

1 AMENDMENT TO SENATE BILL 1903

2 AMENDMENT NO. _____. Amend Senate Bill 1903 by replacing
3 everything after the enacting clause with the following:

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

1 initially financed by a transfer of funds from the General
 2 Revenue Fund. Thereafter, all fees and other monies received
 3 by the Department of Central Management Services in payment
 4 for communications services rendered pursuant to the
 5 Department of Central Management Services Law or sale of
 6 surplus State communications equipment shall be paid into the
 7 Communications Revolving Fund. Except as otherwise provided
 8 in this Section, the money in this fund shall be used by the
 9 Department of Central Management Services as reimbursement
 10 for expenditures incurred in relation to communications
 11 services.

12 On the effective date of this amendatory Act of the 93rd
 13 General Assembly, or as soon as practicable thereafter, the
 14 State Comptroller shall order transferred and the State
 15 Treasurer shall transfer \$3,000,000 from the Communications
 16 Revolving Fund to the Emergency Public Health Fund to be used
 17 for the purposes specified in Section 55.6a of the
 18 Environmental Protection Act.

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

20 (30 ILCS 105/8.42 new)

21 Sec. 8.42. Interfund transfers. In order to address the
 22 fiscal emergency resulting from shortfalls in revenue, the
 23 following transfers are authorized from the designated funds
 24 into the General Revenue Fund:

25	<u>ROAD FUND.....</u>	<u>\$50,000,000</u>
26	<u>MOTOR FUEL TAX FUND.....</u>	<u>\$1,535,000</u>
27	<u>GRADE CROSSING PROTECTION FUND.....</u>	<u>\$6,500,000</u>
28	<u>ILLINOIS AGRICUTURAL LOAN GUARANTEE FUND.....</u>	<u>\$2,500,000</u>
29	<u>ILLINOIS FARMER AND AGRIBUSINESS</u>	
30	<u>LOAN GUARANTEE FUND.....</u>	<u>\$1,500,000</u>
31	<u>TRANSPORTATION REGULATORY FUND.....</u>	<u>\$2,000,000</u>
32	<u>PARK AND CONSERVATION FUND.....</u>	<u>\$1,000,000</u>
33	<u>DCFS CHILDREN'S SERVICES FUND.....</u>	<u>\$1,000,000</u>

1	<u>TOBACCO SETTLEMENT RECOVERY FUND.....</u>	<u>\$50,000</u>
2	<u>AGGREGATE OPERATIONS REGULATORY FUND.....</u>	<u>\$10,000</u>
3	<u>APPRAISAL ADMINISTRATION FUND.....</u>	<u>\$10,000</u>
4	<u>AUCTION REGULATION ADMINISTRATION FUND.....</u>	<u>\$50,000</u>
5	<u>BANK AND TRUST COMPANY FUND.....</u>	<u>\$640,000</u>
6	<u>CHILD LABOR AND DAY AND TEMPORARY</u>	
7	<u>LABOR ENFORCEMENT FUND.....</u>	<u>\$15,000</u>
8	<u>CHILD SUPPORT ADMINISTRATIVE FUND.....</u>	<u>\$170,000</u>
9	<u>COAL MINING REGULATORY FUND.....</u>	<u>\$80,000</u>
10	<u>COMMUNITY WATER SUPPLY LABORATORY FUND.....</u>	<u>\$500,000</u>
11	<u>COMPTROLLER'S ADMINISTRATIVE FUND.....</u>	<u>\$50,000</u>
12	<u>CREDIT UNION FUND.....</u>	<u>\$500,000</u>
13	<u>CRIMINAL JUSTICE INFORMATION</u>	
14	<u>SYSTEMS TRUST FUND.....</u>	<u>\$300,000</u>
15	<u>DESIGN PROFESSIONALS ADMINISTRATION</u>	
16	<u>AND INVESTIGATION FUND.....</u>	<u>\$1,000,000</u>
17	<u>DIGITAL DIVIDE ELIMINATION</u>	
18	<u>INFRASTRUCTURE FUND.....</u>	<u>\$4,000,000</u>
19	<u>DRAM SHOP FUND.....</u>	<u>\$560,000</u>
20	<u>DRIVERS EDUCATION FUND.....</u>	<u>\$2,500,000</u>
21	<u>EMERGENCY PLANNING AND TRAINING FUND.....</u>	<u>\$50,000</u>
22	<u>ENERGY EFFICIENCY TRUST FUND.....</u>	<u>\$1,000,000</u>
23	<u>EXPLOSIVES REGULATORY FUND.....</u>	<u>\$4,000</u>
24	<u>FINANCIAL INSTITUTION FUND.....</u>	<u>\$300,000</u>
25	<u>FIREARM OWNER'S NOTIFICATION FUND.....</u>	<u>\$110,000</u>
26	<u>FOOD AND DRUG SAFETY FUND.....</u>	<u>\$500,000</u>
27	<u>GENERAL PROFESSIONS DEDICATED FUND.....</u>	<u>\$1,000,000</u>
28	<u>HAZARDOUS WASTE FUND.....</u>	<u>\$500,000</u>
29	<u>HORSE RACING FUND.....</u>	<u>\$630,000</u>
30	<u>ILLINOIS GAMING LAW ENFORCEMENT FUND.....</u>	<u>\$200,000</u>
31	<u>ILLINOIS HISTORIC SITES FUND.....</u>	<u>\$15,000</u>
32	<u>ILLINOIS SCHOOL ASBESTOS ABATEMENT FUND.....</u>	<u>\$400,000</u>
33	<u>ILLINOIS STANDARD BRED BREEDERS FUND.....</u>	<u>\$35,000</u>
34	<u>ILLINOIS STATE MEDICAL DISCIPLINARY FUND.....</u>	<u>\$1,500,000</u>

1	<u>ILLINOIS STATE PHARMACY DISCIPLINARY FUND.....</u>	<u>\$1,500,000</u>
2	<u>ILLINOIS TAX INCREMENT FUND.....</u>	<u>\$20,000</u>
3	<u>INSURANCE FINANCIAL REGULATION FUND.....</u>	<u>\$920,000</u>
4	<u>LANDFILL CLOSURE AND POST-CLOSURE FUND.....</u>	<u>\$250,000</u>
5	<u>MANDATORY ARBITRATION FUND.....</u>	<u>\$2,000,000</u>
6	<u>MEDICAID FRAUD AND ABUSE PREVENTION FUND.....</u>	<u>\$80,000</u>
7	<u>MENTAL HEALTH FUND.....</u>	<u>\$1,000,000</u>
8	<u>NEW TECHNOLOGY RECOVERY FUND.....</u>	<u>\$1,000,000</u>
9	<u>NUCLEAR SAFETY EMERGENCY PREPAREDNESS FUND.....</u>	<u>\$460,000</u>
10	<u>OPEN SPACE LANDS ACQUISITION</u>	
11	<u> AND DEVELOPMENT FUND.....</u>	<u>\$1,510,000</u>
12	<u>PLUGGING AND RESTORATION FUND.....</u>	<u>\$120,000</u>
13	<u>PLUMBING LICENSURE AND PROGRAM FUND.....</u>	<u>\$400,000</u>
14	<u>PUBLIC HEALTH WATER PERMIT FUND.....</u>	<u>\$90,000</u>
15	<u>PUBLIC UTILITY FUND.....</u>	<u>\$2,000,000</u>
16	<u>RADIATION PROTECTION FUND.....</u>	<u>\$240,000</u>
17	<u>LOW-LEVEL RADIOACTIVE WASTE FACILITY</u>	
18	<u> DEVELOPMENT AND OPERATION FUND.....</u>	<u>\$1,000,000</u>
19	<u>REAL ESTATE AUDIT FUND.....</u>	<u>\$50,000</u>
20	<u>REAL ESTATE LICENSE ADMINISTRATION FUND.....</u>	<u>\$750,000</u>
21	<u>REAL ESTATE RESEARCH AND EDUCATION FUND.....</u>	<u>\$30,000</u>
22	<u>REGISTERED CERTIFIED PUBLIC ACCOUNTANTS'</u>	
23	<u> ADMINISTRATION AND DISCIPLINARY FUND.....</u>	<u>\$1,000,000</u>
24	<u>RENEWABLE ENERGY RESOURCES TRUST FUND.....</u>	<u>\$3,000,000</u>
25	<u>SAVINGS AND RESIDENTIAL FINANCE</u>	
26	<u> REGULATORY FUND.....</u>	<u>\$850,000</u>
27	<u>SECURITIES AUDIT AND ENFORCEMENT FUND.....</u>	<u>\$2,000,000</u>
28	<u>STATE PARKS FUND.....</u>	<u>\$593,000</u>
29	<u>STATE POLICE VEHICLE FUND.....</u>	<u>\$15,000</u>
30	<u>TAX COMPLIANCE AND ADMINISTRATION FUND.....</u>	<u>\$150,000</u>
31	<u>TOURISM PROMOTION FUND.....</u>	<u>\$5,000,000</u>
32	<u>TRAFFIC AND CRIMINAL CONVICTION</u>	
33	<u> SURCHARGE FUND.....</u>	<u>\$250,000</u>
34	<u>UNDERGROUND RESOURCES CONSERVATION</u>	

1	<u>ENFORCEMENT FUND.....</u>	<u>\$100,000</u>
2	<u>UNDERGROUND STORAGE TANK FUND.....</u>	<u>\$12,100,000</u>
3	<u>ILLINOIS CAPITAL REVOLVING LOAN FUND.....</u>	<u>\$5,000,000</u>
4	<u>CONSERVATION 2000 FUND.....</u>	<u>\$15,000</u>
5	<u>DEATH CERTIFICATE SURCHARGE FUND.....</u>	<u>\$1,500,000</u>
6	<u>ENERGY ASSISTANCE CONTRIBUTION FUND.....</u>	<u>\$750,000</u>
7	<u>FAIR AND EXPOSITION FUND.....</u>	<u>\$500,000</u>
8	<u>HOME INSPECTOR ADMINISTRATION FUND.....</u>	<u>\$100,000</u>
9	<u>ILLINOIS AFFORDABLE HOUSING TRUST FUND.....</u>	<u>\$5,000,000</u>
10	<u>LARGE BUSINESS ATTRACTION FUND.....</u>	<u>\$500,000</u>
11	<u>SCHOOL TECHNOLOGY REVOLVING LOAN FUND.....</u>	<u>\$6,000,000</u>
12	<u>SOLID WASTE MANAGEMENT REVOLVING LOAN FUND.....</u>	<u>\$2,000,000</u>
13	<u>WIRELESS CARRIER REIMBURSEMENT FUND.....</u>	<u>\$2,000,000</u>
14	<u>EPA STATE PROJECTS TRUST FUND.....</u>	<u>\$150,000</u>
15	<u>ILLINOIS THOROUGHBRED</u>	
16	<u>BREEDERS FUND.....</u>	<u>\$160,000</u>
17	<u>FIRE PREVENTION FUND.....</u>	<u>\$2,000,000</u>
18	<u>MOTOR VEHICLE THEFT</u>	
19	<u>PREVENTION TRUST FUND.....</u>	<u>\$250,000</u>
20	<u>CAPITAL DEVELOPMENT BOARD</u>	
21	<u>REVOLVING FUND.....</u>	<u>\$500,000</u>
22	<u>AUDIT EXPENSE FUND.....</u>	<u>\$1,000,000</u>
23	<u>OFF-HIGHWAY VEHICLE</u>	
24	<u>TRAILS FUND.....</u>	<u>\$100,000</u>
25	<u>CYCLE RIDER SAFETY</u>	
26	<u>TRAINING FUND.....</u>	<u>\$1,000,000</u>
27	<u>GANG CRIME WITNESS PROTECTION FUND.....</u>	<u>\$46,000</u>
28	<u>MISSING AND EXPLOITED CHILDREN TRUST FUND.....</u>	<u>\$53,000</u>
29	<u>STATE POLICE VEHICLE FUND.....</u>	<u>\$86,000</u>
30	<u>SEX OFFENDER REGISTRATION FUND.....</u>	<u>\$21,000</u>
31	<u>STATE POLICE WIRELESS SERVICE</u>	
32	<u>EMERGENCY FUND.....</u>	<u>\$1,200,000</u>
33	<u>MEDICAID FRAUD AND ABUSE PREVENTION FUND.....</u>	<u>\$270,000</u>
34	<u>STATE CRIME LABORATORY FUND.....</u>	<u>\$250,000</u>

1	<u>LEADS MAINTENANCE FUND.....</u>	<u>\$180,000</u>
2	<u>STATE POLICE DUI FUND.....</u>	<u>\$100,000</u>
3	<u>PETROLEUM VIOLATION FUND.....</u>	<u>\$2,000,000</u>

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

7 (30 ILCS 105/8g)

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

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

16 (b) In addition to any other transfers that may be
17 provided for by law, as soon as may be practical after the
18 effective date of this amendatory Act of the 91st General
19 Assembly, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$25,000,000 from the
21 General Revenue Fund to the Fund for Illinois' Future created
22 by Senate Bill 1066 of the 91st General Assembly.

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

31 (d) The payments to programs required under subsection
32 (d) of Section 28.1 of the Horse Racing Act of 1975 shall be
33 made, pursuant to appropriation, from the special funds

1 referred to in the statutes cited in that subsection, rather
2 than directly from the General Revenue Fund.

3 Beginning January 1, 2000, on the first day of each
4 month, or as soon as may be practical thereafter, the State
5 Comptroller shall direct and the State Treasurer shall
6 transfer from the General Revenue Fund to each of the special
7 funds from which payments are to be made under Section
8 28.1(d) of the Horse Racing Act of 1975 an amount equal to
9 1/12 of the annual amount required for those payments from
10 that special fund, which annual amount shall not exceed the
11 annual amount for those payments from that special fund for
12 the calendar year 1998. The special funds to which transfers
13 shall be made under this subsection (d) include, but are not
14 necessarily limited to, the Agricultural Premium Fund; the
15 Metropolitan Exposition Auditorium and Office Building Fund;
16 the Fair and Exposition Fund; the Standardbred Breeders Fund;
17 the Thoroughbred Breeders Fund; and the Illinois Veterans'
18 Rehabilitation Fund.

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

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

33 (f-1) In fiscal year 2002, in addition to any other
34 transfers that may be provided for by law, at the direction

1 of and upon notification from the Governor, the State
2 Comptroller shall direct and the State Treasurer shall
3 transfer amounts not exceeding a total of \$160,000,000 from
4 the General Revenue Fund to the Long-Term Care Provider Fund.

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

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

15 (i) On or after July 1, 2001 and until May 1, 2002, in
16 addition to any other transfers that may be provided for by
17 law, at the direction of and upon notification from the
18 Governor, the State Comptroller shall direct and the State
19 Treasurer shall transfer amounts not exceeding a total of
20 \$80,000,000 from the General Revenue Fund to the Tobacco
21 Settlement Recovery Fund. Any amounts so transferred shall
22 be re-transferred by the State Comptroller and the State
23 Treasurer from the Tobacco Settlement Recovery Fund to the
24 General Revenue Fund at the direction of and upon
25 notification from the Governor, but in any event on or before
26 June 30, 2002.

27 (i-1) On or after July 1, 2002 and until May 1, 2003, in
28 addition to any other transfers that may be provided for by
29 law, at the direction of and upon notification from the
30 Governor, the State Comptroller shall direct and the State
31 Treasurer shall transfer amounts not exceeding a total of
32 \$80,000,000 from the General Revenue Fund to the Tobacco
33 Settlement Recovery Fund. Any amounts so transferred shall
34 be re-transferred by the State Comptroller and the State

1 Treasurer from the Tobacco Settlement Recovery Fund to the
 2 General Revenue Fund at the direction of and upon
 3 notification from the Governor, but in any event on or before
 4 June 30, 2003.

5 (j) On or after July 1, 2001 and no later than June 30,
 6 2002, in addition to any other transfers that may be provided
 7 for by law, at the direction of and upon notification from
 8 the Governor, the State Comptroller shall direct and the
 9 State Treasurer shall transfer amounts not to exceed the
 10 following sums into the Statistical Services Revolving Fund:

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

32 (k) In addition to any other transfers that may be
 33 provided for by law, as soon as may be practical after the
 34 effective date of this amendatory Act of the 92nd General

1 Assembly, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$2,000,000 from the
3 General Revenue Fund to the Teachers Health Insurance
4 Security Fund.

5 (k-1) In addition to any other transfers that may be
6 provided for by law, on July 1, 2002, or as soon as may be
7 practical thereafter, the State Comptroller shall direct and
8 the State Treasurer shall transfer the sum of \$2,000,000 from
9 the General Revenue Fund to the Teachers Health Insurance
10 Security Fund.

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

17 (k-3) On or after July 1, 2002 and no later than June
18 30, 2003, in addition to any other transfers that may be
19 provided for by law, at the direction of and upon
20 notification from the Governor, the State Comptroller shall
21 direct and the State Treasurer shall transfer amounts not to
22 exceed the following sums into the Statistical Services
23 Revolving Fund:

24	Appraisal Administration Fund.....	\$150,000
25	General Revenue Fund.....	10,440,000
26	Savings and Residential Finance	
27	Regulatory Fund.....	200,000
28	State Pensions Fund.....	100,000
29	Bank and Trust Company Fund.....	100,000
30	Professions Indirect Cost Fund.....	3,400,000
31	Public Utility Fund.....	2,081,200
32	Real Estate License Administration Fund.....	150,000
33	Title III Social Security and	
34	Employment Fund.....	1,000,000

1	Transportation Regulatory Fund.....	3,052,100
2	Underground Storage Tank Fund.....	50,000

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

9 (m) In addition to any other transfers that may be
10 provided for by law, on July 1, 2002, or as soon thereafter
11 as may be practical, the State Comptroller shall direct and
12 the State Treasurer shall transfer the sum of \$1,200,000 from
13 the General Revenue Fund to the Violence Prevention Fund.

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

19 (o) On or after July 1, 2003, and no later than June 30,
20 2004, in addition to any other transfers that may be provided
21 for by law, at the direction of and upon notification from
22 the Governor, the State Comptroller shall direct and the
23 State Treasurer shall transfer amounts not to exceed the
24 following sums into the Vehicle Inspection Fund:

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

26 (p) On or after July 1, 2003 and until May 1, 2004, in
27 addition to any other transfers that may be provided for by
28 law, at the direction of and upon notification from the
29 Governor, the State Comptroller shall direct and the State
30 Treasurer shall transfer amounts not exceeding a total of
31 \$80,000,000 from the General Revenue Fund to the Tobacco
32 Settlement Recovery Fund. Any amounts so transferred shall be
33 re-transferred from the Tobacco Settlement Recovery Fund to
34 the General Revenue Fund at the direction of and upon

1 notification from the Governor, but in any event on or before
2 June 30, 2004.

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

9 (r) In addition to any other transfers that may be
10 provided for by law, on July 1, 2003, or as soon as may be
11 practical thereafter, the State Comptroller shall direct and
12 the State Treasurer shall transfer the sum of \$1,922,000 from
13 the General Revenue Fund to the Presidential Library and
14 Museum Operating Fund.

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

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

25 (Source: P.A. 91-25, eff. 6-9-99; 91-704, eff. 5-17-00;
26 92-11, eff. 6-11-01; 92-505, eff. 12-20-01; 92-600, eff.
27 6-28-02.)

28 (30 ILCS 105/8h new)

29 Sec. 8h. Transfers to General Revenue Fund.
30 Notwithstanding any other State law to the contrary, the
31 Director of the Bureau of the Budget may from time to time
32 direct the State Treasurer and Comptroller to transfer a
33 specified sum from any fund held by the State Treasurer to

1 the General Revenue Fund in order to help defray the State's
2 operating costs for the fiscal year. The total transfer
3 under this Section from any fund in any fiscal year shall not
4 exceed the lesser of 8% of the revenues to be deposited into
5 the fund during that year or 25% of the beginning balance in
6 the fund. No transfer may be made from a fund under this
7 Section that would have the effect of reducing the available
8 balance in the fund to an amount less than the amount
9 remaining unexpended and unreserved from the total
10 appropriation from that fund for that fiscal year. This
11 Section does not apply to any funds that are restricted by
12 federal law to a specific use or to any funds in the Motor
13 Fuel Tax Fund. Notwithstanding any other provision of this
14 Section, the total transfer under this Section from the Road
15 Fund or the State Construction Account Fund shall not exceed
16 5% of the revenues to be deposited into the fund during that
17 year.

18 In determining the available balance in a fund, the
19 Director of the Bureau of the Budget may include receipts,
20 transfers into the fund, and other resources anticipated to
21 be available in the fund in that fiscal year.

22 The State Treasurer and Comptroller shall transfer the
23 amounts designated under this Section as soon as may be
24 practicable after receiving the direction to transfer from
25 the Director of the Bureau of the Budget.

26 (30 ILCS 105/8j new)

27 Sec. 8j. Allocation and transfer of fee receipts to
28 General Revenue Fund. Notwithstanding any other law to the
29 contrary, additional amounts generated by the new and
30 increased fees created or authorized by this amendatory Act
31 of the 93rd General Assembly and by Senate Bill 774, Senate
32 Bill 841, and Senate Bill 842 of the 93rd General Assembly,
33 if those bills become law, shall be allocated between the

1 fund otherwise entitled to receive the fee and the General
2 Revenue Fund by the Bureau of the Budget. In determining the
3 amount of the allocation to the General Revenue Fund, the
4 Director of the Bureau of the Budget shall calculate whether
5 the available resources in the fund are sufficient to satisfy
6 the unexpended and unreserved appropriations from the fund
7 for the fiscal year.

