) of the amount shall be assessed against the
7 registrant. The amount of fees due shall constitute a debt
8 and become the basis of a judgment against the registrant.
9 Upon the written request to the Director additional time may
10 be granted past the normal date of filing the semi-annual
11 statement.

12 When more than one person is involved in the distribution
13 of a commercial fertilizer, the last registrant who
14 distributes to the non-registrant (dealer or consumer) is
15 responsible for reporting the tonnage and paying the
16 inspection fee.

17 (Source: P.A. 86-232; 87-14.)

18 Section 75-80. The Illinois Vehicle Code is amended by
19 changing Sections 2-119, 2-123, 2-124, 3-403, 3-405.1, 3-811,
20 5-101, 5-102, 6-118, 7-707, 18c-1501, 18c-1502.05, and
21 18c-1502.10 and by adding Section 3-806.5 as follows:

22 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

23 Sec. 2-119. Disposition of fees and taxes.

24 (a) All moneys received from Salvage Certificates shall
25 be deposited in the Common School Fund in the State Treasury.

26 (b) Beginning January 1, 1990 and concluding December
27 31, 1994, of the money collected for each certificate of
28 title, duplicate certificate of title and corrected
29 certificate of title, \$0.50 shall be deposited into the Used
30 Tire Management Fund. Beginning January 1, 1990 and
31 concluding December 31, 1994, of the money collected for each
32 certificate of title, duplicate certificate of title and

1 corrected certificate of title, \$1.50 shall be deposited in
2 the Park and Conservation Fund.

3 Beginning January 1, 1995, of the money collected for
4 each certificate of title, duplicate certificate of title and
5 corrected certificate of title, \$2 shall be deposited in the
6 Park and Conservation Fund. The moneys deposited in the Park
7 and Conservation Fund pursuant to this Section shall be used
8 for the acquisition and development of bike paths as provided
9 for in Section 805-420 of the Department of Natural Resources
10 (Conservation) Law (20 ILCS 805/805-420).

11 Beginning January 1, 2000 ~~and continuing through December~~
12 ~~31,--2004,~~ of the moneys collected for each certificate of
13 title, duplicate certificate of title, and corrected
14 certificate of title, \$48 shall be deposited into the Road
15 Fund and \$4 shall be deposited into the Motor Vehicle License
16 Plate Fund, except that if the balance in the Motor Vehicle
17 License Plate Fund exceeds \$40,000,000 on the last day of a
18 calendar month, then during the next calendar month the \$4
19 shall instead be deposited into the Road Fund.

20 ~~Beginning--January--1,--2005,--of--the--moneys--collected--for~~
21 ~~each--certificate--of--title,--duplicate--certificate--of--title,~~
22 ~~and--corrected--certificate--of--title,--\$52--shall--be--deposited~~
23 ~~into--the--Road--Fund.~~

24 Except as otherwise provided in this Code, all remaining
25 moneys collected for certificates of title, and all moneys
26 collected for filing of security interests, shall be placed
27 in the General Revenue Fund in the State Treasury.

28 (c) All moneys collected for that portion of a driver's
29 license fee designated for driver education under Section
30 6-118 shall be placed in the Driver Education Fund in the
31 State Treasury.

32 (d) Beginning January 1, 1999, of the monies collected
33 as a registration fee for each motorcycle, motor driven cycle
34 and motorized pedalcycle, 27% of each annual registration fee

1 for such vehicle and 27% of each semiannual registration fee
2 for such vehicle is deposited in the Cycle Rider Safety
3 Training Fund.

4 (e) Of the monies received by the Secretary of State as
5 registration fees or taxes or as payment of any other fee, as
6 provided in this Act, except fees received by the Secretary
7 under paragraph (7) of subsection (b) of Section 5-101 and
8 Section 5-109 of this Code, 37% shall be deposited into the
9 State Construction Fund.

10 (f) Of the total money collected for a CDL instruction
11 permit or original or renewal issuance of a commercial
12 driver's license (CDL) pursuant to the Uniform Commercial
13 Driver's License Act (UCDLA): (i) \$6 of the total fee for an
14 original or renewal CDL, and \$6 of the total CDL instruction
15 permit fee when such permit is issued to any person holding a
16 valid Illinois driver's license, shall be paid into the
17 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
18 Information System/American Association of Motor Vehicle
19 Administrators network Trust Fund) and shall be used for the
20 purposes provided in Section 6z-23 of the State Finance Act
21 and (ii) \$20 of the total fee for an original or renewal CDL
22 or commercial driver instruction permit shall be paid into
23 the Motor Carrier Safety Inspection Fund, which is hereby
24 created as a special fund in the State Treasury, to be used
25 by the Department of State Police, subject to appropriation,
26 to hire additional officers to conduct motor carrier safety
27 inspections pursuant to Chapter 18b of this Code.

28 (g) All remaining moneys received by the Secretary of
29 State as registration fees or taxes or as payment of any
30 other fee, as provided in this Act, except fees received by
31 the Secretary under paragraph (7)(A) of subsection (b) of
32 Section 5-101 and Section 5-109 of this Code, shall be
33 deposited in the Road Fund in the State Treasury. Moneys in
34 the Road Fund shall be used for the purposes provided in

1 Section 8.3 of the State Finance Act.

2 (h) (Blank).

3 (i) (Blank).

4 (j) (Blank).

5 (k) There is created in the State Treasury a special
6 fund to be known as the Secretary of State Special License
7 Plate Fund. Money deposited into the Fund shall, subject to
8 appropriation, be used by the Office of the Secretary of
9 State (i) to help defray plate manufacturing and plate
10 processing costs for the issuance and, when applicable,
11 renewal of any new or existing ~~special~~ registration plates
12 authorized under this Code and (ii) for grants made by the
13 Secretary of State to benefit Illinois Veterans Home
14 libraries.

15 On or before October 1, 1995, the Secretary of State
16 shall direct the State Comptroller and State Treasurer to
17 transfer any unexpended balance in the Special Environmental
18 License Plate Fund, the Special Korean War Veteran License
19 Plate Fund, and the Retired Congressional License Plate Fund
20 to the Secretary of State Special License Plate Fund.

21 (l) The Motor Vehicle Review Board Fund is created as a
22 special fund in the State Treasury. Moneys deposited into
23 the Fund under paragraph (7) of subsection (b) of Section
24 5-101 and Section 5-109 shall, subject to appropriation, be
25 used by the Office of the Secretary of State to administer
26 the Motor Vehicle Review Board, including without limitation
27 payment of compensation and all necessary expenses incurred
28 in administering the Motor Vehicle Review Board under the
29 Motor Vehicle Franchise Act.

30 (m) Effective July 1, 1996, there is created in the
31 State Treasury a special fund to be known as the Family
32 Responsibility Fund. Moneys deposited into the Fund shall,
33 subject to appropriation, be used by the Office of the
34 Secretary of State for the purpose of enforcing the Family

1 Financial Responsibility Law.

2 (n) The Illinois Fire Fighters' Memorial Fund is created
3 as a special fund in the State Treasury. Moneys deposited
4 into the Fund shall, subject to appropriation, be used by the
5 Office of the State Fire Marshal for construction of the
6 Illinois Fire Fighters' Memorial to be located at the State
7 Capitol grounds in Springfield, Illinois. Upon the
8 completion of the Memorial, moneys in the Fund shall be used
9 in accordance with Section 3-634.

10 (o) Of the money collected for each certificate of title
11 for all-terrain vehicles and off-highway motorcycles, \$17
12 shall be deposited into the Off-Highway Vehicle Trails Fund.

13 (p) For audits conducted on or after July 1, 2003
14 pursuant to Section 2-124(d) of this Code, 50% of the money
15 collected as audit fees shall be deposited into the General
16 Revenue Fund.

17 (Source: P.A. 91-37, eff. 7-1-99; 91-239, eff. 1-1-00;
18 91-537, eff. 8-13-99; 91-832, eff. 6-16-00; 92-16, eff.
19 6-28-01.)

20 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

21 Sec. 2-123. Sale and Distribution of Information.

22 (a) Except as otherwise provided in this Section, the
23 Secretary may make the driver's license, vehicle and title
24 registration lists, in part or in whole, and any statistical
25 information derived from these lists available to local
26 governments, elected state officials, state educational
27 institutions, and all other governmental units of the State
28 and Federal Government requesting them for governmental
29 purposes. The Secretary shall require any such applicant for
30 services to pay for the costs of furnishing such services and
31 the use of the equipment involved, and in addition is
32 empowered to establish prices and charges for the services so
33 furnished and for the use of the electronic equipment

1 utilized.

2 (b) The Secretary is further empowered to and he may, in
3 his discretion, furnish to any applicant, other than listed
4 in subsection (a) of this Section, vehicle or driver data on
5 a computer tape, disk, other electronic format or computer
6 processable medium, or printout at a fixed fee of \$250 for
7 orders received before October 1, 2003 and \$500 for orders
8 received on or after October 1, 2003, in advance, and require
9 in addition a further sufficient deposit based upon the
10 Secretary of State's estimate of the total cost of the
11 information requested and a charge of \$25 for orders received
12 before October 1, 2003 and \$50 for orders received on or
13 after October 1, 2003, per 1,000 units or part thereof
14 identified or the actual cost, whichever is greater. The
15 Secretary is authorized to refund any difference between the
16 additional deposit and the actual cost of the request. This
17 service shall not be in lieu of an abstract of a driver's
18 record nor of a title or registration search. This service
19 may be limited to entities purchasing a minimum number of
20 records as required by administrative rule. The information
21 sold pursuant to this subsection shall be the entire vehicle
22 or driver data list, or part thereof. The information sold
23 pursuant to this subsection shall not contain personally
24 identifying information unless the information is to be used
25 for one of the purposes identified in subsection (f-5) of
26 this Section. Commercial purchasers of driver and vehicle
27 record databases shall enter into a written agreement with
28 the Secretary of State that includes disclosure of the
29 commercial use of the information to be purchased.

30 (c) Secretary of State may issue registration lists.
31 The Secretary of State shall compile and publish, at least
32 annually, a list of all registered vehicles. Each list of
33 registered vehicles shall be arranged serially according to
34 the registration numbers assigned to registered vehicles and

1 shall contain in addition the names and addresses of
2 registered owners and a brief description of each vehicle
3 including the serial or other identifying number thereof.
4 Such compilation may be in such form as in the discretion of
5 the Secretary of State may seem best for the purposes
6 intended.

7 (d) The Secretary of State shall furnish no more than 2
8 current available lists of such registrations to the sheriffs
9 of all counties and to the chiefs of police of all cities and
10 villages and towns of 2,000 population and over in this State
11 at no cost. Additional copies may be purchased by the
12 sheriffs or chiefs of police at the fee of \$500 each or at
13 the cost of producing the list as determined by the Secretary
14 of State. Such lists are to be used for governmental
15 purposes only.

16 (e) (Blank).

17 (e-1) (Blank).

18 (f) The Secretary of State shall make a title or
19 registration search of the records of his office and a
20 written report on the same for any person, upon written
21 application of such person, accompanied by a fee of \$5 for
22 each registration or title search. The written application
23 shall set forth the intended use of the requested
24 information. No fee shall be charged for a title or
25 registration search, or for the certification thereof
26 requested by a government agency. The report of the title or
27 registration search shall not contain personally identifying
28 information unless the request for a search was made for one
29 of the purposes identified in subsection (f-5) of this
30 Section.

31 The Secretary of State shall certify a title or
32 registration record upon written request. The fee for
33 certification shall be \$5 in addition to the fee required for
34 a title or registration search. Certification shall be made

1 under the signature of the Secretary of State and shall be
2 authenticated by Seal of the Secretary of State.

3 The Secretary of State may notify the vehicle owner or
4 registrant of the request for purchase of his title or
5 registration information as the Secretary deems appropriate.

6 No information shall be released to the requestor until
7 expiration of a 10 day period. This 10 day period shall not
8 apply to requests for information made by law enforcement
9 officials, government agencies, financial institutions,
10 attorneys, insurers, employers, automobile associated
11 businesses, persons licensed as a private detective or firms
12 licensed as a private detective agency under the Private
13 Detective, Private Alarm, and Private Security Act of 1983,
14 who are employed by or are acting on behalf of law
15 enforcement officials, government agencies, financial
16 institutions, attorneys, insurers, employers, automobile
17 associated businesses, and other business entities for
18 purposes consistent with the Illinois Vehicle Code, the
19 vehicle owner or registrant or other entities as the
20 Secretary may exempt by rule and regulation.

21 Any misrepresentation made by a requestor of title or
22 vehicle information shall be punishable as a petty offense,
23 except in the case of persons licensed as a private detective
24 or firms licensed as a private detective agency which shall
25 be subject to disciplinary sanctions under Section 22 or 25
26 of the Private Detective, Private Alarm, and Private Security
27 Act of 1983.

28 (f-5) The Secretary of State shall not disclose or
29 otherwise make available to any person or entity any
30 personally identifying information obtained by the Secretary
31 of State in connection with a driver's license, vehicle, or
32 title registration record unless the information is disclosed
33 for one of the following purposes:

34 (1) For use by any government agency, including any

1 court or law enforcement agency, in carrying out its
2 functions, or any private person or entity acting on
3 behalf of a federal, State, or local agency in carrying
4 out its functions.

5 (2) For use in connection with matters of motor
6 vehicle or driver safety and theft; motor vehicle
7 emissions; motor vehicle product alterations, recalls, or
8 advisories; performance monitoring of motor vehicles,
9 motor vehicle parts, and dealers; and removal of
10 non-owner records from the original owner records of
11 motor vehicle manufacturers.

12 (3) For use in the normal course of business by a
13 legitimate business or its agents, employees, or
14 contractors, but only:

15 (A) to verify the accuracy of personal
16 information submitted by an individual to the
17 business or its agents, employees, or contractors;
18 and

19 (B) if such information as so submitted is not
20 correct or is no longer correct, to obtain the
21 correct information, but only for the purposes of
22 preventing fraud by, pursuing legal remedies
23 against, or recovering on a debt or security
24 interest against, the individual.

25 (4) For use in research activities and for use in
26 producing statistical reports, if the personally
27 identifying information is not published, redisclosed, or
28 used to contact individuals.

29 (5) For use in connection with any civil, criminal,
30 administrative, or arbitral proceeding in any federal,
31 State, or local court or agency or before any
32 self-regulatory body, including the service of process,
33 investigation in anticipation of litigation, and the
34 execution or enforcement of judgments and orders, or

1 pursuant to an order of a federal, State, or local court.

2 (6) For use by any insurer or insurance support
3 organization or by a self-insured entity or its agents,
4 employees, or contractors in connection with claims
5 investigation activities, antifraud activities, rating,
6 or underwriting.

7 (7) For use in providing notice to the owners of
8 towed or impounded vehicles.

9 (8) For use by any private investigative agency or
10 security service licensed in Illinois for any purpose
11 permitted under this subsection.

12 (9) For use by an employer or its agent or insurer
13 to obtain or verify information relating to a holder of a
14 commercial driver's license that is required under
15 chapter 313 of title 49 of the United States Code.

16 (10) For use in connection with the operation of
17 private toll transportation facilities.

18 (11) For use by any requester, if the requester
19 demonstrates it has obtained the written consent of the
20 individual to whom the information pertains.

21 (12) For use by members of the news media, as
22 defined in Section 1-148.5, for the purpose of
23 newsgathering when the request relates to the operation
24 of a motor vehicle or public safety.

25 (13) For any other use specifically authorized by
26 law, if that use is related to the operation of a motor
27 vehicle or public safety.

28 (g) 1. The Secretary of State may, upon receipt of a
29 written request and a fee of \$6 before October 1, 2003
30 and a fee of \$12 on and after October 1, 2003, furnish to
31 the person or agency so requesting a driver's record.
32 Such document may include a record of: current driver's
33 license issuance information, except that the information
34 on judicial driving permits shall be available only as

1 otherwise provided by this Code; convictions; orders
2 entered revoking, suspending or cancelling a driver's
3 license or privilege; and notations of accident
4 involvement. All other information, unless otherwise
5 permitted by this Code, shall remain confidential.
6 Information released pursuant to a request for a driver's
7 record shall not contain personally identifying
8 information, unless the request for the driver's record
9 was made for one of the purposes set forth in subsection
10 (f-5) of this Section.

11 2. The Secretary of State may certify an abstract
12 of a driver's record upon written request therefor.
13 Such certification shall be made under the signature of
14 the Secretary of State and shall be authenticated by the
15 Seal of his office.

16 3. All requests for driving record information
17 shall be made in a manner prescribed by the Secretary and
18 shall set forth the intended use of the requested
19 information.

20 The Secretary of State may notify the affected
21 driver of the request for purchase of his driver's record
22 as the Secretary deems appropriate.

23 No information shall be released to the requester
24 until expiration of a 10 day period. This 10 day period
25 shall not apply to requests for information made by law
26 enforcement officials, government agencies, financial
27 institutions, attorneys, insurers, employers, automobile
28 associated businesses, persons licensed as a private
29 detective or firms licensed as a private detective agency
30 under the Private Detective, Private Alarm, and Private
31 Security Act of 1983, who are employed by or are acting
32 on behalf of law enforcement officials, government
33 agencies, financial institutions, attorneys, insurers,
34 employers, automobile associated businesses, and other

1 business entities for purposes consistent with the
2 Illinois Vehicle Code, the affected driver or other
3 entities as the Secretary may exempt by rule and
4 regulation.

5 Any misrepresentation made by a requestor of driver
6 information shall be punishable as a petty offense,
7 except in the case of persons licensed as a private
8 detective or firms licensed as a private detective agency
9 which shall be subject to disciplinary sanctions under
10 Section 22 or 25 of the Private Detective, Private Alarm,
11 and Private Security Act of 1983.

12 4. The Secretary of State may furnish without fee,
13 upon the written request of a law enforcement agency, any
14 information from a driver's record on file with the
15 Secretary of State when such information is required in
16 the enforcement of this Code or any other law relating to
17 the operation of motor vehicles, including records of
18 dispositions; documented information involving the use of
19 a motor vehicle; whether such individual has, or
20 previously had, a driver's license; and the address and
21 personal description as reflected on said driver's
22 record.

23 5. Except as otherwise provided in this Section,
24 the Secretary of State may furnish, without fee,
25 information from an individual driver's record on file,
26 if a written request therefor is submitted by any public
27 transit system or authority, public defender, law
28 enforcement agency, a state or federal agency, or an
29 Illinois local intergovernmental association, if the
30 request is for the purpose of a background check of
31 applicants for employment with the requesting agency, or
32 for the purpose of an official investigation conducted by
33 the agency, or to determine a current address for the
34 driver so public funds can be recovered or paid to the

1 driver, or for any other purpose set forth in subsection
2 (f-5) of this Section.

3 The Secretary may also furnish the courts a copy of
4 an abstract of a driver's record, without fee, subsequent
5 to an arrest for a violation of Section 11-501 or a
6 similar provision of a local ordinance. Such abstract
7 may include records of dispositions; documented
8 information involving the use of a motor vehicle as
9 contained in the current file; whether such individual
10 has, or previously had, a driver's license; and the
11 address and personal description as reflected on said
12 driver's record.

13 6. Any certified abstract issued by the Secretary
14 of State or transmitted electronically by the Secretary
15 of State pursuant to this Section, to a court or on
16 request of a law enforcement agency, for the record of a
17 named person as to the status of the person's driver's
18 license shall be prima facie evidence of the facts
19 therein stated and if the name appearing in such abstract
20 is the same as that of a person named in an information
21 or warrant, such abstract shall be prima facie evidence
22 that the person named in such information or warrant is
23 the same person as the person named in such abstract and
24 shall be admissible for any prosecution under this Code
25 and be admitted as proof of any prior conviction or proof
26 of records, notices, or orders recorded on individual
27 driving records maintained by the Secretary of State.

28 7. Subject to any restrictions contained in the
29 Juvenile Court Act of 1987, and upon receipt of a proper
30 request and a fee of \$6 before October 1, 2003 and a fee
31 of \$12 on or after October 1, 2003, the Secretary of
32 State shall provide a driver's record to the affected
33 driver, or the affected driver's attorney, upon
34 verification. Such record shall contain all the

1 information referred to in paragraph 1 of this subsection
2 (g) plus: any recorded accident involvement as a driver;
3 information recorded pursuant to subsection (e) of
4 Section 6-117 and paragraph (4) of subsection (a) of
5 Section 6-204 of this Code. All other information,
6 unless otherwise permitted by this Code, shall remain
7 confidential.

8 (h) The Secretary shall not disclose social security
9 numbers except pursuant to a written request by, or with the
10 prior written consent of, the individual except: (1) to
11 officers and employees of the Secretary who have a need to
12 know the social security numbers in performance of their
13 official duties, (2) to law enforcement officials for a
14 lawful, civil or criminal law enforcement investigation, and
15 if the head of the law enforcement agency has made a written
16 request to the Secretary specifying the law enforcement
17 investigation for which the social security numbers are being
18 sought, (3) to the United States Department of
19 Transportation, or any other State, pursuant to the
20 administration and enforcement of the Commercial Motor
21 Vehicle Safety Act of 1986, (4) pursuant to the order of a
22 court of competent jurisdiction, or (5) to the Department of
23 Public Aid for utilization in the child support enforcement
24 duties assigned to that Department under provisions of the
25 Public Aid Code after the individual has received advanced
26 meaningful notification of what redisclosure is sought by the
27 Secretary in accordance with the federal Privacy Act.

28 (i) (Blank).

29 (j) Medical statements or medical reports received in
30 the Secretary of State's Office shall be confidential. No
31 confidential information may be open to public inspection or
32 the contents disclosed to anyone, except officers and
33 employees of the Secretary who have a need to know the
34 information contained in the medical reports and the Driver

1 License Medical Advisory Board, unless so directed by an
2 order of a court of competent jurisdiction.

3 (k) All fees collected under this Section shall be paid
4 into the Road Fund of the State Treasury, except that (i) for
5 fees collected before October 1, 2003, \$3 of the \$6 fee for a
6 driver's record shall be paid into the Secretary of State
7 Special Services Fund, (ii) for fees collected on and after
8 October 1, 2003, of the \$12 fee for a driver's record, \$3
9 shall be paid into the Secretary of State Special Services
10 Fund and \$6 shall be paid into the General Revenue Fund, and
11 (iii) for fees collected on and after October 1, 2003, 50% of
12 the amounts collected pursuant to subsection (b) shall be
13 paid into the General Revenue Fund.

14 (l) (Blank).

15 (m) Notations of accident involvement that may be
16 disclosed under this Section shall not include notations
17 relating to damage to a vehicle or other property being
18 transported by a tow truck. This information shall remain
19 confidential, provided that nothing in this subsection (m)
20 shall limit disclosure of any notification of accident
21 involvement to any law enforcement agency or official.

22 (n) Requests made by the news media for driver's
23 license, vehicle, or title registration information may be
24 furnished without charge or at a reduced charge, as
25 determined by the Secretary, when the specific purpose for
26 requesting the documents is deemed to be in the public
27 interest. Waiver or reduction of the fee is in the public
28 interest if the principal purpose of the request is to access
29 and disseminate information regarding the health, safety, and
30 welfare or the legal rights of the general public and is not
31 for the principal purpose of gaining a personal or commercial
32 benefit. The information provided pursuant to this subsection
33 shall not contain personally identifying information unless
34 the information is to be used for one of the purposes

1 identified in subsection (f-5) of this Section.

2 (o) The redisclosure of personally identifying
3 information obtained pursuant to this Section is prohibited,
4 except to the extent necessary to effectuate the purpose for
5 which the original disclosure of the information was
6 permitted.

7 (p) The Secretary of State is empowered to adopt rules
8 to effectuate this Section.

9 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;
10 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.
11 7-11-02.)

12 (625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)

13 Sec. 2-124. Audits, interest and penalties.

14 (a) Audits. The Secretary of State or employees and
15 agents designated by him, may audit the books, records, tax
16 returns, reports, and any and all other pertinent records or
17 documents of any person licensed or registered, or required
18 to be licensed or registered, under any provisions of this
19 Act, for the purpose of determining whether such person has
20 not paid any fees or taxes required to be paid to the
21 Secretary of State and due to the State of Illinois. For
22 purposes of this Section, "person" means an individual,
23 corporation, or partnership, or an officer or an employee of
24 any corporation, including a dissolved corporation, or a
25 member or an employee of any partnership, who as an officer,
26 employee, or member under a duty to perform the act in
27 respect to which the violation occurs.

28 (b) Joint Audits. The Secretary of State may enter into
29 reciprocal audit agreements with officers, agents or agencies
30 of another State or States, for joint audits of any person
31 subject to audit under this Act.

32 (c) Special Audits. If the Secretary of State is not
33 satisfied with the books, records and documents made

1 available for an audit, or if the Secretary of State is
2 unable to determine therefrom whether any fees or taxes are
3 due to the State of Illinois, or if there is cause to believe
4 that the person audited has declined or refused to supply the
5 books, records and documents necessary to determine whether a
6 deficiency exists, the Secretary of State may either seek a
7 court order for production of any and all books, records and
8 documents he deems relevant and material, or, in his
9 discretion, the Secretary of State may instead give written
10 notice to such person requiring him to produce any and all
11 books, records and documents necessary to properly audit and
12 determine whether any fees or taxes are due to the State of
13 Illinois. If such person fails, refuses or declines to comply
14 with either the court order or written notice within the time
15 specified, the Secretary of State shall then order a special
16 audit at the expense of the person affected. Upon completion
17 of the special audit, the Secretary of State shall determine
18 if any fees or taxes required to be paid under this Act have
19 not been paid, and make an assessment of any deficiency based
20 upon the books, records and documents available to him, and
21 in an assessment, he may rely upon records of other persons
22 having an operation similar to that of the person audited
23 specially. A person audited specially and subject to a court
24 order and in default thereof, shall in addition, be subject
25 to any penalty or punishment imposed by the court entering
26 the order.

27 (d) Deficiency; Audit Costs. When a deficiency is found
28 and any fees or taxes required to be paid under this Act have
29 not been paid to the State of Illinois, the Secretary of
30 State may impose an audit fee of \$100 \$50 per day, or \$50 \$25
31 per half-day, per auditor, plus in the case of out-of-state
32 travel, transportation expenses incurred by the auditor or
33 auditors. Where more than one person is audited on the same
34 out-of-state trip, the additional transportation expenses may

1 be apportioned. The actual costs of a special audit shall be
2 imposed upon the person audited.

3 (e) Interest. When a deficiency is found and any fees or
4 taxes required to be paid under this Act have not been paid
5 to the State of Illinois, the amount of the deficiency, if
6 greater than \$100 for all registration years examined, shall
7 also bear interest at the rate of 1/2 of 1% per month or
8 fraction thereof, from the date when the fee or tax due
9 should have been paid under the provisions of this Act,
10 subject to a maximum of 6% per annum.

11 (f) Willful Negligence. When a deficiency is determined
12 by the Secretary to be caused by the willful neglect or
13 negligence of the person audited, an additional 10% penalty,
14 that is 10% of the amount of the deficiency or assessment,
15 shall be imposed, and the 10% penalty shall bear interest at
16 the rate of 1/2 of 1% on and after the 30th day after the
17 penalty is imposed until paid in full.

18 (g) Fraud or Evasion. When a deficiency is determined by
19 the Secretary to be caused by fraud or willful evasion of the
20 provisions of this Act, an additional penalty, that is 20% of
21 the amount of the deficiency or assessment, shall be imposed,
22 and the 20% penalty shall bear interest at the rate of 1/2 of
23 1% on and after the 30th day after the penalty is imposed
24 until paid in full.

25 (h) Notice. The Secretary of State shall give written
26 notice to any person audited, of the amount of any deficiency
27 found or assessment made, of the costs of an audit or special
28 audit, and of the penalty imposed, and payment shall be made
29 within 30 days of the date of the notice unless such person
30 petitions for a hearing.

31 However, except in the case of fraud or willful evasion,
32 or the inaccessibility of books and records for audit or with
33 the express consent of the person audited, no notice of a
34 deficiency or assessment shall be issued by the Secretary for

1 more than 3 registration years. This limitation shall
2 commence on any January 1 as to calendar year registrations
3 and on any July 1 as to fiscal year registrations. This
4 limitation shall not apply for any period during which the
5 person affected has declined or refuses to make his books and
6 records available for audit, nor during any period of time in
7 which an Order of any Court has the effect of enjoining or
8 restraining the Secretary from making an audit or issuing a
9 notice. Notwithstanding, each person licensed under the
10 International Registration Plan and audited by this State or
11 any member jurisdiction shall follow the assessment and
12 refund procedures as adopted and amended by the International
13 Registration Plan members. The Secretary of State shall have
14 the final decision as to which registrants may be subject to
15 the netting of audit fees as outlined in the International
16 Registration Plan. Persons audited may be subject to a
17 review process to determine the final outcome of the audit
18 finding. This process shall follow the adopted procedure as
19 outlined in the International Registration Plan. All
20 decisions by the IRP designated tribunal shall be binding.

21 (i) Every person subject to licensing or registration
22 and audit under the provisions of this Chapter shall retain
23 all pertinent licensing and registration documents, books,
24 records, tax returns, reports and all supporting records and
25 documents for a period of 4 years.

26 (j) Hearings. Any person receiving written notice of a
27 deficiency or assessment may, within 30 days after the date
28 of the notice, petition for a hearing before the Secretary of
29 State or his duly appointed hearing officer to contest the
30 audit in whole or in part, and the petitioner shall
31 simultaneously file a certified check or money order, or
32 certificate of deposit, or a surety bond approved by the
33 Secretary in the amount of the deficiency or assessment.
34 Hearings shall be held pursuant to the provisions of Section

1 2-118 of this Act.

2 (k) Judgments. The Secretary of State may enforce any
3 notice of deficiency or assessment pursuant to the provisions
4 of Section 3-831 of this Act.

5 (Source: P.A. 92-69, eff. 7-12-01.)