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

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

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

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

29 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

30 Sec. 901. Collection Authority.

31 (a) In general.

32 The Department shall collect the taxes imposed by this

1 Act. The Department shall collect certified past due child
 2 support amounts under Section 2505-650 of the Department of
 3 Revenue Law (20 ILCS 2505/2505-650). Except as provided in
 4 subsections (c) and (e) of this Section, money collected
 5 pursuant to subsections (a) and (b) of Section 201 of this
 6 Act shall be paid into the General Revenue Fund in the State
 7 treasury; money collected pursuant to subsections (c) and (d)
 8 of Section 201 of this Act shall be paid into the Personal
 9 Property Tax Replacement Fund, a special fund in the State
 10 Treasury; and money collected under Section 2505-650 of the
 11 Department of Revenue Law (20 ILCS 2505/2505-650) shall be
 12 paid into the Child Support Enforcement Trust Fund, a special
 13 fund outside the State Treasury, or to the State Disbursement
 14 Unit established under Section 10-26 of the Illinois Public
 15 Aid Code, as directed by the Department of Public Aid.

16 (b) Local Governmental Distributive Fund.

17 Beginning August 1, 1969, and continuing through June 30,
 18 1994, the Treasurer shall transfer each month from the
 19 General Revenue Fund to a special fund in the State treasury,
 20 to be known as the "Local Government Distributive Fund", an
 21 amount equal to 1/12 of the net revenue realized from the tax
 22 imposed by subsections (a) and (b) of Section 201 of this Act
 23 during the preceding month. Beginning July 1, 1994, and
 24 continuing through June 30, 1995, the Treasurer shall
 25 transfer each month from the General Revenue Fund to the
 26 Local Government Distributive Fund an amount equal to 1/11 of
 27 the net revenue realized from the tax imposed by subsections
 28 (a) and (b) of Section 201 of this Act during the preceding
 29 month. Beginning July 1, 1995, the Treasurer shall transfer
 30 each month from the General Revenue Fund to the Local
 31 Government Distributive Fund an amount equal to the net of
 32 (i) 1/10 of the net revenue realized from the tax imposed by
 33 subsections (a) and (b) of Section 201 of the Illinois Income
 34 Tax Act during the preceding month (ii) minus, beginning July

1 1, 2003 and ending June 30, 2004, \$6,666,666, and beginning
2 July 1, 2004, zero. Net revenue realized for a month shall be
3 defined as the revenue from the tax imposed by subsections
4 (a) and (b) of Section 201 of this Act which is deposited in
5 the General Revenue Fund, the Educational Assistance Fund and
6 the Income Tax Surcharge Local Government Distributive Fund
7 during the month minus the amount paid out of the General
8 Revenue Fund in State warrants during that same month as
9 refunds to taxpayers for overpayment of liability under the
10 tax imposed by subsections (a) and (b) of Section 201 of this
11 Act.

12 (c) Deposits Into Income Tax Refund Fund.

13 (1) Beginning on January 1, 1989 and thereafter,
14 the Department shall deposit a percentage of the amounts
15 collected pursuant to subsections (a) and (b)(1), (2),
16 and (3), of Section 201 of this Act into a fund in the
17 State treasury known as the Income Tax Refund Fund. The
18 Department shall deposit 6% of such amounts during the
19 period beginning January 1, 1989 and ending on June 30,
20 1989. Beginning with State fiscal year 1990 and for each
21 fiscal year thereafter, the percentage deposited into the
22 Income Tax Refund Fund during a fiscal year shall be the
23 Annual Percentage. For fiscal years 1999 through 2001,
24 the Annual Percentage shall be 7.1%. For fiscal year
25 2003, the Annual Percentage shall be 8%. For fiscal year
26 2004, the Annual Percentage shall be 11.7%. For all
27 other fiscal years, the Annual Percentage shall be
28 calculated as a fraction, the numerator of which shall be
29 the amount of refunds approved for payment by the
30 Department during the preceding fiscal year as a result
31 of overpayment of tax liability under subsections (a) and
32 (b)(1), (2), and (3) of Section 201 of this Act plus the
33 amount of such refunds remaining approved but unpaid at
34 the end of the preceding fiscal year, minus the amounts

1 transferred into the Income Tax Refund Fund from the
2 Tobacco Settlement Recovery Fund, and the denominator of
3 which shall be the amounts which will be collected
4 pursuant to subsections (a) and (b)(1), (2), and (3) of
5 Section 201 of this Act during the preceding fiscal year;
6 except that in State fiscal year 2002, the Annual
7 Percentage shall in no event exceed 7.6%. The Director
8 of Revenue shall certify the Annual Percentage to the
9 Comptroller on the last business day of the fiscal year
10 immediately preceding the fiscal year for which it is to
11 be effective.

12 (2) Beginning on January 1, 1989 and thereafter,
13 the Department shall deposit a percentage of the amounts
14 collected pursuant to subsections (a) and (b)(6), (7),
15 and (8), (c) and (d) of Section 201 of this Act into a
16 fund in the State treasury known as the Income Tax Refund
17 Fund. The Department shall deposit 18% of such amounts
18 during the period beginning January 1, 1989 and ending on
19 June 30, 1989. Beginning with State fiscal year 1990 and
20 for each fiscal year thereafter, the percentage deposited
21 into the Income Tax Refund Fund during a fiscal year
22 shall be the Annual Percentage. For fiscal years 1999,
23 2000, and 2001, the Annual Percentage shall be 19%. For
24 fiscal year 2003, the Annual Percentage shall be 27%.
25 For fiscal year 2004, the Annual Percentage shall be 32%.
26 For all other fiscal years, the Annual Percentage shall
27 be calculated as a fraction, the numerator of which shall
28 be the amount of refunds approved for payment by the
29 Department during the preceding fiscal year as a result
30 of overpayment of tax liability under subsections (a) and
31 (b)(6), (7), and (8), (c) and (d) of Section 201 of this
32 Act plus the amount of such refunds remaining approved
33 but unpaid at the end of the preceding fiscal year, and
34 the denominator of which shall be the amounts which will

1 be collected pursuant to subsections (a) and (b)(6), (7),
2 and (8), (c) and (d) of Section 201 of this Act during
3 the preceding fiscal year; except that in State fiscal
4 year 2002, the Annual Percentage shall in no event exceed
5 23%. The Director of Revenue shall certify the Annual
6 Percentage to the Comptroller on the last business day of
7 the fiscal year immediately preceding the fiscal year for
8 which it is to be effective.

9 (3) The Comptroller shall order transferred and the
10 Treasurer shall transfer from the Tobacco Settlement
11 Recovery Fund to the Income Tax Refund Fund (i)
12 \$35,000,000 in January, 2001, (ii) \$35,000,000 in
13 January, 2002, and (iii) \$35,000,000 in January, 2003.

14 (d) Expenditures from Income Tax Refund Fund.

15 (1) Beginning January 1, 1989, money in the Income
16 Tax Refund Fund shall be expended exclusively for the
17 purpose of paying refunds resulting from overpayment of
18 tax liability under Section 201 of this Act, for paying
19 rebates under Section 208.1 in the event that the amounts
20 in the Homeowners' Tax Relief Fund are insufficient for
21 that purpose, and for making transfers pursuant to this
22 subsection (d).

23 (2) The Director shall order payment of refunds
24 resulting from overpayment of tax liability under Section
25 201 of this Act from the Income Tax Refund Fund only to
26 the extent that amounts collected pursuant to Section 201
27 of this Act and transfers pursuant to this subsection (d)
28 and item (3) of subsection (c) have been deposited and
29 retained in the Fund.

30 (3) As soon as possible after the end of each
31 fiscal year, the Director shall order transferred and the
32 State Treasurer and State Comptroller shall transfer from
33 the Income Tax Refund Fund to the Personal Property Tax
34 Replacement Fund an amount, certified by the Director to

1 the Comptroller, equal to the excess of the amount
2 collected pursuant to subsections (c) and (d) of Section
3 201 of this Act deposited into the Income Tax Refund Fund
4 during the fiscal year over the amount of refunds
5 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 (4) As soon as possible after the end of each
9 fiscal year, the Director shall order transferred and the
10 State Treasurer and State Comptroller shall transfer from
11 the Personal Property Tax Replacement Fund to the Income
12 Tax Refund Fund an amount, certified by the Director to
13 the Comptroller, equal to the excess of the amount of
14 refunds resulting from overpayment of tax liability under
15 subsections (c) and (d) of Section 201 of this Act paid
16 from the Income Tax Refund Fund during the fiscal year
17 over the amount collected pursuant to subsections (c) and
18 (d) of Section 201 of this Act deposited into the Income
19 Tax Refund Fund during the fiscal year.

20 (4.5) As soon as possible after the end of fiscal
21 year 1999 and of each fiscal year thereafter, the
22 Director shall order transferred and the State Treasurer
23 and State Comptroller shall transfer from the Income Tax
24 Refund Fund to the General Revenue Fund any surplus
25 remaining in the Income Tax Refund Fund as of the end of
26 such fiscal year; excluding for fiscal years 2000, 2001,
27 and 2002 amounts attributable to transfers under item (3)
28 of subsection (c) less refunds resulting from the earned
29 income tax credit.

30 (5) This Act shall constitute an irrevocable and
31 continuing appropriation from the Income Tax Refund Fund
32 for the purpose of paying refunds upon the order of the
33 Director in accordance with the provisions of this
34 Section.

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

3 On July 1, 1991, and thereafter, of the amounts collected
4 pursuant to subsections (a) and (b) of Section 201 of this
5 Act, minus deposits into the Income Tax Refund Fund, the
6 Department shall deposit 7.3% into the Education Assistance
7 Fund in the State Treasury. Beginning July 1, 1991, and
8 continuing through January 31, 1993, of the amounts collected
9 pursuant to subsections (a) and (b) of Section 201 of the
10 Illinois Income Tax Act, minus deposits into the Income Tax
11 Refund Fund, the Department shall deposit 3.0% into the
12 Income Tax Surcharge Local Government Distributive Fund in
13 the State Treasury. Beginning February 1, 1993 and
14 continuing through June 30, 1993, of the amounts collected
15 pursuant to subsections (a) and (b) of Section 201 of the
16 Illinois Income Tax Act, minus deposits into the Income Tax
17 Refund Fund, the Department shall deposit 4.4% into the
18 Income Tax Surcharge Local Government Distributive Fund in
19 the State Treasury. Beginning July 1, 1993, and continuing
20 through June 30, 1994, of the amounts collected under
21 subsections (a) and (b) of Section 201 of this Act, minus
22 deposits into the Income Tax Refund Fund, the Department
23 shall deposit 1.475% into the Income Tax Surcharge Local
24 Government Distributive Fund in the State Treasury.

25 (Source: P.A. 91-212, eff. 7-20-99; 91-239, eff. 1-1-00;
26 91-700, eff. 5-11-00; 91-704, eff. 7-1-00; 91-712, eff.
27 7-1-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-600,
28 eff. 6-28-02.)

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

31 (35 ILCS 120/2d) (from Ch. 120, par. 441d)

32 Sec. 2d. Tax prepayment by motor fuel retailer. Any

1 person engaged in the business of selling motor fuel at
2 retail, as defined in the Motor Fuel Tax Law, and who is not
3 a licensed distributor or supplier, as defined in the Motor
4 Fuel Tax Law, shall prepay to his or her distributor,
5 supplier, or other reseller of motor fuel a portion of the
6 tax imposed by this Act if the distributor, supplier, or
7 other reseller of motor fuel is registered under Section 2a
8 or Section 2c of this Act. The prepayment requirement
9 provided for in this Section does not apply to liquid propane
10 gas.

11 Beginning on July 1, 2000 and through December 31, 2000,
12 the Retailers' Occupation Tax paid to the distributor,
13 supplier, or other reseller shall be an amount equal to \$0.01
14 per gallon of the motor fuel, except gasohol as defined in
15 Section 2-10 of this Act which shall be an amount equal to
16 \$0.01 per gallon, purchased from the distributor, supplier,
17 or other reseller.

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

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

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

1 Every distributor, supplier, or other reseller registered
2 as provided in Section 2a or Section 2c of this Act shall
3 remit the prepaid tax on all motor fuel that is due from any
4 person engaged in the business of selling at retail motor
5 fuel with the returns filed under Section 2f or Section 3 of
6 this Act, but the vendors discount provided in Section 3
7 shall not apply to the amount of prepaid tax that is
8 remitted. Any distributor or supplier who fails to properly
9 collect and remit the tax shall be liable for the tax. For
10 purposes of this Section, the prepaid tax is due on invoiced
11 gallons sold during a month by the 20th day of the following
12 month.

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

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

16 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

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

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

22 The return shall be prescribed by the Department and
23 shall be filed between the 1st and 20th days of each calendar
24 month. The Department may, in its discretion, combine the
25 returns filed under this Section, Section 5, and Section 5a
26 of this Act. The return must be accompanied by appropriate
27 computer-generated magnetic media supporting schedule data in
28 the format required by the Department, unless, as provided by
29 rule, the Department grants an exception upon petition of a
30 taxpayer. If the return is filed timely, the seller shall
31 take a discount of 2% through June 30, 2003 and 1.75%
32 thereafter 2% which is allowed to reimburse the seller for
33 the expenses incurred in keeping records, preparing and
34 filing returns, collecting and remitting the tax and

1 supplying data to the Department on request. The 2% discount,
2 however, shall be applicable only to the amount of payment
3 which accompanies a return that is filed timely in accordance
4 with this Section.

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

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

7 Sec. 6. Collection of tax; distributors. A distributor
8 who sells or distributes any motor fuel, which he is required
9 by Section 5 to report to the Department when filing a
10 return, shall (except as hereinafter provided) collect at the
11 time of such sale and distribution, the amount of tax imposed
12 under this Act on all such motor fuel sold and distributed,
13 and at the time of making a return, the distributor shall pay
14 to the Department the amount so collected less a discount of
15 2% through June 30, 2003 and 1.75% thereafter 2% which is
16 allowed to reimburse the distributor for the expenses
17 incurred in keeping records, preparing and filing returns,
18 collecting and remitting the tax and supplying data to the
19 Department on request, and shall also pay to the Department
20 an amount equal to the amount that would be collectible as a
21 tax in the event of a sale thereof on all such motor fuel
22 used by said distributor during the period covered by the
23 return. However, no payment shall be made based upon dyed
24 diesel fuel used by the distributor for non-highway purposes.
25 The 2% discount shall only be applicable to the amount of tax
26 payment which accompanies a return which is filed timely in
27 accordance with Section 5 of this Act. In each subsequent
28 sale of motor fuel on which the amount of tax imposed under
29 this Act has been collected as provided in this Section, the
30 amount so collected shall be added to the selling price, so
31 that the amount of tax is paid ultimately by the user of the
32 motor fuel. However, no collection or payment shall be made
33 in the case of the sale or use of any motor fuel to the

1 extent to which such sale or use of motor fuel may not,
2 under the constitution and statutes of the United States, be
3 made the subject of taxation by this State. A person whose
4 license to act as a distributor of fuel has been revoked
5 shall, at the time of making a return, also pay to the
6 Department an amount equal to the amount that would be
7 collectible as a tax in the event of a sale thereof on all
8 motor fuel, which he is required by the second paragraph of
9 Section 5 to report to the Department in making a return, and
10 which he had on hand on the date on which the license was
11 revoked, and with respect to which no tax had been previously
12 paid under this Act.

13 A distributor may make tax free sales of motor fuel, with
14 respect to which he is otherwise required to collect the tax,
15 when the motor fuel is delivered from a dispensing facility
16 that has withdrawal facilities capable of dispensing motor
17 fuel into the fuel supply tanks of motor vehicles only as
18 specified in the following items 3, 4, and 5. A distributor
19 may make tax-free sales of motor fuel, with respect to which
20 he is otherwise required to collect the tax, when the motor
21 fuel is delivered from other facilities only as specified in
22 the following items 1 through 7.

23 1. When the sale is made to a person holding a
24 valid unrevoked license as a distributor, by making a
25 specific notation thereof on invoices or sales slip
26 covering each sale.

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

29 3. When the sale is made to the Federal Government
30 or its instrumentalities.

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

1 5. When the sale is made to a privately owned
2 public utility owning and operating 2 axle vehicles
3 designed and used for transporting more than 7
4 passengers, which vehicles are used as common carriers in
5 general transportation of passengers, are not devoted to
6 any specialized purpose and are operated entirely within
7 the territorial limits of a single municipality or of any
8 group of contiguous municipalities, or in a close radius
9 thereof, and the operations of which are subject to the
10 regulations of the Illinois Commerce Commission, when an
11 official certificate of exemption is obtained in lieu of
12 the tax.

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

17 7. When a sale of special fuel is made to someone
18 other than a licensed distributor or a licensed supplier
19 for a use other than in motor vehicles, by making a
20 specific notation thereof on the invoice or sales slip
21 covering such sale and obtaining such supporting
22 documentation as may be required by the Department. The
23 distributor shall obtain and keep the supporting
24 documentation in such form as the Department may require
25 by rule.

26 8. (Blank).

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

30 All suits or other proceedings brought for the purpose of
31 recovering any taxes, interest or penalties due the State of
32 Illinois under this Act may be maintained in the name of the
33 Department.

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

1 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

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

33 A person whose license to act as supplier of special fuel
34 has been revoked shall, at the time of making a return, also

1 pay to the Department an amount equal to the amount that
2 would be collectible as a tax in the event of a sale thereof
3 on all special fuel, which he is required by the 1st
4 paragraph of Section 5a to report to the Department in making
5 a return.

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

16 1. When the sale is made to the federal government
17 or its instrumentalities.

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

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

34 4. When a sale of special fuel is made to a person

1 holding a valid unrevoked license as a supplier or a
2 distributor by making a specific notation thereof on
3 invoice or sales slip covering each such sale.

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

13 6. (Blank).

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

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

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

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

24 (35 ILCS 505/8) (from Ch. 120, par. 424)

25 Sec. 8. Except as provided in Section 8a, subdivision
26 (h)(1) of Section 12a, Section 13a.6, and items 13, 14, 15,
27 and 16 of Section 15, all money received by the Department
28 under this Act, including payments made to the Department by
29 member jurisdictions participating in the International Fuel
30 Tax Agreement, shall be deposited in a special fund in the
31 State treasury, to be known as the "Motor Fuel Tax Fund", and
32 shall be used as follows:

33 (a) 2 1/2 cents per gallon of the tax collected on

1 special fuel under paragraph (b) of Section 2 and Section 13a
2 of this Act shall be transferred to the State Construction
3 Account Fund in the State Treasury;

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

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

1 of any railroad across the highway or public road, or for the
2 installation, construction, reconstruction, or maintenance of
3 a pedestrian walkway over or under a railroad right-of-way,
4 as provided for in and in accordance with Section 18c-7401 of
5 the Illinois Vehicle Code. The Commission shall not order
6 more than \$2,000,000 per year in Grade Crossing Protection
7 Fund moneys for pedestrian walkways. In entering orders for
8 projects for which payments from the Grade Crossing
9 Protection Fund will be made, the Commission shall account
10 for expenditures authorized by the orders on a cash rather
11 than an accrual basis. For purposes of this requirement an
12 "accrual basis" assumes that the total cost of the project is
13 expended in the fiscal year in which the order is entered,
14 while a "cash basis" allocates the cost of the project among
15 fiscal years as expenditures are actually made. To meet the
16 requirements of this subsection, the Illinois Commerce
17 Commission shall develop annual and 5-year project plans of
18 rail crossing capital improvements that will be paid for with
19 moneys from the Grade Crossing Protection Fund. The annual
20 project plan shall identify projects for the succeeding
21 fiscal year and the 5-year project plan shall identify
22 projects for the 5 directly succeeding fiscal years. The
23 Commission shall submit the annual and 5-year project plans
24 for this Fund to the Governor, the President of the Senate,
25 the Senate Minority Leader, the Speaker of the House of
26 Representatives, and the Minority Leader of the House of
27 Representatives on the first Wednesday in April of each year;

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

31 (1) the costs of the Department of Revenue in
32 administering this Act;

33 (2) the costs of the Department of Transportation
34 in performing its duties imposed by the Illinois Highway

1 Code for supervising the use of motor fuel tax funds
2 apportioned to municipalities, counties and road
3 districts;

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

7 (4) from October 1, 1985 until June 30, 1994, the
8 administration of the Vehicle Emissions Inspection Law,
9 which amount shall be certified monthly by the
10 Environmental Protection Agency to the State Comptroller
11 and shall promptly be transferred by the State
12 Comptroller and Treasurer from the Motor Fuel Tax Fund to
13 the Vehicle Inspection Fund, and for the period July 1,
14 1994 through June 30, 2000, one-twelfth of \$25,000,000
15 each month, and for the period July 1, 2000 through June
16 30, 2003 ~~2006~~, one-twelfth of \$30,000,000 each month,
17 and \$15,000,000 on July 1, 2003, and \$15,000,000 on
18 January 1 and \$15,000,000 on July 1 of each calendar year
19 for the period January 1, 2004 through June 30, 2006, for
20 the administration of the Vehicle Emissions Inspection
21 Law of 1995, to be transferred by the State Comptroller
22 and Treasurer from the Motor Fuel Tax Fund into the
23 Vehicle Inspection Fund;

24 (5) amounts ordered paid by the Court of Claims;
25 and

26 (6) payment of motor fuel use taxes due to member
27 jurisdictions under the terms of the International Fuel
28 Tax Agreement. The Department shall certify these
29 amounts to the Comptroller by the 15th day of each month;
30 the Comptroller shall cause orders to be drawn for such
31 amounts, and the Treasurer shall administer those amounts
32 on or before the last day of each month;

33 (e) after allocations for the purposes set forth in
34 subsections (a), (b), (c) and (d), the remaining amount shall

1 be apportioned as follows:

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

4 (A) 37% into the State Construction Account
5 Fund, and

6 (B) 63% into the Road Fund, \$1,250,000 of
7 which shall be reserved each month for the
8 Department of Transportation to be used in
9 accordance with the provisions of Sections 6-901
10 through 6-906 of the Illinois Highway Code;

11 (2) Until January 1, 2000, 41.6%, and beginning
12 January 1, 2000, 54.4% shall be transferred to the
13 Department of Transportation to be distributed as
14 follows:

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

16 (B) 16.74% to the counties of the State having
17 1,000,000 or more inhabitants,

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

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

21 As soon as may be after the first day of each month the
22 Department of Transportation shall allot to each municipality
23 its share of the amount apportioned to the several
24 municipalities which shall be in proportion to the population
25 of such municipalities as determined by the last preceding
26 municipal census if conducted by the Federal Government or
27 Federal census. If territory is annexed to any municipality
28 subsequent to the time of the last preceding census the
29 corporate authorities of such municipality may cause a census
30 to be taken of such annexed territory and the population so
31 ascertained for such territory shall be added to the
32 population of the municipality as determined by the last
33 preceding census for the purpose of determining the allotment
34 for that municipality. If the population of any municipality

1 was not determined by the last Federal census preceding any
2 apportionment, the apportionment to such municipality shall
3 be in accordance with any census taken by such municipality.
4 Any municipal census used in accordance with this Section
5 shall be certified to the Department of Transportation by the
6 clerk of such municipality, and the accuracy thereof shall be
7 subject to approval of the Department which may make such
8 corrections as it ascertains to be necessary.

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

24 As soon as may be after the first day of each month, the
25 Department of Transportation shall allot to the several
26 counties their share of the amount apportioned for the use of
27 road districts. The allotment shall be apportioned among the
28 several counties in the State in the proportion which the
29 total mileage of township or district roads in the respective
30 counties bears to the total mileage of all township and
31 district roads in the State. Funds allotted to the respective
32 counties for the use of road districts therein shall be
33 allocated to the several road districts in the county in the
34 proportion which the total mileage of such township or

1 district roads in the respective road districts bears to the
2 total mileage of all such township or district roads in the
3 county. After July 1 of any year, no allocation shall be
4 made for any road district unless it levied a tax for road
5 and bridge purposes in an amount which will require the
6 extension of such tax against the taxable property in any
7 such road district at a rate of not less than either .08% of
8 the value thereof, based upon the assessment for the year
9 immediately prior to the year in which such tax was levied
10 and as equalized by the Department of Revenue or, in DuPage
11 County, an amount equal to or greater than \$12,000 per mile
12 of road under the jurisdiction of the road district,
13 whichever is less. If any road district has levied a special
14 tax for road purposes pursuant to Sections 6-601, 6-602 and
15 6-603 of the Illinois Highway Code, and such tax was levied
16 in an amount which would require extension at a rate of not
17 less than .08% of the value of the taxable property thereof,
18 as equalized or assessed by the Department of Revenue, or, in
19 DuPage County, an amount equal to or greater than \$12,000 per
20 mile of road under the jurisdiction of the road district,
21 whichever is less, such levy shall, however, be deemed a
22 proper compliance with this Section and shall qualify such
23 road district for an allotment under this Section. If a
24 township has transferred to the road and bridge fund money
25 which, when added to the amount of any tax levy of the road
26 district would be the equivalent of a tax levy requiring
27 extension at a rate of at least .08%, or, in DuPage County,
28 an amount equal to or greater than \$12,000 per mile of road
29 under the jurisdiction of the road district, whichever is
30 less, such transfer, together with any such tax levy, shall
31 be deemed a proper compliance with this Section and shall
32 qualify the road district for an allotment under this
33 Section.

34 In counties in which a property tax extension limitation

1 is imposed under the Property Tax Extension Limitation Law,
2 road districts may retain their entitlement to a motor fuel
3 tax allotment if, at the time the property tax extension
4 limitation was imposed, the road district was levying a road
5 and bridge tax at a rate sufficient to entitle it to a motor
6 fuel tax allotment and continues to levy the maximum
7 allowable amount after the imposition of the property tax
8 extension limitation. Any road district may in all
9 circumstances retain its entitlement to a motor fuel tax
10 allotment if it levied a road and bridge tax in an amount
11 that will require the extension of the tax against the
12 taxable property in the road district at a rate of not less
13 than 0.08% of the assessed value of the property, based upon
14 the assessment for the year immediately preceding the year in
15 which the tax was levied and as equalized by the Department
16 of Revenue or, in DuPage County, an amount equal to or
17 greater than \$12,000 per mile of road under the jurisdiction
18 of the road district, whichever is less.

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

33 Payment of motor fuel tax moneys to municipalities and
34 counties shall be made as soon as possible after the

1 allotment is made. The treasurer of the municipality or
2 county may invest these funds until their use is required and
3 the interest earned by these investments shall be limited to
4 the same uses as the principal funds.

5 (Source: P.A. 91-37, eff. 7-1-99; 91-59, eff. 6-30-99;
6 91-173, eff. 1-1-00; 91-357, eff. 7-29-99; 91-704, eff.
7 7-1-00; 91-725, eff. 6-2-00; 91-794, eff. 6-9-00; 92-16, eff.
8 6-28-01; 92-30, eff. 7-1-01.)

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

12 (35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)

13 Sec. 3-2. Interest.

14 (a) Interest paid by the Department to taxpayers and
15 interest charged to taxpayers by the Department shall be paid
16 at the annual rate determined by the Department. For periods
17 prior to January 1, 2004, that rate shall be the underpayment
18 rate established under Section 6621 of the Internal Revenue
19 Code. For periods after December 31, 2003, that rate shall
20 be:

21 (1) for the one-year period beginning with the date
22 of underpayment or overpayment, the short-term federal
23 rate established under Section 6621 of the Internal
24 Revenue Code.

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

29 (b) The interest rate shall be adjusted on a semiannual
30 basis, on January 1 and July 1, based upon the underpayment
31 rate or short-term federal rate going into effect on that
32 January 1 or July 1 under Section 6621 of the Internal

1 Revenue Code.

2 (c) This subsection (c) is applicable to returns due on
3 and before December 31, 2000. Interest shall be simple
4 interest calculated on a daily basis. Interest shall accrue
5 upon tax and penalty due. If notice and demand is made for
6 the payment of any amount of tax due and if the amount due is
7 paid within 30 days after the date of such notice and demand,
8 interest under this Section on the amount so paid shall not
9 be imposed for the period after the date of the notice and
10 demand.

11 (c-5) This subsection (c-5) is applicable to returns due
12 on and after January 1, 2001. Interest shall be simple
13 interest calculated on a daily basis. Interest shall accrue
14 upon tax due. If notice and demand is made for the payment
15 of any amount of tax due and if the amount due is paid within
16 30 days after the date of the notice and demand, interest
17 under this Section on the amount so paid shall not be imposed
18 for the period after the date of the notice and demand.

19 (d) No interest shall be paid upon any overpayment of
20 tax if the overpayment is refunded or a credit approved
21 within 90 days after the last date prescribed for filing the
22 original return, or within 90 days of the receipt of the
23 processable return, or within 90 days after the date of
24 overpayment, whichever date is latest, as determined without
25 regard to processing time by the Comptroller or without
26 regard to the date on which the credit is applied to the
27 taxpayer's account. In order for an original return to be
28 processable for purposes of this Section, it must be in the
29 form prescribed or approved by the Department, signed by the
30 person authorized by law, and contain all information,
31 schedules, and support documents necessary to determine the
32 tax due and to make allocations of tax as prescribed by law.
33 For the purposes of computing interest, a return shall be
34 deemed to be processable unless the Department notifies the

1 taxpayer that the return is not processable within 90 days
2 after the receipt of the return; however, interest shall not
3 accumulate for the period following this date of notice.
4 Interest on amounts refunded or credited pursuant to the
5 filing of an amended return or claim for refund shall be
6 determined from the due date of the original return or the
7 date of overpayment, whichever is later, to the date of
8 payment by the Department without regard to processing time
9 by the Comptroller or the date of credit by the Department or
10 without regard to the date on which the credit is applied to
11 the taxpayer's account. If a claim for refund relates to an
12 overpayment attributable to a net loss carryback as provided
13 by Section 207 of the Illinois Income Tax Act, the date of
14 overpayment shall be the last day of the taxable year in
15 which the loss was incurred.

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

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

24 (35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)

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

26 (a) This subsection (a) is applicable before January 1,
27 1996. A penalty of 5% of the tax required to be shown due on
28 a return shall be imposed for failure to file the tax return
29 on or before the due date prescribed for filing determined
30 with regard for any extension of time for filing (penalty for
31 late filing or nonfiling). If any unprocessable return is
32 corrected and filed within 21 days after notice by the
33 Department, the late filing or nonfiling penalty shall not

1 apply. If a penalty for late filing or nonfiling is imposed
2 in addition to a penalty for late payment, the total penalty
3 due shall be the sum of the late filing penalty and the
4 applicable late payment penalty. Beginning on the effective
5 date of this amendatory Act of 1995, in the case of any type
6 of tax return required to be filed more frequently than
7 annually, when the failure to file the tax return on or
8 before the date prescribed for filing (including any
9 extensions) is shown to be nonfraudulent and has not occurred
10 in the 2 years immediately preceding the failure to file on
11 the prescribed due date, the penalty imposed by Section
12 3-3(a) shall be abated.

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

1 nonfiling is imposed in addition to a penalty for late
2 payment, the total penalty due shall be the sum of the late
3 filing penalty and the applicable late payment penalty. In
4 the case of any type of tax return required to be filed more
5 frequently than annually, when the failure to file the tax
6 return on or before the date prescribed for filing (including
7 any extensions) is shown to be nonfraudulent and has not
8 occurred in the 2 years immediately preceding the failure to
9 file on the prescribed due date, the penalty imposed by
10 Section 3-3(a-5) shall be abated.

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

1 tax return required to be filed more frequently than
2 annually, when the failure to file the tax return on or
3 before the date prescribed for filing (including any
4 extensions) is shown to be nonfraudulent and has not occurred
5 in the 2 years immediately preceding the failure to file on
6 the prescribed due date, the penalty imposed by Section
7 3-3(a-10) shall be abated.

8 (b) This subsection is applicable before January 1,
9 1998. A penalty of 15% of the tax shown on the return or the
10 tax required to be shown due on the return shall be imposed
11 for failure to pay:

12 (1) the tax shown due on the return on or before
13 the due date prescribed for payment of that tax, an
14 amount of underpayment of estimated tax, or an amount
15 that is reported in an amended return other than an
16 amended return timely filed as required by subsection (b)
17 of Section 506 of the Illinois Income Tax Act (penalty
18 for late payment or nonpayment of admitted liability); or

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

34 (b-5) This subsection is applicable to returns due on

1 and after January 1, 1998 and on or before December 31, 2000.
2 A penalty of 20% of the tax shown on the return or the tax
3 required to be shown due on the return shall be imposed for
4 failure to pay:

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

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

27 (b-10) This subsection (b-10) is applicable to returns
28 due on and after January 1, 2001 and on or before December
29 31, 2003. A penalty shall be imposed for failure to pay:

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

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

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

1 filing of a protest.

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

4 (1) A penalty shall be imposed for failure to pay
5 the tax shown due or required to be shown due on a return
6 on or before the due date prescribed for payment of that
7 tax, an amount of underpayment of estimated tax, or an
8 amount that is reported in an amended return other than
9 an amended return timely filed as required by subsection
10 (b) of Section 506 of the Illinois Income Tax Act
11 (penalty for late payment or nonpayment of admitted
12 liability). The amount of penalty imposed under this
13 subsection (b-15)(1) shall be 2% of any amount that is
14 paid no later than 30 days after the due date, 10% of any
15 amount that is paid later than 30 days after the due date
16 and not later than 90 days after the due date, 15% of any
17 amount that is paid later than 90 days after the due date
18 and not later than 180 days after the due date, and 20%
19 of any amount that is paid later than 180 days after the
20 due date. If notice and demand is made for the payment of
21 any amount of tax due and if the amount due is paid
22 within 30 days after the date of this notice and demand,
23 then the penalty for late payment or nonpayment of
24 admitted liability under this subsection (b-15)(1) on the
25 amount so paid shall not accrue for the period after the
26 date of the notice and demand.

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

31 (A) 5% of any amount of tax (other than an
32 amount properly reported on an amended return timely
33 filed as required by subsection (b) of Section 506
34 of the Illinois Income Tax Act) that is shown on a

1 return or amended return filed prior to the date the
2 Department has initiated an audit or investigation
3 of the taxpayer;

4 (B) 10% of any amount of tax (other than an
5 amount properly reported on an amended return timely
6 filed as required by subsection (b) of Section 506
7 of the Illinois Income Tax Act) that is shown on a
8 return or amended return filed on or after the date
9 the Department has initiated an audit or
10 investigation of the taxpayer, but prior to the date
11 any notice of deficiency, notice of tax liability,
12 notice of assessment or notice of final assessment
13 is issued by the Department with respect to any
14 portion of such underreported amount; or

15 (C) 20% of any amount that is not reported on
16 a return or amended return filed prior to the date
17 any notice of deficiency, notice of tax liability,
18 notice of assessment or notice of final assessment
19 is issued by the Department with respect to any
20 portion of such underreported amount.

21 (c) For purposes of the late payment penalties, the
22 basis of the penalty shall be the tax shown or required to be
23 shown on a return, whichever is applicable, reduced by any
24 part of the tax which is paid on time and by any credit which
25 was properly allowable on the date the return was required to
26 be filed.

27 (d) A penalty shall be applied to the tax required to be
28 shown even if that amount is less than the tax shown on the
29 return.

30 (e) This subsection (e) is applicable to returns due
31 before January 1, 2001. If both a subsection (b)(1) or
32 (b-5)(1) penalty and a subsection (b)(2) or (b-5)(2) penalty
33 are assessed against the same return, the subsection (b)(2)
34 or (b-5)(2) penalty shall be assessed against only the

1 additional tax found to be due.

2 (e-5) This subsection (e-5) is applicable to returns due
3 on and after January 1, 2001. If both a subsection (b-10)(1)
4 penalty and a subsection (b-10)(2) penalty are assessed
5 against the same return, the subsection (b-10)(2) penalty
6 shall be assessed against only the additional tax found to be
7 due.

8 (f) If the taxpayer has failed to file the return, the
9 Department shall determine the correct tax according to its
10 best judgment and information, which amount shall be prima
11 facie evidence of the correctness of the tax due.

12 (g) The time within which to file a return or pay an
13 amount of tax due without imposition of a penalty does not
14 extend the time within which to file a protest to a notice of
15 tax liability or a notice of deficiency.

16 (h) No return shall be determined to be unprocessable
17 because of the omission of any information requested on the
18 return pursuant to Section 2505-575 of the Department of
19 Revenue Law (20 ILCS 2505/2505-575).

20 (Source: P.A. 91-239, eff. 1-1-00; 91-803, eff. 1-1-01;
21 92-742, eff. 7-25-02.)

22 (35 ILCS 735/3-4.5 new)

23 Sec. 3-4.5. Collection penalty.

24 (a) If any liability (including any liability for
25 penalties or interest imposed under this Act) owed by a
26 taxpayer with respect to any return due on or after July 1,
27 2003, is not paid in full prior to the date specified in
28 subsection (b) of this Section, a collection penalty shall be
29 imposed on the taxpayer. The penalty shall be deemed assessed
30 as of the date specified in subsection (b) of this Section
31 and shall be considered additional State tax of the taxpayer
32 imposed under the law under which the tax being collected was
33 imposed.

1 (b) The penalty under subsection (a) of this Section
2 shall be imposed if full payment is not received prior to the
3 31st day after a notice and demand, a notice of additional
4 tax due or a request for payment of a final liability is
5 issued by the Department.

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

7 (1) \$30 in any case in which the amount of the
8 liability shown on the notice and demand, notice of
9 additional tax due, or other request for payment that
10 remains unpaid as of the date specified in subsection (b)
11 of this Section is less than \$1,000; or

12 (2) \$100 in any case in which the amount of the
13 liability shown on the notice and demand, notice of
14 additional tax due, or other request for payment that
15 remains unpaid as of the date specified in subsection (b)
16 of this Section is \$1,000 or more.

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

19 (215 ILCS 5/416 new)

20 Sec. 416. Industrial Commission Operations Fund
21 Surcharge.

22 (a) As of the effective date of this amendatory Act of
23 the 93rd General Assembly, every company licensed or
24 authorized by the Illinois Department of Insurance and
25 insuring employers' liabilities arising under the Workers'
26 Compensation Act or the Workers' Occupational Diseases Act
27 shall remit to the Director a surcharge based upon the annual
28 direct written premium, as reported under Section 136 of this
29 Act, of the company in the manner provided in this Section.
30 Such proceeds shall be deposited into the Industrial
31 Commission Operations Fund as established in the Workers'
32 Compensation Act. If a company survives or was formed by a

1 merger, consolidation, reorganization, or reincorporation,
2 the direct written premiums of all companies party to the
3 merger, consolidation, reorganization, or reincorporation
4 shall, for purposes of determining the amount of the fee
5 imposed by this Section, be regarded as those of the
6 surviving or new company.

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

25 (b)(2) Prior to July 1, 2004, the Director shall charge
26 and collect the surcharge set forth in subparagraph (b)(1) of
27 this Section on or before September 1, 2003, December 1,
28 2003, March 1, 2004 and June 1, 2004. For purposes of this
29 subsection (b)(2), the company shall remit the amounts to the
30 Director based on estimated direct premium for each quarter
31 beginning on July 1, 2003, together with a sworn statement
32 attesting to the reasonableness of the estimate, and the
33 estimated amount of direct premium written forming the bases
34 of the remittance.

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

10 (d) When a company fails to pay the full amount of any
11 annual Industrial Commission Operations Fund Surcharge of
12 \$100 or more due under this Section, there shall be added to
13 the amount due as a penalty the greater of \$1,000 or an
14 amount equal to 5% of the deficiency for each month or part
15 of a month that the deficiency remains unpaid.

16 (e) The Department of Insurance may enforce the
17 collection of any delinquent payment, penalty, or portion
18 thereof by legal action or in any other manner by which the
19 collection of debts due the State of Illinois may be enforced
20 under the laws of this State.

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

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

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

6 (220 ILCS 5/16-111.1)

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

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

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

31 (1) There shall be 6 voting trustees of the trust
32 or foundation, one of whom shall be appointed by the

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

27 (2) All voting trustees and the non-voting trustee
28 with financial expertise shall be entitled to
29 compensation for their services as trustees, provided,
30 however, that no member of the General Assembly and no
31 employee of the electric utility establishing the trust
32 or foundation serving as a voting trustee shall receive
33 any compensation for his or her services as a trustee,
34 and provided further that the compensation to the

1 chairman of the trust shall not exceed \$25,000 annually
2 and the compensation to any other trustee shall not
3 exceed \$20,000 annually. All trustees shall be entitled
4 to reimbursement for reasonable expenses incurred on
5 behalf of the trust in the performance of their duties as
6 trustees. All such compensation and reimbursements shall
7 be paid out of the trust.

8 (3) Trustees shall be appointed within 30 days
9 after the creation of the trust or foundation and shall
10 serve for a term of 5 years commencing upon the date of
11 their respective appointments, until their respective
12 successors are appointed and qualified.

13 (4) A vacancy in the office of trustee shall be
14 filled by the person holding the office responsible for
15 appointing the trustee whose death or resignation creates
16 the vacancy, and a trustee appointed to fill a vacancy
17 shall serve the remainder of the term of the trustee
18 whose resignation or death created the vacancy.

19 (5) The trust or foundation shall have an
20 indefinite term, and shall terminate at such time as no
21 trust assets remain.

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

1 amount contributed to the trust or foundation shall be
2 available to fund programs or projects related to clean
3 coal.

4 (7) The trust or foundation shall be authorized to
5 employ an executive director and other employees, to
6 enter into leases, contracts and other obligations on
7 behalf of the trust or foundation, and to incur expenses
8 that the trustees deem necessary or appropriate for the
9 fulfillment of the purposes for which the trust or
10 foundation is established, provided, however, that
11 salaries and administrative expenses incurred on behalf
12 of the trust or foundation shall not exceed \$500,000 in
13 the first fiscal year after the trust or foundation is
14 established and shall not exceed \$1,000,000 in each
15 subsequent fiscal year.

16 (8) The trustees may create and appoint advisory
17 boards or committees to assist them with the
18 administration of the trust or foundation, and to advise
19 and make recommendations to them regarding the
20 contribution and disbursement of the trust or foundation
21 funds.