6 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

7 Sec. 3-403. Trip and Short-term permits.

8 (a) The Secretary of State may issue a short-term permit
9 to operate a nonregistered first or second division vehicle
10 within the State of Illinois for a period of not more than 7
11 days. Any second division vehicle operating on such permit
12 may operate only on empty weight. The fee for the short-term
13 permit shall be \$6 for permits purchased on or before June
14 30, 2003 and \$10 for permits purchased on or after July 1,
15 2003. For short-term permits purchased on or after July 1,
16 2003, \$4 of the fee collected for the purchase of each permit
17 shall be deposited into the General Revenue Fund.

18 This permit may also be issued to operate an unladen
19 registered vehicle which is suspended under the Vehicle
20 Emissions Inspection Law and allow it to be driven on the
21 roads and highways of the State in order to be repaired or
22 when travelling to and from an emissions inspection station.

23 (b) The Secretary of State may, subject to reciprocal
24 agreements, arrangements or declarations made or entered into
25 pursuant to Section 3-402, 3-402.4 or by rule, provide for
26 and issue registration permits for the use of Illinois
27 highways by vehicles of the second division on an occasional
28 basis or for a specific and special short-term use, in
29 compliance with rules and regulations promulgated by the
30 Secretary of State, and upon payment of the prescribed fee as
31 follows:

32 One-trip permits. A registration permit for one trip, or
33 one round-trip into and out of Illinois, for a period not to

1 exceed 72 consecutive hours or 3 calendar days may be
2 provided, for a fee as prescribed in Section 3-811.

3 One-Month permits. A registration permit for 30 days may
4 be provided for a fee of \$13 for registration plus 1/10 of
5 the flat weight tax. The minimum fee for such permit shall
6 be \$31.

7 In-transit permits. A registration permit for one trip
8 may be provided for vehicles in transit by the driveaway or
9 towaway method and operated by a transporter in compliance
10 with the Illinois Motor Carrier of Property Law, for a fee as
11 prescribed in Section 3-811.

12 Illinois Temporary Apportionment Authorization Permits.
13 An apportionment authorization permit for forty-five days for
14 the immediate operation of a vehicle upon application for and
15 prior to receiving apportioned credentials or interstate
16 credentials from the State of Illinois. The fee for such
17 permit shall be \$3.

18 Illinois Temporary Prorate Authorization Permit. A
19 prorate authorization permit for forty-five days for the
20 immediate operation of a vehicle upon application for and
21 prior to receiving prorate credentials or interstate
22 credentials from the State of Illinois. The fee for such
23 permit shall be \$3.

24 (c) The Secretary of State shall promulgate by such rule
25 or regulation, schedules of fees and taxes for such permits
26 and in computing the amount or amounts due, may round off
27 such amount to the nearest full dollar amount.

28 (d) The Secretary of State shall further prescribe the
29 form of application and permit and may require such
30 information and data as necessary and proper, including
31 confirming the status or identity of the applicant and the
32 vehicle in question.

33 (e) Rules or regulations promulgated by the Secretary of
34 State under this Section shall provide for reasonable and

1 proper limitations and restrictions governing the application
 2 for and issuance and use of permits, and shall provide for
 3 the number of permits per vehicle or per applicant, so as to
 4 preclude evasion of annual registration requirements as may
 5 be required by this Act.

6 (f) Any permit under this Section is subject to
 7 suspension or revocation under this Act, and in addition, any
 8 such permit is subject to suspension or revocation should the
 9 Secretary of State determine that the vehicle identified in
 10 any permit should be properly registered in Illinois. In the
 11 event any such permit is suspended or revoked, the permit is
 12 then null and void, may not be re-instated, nor is a refund
 13 therefor available. The vehicle identified in such permit
 14 may not thereafter be operated in Illinois without being
 15 properly registered as provided in this Chapter.

16 (Source: P.A. 91-37, eff. 7-1-99; 92-680, eff. 7-16-02.)

17 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

18 Sec. 3-405.1. Application for vanity and personalized
 19 license plates.

20 (a) Vanity license plates mean any license plates,
 21 assigned to a passenger motor vehicle of the first division,
 22 to a motor vehicle of the second division registered at not
 23 more than 8,000 pounds or to a recreational vehicle, which
 24 display a registration number containing 1 4 to 7 letters and
 25 no numbers or 1, 2, or 3 numbers and no letters as requested
 26 by the owner of the vehicle and license plates issued to
 27 retired members of Congress under Section 3-610.1 or to
 28 retired members of the General Assembly as provided in
 29 Section 3-606.1. ~~A-license-plate-consisting-of-3-letters--and~~
 30 ~~no--numbers--or--of--1,--2--or--3--numbers,--upon-its-becoming~~
 31 ~~available,--is-a-va-ni-ty-li-cen-se--plate.~~ Personalized license
 32 plates mean any license plates, assigned to a passenger motor
 33 vehicle of the first division, to a motor vehicle of the

1 second division registered at not more than 8,000 pounds, or
 2 to a recreational vehicle, which display a registration
 3 number containing one of the following combinations a
 4 combination of letters and numbers as ~~prescribed by rule~~, as
 5 requested by the owner of the vehicle:-

6 Standard Passenger Plates

7 First Division Vehicles

8 1 letter plus 0-99

9 2 letters plus 0-99

10 3 letters plus 0-99

11 4 letters plus 0-99

12 5 letters plus 0-99

13 6 letters plus 0-9

14 Second Division Vehicles

15 8,000 pounds or less and Recreation Vehicles

16 0-999 plus 1 letter

17 0-999 plus 2 letters

18 0-999 plus 3 letters

19 0-99 plus 4 letters

20 0-9 plus 5 letters

21 (b) For any registration period commencing after
 22 December 31, 2003, 1979, any person who is the registered
 23 owner of a passenger motor vehicle of the first division, of
 24 a motor vehicle of the second division registered at not more
 25 than 8,000 pounds or of a recreational vehicle registered
 26 with the Secretary of State or who makes application for an
 27 original registration of such a motor vehicle or renewal
 28 registration of such a motor vehicle may, upon payment of a
 29 fee prescribed in Section 3-806.1 or Section 3-806.5, apply
 30 to the Secretary of State for vanity or personalized license
 31 plates.

1 (c) Except as otherwise provided in this Chapter 3,
2 vanity and personalized license plates as issued under this
3 Section shall be the same color and design as other passenger
4 vehicle license plates and shall not in any manner conflict
5 with any other existing passenger, commercial, trailer,
6 motorcycle, or special license plate series. However,
7 special registration plates issued under Sections 3-611 and
8 3-616 for vehicles operated by or for persons with
9 disabilities may also be vanity or personalized license
10 plates.

11 (d) Vanity and personalized license plates shall be
12 issued only to the registered owner of the vehicle on which
13 they are to be displayed, except as provided in Sections
14 3-611 and 3-616 for special registration plates for vehicles
15 operated by or for persons with disabilities.

16 (e) An applicant for the issuance of vanity or
17 personalized license plates or subsequent renewal thereof
18 shall file an application in such form and manner and by such
19 date as the Secretary of State may, in his discretion,
20 require.

21 No vanity nor personalized license plates shall be
22 approved, manufactured, or distributed that contain any
23 characters, symbols other than the international
24 accessibility symbol for vehicles operated by or for persons
25 with disabilities, foreign words, or letters of punctuation.

26 (f) Vanity and personalized license plates as issued
27 pursuant to this Act may be subject to the Staggered
28 Registration System as prescribed by the Secretary of State.

29 (Source: P.A. 92-651, eff. 7-11-02.)

30 (625 ILCS 5/3-806.5 new)

31 Sec. 3-806.5. Additional fees for personalized license
32 plates. For registration periods commencing after December
33 31, 2003, in addition to the regular registration fee, an

1 applicant shall be charged \$47 for each set of personalized
2 license plates issued to a motor vehicle of the first
3 division or a motor vehicle of the second division registered
4 at not more than 8,000 pounds or to a recreational vehicle
5 and \$25 for each set of personalized plates issued to a
6 motorcycle. In addition to the regular renewal fee, an
7 applicant shall be charged \$7 for the renewal of each set of
8 personalized license plates. Of the money received by the
9 Secretary of State as additional fees for personalized
10 license plates, 50% shall be deposited into the Secretary of
11 State Special License Plate Fund and 50% shall be deposited
12 into the General Revenue Fund.

13 (625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)

14 Sec. 3-811. Drive-away and other permits - Fees.

15 (a) Dealers may obtain drive-away permits for use as
16 provided in this Code, for a fee of \$6 per permit for permits
17 purchased on or before June 30, 2003 and \$10 for permits
18 purchased on or after July 1, 2003. For drive-away permits
19 purchased on or after July 1, 2003, \$4 of the fee collected
20 for the purchase of each permit shall be deposited into the
21 General Revenue Fund.

22 (b) Transporters may obtain one-trip permits for
23 vehicles in transit for use as provided in this Code, for a
24 fee of \$6 per permit for permits purchased on or before June
25 30, 2003 and \$10 for permits purchased on or after July 1,
26 2003. For one-trip permits purchased on or after July 1,
27 2003, \$4 of the fee collected from the purchase of each
28 permit shall be deposited into the General Revenue Fund.

29 (c) Non-residents may likewise obtain a drive-away
30 permit from the Secretary of State to export a motor vehicle
31 purchased in Illinois, for a fee of \$6 per permit for permits
32 purchased on or before June 30, 2003 and \$10 for permits
33 purchased on or after July 1, 2003. For drive-away permits

1 purchased on or after July 1, 2003, \$4 of the fee collected
2 for the purchase of each permit shall be deposited into the
3 General Revenue Fund.

4 (d) One-trip permits may be obtained for an occasional
5 single trip by a vehicle as provided in this Code, upon
6 payment of a fee of \$19.

7 (e) One month permits may likewise be obtained for the
8 fees and taxes prescribed in this Code and as promulgated by
9 the Secretary of State.

10 (Source: P.A. 91-37, eff. 7-1-99; 92-680, eff. 7-16-02.)

11 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

12 Sec. 5-101. New vehicle dealers must be licensed.

13 (a) No person shall engage in this State in the business
14 of selling or dealing in, on consignment or otherwise, new
15 vehicles of any make, or act as an intermediary or agent or
16 broker for any licensed dealer or vehicle purchaser other
17 than as a salesperson, or represent or advertise that he is
18 so engaged or intends to so engage in such business unless
19 licensed to do so in writing by the Secretary of State under
20 the provisions of this Section.

21 (b) An application for a new vehicle dealer's license
22 shall be filed with the Secretary of State, duly verified by
23 oath, on such form as the Secretary of State may by rule or
24 regulation prescribe and shall contain:

25 1. The name and type of business organization of
26 the applicant and his established and additional places
27 of business, if any, in this State.

28 2. If the applicant is a corporation, a list of its
29 officers, directors, and shareholders having a ten
30 percent or greater ownership interest in the corporation,
31 setting forth the residence address of each; if the
32 applicant is a sole proprietorship, a partnership, an
33 unincorporated association, a trust, or any similar form

1 of business organization, the name and residence address
2 of the proprietor or of each partner, member, officer,
3 director, trustee, or manager.

4 3. The make or makes of new vehicles which the
5 applicant will offer for sale at retail in this State.

6 4. The name of each manufacturer or franchised
7 distributor, if any, of new vehicles with whom the
8 applicant has contracted for the sale of such new
9 vehicles. As evidence of this fact, the application shall
10 be accompanied by a signed statement from each such
11 manufacturer or franchised distributor. If the applicant
12 is in the business of offering for sale new conversion
13 vehicles, trucks or vans, except for trucks modified to
14 serve a special purpose which includes but is not limited
15 to the following vehicles: street sweepers, fertilizer
16 spreaders, emergency vehicles, implements of husbandry or
17 maintenance type vehicles, he must furnish evidence of a
18 sales and service agreement from both the chassis
19 manufacturer and second stage manufacturer.

20 5. A statement that the applicant has been approved
21 for registration under the Retailers' Occupation Tax Act
22 by the Department of Revenue: Provided that this
23 requirement does not apply to a dealer who is already
24 licensed hereunder with the Secretary of State, and who
25 is merely applying for a renewal of his license. As
26 evidence of this fact, the application shall be
27 accompanied by a certification from the Department of
28 Revenue showing that that Department has approved the
29 applicant for registration under the Retailers'
30 Occupation Tax Act.

31 6. A statement that the applicant has complied with
32 the appropriate liability insurance requirement. A
33 Certificate of Insurance in a solvent company authorized
34 to do business in the State of Illinois shall be included

1 with each application covering each location at which he
2 proposes to act as a new vehicle dealer. The policy must
3 provide liability coverage in the minimum amounts of
4 \$100,000 for bodily injury to, or death of, any person,
5 \$300,000 for bodily injury to, or death of, two or more
6 persons in any one accident, and \$50,000 for damage to
7 property. Such policy shall expire not sooner than
8 December 31 of the year for which the license was issued
9 or renewed. The expiration of the insurance policy shall
10 not terminate the liability under the policy arising
11 during the period for which the policy was filed.
12 Trailer and mobile home dealers are exempt from this
13 requirement.

14 If the permitted user has a liability insurance
15 policy that provides automobile liability insurance
16 coverage of at least \$100,000 for bodily injury to or the
17 death of any person, \$300,000 for bodily injury to or the
18 death of any 2 or more persons in any one accident, and
19 \$50,000 for damage to property, then the permitted user's
20 insurer shall be the primary insurer and the dealer's
21 insurer shall be the secondary insurer. If the permitted
22 user does not have a liability insurance policy that
23 provides automobile liability insurance coverage of at
24 least \$100,000 for bodily injury to or the death of any
25 person, \$300,000 for bodily injury to or the death of any
26 2 or more persons in any one accident, and \$50,000 for
27 damage to property, or does not have any insurance at
28 all, then the dealer's insurer shall be the primary
29 insurer and the permitted user's insurer shall be the
30 secondary insurer.

31 When a permitted user is "test driving" a new
32 vehicle dealer's automobile, the new vehicle dealer's
33 insurance shall be primary and the permitted user's
34 insurance shall be secondary.

1 As used in this paragraph 6, a "permitted user" is a
 2 person who, with the permission of the new vehicle dealer
 3 or an employee of the new vehicle dealer, drives a
 4 vehicle owned and held for sale or lease by the new
 5 vehicle dealer which the person is considering to
 6 purchase or lease, in order to evaluate the performance,
 7 reliability, or condition of the vehicle. The term
 8 "permitted user" also includes a person who, with the
 9 permission of the new vehicle dealer, drives a vehicle
 10 owned or held for sale or lease by the new vehicle dealer
 11 for loaner purposes while the user's vehicle is being
 12 repaired or evaluated.

13 As used in this paragraph 6, "test driving" occurs
 14 when a permitted user who, with the permission of the new
 15 vehicle dealer or an employee of the new vehicle dealer,
 16 drives a vehicle owned and held for sale or lease by a
 17 new vehicle dealer that the person is considering to
 18 purchase or lease, in order to evaluate the performance,
 19 reliability, or condition of the vehicle.

20 As used in this paragraph 6, "loaner purposes" means
 21 when a person who, with the permission of the new vehicle
 22 dealer, drives a vehicle owned or held for sale or lease
 23 by the new vehicle dealer while the user's vehicle is
 24 being repaired or evaluated.

25 7. (A) An application for a new motor vehicle
 26 dealer's license shall be accompanied by the following
 27 license fees:

28 \$1,000 ~~\$100~~ for applicant's established place
 29 of business, and \$100 ~~\$50~~ for each additional place
 30 of business, if any, to which the application
 31 pertains; but if the application is made after June
 32 15 of any year, the license fee shall be \$500 ~~\$50~~
 33 for applicant's established place of business plus
 34 \$50 ~~\$25~~ for each additional place of business, if

1 any, to which the application pertains. License fees
2 shall be returnable only in the event that the
3 application is denied by the Secretary of State. All
4 moneys received by the Secretary of State as license
5 fees under paragraph (7)(A) of subsection (b) of
6 this Section prior to applications for the 2004
7 licensing year shall be deposited into the Motor
8 Vehicle Review Board Fund and shall be used to
9 administer the Motor Vehicle Review Board under the
10 Motor Vehicle Franchise Act. Of the money received
11 by the Secretary of State as license fees under
12 paragraph (7)(A) of subsection (b) of this Section
13 for the 2004 licensing year and thereafter, 10%
14 shall be deposited into the Motor Vehicle Review
15 Board Fund and shall be used to administer the Motor
16 Vehicle Review Board under the Motor Vehicle
17 Franchise Act and 90% shall be deposited into the
18 General Revenue Fund.

19 (B) An application for a new vehicle dealer's
20 license, other than for a new motor vehicle dealer's
21 license, shall be accompanied by the following
22 license fees:

23 \$1,000 \$50 for applicant's established place of
24 business, and \$50 \$25 for each additional place of
25 business, if any, to which the application pertains;
26 but if the application is made after June 15 of any
27 year, the license fee shall be \$500 \$25 for
28 applicant's established place of business plus \$25
29 \$12.50 for each additional place of business, if
30 any, to which the application pertains. License
31 fees shall be returnable only in the event that the
32 application is denied by the Secretary of State. Of
33 the money received by the Secretary of State as
34 license fees under this subsection for the 2004

1 licensing year and thereafter, 95% shall be
2 deposited into the General Revenue Fund.

3 8. A statement that the applicant's officers,
4 directors, shareholders having a 10% or greater ownership
5 interest therein, proprietor, a partner, member, officer,
6 director, trustee, manager or other principals in the
7 business have not committed in the past 3 years any one
8 violation as determined in any civil, criminal or
9 administrative proceedings of any one of the following
10 Acts:

11 (A) The Anti Theft Laws of the Illinois
12 Vehicle Code;

13 (B) The Certificate of Title Laws of the
14 Illinois Vehicle Code;

15 (C) The Offenses against Registration and
16 Certificates of Title Laws of the Illinois Vehicle
17 Code;

18 (D) The Dealers, Transporters, Wreckers and
19 Rebuilders Laws of the Illinois Vehicle Code;

20 (E) Section 21-2 of the Criminal Code of 1961,
21 Criminal Trespass to Vehicles; or

22 (F) The Retailers' Occupation Tax Act.

23 9. A statement that the applicant's officers,
24 directors, shareholders having a 10% or greater ownership
25 interest therein, proprietor, partner, member, officer,
26 director, trustee, manager or other principals in the
27 business have not committed in any calendar year 3 or
28 more violations, as determined in any civil, criminal or
29 administrative proceedings, of any one or more of the
30 following Acts:

31 (A) The Consumer Finance Act;

32 (B) The Consumer Installment Loan Act;

33 (C) The Retail Installment Sales Act;

34 (D) The Motor Vehicle Retail Installment Sales

1 Act;
2 (E) The Interest Act;
3 (F) The Illinois Wage Assignment Act;
4 (G) Part 8 of Article XII of the Code of Civil
5 Procedure; or
6 (H) The Consumer Fraud Act.

7 10. A bond or certificate of deposit in the amount
8 of \$20,000 for each location at which the applicant
9 intends to act as a new vehicle dealer. The bond shall
10 be for the term of the license, or its renewal, for which
11 application is made, and shall expire not sooner than
12 December 31 of the year for which the license was issued
13 or renewed. The bond shall run to the People of the
14 State of Illinois, with surety by a bonding or insurance
15 company authorized to do business in this State. It
16 shall be conditioned upon the proper transmittal of all
17 title and registration fees and taxes (excluding taxes
18 under the Retailers' Occupation Tax Act) accepted by the
19 applicant as a new vehicle dealer.

20 11. Such other information concerning the business
21 of the applicant as the Secretary of State may by rule or
22 regulation prescribe.

23 12. A statement that the applicant understands
24 Chapter One through Chapter Five of this Code.

25 (c) Any change which renders no longer accurate any
26 information contained in any application for a new vehicle
27 dealer's license shall be amended within 30 days after the
28 occurrence of such change on such form as the Secretary of
29 State may prescribe by rule or regulation, accompanied by an
30 amendatory fee of \$2.

31 (d) Anything in this Chapter 5 to the contrary
32 notwithstanding no person shall be licensed as a new vehicle
33 dealer unless:

34 1. He is authorized by contract in writing between

1 himself and the manufacturer or franchised distributor of
2 such make of vehicle to so sell the same in this State,
3 and

4 2. Such person shall maintain an established place
5 of business as defined in this Act.

6 (e) The Secretary of State shall, within a reasonable
7 time after receipt, examine an application submitted to him
8 under this Section and unless he makes a determination that
9 the application submitted to him does not conform with the
10 requirements of this Section or that grounds exist for a
11 denial of the application, under Section 5-501 of this
12 Chapter, grant the applicant an original new vehicle dealer's
13 license in writing for his established place of business and
14 a supplemental license in writing for each additional place
15 of business in such form as he may prescribe by rule or
16 regulation which shall include the following:

17 1. The name of the person licensed;

18 2. If a corporation, the name and address of its
19 officers or if a sole proprietorship, a partnership, an
20 unincorporated association or any similar form of
21 business organization, the name and address of the
22 proprietor or of each partner, member, officer, director,
23 trustee or manager;

24 3. In the case of an original license, the
25 established place of business of the licensee;

26 4. In the case of a supplemental license, the
27 established place of business of the licensee and the
28 additional place of business to which such supplemental
29 license pertains;

30 5. The make or makes of new vehicles which the
31 licensee is licensed to sell.

32 (f) The appropriate instrument evidencing the license or
33 a certified copy thereof, provided by the Secretary of State,
34 shall be kept posted conspicuously in the established place

1 of business of the licensee and in each additional place of
2 business, if any, maintained by such licensee.

3 (g) Except as provided in subsection (h) hereof, all new
4 vehicle dealer's licenses granted under this Section shall
5 expire by operation of law on December 31 of the calendar
6 year for which they are granted unless sooner revoked or
7 cancelled under the provisions of Section 5-501 of this
8 Chapter.

9 (h) A new vehicle dealer's license may be renewed upon
10 application and payment of the fee required herein, and
11 submission of proof of coverage under an approved bond under
12 the "Retailers' Occupation Tax Act" or proof that applicant
13 is not subject to such bonding requirements, as in the case
14 of an original license, but in case an application for the
15 renewal of an effective license is made during the month of
16 December, the effective license shall remain in force until
17 the application is granted or denied by the Secretary of
18 State.

19 (i) All persons licensed as a new vehicle dealer are
20 required to furnish each purchaser of a motor vehicle:

21 1. In the case of a new vehicle a manufacturer's
22 statement of origin and in the case of a used motor
23 vehicle a certificate of title, in either case properly
24 assigned to the purchaser;

25 2. A statement verified under oath that all
26 identifying numbers on the vehicle agree with those on
27 the certificate of title or manufacturer's statement of
28 origin;

29 3. A bill of sale properly executed on behalf of
30 such person;

31 4. A copy of the Uniform Invoice-transaction
32 reporting return referred to in Section 5-402 hereof;

33 5. In the case of a rebuilt vehicle, a copy of the
34 Disclosure of Rebuilt Vehicle Status; and

1 6. In the case of a vehicle for which the warranty
2 has been reinstated, a copy of the warranty.

3 (j) Except at the time of sale or repossession of the
4 vehicle, no person licensed as a new vehicle dealer may issue
5 any other person a newly created key to a vehicle unless the
6 new vehicle dealer makes a copy of the driver's license or
7 State identification card of the person requesting or
8 obtaining the newly created key. The new vehicle dealer must
9 retain the copy for 30 days.

10 A new vehicle dealer who violates this subsection (j) is
11 guilty of a petty offense. Violation of this subsection (j)
12 is not cause to suspend, revoke, cancel, or deny renewal of
13 the new vehicle dealer's license.

14 This amendatory Act of 1983 shall be applicable to the
15 1984 registration year and thereafter.

16 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03.)

17 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

18 Sec. 5-102. Used vehicle dealers must be licensed.

19 (a) No person, other than a licensed new vehicle dealer,
20 shall engage in the business of selling or dealing in, on
21 consignment or otherwise, 5 or more used vehicles of any make
22 during the year (except house trailers as authorized by
23 paragraph (j) of this Section and rebuilt salvage vehicles
24 sold by their rebuilders to persons licensed under this
25 Chapter), or act as an intermediary, agent or broker for any
26 licensed dealer or vehicle purchaser (other than as a
27 salesperson) or represent or advertise that he is so engaged
28 or intends to so engage in such business unless licensed to
29 do so by the Secretary of State under the provisions of this
30 Section.

31 (b) An application for a used vehicle dealer's license
32 shall be filed with the Secretary of State, duly verified by
33 oath, in such form as the Secretary of State may by rule or

1 regulation prescribe and shall contain:

2 1. The name and type of business organization
3 established and additional places of business, if any, in
4 this State.

5 2. If the applicant is a corporation, a list of its
6 officers, directors, and shareholders having a ten
7 percent or greater ownership interest in the corporation,
8 setting forth the residence address of each; if the
9 applicant is a sole proprietorship, a partnership, an
10 unincorporated association, a trust, or any similar form
11 of business organization, the names and residence address
12 of the proprietor or of each partner, member, officer,
13 director, trustee or manager.

14 3. A statement that the applicant has been approved
15 for registration under the Retailers' Occupation Tax Act
16 by the Department of Revenue. However, this requirement
17 does not apply to a dealer who is already licensed
18 hereunder with the Secretary of State, and who is merely
19 applying for a renewal of his license. As evidence of
20 this fact, the application shall be accompanied by a
21 certification from the Department of Revenue showing that
22 the Department has approved the applicant for
23 registration under the Retailers' Occupation Tax Act.

24 4. A statement that the applicant has complied with
25 the appropriate liability insurance requirement. A
26 Certificate of Insurance in a solvent company authorized
27 to do business in the State of Illinois shall be included
28 with each application covering each location at which he
29 proposes to act as a used vehicle dealer. The policy
30 must provide liability coverage in the minimum amounts of
31 \$100,000 for bodily injury to, or death of, any person,
32 \$300,000 for bodily injury to, or death of, two or more
33 persons in any one accident, and \$50,000 for damage to
34 property. Such policy shall expire not sooner than

1 December 31 of the year for which the license was issued
2 or renewed. The expiration of the insurance policy shall
3 not terminate the liability under the policy arising
4 during the period for which the policy was filed.
5 Trailer and mobile home dealers are exempt from this
6 requirement.

7 If the permitted user has a liability insurance
8 policy that provides automobile liability insurance
9 coverage of at least \$100,000 for bodily injury to or the
10 death of any person, \$300,000 for bodily injury to or the
11 death of any 2 or more persons in any one accident, and
12 \$50,000 for damage to property, then the permitted user's
13 insurer shall be the primary insurer and the dealer's
14 insurer shall be the secondary insurer. If the permitted
15 user does not have a liability insurance policy that
16 provides automobile liability insurance coverage of at
17 least \$100,000 for bodily injury to or the death of any
18 person, \$300,000 for bodily injury to or the death of any
19 2 or more persons in any one accident, and \$50,000 for
20 damage to property, or does not have any insurance at
21 all, then the dealer's insurer shall be the primary
22 insurer and the permitted user's insurer shall be the
23 secondary insurer.

24 When a permitted user is "test driving" a used
25 vehicle dealer's automobile, the used vehicle dealer's
26 insurance shall be primary and the permitted user's
27 insurance shall be secondary.

28 As used in this paragraph 4, a "permitted user" is a
29 person who, with the permission of the used vehicle
30 dealer or an employee of the used vehicle dealer, drives
31 a vehicle owned and held for sale or lease by the used
32 vehicle dealer which the person is considering to
33 purchase or lease, in order to evaluate the performance,
34 reliability, or condition of the vehicle. The term

1 "permitted user" also includes a person who, with the
2 permission of the used vehicle dealer, drives a vehicle
3 owned or held for sale or lease by the used vehicle
4 dealer for loaner purposes while the user's vehicle is
5 being repaired or evaluated.

6 As used in this paragraph 4, "test driving" occurs
7 when a permitted user who, with the permission of the
8 used vehicle dealer or an employee of the used vehicle
9 dealer, drives a vehicle owned and held for sale or lease
10 by a used vehicle dealer that the person is considering
11 to purchase or lease, in order to evaluate the
12 performance, reliability, or condition of the vehicle.

13 As used in this paragraph 4, "loaner purposes" means
14 when a person who, with the permission of the used
15 vehicle dealer, drives a vehicle owned or held for sale
16 or lease by the used vehicle dealer while the user's
17 vehicle is being repaired or evaluated.

18 5. An application for a used vehicle dealer's
19 license shall be accompanied by the following license
20 fees:

21 \$1,000 \$50 for applicant's established place of
22 business, and \$50 \$25 for each additional place of
23 business, if any, to which the application pertains;
24 however, if the application is made after June 15 of any
25 year, the license fee shall be \$500 \$25 for applicant's
26 established place of business plus \$25 \$12-50 for each
27 additional place of business, if any, to which the
28 application pertains. License fees shall be returnable
29 only in the event that the application is denied by the
30 Secretary of State. Of the money received by the
31 Secretary of State as license fees under this Section for
32 the 2004 licensing year and thereafter, 95% shall be
33 deposited into the General Revenue Fund.

34 6. A statement that the applicant's officers,

1 directors, shareholders having a 10% or greater ownership
2 interest therein, proprietor, partner, member, officer,
3 director, trustee, manager or other principals in the
4 business have not committed in the past 3 years any one
5 violation as determined in any civil, criminal or
6 administrative proceedings of any one of the following
7 Acts:

8 (A) The Anti Theft Laws of the Illinois
9 Vehicle Code;

10 (B) The Certificate of Title Laws of the
11 Illinois Vehicle Code;

12 (C) The Offenses against Registration and
13 Certificates of Title Laws of the Illinois Vehicle
14 Code;

15 (D) The Dealers, Transporters, Wreckers and
16 Rebuilders Laws of the Illinois Vehicle Code;

17 (E) Section 21-2 of the Illinois Criminal Code
18 of 1961, Criminal Trespass to Vehicles; or

19 (F) The Retailers' Occupation Tax Act.