22 (c)(1) In addition to the allocation and disbursement of
23 funds for the purposes set forth in subsection (a) of
24 this Section, the trustees of the trust or foundation
25 shall annually contribute funds in amounts set forth in
26 subparagraph (2) of this subsection to the Citizens
27 Utility Board created by the Citizens Utility Board Act;
28 provided, however, that any such funds shall be used
29 solely for the representation of the interests of utility
30 consumers before the Illinois Commerce Commission, the
31 Federal Energy Regulatory Commission, and the Federal
32 Communications Commission and for the provision of
33 consumer education on utility service and prices and on
34 benefits and methods of energy conservation. Provided,

1 however, that no part of such funds shall be used to
2 support (i) any lobbying activity, (ii) activities
3 related to fundraising, (iii) advertising or other
4 marketing efforts regarding a particular utility, or (iv)
5 solicitation of support for, or advocacy of, a particular
6 position regarding any specific utility or a utility's
7 docketed proceeding.

8 (2) In the calendar year in which the trust or
9 foundation is first funded, the trustees shall contribute
10 \$1,000,000 to the Citizens Utility Board within 60 days
11 after such trust or foundation is established; provided,
12 however, that such contribution shall be made after
13 December 31, 1999. In each of the 6 calendar years
14 subsequent to the first contribution, if the trust or
15 foundation is in existence, the trustees shall contribute
16 to the Citizens Utility Board an amount equal to the
17 total expenditures by such organization in the prior
18 calendar year, as set forth in the report filed by the
19 Citizens Utility Board with the chairman of such trust or
20 foundation as required by subparagraph (3) of this
21 subsection. Such subsequent contributions shall be made
22 within 30 days of submission by the Citizens Utility
23 Board of such report to the Chairman of the trust or
24 foundation, but in no event shall any annual contribution
25 by the trustees to the Citizens Utility Board exceed
26 \$1,000,000. Following such 7-year period, an Illinois
27 statutory consumer protection agency may petition the
28 trust or foundation for contributions to fund
29 expenditures of the type identified in paragraph (1), but
30 in no event shall annual contributions by the trust or
31 foundation for such expenditures exceed \$1,000,000.

32 (3) The Citizens Utility Board shall file a report
33 with the chairman of such trust or foundation for each
34 year in which it expends any funds received from the

1 trust or foundation setting forth the amount of any
2 expenditures (regardless of the source of funds for such
3 expenditures) for: (i) the representation of the
4 interests of utility consumers before the Illinois
5 Commerce Commission, the Federal Energy Regulatory
6 Commission, and the Federal Communications Commission,
7 and (ii) the provision of consumer education on utility
8 service and prices and on benefits and methods of energy
9 conservation. Such report shall separately state the
10 total amount of expenditures for the purposes or
11 activities identified by items (i) and (ii) of this
12 paragraph, the name and address of the external recipient
13 of any such expenditure, if applicable, and the specific
14 purposes or activities (including internal purposes or
15 activities) for which each expenditure was made. Any
16 report required by this subsection shall be filed with
17 the chairman of such trust or foundation no later than
18 March 31 of the year immediately following the year for
19 which the report is required.

20 (d) In addition to any other allocation and disbursement
21 of funds in this Section, the trustees of the trust or
22 foundation shall contribute an amount up to \$125,000,000 (1)
23 for deposit to the General Obligation Bond Retirement and
24 Interest Fund held in the State treasury to assist in the
25 repayment on general obligation bonds issued under subsection
26 (d) of Section 7 of the General Obligation Bond Act, and (2)
27 for deposit into funds administered by agencies with
28 responsibility for environmental activities to assist in
29 payment for environmental programs. The amount required to be
30 contributed shall be provided to the trustees in a
31 certification letter from the Director of Bureau of the
32 Budget that shall be provided no later than August 1, 2003.
33 The payment from the trustees shall be paid to the State no
34 later than December 31st following the receipt of the letter.

1 (Source: P.A. 91-50, eff. 6-30-99; 91-781, eff. 6-9-00.)

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

4 (235 ILCS 5/12-4)

5 Sec. 12-4. Grape and Wine Resources Fund. Beginning July
6 1, 1999 and ending June 30, 2003 ~~2004~~, on the first day of
7 each State fiscal year, or as soon thereafter as may be
8 practical, the State Comptroller shall transfer the sum of
9 \$500,000 from the General Revenue Fund to the Grape and Wine
10 Resources Fund, which is hereby continued as a special fund
11 in the State Treasury. By January 1, 2004, the Department of
12 Commerce and Community Affairs shall review the activities of
13 the Council and report to the General Assembly and the
14 Governor its recommendation of whether or not the funding
15 under this Section should be continued.

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

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

30 Section 50-62. The Environmental Protection Act is
31 amended by changing Sections 55 and 55.8 and adding Section

1 55.6a as follows:

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

3 Sec. 55. Prohibited activities.

4 (a) No person shall:

5 (1) Cause or allow the open dumping of any used or
6 waste tire.

7 (2) Cause or allow the open burning of any used or
8 waste tire.

9 (3) Except at a tire storage site which contains
10 more than 50 used tires, cause or allow the storage of
11 any used tire unless the tire is altered, reprocessed,
12 converted, covered, or otherwise prevented from
13 accumulating water.

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

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

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

22 (b) (Blank.)

23 (b-1) Beginning January 1, 1995, no person shall
24 knowingly mix any used or waste tire, either whole or cut,
25 with municipal waste, and no owner or operator of a sanitary
26 landfill shall accept any used or waste tire for final
27 disposal; except that used or waste tires, when separated
28 from other waste, may be accepted if: (1) the sanitary
29 landfill provides and maintains a means for shredding,
30 slitting, or chopping whole tires and so treats whole tires
31 and, if approved by the Agency in a permit issued under this
32 Act, uses the used or waste tires for alternative uses, which
33 may include on-site practices such as lining of roadways with

1 tire scraps, alternative daily cover, or use in a leachate
2 collection system or (2) the sanitary landfill, by its
3 notification to the Illinois Industrial Materials Exchange
4 Service, makes available the used or waste tire to an
5 appropriate facility for reuse, reprocessing, or converting,
6 including use as an alternate energy fuel. If, within 30
7 days after notification to the Illinois Industrial Materials
8 Exchange Service of the availability of waste tires, no
9 specific request for the used or waste tires is received by
10 the sanitary landfill, and the sanitary landfill determines
11 it has no alternative use for those used or waste tires, the
12 sanitary landfill may dispose of slit, chopped, or shredded
13 used or waste tires in the sanitary landfill. In the event
14 the physical condition of a used or waste tire makes
15 shredding, slitting, chopping, reuse, reprocessing, or other
16 alternative use of the used or waste tire impractical or
17 infeasible, then the sanitary landfill, after authorization
18 by the Agency, may accept the used or waste tire for
19 disposal.

20 Sanitary landfills and facilities for reuse,
21 reprocessing, or converting, including use as alternative
22 fuel, shall (i) notify the Illinois Industrial Materials
23 Exchange Service of the availability of and demand for used
24 or waste tires and (ii) consult with the Department of
25 Commerce and Community Affairs regarding the status of
26 marketing of waste tires to facilities for reuse.

27 (c) ~~On or before January 17, 1990,~~ Any person who sells
28 new or used tires at retail or operates a tire storage site
29 or a tire disposal site which contains more than 50 used or
30 waste tires shall give notice of such activity to the Agency.
31 Any person engaging in such activity for the first time after
32 January 1, 1990, shall give notice to the Agency within 30
33 days after the date of commencement of the activity. The
34 form of such notice shall be specified by the Agency and

1 shall be limited to information regarding the following:

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

3 (2) the name, address and location of the
4 operation;

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

7 (4) the number of used and waste tires present at
8 the location.

9 (d) Beginning January 1, 1992, no person shall cause or
10 allow the operation of:

11 (1) a tire storage site which contains more than 50
12 used tires, unless the owner or operator, by January 1,
13 1992 (or the January 1 following commencement of
14 operation, whichever is later) and January 1 of each year
15 thereafter, (i) registers the site with the Agency, (ii)
16 certifies to the Agency that the site complies with any
17 applicable standards adopted by the Board pursuant to
18 Section 55.2, (iii) reports to the Agency the number of
19 tires accumulated, the status of vector controls, and the
20 actions taken to handle and process the tires, and (iv)
21 pays the fee required under subsection (b) of Section
22 55.6; or

23 (2) a tire disposal site, unless the owner or
24 operator (i) has received approval from the Agency after
25 filing a tire removal agreement pursuant to Section 55.4,
26 or (ii) has entered into a written agreement to
27 participate in a consensual removal action under Section
28 55.3.

29 The Agency shall provide written forms for the annual
30 registration and certification required under this subsection
31 (d).

32 (e) No person shall cause or allow the storage,
33 disposal, treatment or processing of any used or waste tire
34 in violation of any regulation or standard adopted by the

1 Board.

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

5 (g) No person shall engage in any operation as a used or
6 waste tire transporter except in compliance with Board
7 regulations.

8 (h) No person shall cause or allow the combustion of any
9 used or waste tire in an enclosed device unless a permit has
10 been issued by the Agency authorizing such combustion
11 pursuant to regulations adopted by the Board for the control
12 of air pollution and consistent with the provisions of
13 Section 9.4 of this Act.

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

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

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

20 (415 ILCS 5/55.6a new)

21 Sec. 55.6a. Emergency Public Health Fund.

22 (a) Beginning on July 1, 2003, moneys in the Emergency
23 Public Health Fund, subject to appropriation, shall be
24 allocated annually as follows: (i) \$200,000 to the Department
25 of Natural Resources for the purposes described in Section
26 55.6(c)(6) and (ii) subject to subsection (b) of this
27 Section, all remaining amounts to the Department of Public
28 Health to be used to make vector control grants and
29 surveillance grants to the Cook County Department of Public
30 Health (for areas of the County excluding the City of
31 Chicago), to the City of Chicago health department, and to
32 other certified local health departments. These grants shall
33 be used for expenses related to West Nile Virus and other

1 vector-borne diseases. The amount of each grant shall be
 2 based on population and need as supported by information
 3 submitted to the Department of Public Health. For the
 4 purposes of this Section, need shall be determined by the
 5 Department based primarily upon surveillance data and the
 6 number of positive human cases of West Nile Virus and other
 7 vector-borne diseases occurring during the preceding year and
 8 current year in the county or municipality seeking the grant.

9 (b) Beginning on July 31, 2003, on the last day of each
 10 month, the State Comptroller shall order transferred and the
 11 State Treasurer shall transfer fees collected in the previous
 12 month pursuant to item (1.5) of subsection (a) of Section
 13 55.8 from the Emergency Public Health Fund to the
 14 Communications Revolving Fund. These transfers shall
 15 continue until the cumulative total of the transfers is
 16 \$3,000,000.

17 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)
 18 Sec. 55.8. Tire retailers.

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

22 (1) collect from retail customers a fee of \$2 one
 23 dollar per new and used tire sold and delivered in this
 24 State to be paid to the Department of Revenue and
 25 deposited into the Used Tire Management Fund, less a
 26 collection allowance of 10 cents per tire to be retained
 27 by the retail seller and a collection allowance of 10
 28 cents per tire to be retained by the Department of
 29 Revenue and paid into the General Revenue Fund;

30 (1.5) beginning on July 1, 2003, collect from
 31 retail customers an additional 50 cents per new or used
 32 tire sold and delivered in this State. The money
 33 collected from this fee shall be deposited into the

1 Emergency Public Health Fund. This fee shall no longer
2 be collected beginning on January 1, 2008.

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

6 (3) post in a conspicuous place a written notice at
7 least 8.5 by 11 inches in size that includes the
8 universal recycling symbol and the following statements:
9 "DO NOT put used tires in the trash."; "Recycle your used
10 tires."; and "State law requires us to accept used tires
11 for recycling, in exchange for new tires purchased."

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

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

33 The retailer of the tires must maintain in its books and
34 records evidence that the appropriate fee was paid to the

1 tire supplier and that the tire supplier has agreed to remit
2 the fee to the Department of Revenue for each tire sold by
3 the retailer. Otherwise, the tire retailer shall be directly
4 liable for the fee on all tires sold at retail. Tire
5 retailers paying the fee to their suppliers are not entitled
6 to the collection allowance of 10 cents per tire.

7 (d) The requirements of subsection (a) of this Section
8 shall apply exclusively to tires to be used for vehicles
9 defined in Section 1-217 of the Illinois Vehicle Code,
10 aircraft tires, special mobile equipment, and implements of
11 husbandry.

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

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

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

20 (415 ILCS 125/315)

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

22 Sec. 315. Fee on receivers of fuel for sale or use;
23 collection and reporting. A person that is required to pay
24 the fee imposed by this Law shall pay the fee to the
25 Department by return showing all fuel purchased, acquired, or
26 received and sold, distributed or used during the preceding
27 calendar month, including losses of fuel as the result of
28 evaporation or shrinkage due to temperature variations, and
29 such other reasonable information as the Department may
30 require. Losses of fuel as the result of evaporation or
31 shrinkage due to temperature variations may not exceed 1% of
32 the total gallons in storage at the beginning of the month,

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

26 The return shall be prescribed by the Department and
27 shall be filed between the 1st and 20th days of each calendar
28 month. The Department may, in its discretion, combine the
29 return filed under this Law with the return filed under
30 Section 2b of the Motor Fuel Tax Law. If the return is
31 timely filed, the receiver may take a discount of 2% through
32 June 30, 2003 and 1.75% thereafter 2% to reimburse himself
33 for the expenses incurred in keeping records, preparing and
34 filing returns, collecting and remitting the fee, and

1 supplying data to the Department on request. However, the 2%
2 discount applies only to the amount of the fee payment that
3 accompanies a return that is timely filed in accordance with
4 this Section.

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

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

8 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

9 Sec. 5-9-1. Authorized fines.

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

12 (1) for a felony, \$25,000 or the amount specified
13 in the offense, whichever is greater, or where the
14 offender is a corporation, \$50,000 or the amount
15 specified in the offense, whichever is greater;

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

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

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

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

23 (b) A fine may be imposed in addition to a sentence of
24 conditional discharge, probation, periodic imprisonment, or
25 imprisonment.

26 (c) There shall be added to every fine imposed in
27 sentencing for a criminal or traffic offense, except an
28 offense relating to parking or registration, or offense by a
29 pedestrian, an additional penalty of \$5 for each \$40, or
30 fraction thereof, of fine imposed. The additional penalty of
31 \$5 for each \$40, or fraction thereof, of fine imposed, if not
32 otherwise assessed, shall also be added to every fine imposed

1 upon a plea of guilty, stipulation of facts or findings of
2 guilty, resulting in a judgment of conviction, or order of
3 supervision in criminal, traffic, local ordinance, county
4 ordinance, and conservation cases (except parking,
5 registration, or pedestrian violations), or upon a sentence
6 of probation without entry of judgment under Section 10 of
7 the Cannabis Control Act or Section 410 of the Controlled
8 Substances Act.

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

1 provided by law, the clerk shall remit the net balance
2 remaining to the entity authorized by law to receive the fine
3 imposed in the case. For purposes of this Section "fees of
4 the Circuit Clerk" shall include, if applicable, the fee
5 provided for under Section 27.3a of the Clerks of Courts Act
6 and the fee, if applicable, payable to the county in which
7 the violation occurred pursuant to Section 5-1101 of the
8 Counties Code.

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

23 The Circuit Clerk may accept payment of fines and costs
24 by credit card from an offender who has been convicted of a
25 traffic offense, petty offense or misdemeanor and may charge
26 the service fee permitted where fines and costs are paid by
27 credit card provided for in Section 27.3b of the Clerks of
28 Courts Act.

29 (c-7) In addition to the fines imposed by subsection
30 (c), any person convicted or receiving an order of
31 supervision for driving under the influence of alcohol or
32 drugs shall pay an additional \$5 fee to the clerk. This
33 additional fee, less 2 1/2% that shall be used to defray
34 administrative costs incurred by the clerk, shall be remitted

1 by the clerk to the Treasurer within 60 days after receipt
2 for deposit into the Spinal Cord Injury Paralysis Cure
3 Research Trust Fund. This additional fee of \$5 shall not be
4 considered a part of the fine for purposes of any reduction
5 in the fine for time served either before or after
6 sentencing. Not later than March 1 of each year the Circuit
7 Clerk shall submit a report of the amount of funds remitted
8 to the State Treasurer under this subsection (c-7) during the
9 preceding calendar year.

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

34 (d) In determining the amount and method of payment of a

1 fine, except for those fines established for violations of
2 Chapter 15 of the Illinois Vehicle Code, the court shall
3 consider:

4 (1) the financial resources and future ability of
5 the offender to pay the fine; and

6 (2) whether the fine will prevent the offender from
7 making court ordered restitution or reparation to the
8 victim of the offense; and

9 (3) in a case where the accused is a dissolved
10 corporation and the court has appointed counsel to
11 represent the corporation, the costs incurred either by
12 the county or the State for such representation.

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

15 (f) All fines, costs and additional amounts imposed
16 under this Section for any violation of Chapters 3, 4, 6, and
17 11 of the Illinois Vehicle Code, or a similar provision of a
18 local ordinance, and any violation of the Child Passenger
19 Protection Act, or a similar provision of a local ordinance,
20 shall be collected and disbursed by the circuit clerk as
21 provided under Section 27.5 of the Clerks of Courts Act.

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

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

25 (820 ILCS 305/4d new)

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

27 (a) As of the effective date of this amendatory Act of
28 the 93rd General Assembly, each employer that self-insures
29 its liabilities arising under this Act or Workers'
30 Occupational Diseases Act shall pay a fee measured by the
31 annual actual wages paid in this State of such an employer in
32 the manner provided in this Section. Such proceeds shall be

1 deposited in the Industrial Commission Operations Fund. If an
2 employer survives or was formed by a merger, consolidation,
3 reorganization, or reincorporation, the actual wages paid in
4 this State of all employers party to the merger,
5 consolidation, reorganization, or reincorporation shall, for
6 purposes of determining the amount of the fee imposed by this
7 Section, be regarded as those of the surviving or new
8 employer.

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

22 (c) In addition to the authority specifically granted
23 under Section 16, the Chairman shall have such authority to
24 adopt rules or establish forms as may be reasonably necessary
25 for purposes of enforcing this Section. The Commission shall
26 have authority to defer, waive, or abate the fee or any
27 penalties imposed by this Section if in the Commission's
28 opinion the employer's solvency and ability to meet its
29 obligations to pay workers' compensation benefits would be
30 immediately threatened by payment of the fee due.

31 (d) When an employer fails to pay the full amount of any
32 annual Industrial Commission Operations Fund Fee of \$100 or
33 more due under this Section, there shall be added to the
34 amount due as a penalty the greater of \$1,000 or an amount

1 equal to 5% of the deficiency for each month or part of a
2 month that the deficiency remains unpaid.

3 (e) The Commission may enforce the collection of any
4 delinquent payment, penalty or portion thereof by legal
5 action or in any other manner by which the collection of
6 debts due the State of Illinois may be enforced under the
7 laws of this State.

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

22 ARTICLE 75

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

25 (15 ILCS 305/5.5)

26 Sec. 5.5. Secretary of State fees. There shall be paid
27 to the Secretary of State the following fees:

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

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

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

1 For copies of exemplifications of records, or for a
2 certified copy of any document, instrument, or paper when not
3 otherwise provided by law, and it does not exceed legal size:
4 \$0.50 per page or any portion of a page; and \$2 for the
5 certificate, with seal affixed.

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

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

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

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

22 For recording any other document, instrument, or paper
23 required or permitted to be recorded with the Secretary of
24 State, which recording shall be done by any approved
25 photographic or photostatic process, if the page to be
26 recorded does not exceed legal size and the fees and charges
27 therefor are not otherwise fixed by law: \$0.50 per page or
28 any portion of a page; and \$2 for the certificate of
29 recording, with seal affixed.

30 For recording any other document, instrument, or paper
31 required or permitted to be recorded with the Secretary of
32 State, which recording shall be done by any approved
33 photographic or photostatic process, if the page to be
34 recorded exceeds legal size and the fees and charges therefor

1 are not otherwise fixed by law: \$1 per page or any portion of
2 a page; and \$2 for the certificate of recording attached to
3 the original, with seal affixed.

4 For each duplicate certified copy of a school land
5 patent: \$3.

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

7 For each page of a photostatic copy of surveyors field
8 notes: \$2.

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

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

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

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

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

25 The Illinois State Archives is authorized to charge
26 reasonable fees to reimburse the cost of production and
27 distribution of copies of finding aids to the records that it
28 holds or copies of published versions or editions of those
29 records in printed, microfilm, or electronic formats. The
30 fees under this paragraph shall be deposited into the General
31 Revenue Fund.

32 As used in this Section, "legal size" means a sheet of
33 paper that is 8.5 inches wide and 14 inches long, or written
34 or printed matter on a sheet of paper that does not exceed

1 that width and length, or either of them.

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

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

5 (20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a)

6 (This Section is scheduled to be repealed on June 30,
7 2004)

8 Sec. 9.02a. To charge contract administration fees used
9 to administer and process the terms of contracts awarded by
10 this State. Contract administration fees shall not exceed 3%
11 ~~1-5%~~ of the contract amount. This Section is repealed June
12 30, 2004.

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

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

16 (25 ILCS 170/5) (from Ch. 63, par. 175)

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

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

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

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

30 (d) A picture of the registrant.

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

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

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

31 (30 ILCS 105/5.596 new)

32 Sec. 5.596. The Illinois Clean Water Fund.

1 (30 ILCS 105/6z-34)

2 Sec. 6z-34. Secretary of State Special Services Fund.

3 There is created in the State Treasury a special fund to be
4 known as the Secretary of State Special Services Fund.
5 Moneys deposited into the Fund may, subject to appropriation,
6 be used by the Secretary of State for any or all of the
7 following purposes:

8 (1) For general automation efforts within
9 operations of the Office of Secretary of State.