20 7. A statement that the applicant's officers,
21 directors, shareholders having a 10% or greater ownership
22 interest therein, proprietor, partner, member, officer,
23 director, trustee, manager or other principals in the
24 business have not committed in any calendar year 3 or
25 more violations, as determined in any civil or criminal
26 or administrative proceedings, of any one or more of the
27 following Acts:

28 (A) The Consumer Finance Act;

29 (B) The Consumer Installment Loan Act;

30 (C) The Retail Installment Sales Act;

31 (D) The Motor Vehicle Retail Installment Sales
32 Act;

33 (E) The Interest Act;

34 (F) The Illinois Wage Assignment Act;

1 (G) Part 8 of Article XII of the Code of Civil
2 Procedure; or

3 (H) The Consumer Fraud Act.

4 8. A bond or Certificate of Deposit in the amount
5 of \$20,000 for each location at which the applicant
6 intends to act as a used vehicle dealer. The bond shall
7 be for the term of the license, or its renewal, for which
8 application is made, and shall expire not sooner than
9 December 31 of the year for which the license was issued
10 or renewed. The bond shall run to the People of the
11 State of Illinois, with surety by a bonding or insurance
12 company authorized to do business in this State. It
13 shall be conditioned upon the proper transmittal of all
14 title and registration fees and taxes (excluding taxes
15 under the Retailers' Occupation Tax Act) accepted by the
16 applicant as a used vehicle dealer.

17 9. Such other information concerning the business
18 of the applicant as the Secretary of State may by rule or
19 regulation prescribe.

20 10. A statement that the applicant understands
21 Chapter 1 through Chapter 5 of this Code.

22 (c) Any change which renders no longer accurate any
23 information contained in any application for a used vehicle
24 dealer's license shall be amended within 30 days after the
25 occurrence of each change on such form as the Secretary of
26 State may prescribe by rule or regulation, accompanied by an
27 amendatory fee of \$2.

28 (d) Anything in this Chapter to the contrary
29 notwithstanding, no person shall be licensed as a used
30 vehicle dealer unless such person maintains an established
31 place of business as defined in this Chapter.

32 (e) The Secretary of State shall, within a reasonable
33 time after receipt, examine an application submitted to him
34 under this Section. Unless the Secretary makes a

1 determination that the application submitted to him does not
2 conform to this Section or that grounds exist for a denial of
3 the application under Section 5-501 of this Chapter, he must
4 grant the applicant an original used vehicle dealer's license
5 in writing for his established place of business and a
6 supplemental license in writing for each additional place of
7 business in such form as he may prescribe by rule or
8 regulation which shall include the following:

9 1. The name of the person licensed;

10 2. If a corporation, the name and address of its
11 officers or if a sole proprietorship, a partnership, an
12 unincorporated association or any similar form of
13 business organization, the name and address of the
14 proprietor or of each partner, member, officer, director,
15 trustee or manager;

16 3. In case of an original license, the established
17 place of business of the licensee;

18 4. In the case of a supplemental license, the
19 established place of business of the licensee and the
20 additional place of business to which such supplemental
21 license pertains.

22 (f) The appropriate instrument evidencing the license or
23 a certified copy thereof, provided by the Secretary of State
24 shall be kept posted, conspicuously, in the established place
25 of business of the licensee and in each additional place of
26 business, if any, maintained by such licensee.

27 (g) Except as provided in subsection (h) of this
28 Section, all used vehicle dealer's licenses granted under
29 this Section expire by operation of law on December 31 of the
30 calendar year for which they are granted unless sooner
31 revoked or cancelled under Section 5-501 of this Chapter.

32 (h) A used vehicle dealer's license may be renewed upon
33 application and payment of the fee required herein, and
34 submission of proof of coverage by an approved bond under the

1 "Retailers' Occupation Tax Act" or proof that applicant is
2 not subject to such bonding requirements, as in the case of
3 an original license, but in case an application for the
4 renewal of an effective license is made during the month of
5 December, the effective license shall remain in force until
6 the application for renewal is granted or denied by the
7 Secretary of State.

8 (i) All persons licensed as a used vehicle dealer are
9 required to furnish each purchaser of a motor vehicle:

10 1. A certificate of title properly assigned to the
11 purchaser;

12 2. A statement verified under oath that all
13 identifying numbers on the vehicle agree with those on
14 the certificate of title;

15 3. A bill of sale properly executed on behalf of
16 such person;

17 4. A copy of the Uniform Invoice-transaction
18 reporting return referred to in Section 5-402 of this
19 Chapter;

20 5. In the case of a rebuilt vehicle, a copy of the
21 Disclosure of Rebuilt Vehicle Status; and

22 6. In the case of a vehicle for which the warranty
23 has been reinstated, a copy of the warranty.

24 (j) A real estate broker holding a valid certificate of
25 registration issued pursuant to "The Real Estate Brokers and
26 Salesmen License Act" may engage in the business of selling
27 or dealing in house trailers not his own without being
28 licensed as a used vehicle dealer under this Section; however
29 such broker shall maintain a record of the transaction
30 including the following:

31 (1) the name and address of the buyer and seller,

32 (2) the date of sale,

33 (3) a description of the mobile home, including the
34 vehicle identification number, make, model, and year, and

1 (4) the Illinois certificate of title number.

2 The foregoing records shall be available for inspection
3 by any officer of the Secretary of State's Office at any
4 reasonable hour.

5 (k) Except at the time of sale or repossession of the
6 vehicle, no person licensed as a used vehicle dealer may
7 issue any other person a newly created key to a vehicle
8 unless the used vehicle dealer makes a copy of the driver's
9 license or State identification card of the person requesting
10 or obtaining the newly created key. The used vehicle dealer
11 must retain the copy for 30 days.

12 A used vehicle dealer who violates this subsection (k) is
13 guilty of a petty offense. Violation of this subsection (k)
14 is not cause to suspend, revoke, cancel, or deny renewal of
15 the used vehicle dealer's license.

16 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03.)

17 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

18 Sec. 6-118. Fees.

19 (a) The fee for licenses and permits under this Article
20 is as follows:

21	Original driver's license.....	\$10
22	Original or renewal driver's license	
23	issued to 18, 19 and 20 year olds.....	5
24	All driver's licenses for persons	
25	age 69 through age 80.....	5
26	All driver's licenses for persons	
27	age 81 through age 86.....	2
28	All driver's licenses for persons	
29	age 87 or older.....	0
30	Renewal driver's license (except for	
31	applicants ages 18, 19 and 20 or	
32	age 69 and older).....	10
33	Original instruction permit issued to	

1 persons (except those age 69 and older)

2 who do not hold or have not previously

3 held an Illinois instruction permit or

4 driver's license.....20

5 Instruction permit issued to any person

6 holding an Illinois driver's license

7 who wishes a change in classifications,

8 other than at the time of renewal.....5

9 Any instruction permit issued to a person

10 age 69 and older.....5

11 Instruction permit issued to any person,

12 under age 69, not currently holding a

13 valid Illinois driver's license or

14 instruction permit but who has

15 previously been issued either document

16 in Illinois.....10

17 Restricted driving permit.....8

18 Duplicate or corrected driver's license

19 or permit.....5

20 Duplicate or corrected restricted

21 driving permit.....5

22 Original or renewal M or L endorsement.....5

23 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

24 The fees for commercial driver licenses and permits

25 under Article V shall be as follows:

26 Commercial driver's license:

27 \$6 for the CDLIS/AAMVAnet Fund

28 (Commercial Driver's License Information

29 System/American Association of Motor Vehicle

30 Administrators network Trust Fund);

31 \$20 for the Motor Carrier Safety Inspection Fund;

32 \$10 for the driver's license;

33 and \$24 for the CDL:.....\$60

34 Renewal commercial driver's license:

- 1 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 2 \$20 for the Motor Carrier Safety Inspection Fund;
- 3 \$10 for the driver's license; and
- 4 \$24 for the CDL:.....\$60
- 5 Commercial driver instruction permit
- 6 issued to any person holding a valid
- 7 Illinois driver's license for the
- 8 purpose of changing to a
- 9 CDL classification: \$6 for the
- 10 CDLIS/AAMVAnet Trust Fund;
- 11 \$20 for the Motor Carrier
- 12 Safety Inspection Fund; and
- 13 \$24 for the CDL classification.....\$50
- 14 Commercial driver instruction permit
- 15 issued to any person holding a valid
- 16 Illinois CDL for the purpose of
- 17 making a change in a classification,
- 18 endorsement or restriction.....\$5
- 19 CDL duplicate or corrected license.....\$5

20 In order to ensure the proper implementation of the
 21 Uniform Commercial Driver License Act, Article V of this
 22 Chapter, the Secretary of State is empowered to pro-rate the
 23 \$24 fee for the commercial driver's license proportionate to
 24 the expiration date of the applicant's Illinois driver's
 25 license.

26 The fee for any duplicate license or permit shall be
 27 waived for any person age 60 or older who presents the
 28 Secretary of State's office with a police report showing that
 29 his license or permit was stolen.

30 No additional fee shall be charged for a driver's
 31 license, or for a commercial driver's license, when issued to
 32 the holder of an instruction permit for the same
 33 classification or type of license who becomes eligible for
 34 such license.

1 (b) Any person whose license or privilege to operate a
 2 motor vehicle in this State has been suspended or revoked
 3 under any provision of Chapter 6, Chapter 11, or Section
 4 7-205, 7-303, or 7-702 of the Family Financial Responsibility
 5 Law of this Code, shall in addition to any other fees
 6 required by this Code, pay a reinstatement fee as follows:

- 7 Summary suspension under Section 11-501.1.....\$250 \$60
- 8 Other suspension.....\$70 \$30
- 9 Revocation.....\$500 \$60

10 However, any person whose license or privilege to operate
 11 a motor vehicle in this State has been suspended or revoked
 12 for a second or subsequent time for a violation of Section
 13 11-501 or 11-501.1 of this Code or a similar provision of a
 14 local ordinance or a similar out-of-state offense or Section
 15 9-3 of the Criminal Code of 1961 and each suspension or
 16 revocation was for a violation of Section 11-501 or 11-501.1
 17 of this Code or a similar provision of a local ordinance or a
 18 similar out-of-state offense or Section 9-3 of the Criminal
 19 Code of 1961 shall pay, in addition to any other fees
 20 required by this Code, a reinstatement fee as follows:

- 21 Summary suspension under Section 11-501.1.....\$500 \$250
- 22 Revocation.....\$500 \$250

23 (c) All fees collected under the provisions of this
 24 Chapter 6 shall be paid into the Road Fund in the State
 25 Treasury except as follows:

26 1. The following amounts shall be paid into the
 27 Driver Education Fund:

- 28 (A) \$16 of the \$20 fee for an original
 29 driver's instruction permit;
- 30 (B) \$5 of the \$20 ~~\$10~~ fee for an original
 31 driver's license;
- 32 (C) \$5 of the \$20 ~~\$10~~ fee for a 4 year renewal
 33 driver's license; and
- 34 (D) \$4 of the \$8 fee for a restricted driving

1 permit.

2 2. \$30 of the ~~\$250~~ ~~\$60~~ fee for reinstatement of a
3 license summarily suspended under Section 11-501.1 shall
4 be deposited into the Drunk and Drugged Driving
5 Prevention Fund. However, for a person whose license or
6 privilege to operate a motor vehicle in this State has
7 been suspended or revoked for a second or subsequent time
8 for a violation of Section 11-501 or 11-501.1 of this
9 Code or Section 9-3 of the Criminal Code of 1961, \$190 of
10 the ~~\$500~~ ~~\$250~~ fee for reinstatement of a license
11 summarily suspended under Section 11-501.1, and \$190 of
12 the ~~\$500~~ ~~\$250~~ fee for reinstatement of a revoked license
13 shall be deposited into the Drunk and Drugged Driving
14 Prevention Fund.

15 3. \$6 of such original or renewal fee for a
16 commercial driver's license and \$6 of the commercial
17 driver instruction permit fee when such permit is issued
18 to any person holding a valid Illinois driver's license,
19 shall be paid into the CDLIS/AAMVAnet Trust Fund.

20 4. ~~\$30~~ of the ~~\$70~~ fee for reinstatement of a
21 license suspended under the Family Financial
22 Responsibility Law shall be paid into the Family
23 Responsibility Fund.

24 5. The \$5 fee for each original or renewal M or L
25 endorsement shall be deposited into the Cycle Rider
26 Safety Training Fund.

27 6. \$20 of any original or renewal fee for a
28 commercial driver's license or commercial driver
29 instruction permit shall be paid into the Motor Carrier
30 Safety Inspection Fund.

31 7. The following amounts shall be paid into the
32 General Revenue Fund:

33 (A) \$190 of the \$250 reinstatement fee for a
34 summary suspension under Section 11-501.1;

1 (B) \$40 of the \$70 reinstatement fee for any
2 other suspension provided in subsection (b) of this
3 Section; and

4 (C) \$440 of the \$500 reinstatement fee for a
5 first offense revocation and \$310 of the \$500
6 reinstatement fee for a second or subsequent
7 revocation.

8 (Source: P.A. 91-357, eff. 7-29-99; 91-537, eff. 8-13-99;
9 92-458, eff. 8-22-01.)

10 (625 ILCS 5/7-707)

11 Sec. 7-707. Payment of reinstatement fee. When an
12 obligor receives notice from the Secretary of State that the
13 suspension of driving privileges has been terminated based
14 upon receipt of notification from the circuit clerk of the
15 obligor's compliance with a court order of support, the
16 obligor shall pay a \$70 ~~\$30~~ reinstatement fee to the
17 Secretary of State as set forth in Section 6-118 of this
18 Code. \$30 of the \$70 fee shall be deposited into the Family
19 Responsibility Fund. In accordance with subsection (e) of
20 Section 6-115 of this Code, the Secretary of State may
21 decline to process a renewal of a driver's license of a
22 person who has not paid this fee.

23 (Source: P.A. 92-16, eff. 6-28-01.)

24 (625 ILCS 5/18c-1501) (from Ch. 95 1/2, par. 18c-1501)

25 Sec. 18c-1501. Franchise, Franchise Renewal, Filing and
26 Other Fees for Motor Carriers of Property.

27 (1) Franchise, Franchise Renewal, Filing, and Other Fee
28 Levels in Effect Absent Commission Regulations Prescribing
29 Different Fee Levels. The levels of franchise, franchise
30 renewal, filing, and other fees for motor carriers of
31 property in effect, absent Commission regulations prescribing
32 different fee levels, shall be:

1 (a) Franchise and franchise renewal fees: \$19 for
2 each motor vehicle operated by a motor carrier of
3 property in intrastate commerce, and \$2 for each motor
4 vehicle operated by a motor carrier of property in
5 interstate commerce.

6 (b) Filing fees: \$100 for each application seeking
7 a Commission license or other authority, the
8 reinstatement of a cancelled license or authority, or
9 authority to establish a rate, other than by special
10 permission, excluding both released rate applications and
11 rate filings which may be investigated or suspended but
12 which require no prior authorization for filing; \$25 for
13 each released rate application and each application to
14 register as an interstate carrier; \$15 for each
15 application seeking special permission in regard to
16 rates; and \$15 for each equipment lease.

17 (2) Adjustment of Fee Levels. The Commission may, by
18 rulemaking in accordance with provisions of The Illinois
19 Administrative Procedure Act, adjust franchise, franchise
20 renewal, filing, and other fees for motor carriers of
21 property by increasing or decreasing them from levels in
22 effect absent Commission regulations prescribing different
23 fee levels. Franchise and franchise renewal fees prescribed
24 by the Commission for motor carriers of property shall not
25 exceed:

26 (a) \$50 for each motor vehicle operated by a
27 household goods carrier in intrastate commerce;

28 (a-5) \$15 \$5 for each motor vehicle operated by a
29 public carrier in intrastate commerce; and

30 (b) \$7 for each motor vehicle operated by a motor
31 carrier of property in interstate commerce.

32 (3) Late-Filing Fees.

33 (a) Commission to Prescribe Late-Filing Fees. The
34 Commission may prescribe fees for the late filing of

1 proof of insurance, operating reports, franchise or
2 franchise renewal fee applications, or other documents
3 required to be filed on a periodic basis with the
4 Commission.

5 (b) Late-filing Fees to Accrue Automatically.
6 Late-filing fees shall accrue automatically from the
7 filing deadline set forth in Commission regulations, and
8 all persons or entities required to make such filings
9 shall be on notice of such deadlines.

10 (c) Maximum Fees. Late-filing fees prescribed by
11 the Commission shall not exceed \$100 for an initial
12 period, plus \$10 for each day after the expiration of the
13 initial period. The Commission may provide for waiver of
14 all or part of late-filing fees accrued under this
15 subsection on a showing of good cause.

16 (d) Effect of Failure to Make Timely Filings and
17 Pay Late-Filing Fees. Failure of a person to file proof
18 of continuous insurance coverage or to make other
19 periodic filings required under Commission regulations
20 shall make licenses and registrations held by the person
21 subject to revocation or suspension. The licenses or
22 registrations cannot thereafter be returned to good
23 standing until after payment of all late-filing fees
24 accrued and not waived under this subsection.

25 (4) Payment of Fees.

26 (a) Franchise and Franchise Renewal Fees. Franchise
27 and franchise renewal fees for motor carriers of property
28 shall be due and payable on or before the 31st day of
29 December of the calendar year preceding the calendar year
30 for which the fees are owing, unless otherwise provided
31 in Commission regulations.

32 (b) Filing and Other Fees. Filing and other fees
33 (including late-filing fees) shall be due and payable on
34 the date of filing, or on such other date as is set forth

1 in Commission regulations.

2 (5) When Fees Returnable.

3 (a) Whenever an application to the Illinois
4 Commerce Commission is accompanied by any fee as required
5 by law and such application is refused or rejected, said
6 fee shall be returned to said applicant.

7 (b) The Illinois Commerce Commission may reduce by
8 interlineation the amount of any personal check or
9 corporate check or company check drawn on the account of
10 and delivered by any person for payment of a fee required
11 by the Illinois Commerce Commission.

12 (c) Any check altered pursuant to above shall be
13 endorsed by the Illinois Commerce Commission as follows:
14 "This check is warranted to subsequent holders and to the
15 drawee to be in the amount \$."

16 (d) All applications to the Illinois Commerce
17 Commission requiring fee payment upon reprinting shall
18 contain the following authorization statement: "My
19 signature authorizes the Illinois Commerce Commission to
20 lower the amount of check if fee submitted exceeds
21 correct amount."

22 (Source: P.A. 89-444, eff. 1-25-96.)

23 (625 ILCS 5/18c-1502.05)

24 Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers.
25 Beginning with calendar year 2004 1997, every rail carrier
26 shall pay to the Commission for each calendar year a route
27 mileage fee of \$45 \$37 for each route mile of railroad right
28 of way owned by the rail carrier in Illinois. The fee shall
29 be based on the number of route miles as of January 1 of the
30 year for which the fee is due, and the payment of the route
31 mileage fee shall be due by February 1 of each calendar year.

32 (Source: P.A. 89-699, eff. 1-16-97.)

1 (625 ILCS 5/18c-1502.10)

2 Sec. 18c-1502.10. Railroad-Highway Grade Crossing and
 3 Grade Separation Fee. Beginning with calendar year 2004
 4 ~~1997~~, every rail carrier shall pay to the Commission for each
 5 calendar year a fee of \$28 \$23 for each location at which the
 6 rail carrier's track crosses a public road, highway, or
 7 street, whether the crossing be at grade, by overhead
 8 structure, or by subway. The fee shall be based on the
 9 number of the crossings as of January 1 of each calendar
 10 year, and the fee shall be due by February 1 of each calendar
 11 year.

12 (Source: P.A. 89-699, eff. 1-16-97.)

13 Section 75-85. The Boat Registration and Safety Act is
 14 amended by changing Sections 3-2 and 3-7 as follows:

15 (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

16 Sec. 3-2. Identification number application. The owner of
 17 each watercraft requiring numbering by this State shall file
 18 an application for number with the Department on forms
 19 approved by it. The application shall be signed by the owner
 20 of the watercraft and shall be accompanied by a fee as
 21 follows:

- 22 A. Class A (all canoes and kayaks)..... \$6
- 23 B. Class 1 (all watercraft less than 16
 24 feet in length, except canoes and kayaks)... \$15
- 25 C. Class 2 (all watercraft 16 feet or
 26 more but less than 26 feet in length except
 27 canoes and kayaks)..... \$45 \$20
- 28 D. Class 3 (all watercraft 26 feet or
 29 more but less than 40 feet in length)..... \$75 \$25
- 30 E. Class 4 (all watercraft 40 feet in
 31 length or more)..... \$100 \$30

32 Upon receipt of the application in approved form, and

1 when satisfied that no tax imposed pursuant to the "Municipal
2 Use Tax Act" or the "County Use Tax Act" is owed, or that
3 such tax has been paid, the Department shall enter the same
4 upon the records of its office and issue to the applicant a
5 certificate of number stating the number awarded to the
6 watercraft and the name and address of the owner.

7 (Source: P.A. 88-91.)

8 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

9 Sec. 3-7. Loss of certificate. Should a certificate of
10 number or registration expiration decal become lost,
11 destroyed, or mutilated beyond legibility, the owner of the
12 watercraft shall make application to the Department for the
13 replacement of the certificate or decal, giving his name,
14 address, and the number of his boat and shall at the same
15 time pay to the Department a fee of \$5 \$1.

16 (Source: P.A. 85-149.)

17 Section 75-90. The Illinois Controlled Substances Act is
18 amended by changing Section 303 as follows:

19 (720 ILCS 570/303) (from Ch. 56 1/2, par. 1303)

20 Sec. 303. (a) The Department of Professional Regulation
21 shall license an applicant to manufacture, distribute or
22 dispense controlled substances included in Sections 204, 206,
23 208, 210 and 212 of this Act unless it determines that the
24 issuance of that license would be inconsistent with the
25 public interest. In determining the public interest, the
26 Department of Professional Regulation shall consider the
27 following:

28 (1) maintenance of effective controls against
29 diversion of controlled substances into other than lawful
30 medical, scientific, or industrial channels;

31 (2) compliance with applicable Federal, State and

1 local law;

2 (3) any convictions of the applicant under any law
3 of the United States or of any State relating to any
4 controlled substance;

5 (4) past experience in the manufacture or
6 distribution of controlled substances, and the existence
7 in the applicant's establishment of effective controls
8 against diversion;

9 (5) furnishing by the applicant of false or
10 fraudulent material in any application filed under this
11 Act;

12 (6) suspension or revocation of the applicant's
13 Federal registration to manufacture, distribute, or
14 dispense controlled substances as authorized by Federal
15 law;

16 (7) whether the applicant is suitably equipped with
17 the facilities appropriate to carry on the operation
18 described in his application;

19 (8) whether the applicant is of good moral
20 character or, if the applicant is a partnership,
21 association, corporation or other organization, whether
22 the partners, directors, governing committee and managing
23 officers are of good moral character;

24 (9) any other factors relevant to and consistent
25 with the public health and safety; and

26 (10) Evidence from court, medical disciplinary and
27 pharmacy board records and those of State and Federal
28 investigatory bodies that the applicant has not or does
29 not prescribe controlled substances within the provisions
30 of this Act.

31 (b) No license shall be granted to or renewed for any
32 person who has within 5 years been convicted of a wilful
33 violation of any law of the United States or any law of any
34 State relating to controlled substances, or who is found to

1 be deficient in any of the matters enumerated in subsections
2 (a)(1) through (a)(8).

3 (c) Licensure under subsection (a) does not entitle a
4 registrant to manufacture, distribute or dispense controlled
5 substances in Schedules I or II other than those specified in
6 the registration.

7 (d) Practitioners who are licensed to dispense any
8 controlled substances in Schedules II through V are
9 authorized to conduct instructional activities with
10 controlled substances in Schedules II through V under the law
11 of this State.

12 (e) If an applicant for registration is registered under
13 the Federal law to manufacture, distribute or dispense
14 controlled substances, upon filing a completed application
15 for licensure in this State and payment of all fees due
16 hereunder, he shall be licensed in this State to the same
17 extent as his Federal registration, unless, within 30 days
18 after completing his application in this State, the
19 Department of Professional Regulation notifies the applicant
20 that his application has not been granted. A practitioner
21 who is in compliance with the Federal law with respect to
22 registration to dispense controlled substances in Schedules
23 II through V need only send a current copy of that Federal
24 registration to the Department of Professional Regulation and
25 he shall be deemed in compliance with the registration
26 provisions of this State.

27 (e-5) Beginning July 1, 2003, all of the fees and fines
28 collected under this Section 303 shall be deposited into the
29 Illinois State Pharmacy Disciplinary Fund.

30 (f) The fee for registration as a manufacturer or
31 wholesale distributor of controlled substances shall be
32 \$50.00 per year, except that the fee for registration as a
33 manufacturer or wholesale distributor of controlled
34 substances that may be dispensed without a prescription under

1 this Act shall be \$15.00 per year. The expiration date and
2 renewal period for each controlled substance license issued
3 under this Act shall be set by rule.

4 (Source: P.A. 90-818, eff. 3-23-99.)

5 Section 75-92. The Business Corporation Act of 1983 is
6 amended by changing Sections 15.10, 15.12, 15.15, 15.45, and
7 15.75 as follows:

8 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

9 Sec. 15.10. Fees for filing documents. The Secretary of
10 State shall charge and collect for:

11 (a) Filing articles of incorporation, \$150 \$75.

12 (b) Filing articles of amendment, \$50 \$25, unless the
13 amendment is a restatement of the articles of incorporation,
14 in which case the fee shall be \$150 \$100.

15 (c) Filing articles of merger or consolidation, \$100,
16 but if the merger or consolidation involves more than 2
17 corporations, \$50 for each additional corporation.

18 (d) Filing articles of share exchange, \$100.

19 (e) Filing articles of dissolution, \$5.

20 (f) Filing application to reserve a corporate name, \$25.

21 (g) Filing a notice of transfer of a reserved corporate
22 name, \$25.

23 (h) Filing statement of change of address of registered
24 office or change of registered agent, or both, if other than
25 on an annual report, \$25 \$5.

26 (i) Filing statement of the establishment of a series of
27 shares, \$25.

28 (j) Filing an application of a foreign corporation for
29 authority to transact business in this State, \$150 \$75.

30 (k) Filing an application of a foreign corporation for
31 amended authority to transact business in this State, \$25.

32 (l) Filing a copy of amendment to the articles of

1 incorporation of a foreign corporation holding authority to
2 transact business in this State, \$50 \$25, unless the
3 amendment is a restatement of the articles of incorporation,
4 in which case the fee shall be \$150 \$100.

5 (m) Filing a copy of articles of merger of a foreign
6 corporation holding a certificate of authority to transact
7 business in this State, \$100, but if the merger involves more
8 than 2 corporations, \$50 for each additional corporation.

9 (n) Filing an application for withdrawal and final
10 report or a copy of articles of dissolution of a foreign
11 corporation, \$25.

12 (o) Filing an annual report, interim annual report, or
13 final transition annual report of a domestic or foreign
14 corporation, \$75 \$25.

15 (p) Filing an application for reinstatement of a
16 domestic or a foreign corporation, \$200 \$100.

17 (q) Filing an application for use of an assumed
18 corporate name, \$150 for each year or part thereof ending in
19 0 or 5, \$120 for each year or part thereof ending in 1 or 6,
20 \$90 for each year or part thereof ending in 2 or 7, \$60 for
21 each year or part thereof ending in 3 or 8, \$30 for each year
22 or part thereof ending in 4 or 9, between the date of filing
23 the application and the date of the renewal of the assumed
24 corporate name; and a renewal fee for each assumed corporate
25 name, \$150.

26 (r) To change an assumed corporate name for the period
27 remaining until the renewal date of the original assumed
28 name, \$25.

29 (s) Filing an application for cancellation of an assumed
30 corporate name, \$5.

31 (t) Filing an application to register the corporate name
32 of a foreign corporation, \$50; and an annual renewal fee for
33 the registered name, \$50.

34 (u) Filing an application for cancellation of a

1 registered name of a foreign corporation, \$25.

2 (v) Filing a statement of correction, \$50 \$25.

3 (w) Filing a petition for refund or adjustment, \$5.

4 (x) Filing a statement of election of an extended filing
5 month, \$25.

6 (y) Filing any other statement or report, \$5.

7 (Source: P.A. 92-33, eff. 7-1-01.)

8 (805 ILCS 5/15.12)

9 Sec. 15.12. Disposition of fees. Of the total money
10 collected for the filing of an annual report under this Act,
11 \$15 \$10 of the filing fee shall be paid into the Secretary of
12 State Special Services Fund. The remaining \$60 \$15 shall be
13 deposited into the General Revenue Fund in the State
14 Treasury.

15 (Source: P.A. 89-503, eff. 1-1-97.)

16 (805 ILCS 5/15.15) (from Ch. 32, par. 15.15)

17 Sec. 15.15. Miscellaneous charges. The Secretary of
18 State shall charge and collect; (a) For furnishing a copy or
19 certified copy of any document, instrument, or paper relating
20 to a corporation, or for a certificate, \$25 ~~50¢-per-page, but~~
21 ~~net--less--than--\$5.00--and--\$5--for--the--certificate--and--for~~
22 ~~affixing--the--seal--thereto.~~

23 (b) At the time of any service of process, notice or
24 demand on him or her as resident agent of a corporation, \$10,
25 which amount may be recovered as taxable costs by the party
26 to the suit or action causing such service to be made if such
27 party prevails in the suit or action.

28 (Source: P.A. 83-1025.)