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

13 (3) To provide funds for any type of library grants
14 authorized and administered by the Secretary of State as
15 State Librarian.

16 These funds are in addition to any other funds otherwise
17 authorized to the Office of Secretary of State for like or
18 similar purposes.

19 On August 15, 1997, all fiscal year 1997 receipts that
20 exceed the amount of \$15,000,000 shall be transferred from
21 this Fund to the Statistical Services Revolving Fund; on
22 August 15, 1998 and each year thereafter through 2000, all
23 receipts from the fiscal year ending on the previous June
24 30th that exceed the amount of \$17,000,000 shall be
25 transferred from this Fund to the Statistical Services
26 Revolving Fund; and on August 15, 2001 and each year
27 thereafter through 2002, all receipts from the fiscal year
28 ending on the previous June 30th that exceed the amount of
29 \$19,000,000 shall be transferred from this Fund to the
30 Statistical Services Revolving Fund; and on August 15, 2003
31 and each year thereafter, all receipts from the fiscal year
32 ending on the previous June 30th that exceed the amount of
33 \$33,000,000 shall be transferred from this Fund to the
34 Statistical Services Revolving Fund.

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

2 (30 ILCS 105/6z-48)

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

4 (a) The Motor Vehicle License Plate Fund is hereby
5 created as a special fund in the State Treasury. The Fund
6 shall consist of the deposits provided for in Section 2-119
7 of the Illinois Vehicle Code and any moneys appropriated to
8 the Fund.

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

12 ~~(c) Any balance remaining in the Motor Vehicle License~~
13 ~~Plate Fund at the close of business on December 31, 2004~~
14 ~~shall be transferred into the Road Fund, and the Motor~~
15 ~~Vehicle License Plate Fund is abolished when that transfer~~
16 ~~has been made.~~

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

18 Section 75-4. The Coin-Operated Amusement Device and
19 Redemption Machine Tax Act is amended by changing Sections 1,
20 2, 3, 4b, and 6 as follows:

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

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

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

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

6 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

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

32 (b) If an amount of tax, penalty, or interest has been
 33 paid in error to the Department, the taxpayer may file a

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

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

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

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

34 A claim for credit or refund shall be filed with the

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

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

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

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

31 (35 ILCS 510/3) (from Ch. 120, par. 481b.3)

32 Sec. 3. (1) All privilege tax decals licenses herein
33 provided for shall be transferable from one device to another

1 device. Any such transfer from one device to another shall be
2 reported to the Department of Revenue on forms prescribed by
3 such Department. All privilege tax decals licenses issued
4 hereunder shall expire on July 31 following issuance.

5 (2) (Blank).

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

7 (35 ILCS 510/4b) (from Ch. 120, par. 481b.4b)

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

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

22 (35 ILCS 510/6) (from Ch. 120, par. 481b.6)

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

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

29 (35 ILCS 510/9 rep.)

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

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

3 (40 ILCS 5/1A-112)

4 Sec. 1A-112. Fees.

5 (a) Every pension fund that is required to file an
6 annual statement under Section 1A-109 shall pay to the
7 Department an annual compliance fee. In the case of a
8 pension fund under Article 3 or 4 of this Code, the annual
9 compliance fee shall be 0.02% ~~0.007%~~ (2 ~~0.7~~ basis points) of
10 the total assets of the pension fund, as reported in the most
11 current annual statement of the fund, but not more than
12 \$8,000 ~~\$6,000~~. In the case of all other pension funds and
13 retirement systems, the annual compliance fee shall be \$8,000
14 ~~\$6,000~~.

15 (b) The annual compliance fee shall be due on June 30
16 for the following State fiscal year, except that the fee
17 payable in 1997 for fiscal year 1998 shall be due no earlier
18 than 30 days following the effective date of this amendatory
19 Act of 1997.

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

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

33 (d) Except as otherwise provided in this Section, all

1 fees and penalties collected by the Department under this
2 Code shall be deposited into the Public Pension Regulation
3 Fund.

4 (e) Fees collected under subsection (c) of this Section
5 and money collected under Section 1A-107 shall be deposited
6 into the Department's Statistical Services Revolving Fund and
7 credited to the account of the Public Pension Division. This
8 income shall be used exclusively for the purposes set forth
9 in Section 1A-107. Notwithstanding the provisions of Section
10 408.2 of the Illinois Insurance Code, no surplus funds
11 remaining in this account shall be deposited in the Insurance
12 Financial Regulation Fund. All money in this account that
13 the Director certifies is not needed for the purposes set
14 forth in Section 1A-107 of this Code shall be transferred to
15 the Public Pension Regulation Fund.

16 (f) Nothing in this Code prohibits the General Assembly
17 from appropriating funds from the General Revenue Fund to the
18 Department for the purpose of administering or enforcing this
19 Code.

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

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

23 (205 ILCS 105/2B-6) (from Ch. 17, par. 3302B-6)

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

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

31 Section 75-10. The Illinois Credit Union Act is amended

1 by changing Section 12 as follows:

2 (205 ILCS 305/12) (from Ch. 17, par. 4413)

3 Sec. 12. Regulatory fees.

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

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

1 Over \$30,000,000 and not
 2 over \$100,000,000 \$19,125 ~~\$12,750~~ plus \$0.45
 3 ~~\$0.30~~ per \$1,000 of assets in
 4 excess of \$30,000,000

5 Over \$100,000,000 and not
 6 over \$500,000,000 \$50,625 ~~\$33,750~~ plus \$0.225
 7 ~~\$0.15~~ per \$1,000 of assets in
 8 excess of \$100,000,000

9 Over \$500,000,000 \$140,625 ~~\$93,750~~ plus 0.075
 10 ~~\$0.05~~ per \$1,000 of assets in
 11 excess of \$500,000,000

12 (2) The Director shall review the regulatory fee
 13 schedule in subsection (1) and the projected earnings on
 14 those fees on an annual basis and adjust the fee schedule no
 15 more than 5% annually if necessary to defray the estimated
 16 administrative and operational expenses of the Department as
 17 defined in subsection (5). The Director shall provide credit
 18 unions with written notice of any adjustment made in the
 19 regulatory fee schedule.

20 (3) Not later than March 1 of each calendar year, a
 21 credit union shall pay to the Department a regulatory fee for
 22 that calendar year in accordance with the regulatory fee
 23 schedule in subsection (1), on the basis of assets as of the
 24 Year-end Call Report of the preceding year. The regulatory
 25 fee shall not be less than \$150 ~~\$100~~ or more than \$187,500
 26 ~~\$125,000~~, provided that the regulatory fee cap of \$187,500
 27 ~~\$125,000~~ shall be adjusted to incorporate the same percentage
 28 increase as the Director makes in the regulatory fee schedule
 29 from time to time under subsection (2). No regulatory fee
 30 shall be collected from a credit union until it has been in
 31 operation for one year.

32 (4) The aggregate of all fees collected by the
 33 Department under this Act shall be paid promptly after they
 34 are received, accompanied by a detailed statement thereof,

1 into the State Treasury and shall be set apart in the Credit
2 Union Fund, a special fund hereby created in the State
3 treasury. The amount from time to time deposited in the
4 Credit Union Fund and shall be used to offset the ordinary
5 administrative and operational expenses of the Department
6 under this Act. All earnings received from investments of
7 funds in the Credit Union Fund shall be deposited into the
8 Credit Union Fund and may be used for the same purposes as
9 fees deposited into that Fund.

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

22 (6) When the aggregate of all fees collected by the
23 Department under this Act and all earnings thereon for any
24 calendar year exceeds 150% of the total administrative and
25 operational expenses under this Act for that year, such
26 excess shall be credited to credit unions and applied against
27 their regulatory fees for the subsequent year. The amount
28 credited to a credit union shall be in the same proportion as
29 the fee paid by such credit union for the calendar year in
30 which the excess is produced bears to the aggregate of the
31 fees collected by the Department under this Act for the same
32 year.

33 (7) Examination fees for the year 2000 statutory
34 examinations paid pursuant to the examination fee schedule in

1 effect at that time shall be credited toward the regulatory
2 fee to be assessed the credit union in calendar year 2001.

3 (8) Nothing in this Act shall prohibit the General
4 Assembly from appropriating funds to the Department from the
5 General Revenue Fund for the purpose of administering this
6 Act.

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

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

10 (205 ILCS 405/16) (from Ch. 17, par. 4832)

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

1 thereof, and corporations and to the officers and directors
2 thereof that shall relate to such currency exchange business.
3 The investigation may be conducted in conjunction with
4 representatives of other State agencies or agencies of
5 another state or of the United States as determined by the
6 Director. The Director may at any time inspect the locations
7 served by an ambulatory currency exchange, for the purpose of
8 determining whether such currency exchange is complying with
9 the provisions of this Act at each location served. The
10 Director may require by subpoena the attendance of and
11 examine under oath all persons whose testimony he may require
12 relative to such business, and in such cases the Director, or
13 any qualified representative of the Director whom the
14 Director may designate, may administer oaths to all such
15 persons called as witnesses, and the Director, or any such
16 qualified representative of the Director, may conduct such
17 examinations, and there shall be paid to the Director for
18 each such examination a fee of ~~\$225~~ \$150 for each day or part
19 thereof for each qualified representative designated and
20 required to conduct the examination; provided, however, that
21 in the case of an ambulatory currency exchange, such fee
22 shall be \$75 for each day or part thereof and shall not be
23 increased by reason of the number of locations served by it.
24 (Source: P.A. 92-398, eff. 1-1-02.)

25 Section 75-17. The Residential Mortgage License Act of
26 1987 is amended by changing Sections 2-2 and 2-6 as follows:

27 (205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

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

29 (a) The Commissioner shall issue a license upon
30 completion of all of the following:

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

32 (2) The filing with the Commissioner of a listing

1 of judgments entered against, and bankruptcy petitions
2 by, the license applicant for the preceding 10 years.

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

8 (4) Except for a broker applying to renew a
9 license, the filing of an audited balance sheet including
10 all footnotes prepared by a certified public accountant
11 in accordance with generally accepted accounting
12 principles and generally accepted auditing principles
13 which evidences that the applicant meets the net worth
14 requirements of Section 3-5.

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

34 (6) An investigation of the averments required by

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

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

20 Upon receipt of such license, a residential mortgage
 21 licensee shall be authorized to engage in the business
 22 regulated by this Act. Such license shall remain in full
 23 force and effect until it expires without renewal, is
 24 surrendered by the licensee or revoked or suspended as
 25 hereinafter provided.

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

27 (205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

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

29 (a) Beginning July 1, 2003, licenses shall be renewed
 30 every year on the anniversary of the date of issuance of the
 31 original license. ~~Beginning--May--17--1992,--licenses--issued~~
 32 ~~before-January-17-1988,--shall-be-renewed-every-2-years-on-May~~
 33 ~~1,--Beginning--May--17--1992,--licenses--issued--on-or-after~~

1 January 17, 1988, shall be renewed every 2 years on the
2 anniversary of the date of the issuance of the original
3 license. Licenses issued for first time applicants on or
4 after May 17, 1992, shall be renewed on the first anniversary
5 of their issuance and every 2 years thereafter. Properly
6 completed renewal application forms and filing fees must be
7 received by the Commissioner 45 days prior to the renewal
8 date.

9 (b) It shall be the responsibility of each licensee to
10 accomplish renewal of its license; failure of the licensee to
11 receive renewal forms absent a request sent by certified mail
12 for such forms will not waive said responsibility. Failure by
13 a licensee to submit a properly completed renewal application
14 form and fees in a timely fashion, absent a written extension
15 from the Commissioner, will result in the assessment of
16 additional fees, as follows:

17 (1) A fee of \$750 \$500 will be assessed to the
18 licensee 30 days after the proper renewal date and \$1,500
19 \$1,000 each month thereafter, until the license is either
20 renewed or expires pursuant to Section 2-6, subsections
21 (c) and (d), of this Act.

22 (2) Such fee will be assessed without prior notice
23 to the licensee, but will be assessed only in cases
24 wherein the Commissioner has in his or her possession
25 documentation of the licensee's continuing activity for
26 which the unrenewed license was issued.

27 (c) A license which is not renewed by the date required
28 in this Section shall automatically become inactive. No
29 activity regulated by this Act shall be conducted by the
30 licensee when a license becomes inactive. An inactive
31 license may be reactivated by filing a completed reactivation
32 application with the Commissioner, payment of the renewal
33 fee, and payment of a reactivation fee equal to the renewal
34 fee.

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

3 (e) A licensee ceasing an activity or activities
4 regulated by this Act and desiring to no longer be licensed
5 shall so inform the Commissioner in writing and, at the same
6 time, convey the license and all other symbols or indicia of
7 licensure. The licensee shall include a plan for the
8 withdrawal from regulated business, including a timetable for
9 the disposition of the business. Upon receipt of such
10 written notice, the Commissioner shall issue a certified
11 statement canceling the license.

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

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

15 (205 ILCS 670/2) (from Ch. 17, par. 5402)

16 Sec. 2. Application; fees; positive net worth.
17 Application for such license shall be in writing, and in the
18 form prescribed by the Director. Such applicant at the time
19 of making such application shall pay to the Director the sum
20 of \$300 as an application fee and the additional sum of \$450
21 ~~\$300~~ as an annual license fee, for a period terminating on
22 the last day of the current calendar year; provided that if
23 the application is filed after June 30th in any year, such
24 license fee shall be 1/2 of the annual license fee for such
25 year.

26 Before the license is granted, every applicant shall
27 prove in form satisfactory to the Director that the applicant
28 has and will maintain a positive net worth of a minimum of
29 \$30,000. Every applicant and licensee shall maintain a
30 surety bond in the principal sum of \$25,000 issued by a
31 bonding company authorized to do business in this State and
32 which shall be approved by the Director. Such bond shall run

1 to the Director and shall be for the benefit of any consumer
 2 who incurs damages as a result of any violation of the Act or
 3 rules by a licensee. If the Director finds at any time that
 4 a bond is of insufficient size, is insecure, exhausted, or
 5 otherwise doubtful, an additional bond in such amount as
 6 determined by the Director shall be filed by the licensee
 7 within 30 days after written demand therefor by the Director.
 8 "Net worth" means total assets minus total liabilities.
 9 (Source: P.A. 92-398, eff. 1-1-02.)

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

12 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

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

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

17 (2) All license applications shall be accompanied with
 18 an application fee. The fee for an annual license shall be
 19 based on the licensed capacity of the facility and shall be
 20 determined as follows: 0-49 licensed beds, a flat fee of
 21 \$500; 50-99 licensed beds, a flat fee of \$750; and for any
 22 facility with 100 or more licensed beds, a fee of \$1,000 plus
 23 \$10 per licensed bed. The fee for a 2-year license shall be
 24 double the fee for the annual license set forth in the
 25 preceding sentence. The first \$600,000 of such fees collected
 26 each fiscal year shall be deposited with the State Treasurer
 27 into the Long Term Care Monitor/Receiver Fund, which has been
 28 created as a special fund in the State Treasury. Any such
 29 fees in excess of \$600,000 collected in a fiscal year shall
 30 be deposited into the General Revenue Fund. All-applications,
 31 except-those-of-homes-for-the-aged, shall-be--accompanied--by
 32 an-application-fee-of-\$200-for-an-annual-license-and-\$400-for

1 a--2--year-license.--The-fee-shall-be-deposited-with-the-State
2 Treasurer-into-the--Long--Term--Care--Monitor/Receiver--Fund,
3 which--is--hereby--created--as--a--special--fund-in-the-State
4 Treasury. This special fund is to be used by the Department
5 for expenses related to the appointment of monitors and
6 receivers as contained in Sections 3-501 through 3-517. At
7 the end of each fiscal year, any funds in excess of
8 \$1,000,000 held in the Long Term Care Monitor/Receiver Fund
9 shall be deposited in the State's General Revenue Fund. The
10 application shall be under oath and the submission of false
11 or misleading information shall be a Class A misdemeanor. The
12 application shall contain the following information:

13 (a) The name and address of the applicant if an
14 individual, and if a firm, partnership, or association,
15 of every member thereof, and in the case of a
16 corporation, the name and address thereof and of its
17 officers and its registered agent, and in the case of a
18 unit of local government, the name and address of its
19 chief executive officer;

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

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

24 (d) The number and type of residents for which
25 maintenance, personal care, or nursing is to be provided;
26 and

27 (e) Such information relating to the number,
28 experience, and training of the employees of the
29 facility, any management agreements for the operation of
30 the facility, and of the moral character of the applicant
31 and employees as the Department may deem necessary.

32 (3) Each initial application shall be accompanied by a
33 financial statement setting forth the financial condition of
34 the applicant and by a statement from the unit of local

1 government having zoning jurisdiction over the facility's
2 location stating that the location of the facility is not in
3 violation of a zoning ordinance. An initial application for a
4 new facility shall be accompanied by a permit as required by
5 the "Illinois Health Facilities Planning Act". After the
6 application is approved, the applicant shall advise the
7 Department every 6 months of any changes in the information
8 originally provided in the application.

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

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

14 Section 75-25. The Illinois Insurance Code is amended by
15 changing Sections 121-19, 123A-4, 123B-4, 123C-17, 131.24,
16 141a, 149, 310.1, 315.4, 325, 363a, 370, 403, 403A, 408, 412,
17 431, 445, 500-70, 500-110, 500-120, 500-135, 511.103,
18 511.105, 511.110, 512.63, 513a3, 513a4, 513a7, 529.5, 544,
19 1020, 1108, and 1204 as follows:

20 (215 ILCS 5/121-19) (from Ch. 73, par. 733-19)

21 Sec. 121-19. Fine for unauthorized insurance. Any
22 unauthorized insurer who transacts any unauthorized act of an
23 insurance business as set forth in this Act is guilty of a
24 business offense and may be fined not more than \$20,000
25 ~~\$10,000~~.

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

27 (215 ILCS 5/123A-4) (from Ch. 73, par. 735A-4)

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

29 (1) An advisory organization must be licensed by the
30 Director before it is authorized to conduct activities in
31 this State.

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

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

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

8 (215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)

9 Sec. 123B-4. Risk retention groups not organized in this
10 State. Any risk retention group organized and licensed in a
11 state other than this State and seeking to do business as a
12 risk retention group in this State shall comply with the laws
13 of this State as follows:

14 A. Notice of operations and designation of the Director
15 as agent.

16 Before offering insurance in this State, a risk retention
17 group shall submit to the Director on a form approved by the
18 Director:

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

27 (2) a copy of its plan of operations or a
28 feasibility study and revisions of such plan or study
29 submitted to its state of domicile; provided, however,
30 that the provision relating to the submission of a plan
31 of operation or a feasibility study shall not apply with
32 respect to any line or classification of liability
33 insurance which (a) was defined in the Product Liability

1 Risk Retention Act of 1981 before October 27, 1986, and
2 (b) was offered before such date by any risk retention
3 group which had been organized and operating for not less
4 than 3 years before such date; and

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

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

11 (1) a copy of the group's financial statement
12 submitted to the state in which the risk retention group
13 is organized and licensed, which shall be certified by an
14 independent public accountant and contain a statement of
15 opinion on loss and loss adjustment expense reserves made
16 by a member of the American Academy of Actuaries or a
17 qualified loss reserve specialist (under criteria
18 established by the National Association of Insurance
19 Commissioners);

20 (2) a copy of each examination of the risk
21 retention group as certified by the public official
22 conducting the examination;

23 (3) upon request by the Director, a copy of any
24 audit performed with respect to the risk retention group;
25 and

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

29 C. Taxation.

30 (1) Each risk retention group shall be liable for
31 the payment of premium taxes and taxes on premiums of
32 direct business for risks resident or located within this
33 State, and shall report to the Director the net premiums
34 written for risks resident or located within this State.

1 Such risk retention group shall be subject to taxation,
2 and any applicable fines and penalties related thereto,
3 on the same basis as a foreign admitted insurer.

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

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

- 18 (a) the limit of the liability;
- 19 (b) the time period covered;
- 20 (c) the effective date;
- 21 (d) the name of the risk retention group which
22 issued the policy;
- 23 (e) the gross premium charged; and
- 24 (f) the amount of return premiums, if any.

25 D. Compliance With unfair claims practices provisions.
26 Any risk retention group, its agents and representatives
27 shall be subject to the unfair claims practices provisions of
28 Sections 154.5 through 154.8 of this Code.

29 E. Deceptive, false, or fraudulent practices. Any risk
30 retention group shall comply with the laws of this State
31 regarding deceptive, false, or fraudulent acts or practices.
32 However, if the Director seeks an injunction regarding such
33 conduct, the injunction must be obtained from a court of
34 competent jurisdiction.

1 F. Examination regarding financial condition. Any risk
2 retention group must submit to an examination by the Director
3 to determine its financial condition if the commissioner of
4 insurance of the jurisdiction in which the group is organized
5 and licensed has not initiated an examination or does not
6 initiate an examination within 60 days after a request by the
7 Director. Any such examination shall be coordinated to avoid
8 unjustified repetition and conducted in an expeditious manner
9 and in accordance with the National Association of Insurance
10 Commissioners' Examiner Handbook.

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

15 "NOTICE

16 This policy is issued by your risk retention group. Your
17 risk retention group is not subject to all of the insurance
18 laws and regulations of your state. State insurance
19 insolvency guaranty fund protection is not available for your
20 risk retention group".

21 H. Prohibited acts regarding solicitation or sale. The
22 following acts by a risk retention group are hereby
23 prohibited:

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

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

30 I. Prohibition on ownership by an insurance company. No
31 risk retention group shall be allowed to do business in this
32 State if an insurance company is directly or indirectly a
33 member or owner of such risk retention group, other than in
34 the case of a risk retention group all of whose members are

1 insurance companies.

2 J. Prohibited coverage. No risk retention group may
3 offer insurance policy coverage prohibited by Articles IX or
4 XI of this Code or declared unlawful by the Illinois Supreme
5 Court; provided however, a risk retention group organized and
6 licensed in a state other than this State that selects the
7 law of this State to govern the validity, construction, or
8 enforceability of policies issued by it is permitted to
9 provide coverage under policies issued by it for penalties in
10 the nature of compensatory damages including, without
11 limitation, punitive damages and the multiplied portion of
12 multiple damages, so long as coverage of those penalties is
13 not prohibited by the law of the state under which the risk
14 retention group is organized.

15 K. Delinquency proceedings. A risk retention group not
16 organized in this State and doing business in this State
17 shall comply with a lawful order issued in a voluntary
18 dissolution proceeding or in a conservation, rehabilitation,
19 liquidation, or other delinquency proceeding commenced by the
20 Director or by another state insurance commissioner if there
21 has been a finding of financial impairment after an
22 examination under subsection F of Section 123B-4 of this
23 Article.

24 L. Compliance with injunctive relief. A risk retention
25 group shall comply with an injunctive order issued in another
26 state by a court of competent jurisdiction or by a United
27 States District Court based on a finding of financial
28 impairment or hazardous financial condition.

29 M. Penalties. A risk retention group that violates any
30 provision of this Article will be subject to fines and
31 penalties applicable to licensed insurers generally,
32 including revocation of its license or the right to do
33 business in this State, or both.

34 N. Operations prior to August 3, 1987. In addition to

1 complying with the requirements of this Section, any risk
2 retention group operating in this State prior to August 3,
3 1987, shall within 30 days after such effective date comply
4 with the provisions of subsection A of this Section.

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

6 (215 ILCS 5/123C-17) (from Ch. 73, par. 735C-17)

7 Sec. 123C-17. Fees.

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

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

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

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

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

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

23 (215 ILCS 5/131.24) (from Ch. 73, par. 743.24)

24 Sec. 131.24. Sanctions.

25 (1) Every director or officer of an insurance holding
26 company system who knowingly violates, participates in, or
27 assents to, or who knowingly permits any of the officers or
28 agents of the company to engage in transactions or make
29 investments which have not been properly filed or approved or
30 which violate this Article, shall pay, in their individual
31 capacity, a civil forfeiture of not more than \$100,000
32 ~~\$50,000~~ per violation, after notice and hearing before the

1 Director. In determining the amount of the civil forfeiture,
2 the Director shall take into account the appropriateness of
3 the forfeiture with respect to the gravity of the violation,
4 the history of previous violations, and such other matters as
5 justice may require.

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

25 (3) Whenever it appears to the Director that any company
26 or any director, officer, employee or agent thereof has
27 committed a willful violation of this Article, the Director
28 may cause criminal proceedings to be instituted in the
29 Circuit Court for the county in which the principal office of
30 the company is located or in the Circuit Court of Sangamon or
31 Cook County against such company or the responsible director,
32 officer, employee or agent thereof. Any company which
33 willfully violates this Article commits a business offense
34 and may be fined up to \$500,000 ~~\$250,000~~. Any individual who

1 willfully violates this Article commits a Class 4 felony and
2 may be fined in his individual capacity not more than
3 \$500,000 ~~\$250,000~~ or be imprisoned for not less than one year
4 nor more than 3 years, or both.

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

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

16 (215 ILCS 5/141a) (from Ch. 73, par. 753a)

17 Sec. 141a. Managing general agents and retrospective
18 compensation agreements.

19 (a) As used in this Section, the following terms have
20 the following meanings:

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

23 "Gross direct written premium" means direct premium
24 including policy and membership fees, net of returns and
25 cancellations, and prior to any cessions.

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

29 "Managing general agent" means any person, firm,
30 association, or corporation, either separately or together
31 with affiliates, that:

32 (1) manages all or part of the insurance business
33 of an insurer (including the management of a separate

1 division, department, or underwriting office), and

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

5 (3) with or without the authority produces,
6 directly or indirectly, and underwrites:

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

11 (B) within any one calendar year, an amount of
12 gross direct written premium equal to or more than
13 8% of the policyholders' surplus as reported in the
14 insurer's last annual statement, and either

15 (4) has the authority to bind the company in
16 settlement of individual claims in amounts in excess of
17 \$500, or

18 (5) has the authority to negotiate reinsurance on
19 behalf of the insurer.

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

23 (1) An employee of the insurer;

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

26 (3) An underwriting manager who, pursuant to a
27 contract meeting the standards of Section 141.1 manages
28 all or part of the insurance operations of the insurer,
29 is affiliated with the insurer, subject to Article VIII
30 1/2, and whose compensation is not based on the volume of
31 premiums written;

32 (4) The attorney or the attorney in fact authorized
33 and acting for or on behalf of the subscriber
34 policyholders of a reciprocal or inter-insurance

1 exchange, under the terms of the subscription agreement,
2 power of attorney, or policy of insurance or the attorney
3 in fact for any Lloyds organization licensed in this
4 State.

5 "Retrospective compensation agreement" means any
6 arrangement, agreement, or contract having as its purpose the
7 actual or constructive retention by the insurer of a fixed
8 proportion of the gross premiums, with the balance of the
9 premiums, retained actually or constructively by the agent or
10 the producer of the business, who assumes to pay therefrom
11 all losses, all subordinate commission, loss adjustment
12 expenses, and his profit, if any, with other provisions of
13 the arrangement, agreement, or contract being auxiliary or
14 incidental to that purpose.

15 "Underwrite" means to accept or reject risk on behalf of
16 the insurer.

17 (b) Licensure of managing general agents.

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

34 (3) The managing general agent must provide a

1 surety bond for the benefit of the insurer in an amount
2 equal to the greater of \$100,000 or 5% of the gross
3 direct written premium underwritten by the managing
4 general agent on behalf of the insurer. The bond shall
5 provide for a discovery period and prior notification of
6 cancellation in accordance with the rules of the
7 Department unless otherwise approved in writing by the
8 Director.

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

15 (5) Evidence of the existence of the bond and the
16 errors and omissions policy must be made available to the
17 Director upon his request.

18 (c) No person, firm, association, or corporation acting
19 in the capacity of a managing general agent shall place
20 business with an insurer unless there is in force a written
21 contract between the parties that sets forth the
22 responsibilities of each party, that, if both parties share
23 responsibility for a particular function, specifies the
24 division of responsibility, and that contains the following
25 minimum provisions:

26 (1) The insurer may terminate the contract for
27 cause upon written notice to the managing general agent.
28 The insurer may suspend the underwriting authority of the
29 managing general agent during the pendency of any dispute
30 regarding the cause for termination.

31 (2) The managing general agent shall render
32 accounts to the insurer detailing all transactions and
33 remit all funds due under the contract to the insurer on
34 not less than a monthly basis.

1 (3) All funds collected for the account of an
2 insurer shall be held by the managing general agent in a
3 fiduciary capacity in a bank that is a federally or State
4 chartered bank and that is a member of the Federal
5 Deposit Insurance Corporation. This account shall be
6 used for all payments on behalf of the insurer; however,
7 the managing general agent shall not have authority to
8 draw on any other accounts of the insurer. The managing
9 general agent may retain no more than 3 months estimated
10 claims payments and allocated loss adjustment expenses.

11 (4) Separate records of business written by the
12 managing general agent will be maintained. The insurer
13 shall have access to and the right to copy all accounts
14 and records related to its business in a form usable by
15 the insurer, and the Director shall have access to all
16 books, bank accounts, and records of the managing general
17 agent in a form usable to the Director.

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

20 (6) The managing general agent shall provide to the
21 company audited financial statements required under
22 paragraph (1) of subsection (d).

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

- 25 (A) the maximum annual premium volume;
- 26 (B) the basis of the rates to be charged;
- 27 (C) the types of risks that may be written;
- 28 (D) maximum limits of liability;
- 29 (E) applicable exclusions;
- 30 (F) territorial limitations;
- 31 (G) policy cancellation provisions; and
- 32 (H) the maximum policy period.

33 (8) The insurer shall have the right to: (i) cancel
34 or nonrenew any policy of insurance subject to applicable

1 laws and regulations concerning those actions; and (ii)
2 require cancellation of any subproducer's contract after
3 appropriate notice.

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

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

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

11 (i) has the potential to exceed an amount
12 determined by the company;

13 (ii) involves a coverage dispute;

14 (iii) may exceed the managing general
15 agent's claims settlement authority;

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

17 (v) is closed by payment of an amount set
18 by the company.

19 (C) all claim files will be the joint property
20 of the insurer and the managing general agent.
21 However, upon an order of liquidation of the
22 insurer, the files shall become the sole property of
23 the insurer or its estate; the managing general
24 agent shall have reasonable access to and the right
25 to copy the files on a timely basis.

26 (D) any settlement authority granted to the
27 managing general agent may be terminated for cause
28 upon the insurer's written notice to the managing
29 general agent or upon the termination of the
30 contract. The insurer may suspend the settlement
31 authority during the pendency of any dispute
32 regarding the cause for termination.

33 (10) Where electronic claims files are in
34 existence, the contract must address the timely

1 transmission of the data.

2 (11) If the contract provides for a sharing of
3 interim profits by the managing general agent and the
4 managing general agent has the authority to determine the
5 amount of the interim profits by establishing loss
6 reserves, controlling claim payments, or by any other
7 manner, interim profits will not be paid to the managing
8 general agent until one year after they are earned for
9 property insurance business and until 5 years after they
10 are earned on casualty business and in either case, not
11 until the profits have been verified.

12 (12) The managing general agent shall not:

13 (A) Bind reinsurance or retrocessions on
14 behalf of the insurer, except that the managing
15 general agent may bind facultative reinsurance
16 contracts under obligatory facultative agreements if
17 the contract with the insurer contains reinsurance
18 underwriting guidelines including, for both
19 reinsurance assumed and ceded, a list of reinsurers
20 with which automatic agreements are in effect, the
21 coverages and amounts or percentages that may be
22 reinsured, and commission schedules.

23 (B) Appoint any producer without assuring that
24 the producer is lawfully licensed to transact the
25 type of insurance for which he is appointed.

26 (C) Without prior approval of the insurer, pay
27 or commit the insurer to pay a claim over a
28 specified amount, net of reinsurance, that shall not
29 exceed 1% of the insurer's policyholders' surplus as
30 of December 31 of the last completed calendar year.

31 (D) Collect any payment from a reinsurer or
32 commit the insurer to any claim settlement with a
33 reinsurer without prior approval of the insurer. If
34 prior approval is given, a report must be promptly

1 forwarded to the insurer.

2 (E) Permit its subproducer to serve on its
3 board of directors.

4 (F) Employ an individual who is also employed
5 by the insurer.

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

8 (d) Insurers shall have the following duties:

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

19 (2) If a managing general agent establishes loss
20 reserves, the insurer shall annually obtain the opinion
21 of an actuary attesting to the adequacy of loss reserves
22 established for losses incurred and outstanding on
23 business produced by the managing general agent, in
24 addition to any other required loss reserve
25 certification.

26 (3) The insurer shall periodically (at least
27 semiannually) conduct an on-site review of the
28 underwriting and claims processing operations of the
29 managing general agent.

30 (4) Binding authority for all reinsurance contracts
31 or participation in insurance or reinsurance syndicates
32 shall rest with an officer of the insurer, who shall not
33 be affiliated with the managing general agent.

34 (5) Within 30 days of entering into or terminating

1 a contract with a managing general agent, the insurer
2 shall provide written notification of the appointment or
3 termination to the Director. Notices of appointment of a
4 managing general agent shall include a statement of
5 duties that the applicant is expected to perform on
6 behalf of the insurer, the lines of insurance for which
7 the applicant is to be authorized to act, and any other
8 information the Director may request.

9 (6) An insurer shall review its books and records
10 each quarter to determine if any producer has become a
11 managing general agent. If the insurer determines that a
12 producer has become a managing general agent, the insurer
13 shall promptly notify the producer and the Director of
14 that determination, and the insurer and producer must
15 fully comply with the provisions of this Section within
16 30 days of the notification.

17 (7) The insurer shall file any managing general
18 agent contract for the Director's approval within 45 days
19 after the contract becomes subject to this Section.
20 Failure of the Director to disapprove the contract within
21 45 days shall constitute approval thereof. Upon
22 expiration of the contract, the insurer shall submit the
23 replacement contract for approval. Contracts filed under
24 this Section shall be exempt from filing under Sections
25 141, 141.1 and 131.20a.

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

31 (e) The acts of a managing general agent are considered
32 to be the acts of the insurer on whose behalf it is acting.
33 A managing general agent may be examined in the same manner
34 as an insurer.

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

6 (g) Unless specifically required by the Director, the
7 provisions of this Section shall not apply to arrangements
8 between a managing general agent not underwriting any risks
9 located in Illinois and a foreign insurer domiciled in an
10 NAIC accredited state that has adopted legislation
11 substantially similar to the NAIC Managing General Agents
12 Model Act. "NAIC accredited state" means a state or
13 territory of the United States having an insurance regulatory
14 agency that maintains an accredited status granted by the
15 National Association of Insurance Commissioners.

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

31 (i) If an Order of Rehabilitation or Liquidation is
32 entered under Article XIII and the receiver appointed under
33 that Order determines that the managing general agent or any
34 other person has not materially complied with this Section or

1 any regulation or Order promulgated hereunder and the insurer
2 suffered any loss or damage therefrom, the receiver may
3 maintain a civil action for recovery of damages or other
4 appropriate sanctions for the benefit of the insurer.

5 Any decision, determination, or order of the Director
6 under this subsection shall be subject to judicial review
7 under the Administrative Review Law.

8 Nothing contained in this subsection shall affect the
9 right of the Director to impose any other penalties provided
10 for in this Code.

11 Nothing contained in this subsection is intended to or
12 shall in any manner limit or restrict the rights of
13 policyholders, claimants, and auditors.

14 (j) A domestic company shall not during any calendar
15 year write, through a managing general agent or managing
16 general agents, premiums in an amount equal to or greater
17 than its capital and surplus as of the preceding December
18 31st unless the domestic company requests in writing the
19 Director's permission to do so and the Director has either
20 approved the request or has not disapproved the request
21 within 45 days after the Director received the request.

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

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

29 (215 ILCS 5/149) (from Ch. 73, par. 761)

30 Sec. 149. Misrepresentation and defamation prohibited.

31 (1) No company doing business in this State, and no
32 officer, director, agent, clerk or employee thereof, broker,
33 or any other person, shall make, issue or circulate or cause

1 or knowingly permit to be made, issued or circulated any
2 estimate, illustration, circular, or verbal or written
3 statement of any sort misrepresenting the terms of any policy
4 issued or to be issued by it or any other company or the
5 benefits or advantages promised thereby or any misleading
6 estimate of the dividends or share of the surplus to be
7 received thereon, or shall by the use of any name or title of
8 any policy or class of policies misrepresent the nature
9 thereof.

10 (2) No such company or officer, director, agent, clerk
11 or employee thereof, or broker shall make any misleading
12 representation or comparison of companies or policies, to any
13 person insured in any company for the purpose of inducing or
14 tending to induce a policyholder in any company to lapse,
15 forfeit, change or surrender his insurance, whether on a
16 temporary or permanent plan.

17 (3) No such company, officer, director, agent, clerk or
18 employee thereof, broker or other person shall make, issue or
19 circulate or cause or knowingly permit to be made, issued or
20 circulated any pamphlet, circular, article, literature or
21 verbal or written statement of any kind which contains any
22 false or malicious statement calculated to injure any company
23 doing business in this State in its reputation or business.

24 (4) No such company, or officer, director, agent, clerk
25 or employee thereof, no agent, broker, solicitor, or company
26 service representative, and no other person, firm,
27 corporation, or association of any kind or character, shall
28 make, issue, circulate, use, or utter, or cause or knowingly
29 permit to be made, issued, circulated, used, or uttered, any
30 policy or certificate of insurance, or endorsement or rider
31 thereto, or matter incorporated therein by reference, or
32 application blanks, or any stationery, pamphlet, circular,
33 article, literature, advertisement or advertising of any kind
34 or character, visual, or aural, including radio advertising

1 and television advertising, or any other verbal or written
2 statement or utterance (a) which tends to create the
3 impression or from which it may be implied or inferred,
4 directly or indirectly, that the company, its financial
5 condition or status, or the payment of its claims, or the
6 merits, desirability, or advisability of its policy forms or
7 kinds or plans of insurance are approved, endorsed, or
8 guaranteed by the State of Illinois or United States
9 Government or the Director or the Department or are secured
10 by Government bonds or are secured by a deposit with the
11 Director, or (b) which uses or refers to any deposit with the
12 Director or any certificate of deposit issued by the Director
13 or any facsimile, reprint, photograph, photostat, or other
14 reproduction of any such certificate of deposit.

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

26 (6) No company shall be held guilty of having violated
27 any of the provisions of this Section by reason of the act of
28 any agent, solicitor or employee, not an officer, director or
29 department head thereof, unless an officer, director or
30 department head of such company shall have knowingly
31 permitted such act or shall have had prior knowledge thereof.

32 (7) Any person, association, organization, partnership,
33 business trust or corporation not authorized to transact an
34 insurance business in this State which disseminates in or

1 causes to be disseminated in this State any advertising,
2 invitations to inquire, questionnaires or requests for
3 information designed to result in a solicitation for the
4 purchase of insurance by residents of this State is also
5 subject to the sanctions of this Section. The phrase
6 "designed to result in a solicitation for the purchase of
7 insurance" includes but is not limited to:

8 (a) the use of any form or document which provides
9 either generalized or specific information or
10 recommendations regardless of the insurance needs of the
11 recipient or the availability of any insurance policy or
12 plan; or

13 (b) any offer to provide such information or
14 recommendation upon subsequent contacts or solicitation
15 either by the entity generating the material or some
16 other person; or

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

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

21 (e) the use of any material which, regardless of
22 the form and content used or the information imparted, is
23 intended to result, in the generation of leads for
24 further solicitations or the preparation of a mailing
25 list which can be sold to others for such purpose.

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

27 (215 ILCS 5/310.1) (from Ch. 73, par. 922.1)

28 Sec. 310.1. Suspension, Revocation or Refusal to Renew
29 Certificate of Authority. (a) Domestic Societies. When, upon
30 investigation, the Director is satisfied that any domestic
31 society transacting business under this amendatory Act has
32 exceeded its powers or has failed to comply with any
33 provisions of this amendatory Act or is conducting business

1 fraudulently or in a way hazardous to its members, creditors
2 or the public or is not carrying out its contracts in good
3 faith, the Director shall notify the society of his or her
4 findings, stating in writing the grounds of his or her
5 dissatisfaction, and, after reasonable notice, require the
6 society on a date named to show cause why its certificate of
7 authority should not be revoked or suspended or why such
8 society should not be fined as hereinafter provided or why
9 the Director should not proceed against the society under
10 Article XIII of this Code. If, on the date named in said
11 notice, such objections have not been removed to the
12 satisfaction of the Director or if the society does not
13 present good and sufficient reasons why its authority to
14 transact business in this State should not at that time be
15 revoked or suspended or why such society should not be fined
16 as hereinafter provided, the Director may revoke the
17 authority of the society to continue business in this State
18 and proceed against the society under Article XIII of this
19 Code or suspend such certificate of authority for any period
20 of time up to, but not to exceed, 2 years; or may by order
21 require such society to pay to the people of the State of
22 Illinois a penalty in a sum not exceeding \$10,000 \$5,000,
23 and, upon the failure of such society to pay such penalty
24 within 20 days after the mailing of such order, postage
25 prepaid, registered and addressed to the last known place of
26 business of such society, unless such order is stayed by an
27 order of a court of competent jurisdiction, the Director may
28 revoke or suspend the license of such society for any period
29 of time up to, but not exceeding, a period of 2 years.

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

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

1 (215 ILCS 5/315.4) (from Ch. 73, par. 927.4)

2 Sec. 315.4. Penalties. (a) Any person who willfully
3 makes a false or fraudulent statement in or relating to an
4 application for membership or for the purpose of obtaining
5 money from, or a benefit in, any society shall upon
6 conviction be fined not less than \$200 ~~\$100~~ nor more than
7 \$10,000 ~~\$5,000~~ or be subject to imprisonment in the county
8 jail not less than 30 days nor more than one year, or both.

9 (b) Any person who willfully makes a false or fraudulent
10 statement in any verified report or declaration under oath
11 required or authorized by this amendatory Act, or of any
12 material fact or thing contained in a sworn statement
13 concerning the death or disability of an insured for the
14 purpose of procuring payment of a benefit named in the
15 certificate, shall be guilty of perjury and shall be subject
16 to the penalties therefor prescribed by law.

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

21 (d) Any person guilty of a willful violation of, or
22 neglect or refusal to comply with, the provisions of this
23 amendatory Act for which a penalty is not otherwise
24 prescribed shall upon conviction be subject to a fine not
25 exceeding \$10,000 ~~\$5,000~~.