29 (805 ILCS 5/15.45) (from Ch. 32, par. 15.45)

30 Sec. 15.45. Rate of franchise taxes payable by domestic
31 corporations.

1 (a) The annual franchise tax payable by each domestic
2 corporation shall be computed at the rate of 1/12 of 1/10 of
3 1% for each calendar month or fraction thereof for the period
4 commencing on the first day of July 1983 to the first day of
5 the anniversary month in 1984, but in no event shall the
6 amount of the annual franchise tax be less than \$2.08333 per
7 month assessed on a minimum of \$25 per annum or more than
8 \$83,333.333333 per month; commencing on January 1, 1984 to
9 the first day of the anniversary month in 2004 thereafter,
10 the annual franchise tax payable by each domestic corporation
11 shall be computed at the rate of 1/10 of 1% for the
12 12-months' period commencing on the first day of the
13 anniversary month or, in cases where a corporation has
14 established an extended filing month, the extended filing
15 month of the corporation, but in no event shall the amount of
16 the annual franchise tax be less than \$25 nor more than
17 \$1,000,000 per annum; commencing with the first anniversary
18 month that occurs after December, 2003, the annual franchise
19 tax payable by each domestic corporation shall be computed at
20 the rate of 1/10 of 1% for the 12-months' period commencing
21 on the first day of the anniversary month or, in cases where
22 a corporation has established an extended filing month, the
23 extended filing month of the corporation, but in no event
24 shall the amount of the annual franchise tax be less than \$25
25 nor more than \$2,000,000 per annum.

26 (b) The annual franchise tax payable by each domestic
27 corporation at the time of filing a statement of election and
28 interim annual report in connection with an anniversary month
29 prior to January, 2004 shall be computed at the rate of 1/10
30 of 1% for the 12 month period commencing on the first day of
31 the anniversary month of the corporation next following such
32 filing, but in no event shall the amount of the annual
33 franchise tax be less than \$25 nor more than \$1,000,000 per
34 annum; commencing with the first anniversary month that

1 occurs after December, 2003, the annual franchise tax payable
2 by each domestic corporation at the time of filing a
3 statement of election and interim annual report shall be
4 computed at the rate of 1/10 of 1% for the 12-month period
5 commencing on the first day of the anniversary month of the
6 corporation next following such filing, but in no event shall
7 the amount of the annual franchise tax be less than \$25 nor
8 more than \$2,000,000 per annum.

9 (c) The annual franchise tax payable at the time of
10 filing the final transition annual report in connection with
11 an anniversary month prior to January, 2004 shall be an
12 amount equal to (i) 1/12 of 1/10 of 1% per month of the
13 proportion of paid-in capital represented in this State as
14 shown in the final transition annual report multiplied by
15 (ii) the number of months commencing with the anniversary
16 month next following the filing of the statement of election
17 until, but excluding, the second extended filing month, less
18 the annual franchise tax theretofore paid at the time of
19 filing the statement of election, but in no event shall the
20 amount of the annual franchise tax be less than \$2.08333 per
21 month assessed on a minimum of \$25 per annum or more than
22 \$83,333.333333 per month; commencing with the first
23 anniversary month that occurs after December, 2003, the
24 annual franchise tax payable at the time of filing the final
25 transition annual report shall be an amount equal to (i) 1/12
26 of 1/10 of 1% per month of the proportion of paid-in capital
27 represented in this State as shown in the final transition
28 annual report multiplied by (ii) the number of months
29 commencing with the anniversary month next following the
30 filing of the statement of election until, but excluding, the
31 second extended filing month, less the annual franchise tax
32 theretofore paid at the time of filing the statement of
33 election, but in no event shall the amount of the annual
34 franchise tax be less than \$2.08333 per month assessed on a

1 minimum of \$25 per annum or more than \$166,666.666666 per
2 month.

3 (d) The initial franchise tax payable after January 1,
4 1983, but prior to January 1, 1991, by each domestic
5 corporation shall be computed at the rate of 1/10 of 1% for
6 the 12 months' period commencing on the first day of the
7 anniversary month in which the certificate of incorporation
8 is issued to the corporation under Section 2.10 of this Act,
9 but in no event shall the franchise tax be less than \$25 nor
10 more than \$1,000,000 per annum. The initial franchise tax
11 payable on or after January 1, 1991, but prior to January 1,
12 2004, by each domestic corporation shall be computed at the
13 rate of 15/100 of 1% for the 12 month period commencing on
14 the first day of the anniversary month in which the articles
15 certificate of incorporation are filed in accordance with is
16 issued-to-the-corporation-under Section 2.10 of this Act, but
17 in no event shall the initial franchise tax be less than \$25
18 nor more than \$1,000,000 per annum plus 1/20th of 1% of the
19 basis therefor. The initial franchise tax payable on or after
20 January 1, 2004, by each domestic corporation shall be
21 computed at the rate of 15/100 of 1% for the 12-month period
22 commencing on the first day of the anniversary month in which
23 the articles of incorporation are filed in accordance with
24 Section 2.10 of this Act, but in no event shall the initial
25 franchise tax be less than \$25 nor more than \$2,000,000 per
26 annum plus 1/10th of 1% of the basis therefor.

27 (e) Each additional franchise tax payable by each
28 domestic corporation for the period beginning January 1, 1983
29 through December 31, 1983 shall be computed at the rate of
30 1/12 of 1/10 of 1% for each calendar month or fraction
31 thereof, between the date of each respective increase in its
32 paid-in capital and its anniversary month in 1984; thereafter
33 until the last day of the month that is both after December
34 31, 1990 and the third month immediately preceding the

1 anniversary month in 1991, each additional franchise tax
2 payable by each domestic corporation shall be computed at the
3 rate of 1/12 of 1/10 of 1% for each calendar month, or
4 fraction thereof, between the date of each respective
5 increase in its paid-in capital and its next anniversary
6 month; however, if the increase occurs within the 2 month
7 period immediately preceding the anniversary month, the tax
8 shall be computed to the anniversary month of the next
9 succeeding calendar year. Commencing with increases in
10 paid-in capital that occur subsequent to both December 31,
11 1990 and the last day of the third month immediately
12 preceding the anniversary month in 1991, the additional
13 franchise tax payable by a domestic corporation shall be
14 computed at the rate of 15/100 of 1%.

15 (Source: P.A. 91-464, eff. 1-1-00.)

16 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

17 Sec. 15.75. Rate of franchise taxes payable by foreign
18 corporations.

19 (a) The annual franchise tax payable by each foreign
20 corporation shall be computed at the rate of 1/12 of 1/10 of
21 1% for each calendar month or fraction thereof for the period
22 commencing on the first day of July 1983 to the first day of
23 the anniversary month in 1984, but in no event shall the
24 amount of the annual franchise tax be less than \$2.083333 per
25 month based on a minimum of \$25 per annum or more than
26 \$83,333.333333 per month; commencing on January 1, 1984 to
27 the first day of the anniversary month in 2004, thereafter,
28 the annual franchise tax payable by each foreign corporation
29 shall be computed at the rate of 1/10 of 1% for the
30 12-months' period commencing on the first day of the
31 anniversary month or, in the case of a corporation that has
32 established an extended filing month, the extended filing
33 month of the corporation, but in no event shall the amount of

1 the annual franchise tax be less than \$25 nor more than
2 \$1,000,000 per annum; commencing on January 1, 2004, the
3 annual franchise tax payable by each foreign corporation
4 shall be computed at the rate of 1/10 of 1% for the 12-month
5 period commencing on the first day of the anniversary month
6 or, in the case of a corporation that has established an
7 extended filing month, the extended filing month of the
8 corporation, but in no event shall the amount of the annual
9 franchise tax be less than \$25 nor more then \$2,000,000 per
10 annum.

11 (b) The annual franchise tax payable by each foreign
12 corporation at the time of filing a statement of election and
13 interim annual report in connection with an anniversary month
14 prior to January, 2004 shall be computed at the rate of 1/10
15 of 1% for the 12 month period commencing on the first day of
16 the anniversary month of the corporation next following the
17 filing, but in no event shall the amount of the annual
18 franchise tax be less than \$25 nor more than \$1,000,000 per
19 annum; commencing with the first anniversary month that
20 occurs after December, 2003, the annual franchise tax payable
21 by each foreign corporation at the time of filing a statement
22 of election and interim annual report shall be computed at
23 the rate of 1/10 of 1% for the 12-month period commencing on
24 the first day of the anniversary month of the corporation
25 next following such filing, but in no event shall the amount
26 of the annual franchise tax be less than \$25 nor more than
27 \$2,000,000 per annum.

28 (c) The annual franchise tax payable at the time of
29 filing the final transition annual report in connection with
30 an anniversary month prior to January, 2004 shall be an
31 amount equal to (i) 1/12 of 1/10 of 1% per month of the
32 proportion of paid-in capital represented in this State as
33 shown in the final transition annual report multiplied by
34 (ii) the number of months commencing with the anniversary

1 month next following the filing of the statement of election
2 until, but excluding, the second extended filing month, less
3 the annual franchise tax theretofore paid at the time of
4 filing the statement of election, but in no event shall the
5 amount of the annual franchise tax be less than \$2.083333 per
6 month based on a minimum of \$25 per annum or more than
7 \$83,333.333333 per month; commencing with the first
8 anniversary month that occurs after December, 2003, the
9 annual franchise tax payable at the time of filing the final
10 transition annual report shall be an amount equal to (i) 1/12
11 of 1/10 of 1% per month of the proportion of paid-in capital
12 represented in this State as shown in the final transition
13 annual report multiplied by (ii) the number of months
14 commencing with the anniversary month next following the
15 filing of the statement of election until, but excluding, the
16 second extended filing month, less the annual franchise tax
17 theretofore paid at the time of filing the statement of
18 election, but in no event shall the amount of the annual
19 franchise tax be less than \$2.083333 per month based on a
20 minimum of \$25 per annum or more than \$166,666.666666 per
21 month.

22 (d) The initial franchise tax payable after January 1,
23 1983, but prior to January 1, 1991, by each foreign
24 corporation shall be computed at the rate of 1/10 of 1% for
25 the 12 months' period commencing on the first day of the
26 anniversary month in which the application for authority is
27 filed by the corporation under Section 13.15 of this Act, but
28 in no event shall the franchise tax be less than \$25 nor more
29 than \$1,000,000 per annum. Except in the case of a foreign
30 corporation that has begun transacting business in Illinois
31 prior to January 1, 1991, the initial franchise tax payable
32 on or after January 1, 1991, by each foreign corporation,
33 shall be computed at the rate of 15/100 of 1% for the
34 12-month ~~12-month~~ period commencing on the first day of the

1 anniversary month in which the application for authority is
2 filed by the corporation under Section 13.15 of this Act, but
3 in no event shall the franchise tax for a taxable year
4 commencing prior to January 1, 2004 be less than \$25 nor more
5 than \$1,000,000 per annum plus $1/20$ of 1% of the basis
6 therefor and in no event shall the franchise tax for a
7 taxable year commencing on or after January 1, 2004 be less
8 than \$25 or more than \$2,000,000 per annum plus $1/20$ of 1% of
9 the basis therefor.

10 (e) Whenever the application for authority indicates
11 that the corporation commenced transacting business:

12 (1) prior to January 1, 1991, the initial franchise
13 tax shall be computed at the rate of $1/12$ of $1/10$ of 1%
14 for each calendar month; or

15 (2) after December 31, 1990, the initial franchise
16 tax shall be computed at the rate of $1/12$ of $15/100$ of 1%
17 for each calendar month.

18 (f) Each additional franchise tax payable by each
19 foreign corporation for the period beginning January 1, 1983
20 through December 31, 1983 shall be computed at the rate of
21 $1/12$ of $1/10$ of 1% for each calendar month or fraction
22 thereof between the date of each respective increase in its
23 paid-in capital and its anniversary month in 1984; thereafter
24 until the last day of the month that is both after December
25 31, 1990 and the third month immediately preceding the
26 anniversary month in 1991, each additional franchise tax
27 payable by each foreign corporation shall be computed at the
28 rate of $1/12$ of $1/10$ of 1% for each calendar month, or
29 fraction thereof, between the date of each respective
30 increase in its paid-in capital and its next anniversary
31 month; however, if the increase occurs within the 2 month
32 period immediately preceding the anniversary month, the tax
33 shall be computed to the anniversary month of the next
34 succeeding calendar year. Commencing with increases in

1 paid-in capital that occur subsequent to both December 31,
2 1990 and the last day of the third month immediately
3 preceding the anniversary month in 1991, the additional
4 franchise tax payable by a foreign corporation shall be
5 computed at the rate of 15/100 of 1%.

6 (Source: P.A. 91-464, eff. 1-1-00; 92-33, eff. 7-1-01.)

7 Section 75-93. The Business Corporation Act of 1983 is
8 amended by changing Section 15.95 as follows:

9 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

10 Sec. 15.95. Department of Business Services Special
11 Operations Fund.

12 (a) A special fund in the State treasury known as the
13 Division of Corporations Special Operations Fund is renamed
14 the Department of Business Services Special Operations Fund.
15 Moneys deposited into the Fund shall, subject to
16 appropriation, be used by the Department of Business Services
17 of the Office of the Secretary of State, hereinafter
18 "Department", to create and maintain the capability to
19 perform expedited services in response to special requests
20 made by the public for same day or 24 hour service. Moneys
21 deposited into the Fund shall be used for, but not limited
22 to, expenditures for personal services, retirement, social
23 security, contractual services, equipment, electronic data
24 processing, and telecommunications.

25 (b) The balance in the Fund at the end of any fiscal
26 year shall not exceed \$600,000 ~~\$400,000~~ and any amount in
27 excess thereof shall be transferred to the General Revenue
28 Fund.

29 (c) All fees payable to the Secretary of State under
30 this Section shall be deposited into the Fund. No other fees
31 or taxes collected under this Act shall be deposited into the
32 Fund.

1 (d) "Expedited services" means services rendered within
2 the same day, or within 24 hours from the time, the request
3 therefor is submitted by the filer, law firm, service
4 company, or messenger physically in person or, at the
5 Secretary of State's discretion, by electronic means, to the
6 Department's Springfield Office and includes requests for
7 certified copies, photocopies, and certificates of good
8 standing or fact made to the Department's Springfield Office
9 in person or by telephone, or requests for certificates of
10 good standing or fact made in person or by telephone to the
11 Department's Chicago Office.

12 (e) Fees for expedited services shall be as follows:

13 Restatement of articles, \$200 ~~\$100~~;

14 Merger, consolidation or exchange, \$200 ~~\$100~~;

15 Articles of incorporation, \$100 ~~\$50~~;

16 Articles of amendment, \$100 ~~\$50~~;

17 Revocation of dissolution, \$100 ~~\$50~~;

18 Reinstatement, \$100 ~~\$50~~;

19 Application for authority, \$100 ~~\$50~~;

20 Cumulative report of changes in issued shares or paid-in
21 capital, \$100 ~~\$50~~;

22 Report following merger or consolidation, \$100 ~~\$50~~;

23 Certificate of good standing or fact, \$20 ~~\$10~~;

24 All other filings, copies of documents, annual reports
25 for the 3 preceding years, and copies of documents of
26 dissolved or revoked corporations having a file number over
27 5199, \$50 ~~\$25~~.

28 (f) Expedited services shall not be available for a
29 statement of correction, a petition for refund or adjustment,
30 or a request involving more than 3 year's annual reports or
31 involving dissolved corporations with a file number below
32 5200.

33 (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

1 Section 75-95. The Medical Corporation Act is amended by
2 adding Section 5.1 as follows:

3 (805 ILCS 15/5.1 new)

4 Sec. 5.1. Deposit of fees and fines. Beginning July 1,
5 2003, all of the fees and fines collected under this Act
6 shall be deposited into the General Professions Dedicated
7 Fund.

8 Section 75-100. The Limited Liability Company Act is
9 amended by changing Sections 45-45, 50-10, and 50-15 as
10 follows:

11 (805 ILCS 180/45-45)

12 Sec. 45-45. Transaction of business without admission.

13 (a) A foreign limited liability company transacting
14 business in this State may not maintain a civil action in any
15 court of this State until the limited liability company is
16 admitted to transact business in this State.

17 (b) The failure of a foreign limited liability company
18 to be admitted to transact business in this State does not
19 impair the validity of any contract or act of the foreign
20 limited liability company or prevent the foreign limited
21 liability company from defending any civil action in any
22 court of this State.

23 (c) A foreign limited liability company, by transacting
24 business in this State without being admitted to do so,
25 appoints the Secretary of State as its agent upon whom any
26 notice, process, or demand may be served.

27 (d) A foreign limited liability company that transacts
28 business in this State without being admitted to do so shall
29 be liable to the State for the years or parts thereof during
30 which it transacted business in this State without being
31 admitted in an amount equal to all fees that would have been

1 imposed by this Article upon that limited liability company
2 had it been duly admitted, filed all reports required by this
3 Article, and paid all penalties imposed by this Article. If
4 a limited liability company fails to be admitted to do
5 business in this State within 60 days after it commences
6 transacting business in Illinois, it is liable for a penalty
7 of \$2,000 ~~\$1,000~~ plus \$100 ~~\$50~~ for each month or fraction
8 thereof in which it has continued to transact business in
9 this State without being admitted to do so. The Attorney
10 General shall bring proceedings to recover all amounts due
11 this State under this Article.

12 (e) A member of a foreign limited liability company is
13 not liable for the debts and obligations of the limited
14 liability company solely by reason of the company's having
15 transacted business in this State without being admitted to
16 do so.

17 (Source: P.A. 87-1062.)

18 (805 ILCS 180/50-10)

19 Sec. 50-10. Fees.

20 (a) The Secretary of State shall charge and collect in
21 accordance with the provisions of this Act and rules
22 promulgated under its authority all of the following:

23 (1) Fees for filing documents.

24 (2) Miscellaneous charges.

25 (3) Fees for the sale of lists of filings, copies
26 of any documents, and for the sale or release of any
27 information.

28 (b) The Secretary of State shall charge and collect for
29 all of the following:

30 (1) Filing articles of organization of limited
31 liability companies (domestic), application for admission
32 (foreign), and restated articles of organization
33 (domestic), \$500 ~~\$400~~.

1 (2) Filing amendments:

2 (A) For other than change of registered agent
3 name or registered office, or both, \$150 ~~\$100~~.

4 (B) For the purpose of changing the registered
5 agent name or registered office, or both, \$35 ~~\$25~~.

6 (3) Filing articles of dissolution or application
7 for withdrawal, \$100.

8 (4) Filing an application to reserve a name, \$300.

9 (5) Renewal fee for reserved name, \$100.

10 (6) Filing a notice of a transfer of a reserved
11 name, \$100.

12 (7) Registration of a name, \$300.

13 (8) Renewal of registration of a name, \$100.

14 (9) Filing an application for use of an assumed
15 name under Section 1-20 of this Act, \$150 for each year
16 or part thereof ending in 0 or 5, \$120 for each year or
17 part thereof ending in 1 or 6, \$90 for each year or part
18 thereof ending in 2 or 7, \$60 for each year or part
19 thereof ending in 3 or 8, \$30 for each year or part
20 thereof ending in 4 or 9, and a renewal for each assumed
21 name, \$300.

22 (10) Filing an application for change of an assumed
23 name, \$100.

24 (11) Filing an annual report of a limited liability
25 company or foreign limited liability company, \$250 ~~\$200~~,
26 if filed as required by this Act, plus a penalty if
27 delinquent.

28 (12) Filing an application for reinstatement of a
29 limited liability company or foreign limited liability
30 company \$500.

31 (13) Filing Articles of Merger, \$100 plus \$50 for
32 each party to the merger in excess of the first 2
33 parties.

34 (14) Filing an Agreement of Conversion or Statement

1 of Conversion, \$100.

2 (15) Filing any other document, \$100.

3 (c) The Secretary of State shall charge and collect all
4 of the following:

5 (1) For furnishing a copy or certified copy of any
6 document, instrument, or paper relating to a limited
7 liability company or foreign limited liability company,
8 \$1 per page, but not less than \$25, and \$25 for the
9 certificate and for affixing the seal thereto.

10 (2) For the transfer of information by computer
11 process media to any purchaser, fees established by rule.

12 (Source: P.A. 92-33, eff. 7-1-01.)

13 (805 ILCS 180/50-15)

14 Sec. 50-15. Penalty.

15 (a) The Secretary of State shall declare any limited
16 liability company or foreign limited liability company to be
17 delinquent and not in good standing if any of the following
18 occur:

19 (1) It has failed to file its annual report and pay
20 the requisite fee as required by this Act before the
21 first day of the anniversary month in the year in which
22 it is due.

23 (2) It has failed to appoint and maintain a
24 registered agent in Illinois within 60 days of
25 notification of the Secretary of State by the resigning
26 registered agent.

27 (3) (Blank).

28 (b) If the limited liability company or foreign limited
29 liability company has not corrected the default within the
30 time periods prescribed by this Act, the Secretary of State
31 shall be empowered to invoke any of the following penalties:

32 (1) For failure or refusal to comply with
33 subsection (a) of this Section within 60 days after the

1 due date, a penalty of \$300 ~~\$100-plus-\$50-for-each--month~~
2 ~~or--fraction--thereof--until--returned--to--good--standing--or~~
3 ~~until--administratively--dissolved--by--the--Secretary--of~~
4 State.

5 (2) The Secretary of State shall not file any
6 additional documents, amendments, reports, or other
7 papers relating to any limited liability company or
8 foreign limited liability company organized under or
9 subject to the provisions of this Act until any
10 delinquency under subsection (a) is satisfied.

11 (3) In response to inquiries received in the Office
12 of the Secretary of State from any party regarding a
13 limited liability company that is delinquent, the
14 Secretary of State may show the limited liability company
15 as not in good standing.

16 (Source: P.A. 90-424, eff. 1-1-98; 91-354, eff. 1-1-00.)

17 Section 75-105. The Limited Liability Company Act is
18 amended by changing Section 50-50 as follows:

19 (805 ILCS 180/50-50)

20 Sec. 50-50. Department of Business Services Special
21 Operations Fund.

22 (a) A special fund in the State treasury is created and
23 shall be known as the Department of Business Services Special
24 Operations Fund. Moneys deposited into the Fund shall,
25 subject to appropriation, be used by the Department of
26 Business Services of the Office of the Secretary of State,
27 hereinafter "Department", to create and maintain the
28 capability to perform expedited services in response to
29 special requests made by the public for same-day or 24-hour
30 service. Moneys deposited into the Fund shall be used for,
31 but not limited to, expenditures for personal services,
32 retirement, Social Security, contractual services, equipment,

1 electronic data processing, and telecommunications.

2 (b) The balance in the Fund at the end of any fiscal
3 year shall not exceed \$600,000 ~~\$400,000~~, and any amount in
4 excess thereof shall be transferred to the General Revenue
5 Fund.

6 (c) All fees payable to the Secretary of State under
7 this Section shall be deposited into the Fund. No other fees
8 or charges collected under this Act shall be deposited into
9 the Fund.

10 (d) "Expedited services" means services rendered within
11 the same day, or within 24 hours from the time, the request
12 therefor is submitted by the filer, law firm, service
13 company, or messenger physically in person or, at the
14 Secretary of State's discretion, by electronic means, to the
15 Department's Springfield Office and includes requests for
16 certified copies, photocopies, and certificates of good
17 standing made to the Department's Springfield Office in
18 person or by telephone, or requests for certificates of good
19 standing made in person or by telephone to the Department's
20 Chicago Office.

21 (e) Fees for expedited services shall be as follows:

22 Restated articles of organization, \$200 ~~\$100~~;

23 Merger or conversion, \$200 ~~\$100~~;

24 Articles of organization, \$100 ~~\$50~~;

25 Articles of amendment, \$100 ~~\$50~~;

26 Reinstatement, \$100 ~~\$50~~;

27 Application for admission to transact business, \$100 ~~\$50~~;

28 Certificate of good standing or abstract of computer
29 record, \$20 ~~\$10~~;

30 All other filings, copies of documents, annual reports,
31 and copies of documents of dissolved or revoked limited
32 liability companies, \$50 ~~\$25~~.

33 (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

1 Section 75-110. The Revised Uniform Limited Partnership
2 Act is amended by changing Sections 1102 and 1111 as follows:

3 (805 ILCS 210/1102) (from Ch. 106 1/2, par. 161-2)
4 Sec. 1102. Fees.

5 (a) The Secretary of State shall charge and collect in
6 accordance with the provisions of this Act and rules
7 promulgated pursuant to its authority:

8 (1) fees for filing documents;

9 (2) miscellaneous charges;

10 (3) fees for the sale of lists of filings, copies
11 of any documents, and for the sale or release of any
12 information.

13 (b) The Secretary of State shall charge and collect for:

14 (1) filing certificates of limited partnership
15 (domestic), certificates of admission (foreign), restated
16 certificates of limited partnership (domestic), and
17 restated certificates of admission (foreign), \$150 \$75;

18 (2) filing certificates to be governed by this Act,
19 \$50 \$25;

20 (3) filing amendments and certificates of
21 amendment, \$50 \$25;

22 (4) filing certificates of cancellation, \$25;

23 (5) filing an application for use of an assumed
24 name pursuant to Section 108 of this Act, \$150 for each
25 year or part thereof ending in 0 or 5, \$120 for each year
26 or part thereof ending in 1 or 6, \$90 for each year or
27 part thereof ending in 2 or 7, \$60 for each year or part
28 thereof ending in 3 or 8, \$30 for each year or part
29 thereof ending in 4 or 9, and a renewal fee for each
30 assumed name, \$150;

31 (6) filing a renewal report of a domestic or
32 foreign limited partnership, \$150 \$15 if filed as
33 required by this Act, plus \$100 penalty if delinquent;

1 (7) filing an application for reinstatement of a
2 domestic or foreign limited partnership, and for issuing
3 a certificate of reinstatement, \$200 ~~\$100~~;

4 (8) filing any other document, \$50 ~~\$5~~.

5 (c) The Secretary of State shall charge and collect:

6 (1) for furnishing a copy or certified copy of any
7 document, instrument or paper relating to a domestic
8 limited partnership or foreign limited partnership, \$25
9 ~~\$.50--per--page,--but--not--less--than--\$5,--and--\$5--for--the~~
10 ~~certificate--and--for--affixing--the--seal--thereto~~; and

11 (2) for the transfer of information by computer
12 process media to any purchaser, fees established by rule.

13 (Source: P.A. 92-33, eff. 7-1-01.)

14 (805 ILCS 210/1111)

15 Sec. 1111. Department of Business Services Special
16 Operations Fund.

17 (a) A special fund in the State Treasury is created and
18 shall be known as the Department of Business Services Special
19 Operations Fund. Moneys deposited into the Fund shall,
20 subject to appropriation, be used by the Department of
21 Business Services of the Office of the Secretary of State,
22 hereinafter "Department", to create and maintain the
23 capability to perform expedited services in response to
24 special requests made by the public for same day or 24 hour
25 service. Moneys deposited into the Fund shall be used for,
26 but not limited to, expenditures for personal services,
27 retirement, social security contractual services, equipment,
28 electronic data processing, and telecommunications.

29 (b) The balance in the Fund at the end of any fiscal
30 year shall not exceed \$600,000 ~~\$400,000~~ and any amount in
31 excess thereof shall be transferred to the General Revenue
32 Fund.

33 (c) All fees payable to the Secretary of State under

1 this Section shall be deposited into the Fund. No other fees
2 or charges collected under this Act shall be deposited into
3 the Fund.

4 (d) "Expedited services" means services rendered within
5 the same day, or within 24 hours from the time, the request
6 therefor is submitted by the filer, law firm, service
7 company, or messenger physically in person, or at the
8 Secretary of State's discretion, by electronic means, to the
9 Department's Springfield Office or Chicago Office and
10 includes requests for certified copies, photocopies, and
11 certificates of existence or abstracts of computer record
12 made to the Department's Springfield Office in person or by
13 telephone, or requests for certificates of existence or
14 abstracts of computer record made in person or by telephone
15 to the Department's Chicago Office.

16 (e) Fees for expedited services shall be as follows:

17 Merger or conversion, \$200 ~~\$100~~;

18 Certificate of limited partnership, \$100 ~~\$50~~;

19 Certificate of amendment, \$100 ~~\$50~~;

20 Reinstatement, \$100 ~~\$50~~;

21 Application for admission to transact business, \$100 ~~\$50~~;

22 Certificate of cancellation of admission, \$100 ~~\$50~~;

23 Certificate of existence or abstract of computer record,
24 \$20 ~~\$10~~.

25 All other filings, copies of documents, biennial renewal
26 reports, and copies of documents of canceled limited
27 partnerships, \$50 ~~\$25~~.

28 (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

29 Section 75-115. The Illinois Securities Law of 1953 is
30 amended by adding Section 18.1 as follows:

31 (815 ILCS 5/18.1 new)

32 Sec. 18.1. Additional fees. In addition to any other

1 fee that the Secretary of State may impose and collect
 2 pursuant to the authority contained in Sections 4, 8, and 11a
 3 of this Act, beginning on July 1, 2003 the Secretary of State
 4 shall also collect the following additional fees:

5 Securities offered or sold under the Uniform
 6 Limited Offering Exemption Pursuant to
 7 Section 4.D of the Act..... \$100

8 Registration and renewal of a dealer..... \$300

9 Registration and renewal of an investment adviser. \$200

10 Federal covered investment adviser notification
 11 filing and annual notification filing..... \$200

12 Registration and renewal of a salesperson..... \$75

13 Registration and renewal of an investment adviser
 14 representative and a federal covered
 15 investment adviser representative..... \$75

16 Investment fund shares notification filing and annual
 17 notification filing: \$800 plus \$80 for each series, class, or
 18 portfolio.

19 All fees collected by the Secretary of State pursuant to
 20 this amendatory Act of the 93rd General Assembly shall be
 21 deposited into the General Revenue Fund in the State
 22 treasury.

23 ARTICLE 999

24 Section 999-1. Effective date. This Act, except for
 25 Article 75, takes effect upon becoming law. Article 75 takes
 26 effect on July 1, 2003, except as follows:

27 (1) The provisions of Article 75 changing Section
 28 15.95 of the Business Corporation Act of 1983 and Section
 29 50-50 of the Limited Liability Company Act take effect on

1 September 1, 2003.

2 (2) The provisions of Article 75 changing Sections
3 15.10, 15.12, 15.15, 15.45, and 15.75 of the Business
4 Corporation Act of 1983 and the provisions changing
5 Sections 45-45, 50-10, and 50-15 of the Limited Liability
6 Company Act take effect on December 1, 2003.

7 (3) The provisions of Article 75 changing Section
8 5.5 of the Secretary of State Act and Sections 6-118 and
9 7-707 of the Illinois Vehicle Code take effect on January
10 1, 2004.