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

27 (215 ILCS 5/325) (from Ch. 73, par. 937)

28 Sec. 325. Officers bonds.

29 The officer or officers of the association entrusted with
30 the custody of its funds shall within thirty days after the
31 effective date of this Code file with the Director a bond in
32 favor of the association in the penalty of double the amount
33 of its benefit account, as defined in the act mentioned in

1 section 316, as of the end of a preceding calendar year,
2 exclusive of such amount as the association may maintain on
3 deposit with the Director, (but in no event a bond in a
4 penalty of less than \$2,000 ~~one-thousand-dollars~~) with such
5 officer or officers as principal and a duly authorized surety
6 company as surety, conditioned upon the faithful performance
7 of his or their duties and the accounting of the funds
8 entrusted to his or their custody. If the penalty of any bond
9 filed pursuant to this section shall at any time be less than
10 twice the largest amount in the benefit fund of the
11 association not maintained on deposit with the Director
12 during the preceding calendar year, a new bond in the penalty
13 of double the largest amount in the benefit fund during said
14 preceding calendar year, with such officer or officers as
15 principal and a duly authorized surety company as surety,
16 conditioned as aforesaid, shall be filed with the Director
17 within sixty days after the end of such calendar year.

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

19 (215 ILCS 5/363a) (from Ch. 73, par. 975a)

20 Sec. 363a. Medicare supplement policies; disclosure,
21 advertising, loss ratio standards.

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

1 Medicare.

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

5 (a) It may not include any reference to that
6 program on the envelope, the reply envelope, or the
7 address side of the reply postal card, if any, nor use
8 any language to imply that failure to respond to the
9 advertisement might result in loss of Medicare benefits.

10 (b) It must include a prominent statement to the
11 effect that in providing supplemental coverage the
12 insurer and agent involved in the solicitation are not in
13 any manner connected with that program.

14 (c) It must prominently disclose that it is an
15 advertisement for insurance or is intended to obtain
16 insurance prospects.

17 (d) It must prominently identify and set forth the
18 actual address of the insurer or insurers that issue the
19 coverage.

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

23 The Director may issue reasonable rules and regulations
24 for the purpose of establishing criteria and guidelines for
25 the advertising of Medicare supplement insurance.

26 (3) Mandatory agent practices. For the purpose of this
27 Act, "home solicitation sale by an agent" means a sale or
28 attempted sale of an insurance policy at the purchaser's
29 residence, agent's transient quarters, or away from the
30 agent's home office when the initial contact is personally
31 solicited by the agent or insurer. Any agent involved in any
32 home solicitation sale of a Medicare supplement policy or
33 other policy of accident and health insurance, subject to
34 subsection (1) of this Section, sold to individuals eligible

1 for Medicare shall promptly do the following:

2 (a) Identify himself as an insurance agent.

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

5 (c) Provide the purchaser with a clearly printed or
6 typed identification of his name, address, telephone
7 number, and the name of the insurer in which the
8 insurance is to be written.

9 (d) Determine what, if any, policy is appropriate,
10 suitable, and nonduplicative for the purchaser
11 considering existing coverage and be able to provide
12 proof to the company that such a determination has been
13 made.

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

16 (f) Complete a Policy Check List in duplicate as
17 follows:

18 POLICY CHECK LIST

19 Applicant's Name:

20 Policy Number:

21 Name of Existing Insurer:

22 Expiration Date of Existing Insurance:

23 Medicare	Existing	Supplement	Insured's
24 Pays	Coverage	Pays	Responsibility
25 Service			
26 Hospital			
27 Skilled			
28 Nursing			
29 Home Care			
30 Prescription			
31 Drugs			

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

Signature of Applicant

Signature of Agent

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

(g) Except in the case of refunds of premium made pursuant to subsection (5) of Section 363 of this Code, send by mail to an insured or an applicant for insurance, when the insurer follows a practice of having agents return premium refund drafts issued by the insurer, a premium refund draft within 2 weeks of its receipt by the agent from the insurer making such refund.

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

(4) Prohibited agent practices.

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

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

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

(iii) Is engaged in an advisory business in

1 which his compensation is unrelated to the sale of
2 insurance by the use of terms such as Medicare
3 consultant, Medicare advisor, Medicare Bureau,
4 disability insurance consultant, or similar
5 expression in a letter, envelope, reply card, or
6 other.

7 (iv) Will provide a continuing service to the
8 purchaser of the policy unless he does provide
9 services to the purchaser beyond the sale and
10 renewal of policies.

11 (b) No agent engaged in a home solicitation sale of
12 a Medicare supplement policy or other policy of accident
13 and health insurance sold to individuals eligible for
14 Medicare shall misrepresent, directly or by implication,
15 any of the following:

16 (i) The identity of the insurance company or
17 companies he represents.

18 (ii) That the assistance programs of the State
19 or county or the federal Medicare programs for
20 medical insurance are to be discontinued or are
21 increasing in cost to the prospective buyer or are
22 in any way endangered.

23 (iii) That an insurance company in which the
24 prospective purchaser is insured is financially
25 unstable, cancelling its outstanding policies,
26 merging, or withdrawing from the State.

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

28 (v) The effective date of coverage under the
29 policy.

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

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

34 (5) Mandatory company practices. Any company involved

1 in the sale of Medicare supplement policies or any policies
2 of accident and health insurance (subject to subsection (1)
3 of this Section) sold to individuals eligible for Medicare
4 shall do the following:

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

8 (b) Make certain that policies of Medicare
9 supplement insurance are not issued, and any premium
10 collected for those policies is refunded, when they are
11 deemed duplicative, inappropriate, or not suitable
12 considering existing coverage with the company.

13 (c) Maintain copies of the Policy Check List as
14 completed by the agent at the point of sale of a Medicare
15 supplement policy or any policy of accident and health
16 insurance (subject to subsection (1) of this Section)
17 sold to individuals eligible for Medicare on file at the
18 company's regional or other administrative office.

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

22 (a) No Medicare supplement policy or certificate
23 shall be delivered in this State unless an outline of
24 coverage is delivered to the applicant at the time
25 application is made and, except for direct response
26 policies, an acknowledgement from the applicant of
27 receipt of the outline is obtained.

28 (b) Outline of coverage requirements for Medicare
29 supplement policies.

30 (i) Insurers issuing Medicare supplement
31 policies or certificates for delivery in this State
32 shall provide an outline of coverage to all
33 applicants at the time application is made and,
34 except for direct response policies, shall obtain an

1 acknowledgement of receipt of the outline from the
2 applicant.

3 (ii) If an outline of coverage is provided at
4 the time of application and the Medicare supplement
5 policy or certificate is issued on a basis that
6 would require revision of the outline, a substitute
7 outline of coverage properly describing the policy
8 or certificate must accompany the policy or
9 certificate when it is delivered and shall contain
10 immediately above the company name, in no less than
11 12 point type, the following statement:

12 "NOTICE: Read this outline of coverage
13 carefully. It is not identical to the outline of
14 coverage provided upon application and the coverage
15 originally applied for has not been issued."

16 (iii) The outline of coverage provided to
17 applicants shall be in the form prescribed by rule
18 by the Department.

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

34 (d) Outlines of coverage delivered in connection

1 with policies defined in subsection (4) of Section 355a
2 of this Code as Hospital confinement Indemnity (Section
3 4c), Accident Only Coverage (Section 4f), Specified
4 Disease (Section 4g) or Limited Benefit Health Insurance
5 Coverage to persons eligible for Medicare shall contain,
6 in addition to other requirements for those outlines, the
7 following language that shall be printed on or attached
8 to the first page of the outline of coverage:

9 "This policy, certificate or subscriber contract IS
10 NOT A MEDICARE SUPPLEMENT policy or certificate. It does
11 not fully supplement your federal Medicare health
12 insurance. If you are eligible for Medicare, review the
13 Guide to Health Insurance for People with Medicare
14 available from the company."

15 (e) In the case wherein a policy, as defined in
16 paragraph (a) of subsection (2) of Section 355a of this
17 Code, being sold to a person eligible for Medicare
18 provides one or more but not all of the minimum standards
19 for Medicare supplements set forth in Section 363 of this
20 Code, disclosure must be provided that the policy is not
21 a Medicare supplement and does not meet the minimum
22 benefit standards set for those policies in this State.

23 (7) Loss ratio standards.

24 (a) Every issuer of Medicare supplement policies or
25 certificates in this State, as defined in Section 363 of
26 this Code, shall file annually its rates, rating
27 schedule, and supporting documentation demonstrating that
28 it is in compliance with the applicable loss ratio
29 standards of this State. All filings of rates and rating
30 schedules shall demonstrate that the actual and
31 anticipated losses in relation to premiums comply with
32 the requirements of this Code.

33 (b) Medicare supplement policies shall, for the
34 entire period for which rates are computed to provide

1 coverage, on the basis of incurred claims experience and
2 earned premiums for the period and in accordance with
3 accepted actuarial principles and practices, return to
4 policyholders in the form of aggregate benefits the
5 following:

6 (i) In the case of group policies, at least
7 75% of the aggregate amount of premiums earned.

8 (ii) In the case of individual policies, at
9 least 60% of the aggregate amount of premiums
10 earned; and beginning November 5, 1991, at least 65%
11 of the aggregate amount of premiums earned.

12 (iii) In the case of sponsored group policies
13 in which coverage is marketed on an individual basis
14 by direct response to eligible individuals in that
15 group only, at least 65% of the aggregate amount of
16 premiums earned.

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

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

1 Act.

2 (9) Penalties.

3 (a) Any company or agent who is found to have
4 violated any of the provisions of this Section may be
5 required by order of the Director of Insurance to forfeit
6 by civil penalty not less than \$500 ~~\$250~~ nor more than
7 \$5,000 ~~\$2,500~~ for each offense. Written notice will be
8 issued and an opportunity for a hearing will be granted
9 pursuant to subsection (2) of Section 403A of this Code.

10 (b) In addition to any other applicable penalties
11 for violations of this Code, the Director may require
12 insurers violating any provision of this Code or
13 regulations promulgated pursuant to this Code to cease
14 marketing in this State any Medicare supplement policy or
15 certificate that is related directly or indirectly to a
16 violation and may require the insurer to take actions as
17 are necessary to comply with the provisions of Sections
18 363 and 363a of this Code.

19 (c) After June 30, 1991, no person may advertise,
20 solicit for the sale or purchase of, offer for sale, or
21 deliver a Medicare supplement policy that has not been
22 approved by the Director. A person who knowingly
23 violates, directly or through an agent, the provisions of
24 this paragraph commits a Class 3 felony. Any person who
25 violates the provisions of this paragraph may be
26 subjected to a civil penalty not to exceed \$10,000
27 ~~\$5,000~~. The civil penalty authorized in this paragraph
28 shall be enforced in the manner provided in Section 403A
29 of this Code.

30 (10) Replacement. Application forms shall include a
31 question designed to elicit information as to whether a
32 Medicare supplement policy or certificate is intended to
33 replace any similar accident and sickness policy or
34 certificate presently in force. A supplementary application

1 or other form to be signed by the applicant containing the
2 question may be used. Upon determining that a sale of
3 Medicare supplement coverage will involve replacement, an
4 insurer, other than a direct response insurer, or its agent,
5 shall furnish the applicant, prior to issuance or delivery of
6 the Medicare supplement policy or certificate, a notice
7 regarding replacement of Medicare supplement coverage. One
8 copy of the notice shall be provided to the applicant, and an
9 additional copy signed by the applicant shall be retained by
10 the insurer. A direct response insurer shall deliver to the
11 applicant at the time of the issuance of the policy the
12 notice regarding replacement of Medicare supplement coverage.
13 (Source: P.A. 88-313; 89-484, eff. 6-21-96.)

14 (215 ILCS 5/370) (from Ch. 73, par. 982)

15 Sec. 370. Policies issued in violation of
16 article-Penalty.

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

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

1 such insurance company or agent for any period of time up to,
2 but not exceeding a period of, two years.

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

4 (215 ILCS 5/403) (from Ch. 73, par. 1015)

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

6 (1) In the conduct of any examination, investigation or
7 hearing provided for by this Code, the Director or other
8 officer designated by him or her to conduct the same, shall
9 have power to compel the attendance of any person by
10 subpoena, to administer oaths and to examine any person under
11 oath concerning the business, conduct or affairs of any
12 company or person subject to the provisions of this Code, and
13 in connection therewith to require the production of any
14 books, records or papers relevant to the inquiry.

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

28 (3) When any person neglects or refuses without
29 reasonable cause to obey a subpoena issued by the Director,
30 or refuses without reasonable cause to testify, to be sworn
31 or to produce any book or paper described in the subpoena,
32 the Director may file a petition against such person in the
33 circuit court of the county in which the testimony is desired

1 to be or has been taken or has been attempted to be taken,
2 briefly setting forth the fact of such refusal or neglect and
3 attaching a copy of the subpoena and the return of service
4 thereon and applying for an order requiring such person to
5 attend, testify or produce the books or papers before the
6 Director or his or her actuary, supervisor, deputy or
7 examiner, at such time or place as may be specified in such
8 order. Any circuit court of this State, upon the filing of
9 such petition, either before or after notice to such person,
10 may, in the judicial discretion of such court, order the
11 attendance of such person, the production of books and papers
12 and the giving of testimony before the Director or any of his
13 or her actuaries, supervisors, deputies or examiners. If such
14 person shall fail or refuse to obey the order of the court
15 and it shall appear to the court that the failure or refusal
16 of such person to obey its order is wilful, and without
17 lawful excuse, the court shall punish such person by fine or
18 imprisonment in the county jail, or both, as the nature of
19 the case may require, as is now, or as may hereafter be
20 lawful for the court to do in cases of contempt of court.

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

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

1 (215 ILCS 5/403A) (from Ch. 73, par. 1015A)

2 Sec. 403A. Violations; Notice of Apparent Liability;
3 Limitation of Forfeiture Liability. (1) Any company or
4 person, agent or broker, officer or director and any other
5 person subject to this Code and as may be defined in Section
6 2 of this Code, who willfully or repeatedly fails to observe
7 or who otherwise violates any of the provisions of this Code
8 or any rule or regulation promulgated by the Director under
9 authority of this Code or any final order of the Director
10 entered under the authority of this Code shall by civil
11 penalty forfeit to the State of Illinois a sum not to exceed
12 \$2,000 ~~\$1,000~~. Each day during which a violation occurs
13 constitutes a separate offense. The civil penalty provided
14 for in this Section shall apply only to those Sections of
15 this Code or administrative regulations thereunder that do
16 not otherwise provide for a monetary civil penalty.

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

31 (3) No forfeiture liability under paragraph (1) of this
32 Section may attach for any violation occurring more than 2
33 years prior to the date of issuance of the notice of apparent
34 liability and in no event may the total civil penalty

1 forfeiture imposed for the acts or omissions set forth in any
2 one notice of apparent liability exceed \$500,000 ~~\$250,000~~.

3 (4) The civil penalty forfeitures provided for in this
4 Section are payable to the General Revenue Fund of the State
5 of Illinois, and may be recovered in a civil suit in the name
6 of the State of Illinois brought in the Circuit Court in
7 Sangamon County, or in the Circuit Court of the county where
8 the respondent is domiciled or has its principal operating
9 office.

10 (5) In any case where the Director issues a notice of
11 apparent liability looking toward the imposition of a civil
12 penalty forfeiture under this Section, that fact may not be
13 used in any other proceeding before the Director to the
14 prejudice of the respondent to whom the notice was issued,
15 unless (a) the civil penalty forfeiture has been paid, or (b)
16 a court has ordered payment of the civil penalty forfeiture
17 and that order has become final.

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

19 (215 ILCS 5/408) (from Ch. 73, par. 1020)

20 Sec. 408. Fees and charges.

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

24 (a) For filing all documents submitted for the
25 incorporation or organization or certification of a
26 domestic company, except for a fraternal benefit society,
27 \$2,000 ~~\$1,000~~.

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

31 (c) For filing amendments to articles of
32 incorporation and amendments to declaration of
33 organization, except for a fraternal benefit society, a

1 mutual benefit association, a burial society or a farm
2 mutual, \$200 ~~\$100~~.

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

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

8 (f) For filing bylaws or amendments thereto, \$50
9 ~~\$25~~.

10 (g) For filing agreement of merger or
11 consolidation:

12 (i) for a domestic company, except for a
13 fraternal benefit society, a mutual benefit
14 association, a burial society, or a farm mutual,
15 \$2,000 ~~\$1,000~~.

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

18 (iii) for a fraternal benefit society, a
19 mutual benefit association, a burial society, or a
20 farm mutual, \$200 ~~\$100~~.

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

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

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

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

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

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

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

5 (o) For issuing a certificate of authority or
6 renewal thereof except to a fraternal benefit society,
7 \$200 \$100.

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

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

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

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

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

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

19 (v) For multiple copies of documents or
20 certificates listed in subparagraphs (r), (s), and (u) of
21 paragraph (1) of this Section, \$10 for the first copy of
22 a certificate of any type and \$5 for each additional copy
23 of the same certificate requested at the same time,
24 unless, pursuant to paragraph (2) of this Section, the
25 Director finds these additional fees excessive.

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

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

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

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

33 (y) For filing a plan of exchange of the stock of a
34 domestic stock insurance company, a plan of

1 demutualization of a domestic mutual company, or a plan
2 of reorganization under Article XII, \$2,000 ~~\$17,000~~.

3 (z) For filing a statement of acquisition of a
4 domestic company as defined in Section 131.4 of this
5 Code, \$2,000 ~~\$17,000~~.

6 (aa) For filing an agreement to purchase the
7 business of an organization authorized under the Dental
8 Service Plan Act or the Voluntary Health Services Plans
9 Act or of a health maintenance organization or a limited
10 health service organization, \$2,000 ~~\$17,000~~.

11 (bb) For filing a statement of acquisition of a
12 foreign or alien insurance company as defined in Section
13 131.12a of this Code, \$1,000 ~~\$500~~.

14 (cc) For filing a registration statement as
15 required in Sections 131.13 and 131.14, the notification
16 as required by Sections 131.16, 131.20a, or 141.4, or an
17 agreement or transaction required by Sections 124.2(2),
18 141, 141a, or 141.1, \$200 ~~\$100~~.

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

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

22 (ii) a workers' compensation service company,
23 \$500 ~~\$250~~;

24 (iii) a self-insured automobile fleet, \$200
25 ~~\$100~~; or

26 (iv) a renewal of or amendment of any license
27 issued pursuant to (i), (ii), or (iii) above, \$100
28 ~~\$50~~.

29 (ee) For filing articles of incorporation for a
30 syndicate to engage in the business of insurance through
31 the Illinois Insurance Exchange, \$2,000 ~~\$17,000~~.

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

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

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

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

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

14 (i) For the purposes of the form filing fee,
15 filings made on insert page basis will be considered
16 one form at the time of its original submission.
17 Changes made to a form subsequent to its approval
18 shall be considered a new filing.

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

22 (iii) Fees charged for a policy filed as it
23 will be issued regardless of the number of forms
24 comprising that policy shall not exceed \$1,000 ~~\$500~~
25 or \$2,000 ~~\$1000~~ for advisory or rating
26 organizations.

27 (iv) The Director may by rule exempt forms
28 from such fees.

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

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

33 (2) When printed copies or numerous copies of the same
34 paper or records are furnished or certified, the Director may

1 reduce such fees for copies if he finds them excessive. He
2 may, when he considers it in the public interest, furnish
3 without charge to state insurance departments and persons
4 other than companies, copies or certified copies of reports
5 of examinations and of other papers and records.

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

31 (4) At the time of any service of process on the
32 Director as attorney for such service, the Director shall
33 charge and collect the sum of \$20 ~~\$10.00~~, which may be
34 recovered as taxable costs by the party to the suit or action

1 causing such service to be made if he prevails in such suit
2 or action.

3 (5) (a) The costs incurred by the Department of
4 Insurance in conducting any hearing authorized by law shall
5 be assessed against the parties to the hearing in such
6 proportion as the Director of Insurance may determine upon
7 consideration of all relevant circumstances including: (1)
8 the nature of the hearing; (2) whether the hearing was
9 instigated by, or for the benefit of a particular party or
10 parties; (3) whether there is a successful party on the
11 merits of the proceeding; and (4) the relative levels of
12 participation by the parties.

13 (b) For purposes of this subsection (5) costs incurred
14 shall mean the hearing officer fees, court reporter fees, and
15 travel expenses of Department of Insurance officers and
16 employees; provided however, that costs incurred shall not
17 include hearing officer fees or court reporter fees unless
18 the Department has retained the services of independent
19 contractors or outside experts to perform such functions.

20 (c) The Director shall make the assessment of costs
21 incurred as part of the final order or decision arising out
22 of the proceeding; provided, however, that such order or
23 decision shall include findings and conclusions in support of
24 the assessment of costs. This subsection (5) shall not be
25 construed as permitting the payment of travel expenses unless
26 calculated in accordance with the applicable travel
27 regulations of the Department of Central Management Services,
28 as approved by the Governor's Travel Control Board. The
29 Director as part of such order or decision shall require all
30 assessments for hearing officer fees and court reporter fees,
31 if any, to be paid directly to the hearing officer or court
32 reporter by the party(s) assessed for such costs. The
33 assessments for travel expenses of Department officers and
34 employees shall be reimbursable to the Director of Insurance

1 for deposit to the fund out of which those expenses had been
2 paid.

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

6 (6) The Director shall charge and collect an annual
7 financial regulation fee from every domestic company for
8 examination and analysis of its financial condition and to
9 fund the internal costs and expenses of the Interstate
10 Insurance Receivership Commission as may be allocated to the
11 State of Illinois and companies doing an insurance business
12 in this State pursuant to Article X of the Interstate
13 Insurance Receivership Compact. The fee shall be the greater
14 fixed amount based upon the combination of nationwide direct
15 premium income and nationwide reinsurance assumed premium
16 income or upon admitted assets calculated under this
17 subsection as follows:

18 (a) Combination of nationwide direct premium income
19 and nationwide reinsurance assumed premium.

20 (i) \$150 ~~\$100~~, if the premium is less than
21 \$500,000 and there is no reinsurance assumed
22 premium;

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

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

31 (iv) \$7,500 ~~\$5,000~~, if the premium is
32 \$5,000,000 or more, but less than \$10,000,000;

33 (v) \$18,000 ~~\$12,000~~, if the premium is
34 \$10,000,000 or more, but less than \$25,000,000;

1 (vi) \$22,500 ~~\$15,000~~, if the premium is
2 \$25,000,000 or more, but less than \$50,000,000;

3 (vii) \$30,000 ~~\$20,000~~, if the premium is
4 \$50,000,000 or more, but less than \$100,000,000;

5 (viii) \$37,500 ~~\$25,000~~, if the premium is
6 \$100,000,000 or more.

7 (b) Admitted assets.

8 (i) \$150 ~~\$100~~, if admitted assets are less
9 than \$1,000,000;

10 (ii) \$750 ~~\$500~~, if admitted assets are
11 \$1,000,000 or more, but less than \$5,000,000;

12 (iii) \$3,750 ~~2,500~~, if admitted assets are
13 \$5,000,000 or more, but less than \$25,000,000;

14 (iv) \$7,500 ~~\$5,000~~, if admitted assets are
15 \$25,000,000 or more, but less than \$50,000,000;

16 (v) \$18,000 ~~\$12,000~~, if admitted assets are
17 \$50,000,000 or more, but less than \$100,000,000;

18 (vi) \$22,500 ~~\$15,000~~, if admitted assets are
19 \$100,000,000 or more, but less than \$500,000,000;

20 (vii) \$30,000 ~~\$20,000~~, if admitted assets are
21 \$500,000,000 or more, but less than \$1,000,000,000;

22 (viii) \$37,500 ~~\$25,000~~, if admitted assets are
23 \$1,000,000,000 or more.

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

29 (7) The Director shall charge and collect an annual
30 financial regulation fee from every foreign or alien company,
31 except fraternal benefit societies, for the examination and
32 analysis of its financial condition and to fund the internal
33 costs and expenses of the Interstate Insurance Receivership
34 Commission as may be allocated to the State of Illinois and

1 companies doing an insurance business in this State pursuant
2 to Article X of the Interstate Insurance Receivership
3 Compact. The fee shall be a fixed amount based upon Illinois
4 direct premium income and nationwide reinsurance assumed
5 premium income in accordance with the following schedule:

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

8 (b) \$750 ~~\$500~~, if the premium is \$500,000 or more,
9 but less than \$5,000,000 and there is no reinsurance
10 assumed premium; or if the premium is less than
11 \$5,000,000 and the reinsurance assumed premium is less
12 than \$10,000,000;

13 (c) \$3,750 ~~\$2,500~~, if the premium is less than
14 \$5,000,000 and the reinsurance assumed premium is
15 \$10,000,000 or more;

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

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

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

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

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

26 The sum of financial regulation fees under this
27 subsection (7) charged to the foreign or alien companies
28 within the same affiliated group shall not exceed \$250,000
29 ~~\$100,000~~ in the aggregate in any single year and shall be
30 billed by the Director to the member company designated by
31 the group.

32 (8) Beginning January 1, 1992, the financial regulation
33 fees imposed under subsections (6) and (7) of this Section
34 shall be paid by each company or domestic affiliated group

1 annually. After January 1, 1994, the fee shall be billed by
2 Department invoice based upon the company's premium income or
3 admitted assets as shown in its annual statement for the
4 preceding calendar year. The invoice is due upon receipt and
5 must be paid no later than June 30 of each calendar year.
6 All financial regulation fees collected by the Department
7 shall be paid to the Insurance Financial Regulation Fund.
8 The Department may not collect financial examiner per diem
9 charges from companies subject to subsections (6) and (7) of
10 this Section undergoing financial examination after June 30,
11 1992.

12 (9) In addition to the financial regulation fee required
13 by this Section, a company undergoing any financial
14 examination authorized by law shall pay the following costs
15 and expenses incurred by the Department: electronic data
16 processing costs, the expenses authorized under Section
17 131.21 and subsection (d) of Section 132.4 of this Code, and
18 lodging and travel expenses.

19 Electronic data processing costs incurred by the
20 Department in the performance of any examination shall be
21 billed directly to the company undergoing examination for
22 payment to the Statistical Services Revolving Fund. Except
23 for direct reimbursements authorized by the Director or
24 direct payments made under Section 131.21 or subsection (d)
25 of Section 132.4 of this Code, all financial regulation fees
26 and all financial examination charges collected by the
27 Department shall be paid to the Insurance Financial
28 Regulation Fund.

29 All lodging and travel expenses shall be in accordance
30 with applicable travel regulations published by the
31 Department of Central Management Services and approved by the
32 Governor's Travel Control Board, except that out-of-state
33 lodging and travel expenses related to examinations
34 authorized under Sections 132.1 through 132.7 shall be in

1 accordance with travel rates prescribed under paragraph
2 301-7.2 of the Federal Travel Regulations, 41 C.F.R. 301-7.2,
3 for reimbursement of subsistence expenses incurred during
4 official travel. All lodging and travel expenses may be
5 reimbursed directly upon the authorization of the Director.

6 In the case of an organization or person not subject to
7 the financial regulation fee, the expenses incurred in any
8 financial examination authorized by law shall be paid by the
9 organization or person being examined. The charge shall be
10 reasonably related to the cost of the examination including,
11 but not limited to, compensation of examiners and other costs
12 described in this subsection.

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

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

20 (12) For purposes of this Section:

21 (a) "Domestic company" means a company as defined
22 in Section 2 of this Code which is incorporated or
23 organized under the laws of this State, and in addition
24 includes a not-for-profit corporation authorized under
25 the Dental Service Plan Act or the Voluntary Health
26 Services Plans Act, a health maintenance organization,
27 and a limited health service organization.

28 (b) "Foreign company" means a company as defined in
29 Section 2 of this Code which is incorporated or organized
30 under the laws of any state of the United States other
31 than this State and in addition includes a health
32 maintenance organization and a limited health service
33 organization which is incorporated or organized under the
34 laws of any state of the United States other than this

1 State.

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

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

9 (e) "Mutual benefit association" means a company,
10 association or corporation authorized by the Director to
11 do business in this State under the provisions of Article
12 XVIII of this Code.

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

17 (g) "Farm mutual" means a district, county and
18 township mutual insurance company authorized by the
19 Director to do business in this State under the
20 provisions of the Farm Mutual Insurance Company Act of
21 1986.

22 (Source: P.A. 90-177, eff. 7-23-97; 90-583, eff. 5-29-98;
23 91-357, eff. 7-29-99.)

24 (215 ILCS 5/412) (from Ch. 73, par. 1024)

25 Sec. 412. Refunds; penalties; collection.

26 (1) (a) Whenever it appears to the satisfaction of the
27 Director that because of some mistake of fact, error in
28 calculation, or erroneous interpretation of a statute of this
29 or any other state, any authorized company has paid to him,
30 pursuant to any provision of law, taxes, fees, or other
31 charges in excess of the amount legally chargeable against
32 it, during the 6 year period immediately preceding the

1 discovery of such overpayment, he shall have power to refund
2 to such company the amount of the excess or excesses by
3 applying the amount or amounts thereof toward the payment of
4 taxes, fees, or other charges already due, or which may
5 thereafter become due from that company until such excess or
6 excesses have been fully refunded, or upon a written request
7 from the authorized company, the Director shall provide a
8 cash refund within 120 days after receipt of the written
9 request if all necessary information has been filed with the
10 Department in order for it to perform an audit of the annual
11 return for the year in which the overpayment occurred or
12 within 120 days after the date the Department receives all
13 the necessary information to perform such audit. The
14 Director shall not provide a cash refund if there are
15 insufficient funds in the Insurance Premium Tax Refund Fund
16 to provide a cash refund, if the amount of the overpayment is
17 less than \$100, or if the amount of the overpayment can be
18 fully offset against the taxpayer's estimated liability for
19 the year following the year of the cash refund request. Any
20 cash refund shall be paid from the Insurance Premium Tax
21 Refund Fund, a special fund hereby created in the State
22 treasury.

23 (b) Beginning January 1, 2000 and thereafter, the
24 Department shall deposit a percentage of the amounts
25 collected under Sections 409, 444, and 444.1 of this Code
26 into the Insurance Premium Tax Refund Fund. The percentage
27 deposited into the Insurance Premium Tax Refund Fund shall be
28 the annual percentage. The annual percentage shall be
29 calculated as a fraction, the numerator of which shall be the
30 amount of cash refunds approved by the Director for payment
31 and paid during the preceding calendar year as a result of
32 overpayment of tax liability under Sections 409, 444, and
33 444.1 of this Code and the denominator of which shall be the
34 amounts collected pursuant to Sections 409, 444, and 444.1 of

1 this Code during the preceding calendar year. However, if
2 there were no cash refunds paid in a preceding calendar year,
3 the Department shall deposit 5% of the amount collected in
4 that preceding calendar year pursuant to Sections 409, 444,
5 and 444.1 of this Code into the Insurance Premium Tax Refund
6 Fund instead of an amount calculated by using the annual
7 percentage.

8 (c) Beginning July 1, 1999, moneys in the Insurance
9 Premium Tax Refund Fund shall be expended exclusively for the
10 purpose of paying cash refunds resulting from overpayment of
11 tax liability under Sections 409, 444, and 444.1 of this Code
12 as determined by the Director pursuant to subsection 1(a) of
13 this Section. Cash refunds made in accordance with this
14 Section may be made from the Insurance Premium Tax Refund
15 Fund only to the extent that amounts have been deposited and
16 retained in the Insurance Premium Tax Refund Fund.

17 (d) This Section shall constitute an irrevocable and
18 continuing appropriation from the Insurance Premium Tax
19 Refund Fund for the purpose of paying cash refunds pursuant
20 to the provisions of this Section.

21 (2) When any insurance company or any surplus line
22 producer fails to file any tax return required under Sections
23 408.1, 409, 444, 444.1 and 445 of this Code or Section 12 of
24 the Fire Investigation Act on the date prescribed, including
25 any extensions, there shall be added as a penalty \$400 ~~\$200~~
26 or 10% ~~5%~~ of the amount of such tax, whichever is greater,
27 for each month or part of a month of failure to file, the
28 entire penalty not to exceed \$2,000 ~~\$1,000~~ or 50% ~~25%~~ of the
29 tax due, whichever is greater.

30 (3) (a) When any insurance company or any surplus line
31 producer fails to pay the full amount due under the
32 provisions of this Section, Sections 408.1, 409, 444, 444.1
33 or 445 of this Code, or Section 12 of the Fire Investigation
34 Act, there shall be added to the amount due as a penalty an

1 amount equal to 10% 5% of the deficiency.

2 (b) If such failure to pay is determined by the Director
3 to be wilful, after a hearing under Sections 402 and 403,
4 there shall be added to the tax as a penalty an amount equal
5 to the greater of 50% 25% of the deficiency or 10% 5% of the
6 amount due and unpaid for each month or part of a month that
7 the deficiency remains unpaid commencing with the date that
8 the amount becomes due. Such amount shall be in lieu of any
9 determined under paragraph (a).

10 (4) Any insurance company or any surplus line producer
11 which fails to pay the full amount due under this Section or
12 Sections 408.1, 409, 444, 444.1 or 445 of this Code, or
13 Section 12 of the Fire Investigation Act is liable, in
14 addition to the tax and any penalties, for interest on such
15 deficiency at the rate of 12% per annum, or at such higher
16 adjusted rates as are or may be established under subsection
17 (b) of Section 6621 of the Internal Revenue Code, from the
18 date that payment of any such tax was due, determined without
19 regard to any extensions, to the date of payment of such
20 amount.

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

27 (6) In the event that the certificate of authority of a
28 foreign or alien company is revoked for any cause or the
29 company withdraws from this State prior to the renewal date
30 of the certificate of authority as provided in Section 114,
31 the company may recover the amount of any such tax paid in
32 advance. Except as provided in this subsection, no revocation
33 or withdrawal excuses payment of or constitutes grounds for
34 the recovery of any taxes or penalties imposed by this Code.

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

7 (Source: P.A. 91-643, eff. 8-20-99.)

8 (215 ILCS 5/431) (from Ch. 73, par. 1038)

9 Sec. 431. Penalty.

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

17 (Source: Laws 1967, p. 990.)

18 (215 ILCS 5/445) (from Ch. 73, par. 1057)

19 Sec. 445. Surplus line.

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

30 Insurance producers may procure surplus line insurance
31 only if licensed as a surplus line producer under this
32 Section and may procure that insurance only from an

1 unauthorized insurer or from a domestic surplus line insurer
2 as defined in Section 445a:

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

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

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

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

21 (a) completing a prelicensing course of study. The
22 course provided for by this Section shall be conducted
23 under rules and regulations prescribed by the Director.
24 The Director may administer the course or may make
25 arrangements, including contracting with an outside
26 educational service, for administering the course and
27 collecting the non-refundable application fee provided
28 for in this subsection. Any charges assessed by the
29 Director or the educational service for administering the
30 course shall be paid directly by the individual
31 applicants. Each applicant required to take the course
32 shall enclose with the application a non-refundable \$20
33 ~~\$10~~ application fee payable to the Director plus a
34 separate course administration fee. An applicant who

1 fails to appear for the course as scheduled, or appears
2 but fails to complete the course, shall not be entitled
3 to any refund, and shall be required to submit a new
4 request to attend the course together with all the
5 requisite fees before being rescheduled for another
6 course at a later date; and

7 (b) payment of an annual license fee of \$400 ~~\$200~~;
8 and

9 (c) procurement of the surety bond required in
10 subsection (4) of this Section.

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

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

20 (3) Taxes and reports.

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

22 A surplus line producer shall file with the Director
23 on or before February 1 and August 1 of each year a
24 report in the form prescribed by the Director on all
25 surplus line insurance procured from unauthorized
26 insurers during the preceding 6 month period ending
27 December 31 or June 30 respectively, and on the filing of
28 such report shall pay to the Director for the use and
29 benefit of the State a sum equal to 3.5% ~~3%~~ of the gross
30 premiums less returned premiums upon all surplus line
31 insurance procured or cancelled during the preceding 6
32 months.

33 Any surplus line producer who fails to pay the full
34 amount due under this subsection is liable, in addition

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

9 (b) Fire Marshal Tax.

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

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

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

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

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

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

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

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

31 (7) Inspection of records. A surplus line producer
32 shall maintain separate records of the business transacted
33 under his or her license, including complete copies of
34 surplus line insurance contracts maintained on paper or by

1 electronic means, which records shall be open at all times
2 for inspection by the Director and by the Surplus Line
3 Association of Illinois.

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

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

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

33 (11) The Illinois Surplus Line law does not apply to
34 insurance of property and operations of railroads or aircraft

1 engaged in interstate or foreign commerce, insurance of
2 vessels, crafts or hulls, cargoes, marine builder's risks,
3 marine protection and indemnity, or other risks including
4 strikes and war risks insured under ocean or wet marine forms
5 of policies.

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

14 (Source: P.A. 92-386, eff. 1-1-02.)

15 (215 ILCS 5/500-70)

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

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

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

24 (2) violating any insurance laws, or violating any
25 rule, subpoena, or order of the Director or of another
26 state's insurance commissioner;

27 (3) obtaining or attempting to obtain a license
28 through misrepresentation or fraud;

29 (4) improperly withholding, misappropriating or
30 converting any moneys or properties received in the
31 course of doing insurance business;

32 (5) intentionally misrepresenting the terms of an
33 actual or proposed insurance contract or application for

1 insurance;

2 (6) having been convicted of a felony;

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

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

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

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

14 (11) improperly using notes or any other reference
15 material to complete an examination for an insurance
16 license;

17 (12) knowingly accepting insurance business from an
18 individual who is not licensed;

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

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

26 (15) failing to make satisfactory repayment to the
27 Illinois Student Assistance Commission for a delinquent
28 or defaulted student loan.

29 (b) If the action by the Director is to nonrenew,
30 suspend, or revoke a license or to deny an application for a
31 license, the Director shall notify the applicant or licensee
32 and advise, in writing, the applicant or licensee of the
33 reason for the suspension, revocation, denial or nonrenewal
34 of the applicant's or licensee's license. The applicant or

1 licensee may make written demand upon the Director within 30
2 days after the date of mailing for a hearing before the
3 Director to determine the reasonableness of the Director's
4 action. The hearing must be held within not fewer than 20
5 days nor more than 30 days after the mailing of the notice of
6 hearing and shall be held pursuant to 50 Ill. Adm. Code 2402.

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

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

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

27 (f) Upon the suspension, denial, or revocation of a
28 license, the licensee or other person having possession or
29 custody of the license shall promptly deliver it to the
30 Director in person or by mail. The Director shall publish all
31 suspensions, denials, or revocations after the suspensions,
32 denials, or revocations become final in a manner designed to
33 notify interested insurance companies and other persons.

34 (g) A person whose license is revoked or whose

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

8 (Source: P.A. 92-386, eff. 1-1-02.)

9 (215 ILCS 5/500-110)

10 Sec. 500-110. Regulatory examinations.

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

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

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

30 (d) The examiners designated by the Director under this
31 Section may make reports to the Director. A report alleging
32 substantive violations of this Article or any rules
33 prescribed by the Director must be in writing and be based

1 upon facts ascertained from the books, records, documents,
2 papers, and other evidence obtained by the examiners or from
3 sworn or affirmed testimony of or written affidavits from the
4 person's officers, directors, insurance producers, limited
5 lines producer, temporary insurance producers, or employees
6 or other individuals, as given to the examiners. The report
7 of an examination must be verified by the examiners.

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

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

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

9 (Source: P.A. 92-386, eff. 1-1-02.)

10 (215 ILCS 5/500-120)

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

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

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

25 (c) A license may be placed on inactive status for a
26 2-year period, and upon request, the inactive status may be
27 extended for a successive 2-year period not to exceed a
28 cumulative 4-year inactive period. After a license has been
29 on inactive status for 4 years or more, the licensee must
30 meet all of the standards required of a new applicant before
31 the license may be restored to active status.

32 (d) If requests for inactive status are not renewed as
33 set forth in subsection (c), the license will be taken off

1 the inactive status and the license will lapse immediately.

2 (Source: P.A. 92-386, eff. 1-1-02.)

3 (215 ILCS 5/500-135)

4 Sec. 500-135. Fees.

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

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

10 (2) a fee of \$50 \$25 for the issuance of a
11 temporary insurance producer license;

12 (3) a fee of \$150 \$50 payable once every 2 years
13 for a business entity;

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

17 (5) a \$50 \$25 application fee for the processing of
18 a request to take the written examination for an
19 insurance producer license;

20 (6) an annual registration fee of \$1,000 \$500 for
21 registration of an education provider;

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

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

30 (9) a fee of \$200 \$150 payable once every 2 years
31 for a limited lines license other than the licenses
32 issued under items (1) through (7) of subsection (a) of
33 Section 500-100 or a car rental limited line license.

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

14 (Source: P.A. 92-386, eff. 1-1-02.)

15 (215 ILCS 5/511.103) (from Ch. 73, par. 1065.58-103)

16 Sec. 511.103. Application. The applicant for a license
17 shall file with the Director an application upon a form
18 prescribed by the Director, which shall include or have
19 attached the following:

20 (1) The names, addresses and official positions of the
21 individuals who are responsible for the conduct of the
22 affairs of the administrator, including but not limited to
23 all members of the board of directors, board of trustees,
24 executive committee, or other governing board or committee,
25 the principal officers in the case of a corporation or the
26 partners in the case of a partnership; and

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

30 (Source: P.A. 84-887.)

31 (215 ILCS 5/511.105) (from Ch. 73, par. 1065.58-105)

32 Sec. 511.105. License. (a) The Director shall cause a

1 license to be issued to each applicant that has demonstrated
2 to the Director's satisfaction compliance with the
3 requirements of this Article.

4 (b) Each administrator license shall remain in effect as
5 long as the holder of the license maintains in force and
6 effect the bond required by Section 511.104 and pays the
7 annual fee of \$200 ~~\$100~~ prior to the anniversary date of the
8 license, unless the license is revoked or suspended pursuant
9 to Section 511.107.

10 (c) Each license shall contain the name, business
11 address and identification number of the licensee, the date
12 the license was issued and any other information the Director
13 considers proper.

14 (Source: P.A. 84-887.)

15 (215 ILCS 5/511.110) (from Ch. 73, par. 1065.58-110)

16 Sec. 511.110. Administrative Fine. (a) If the Director
17 finds that one or more grounds exist for the revocation or
18 suspension of a license issued under this Article, the
19 Director may, in lieu of or in addition to such suspension or
20 revocation, impose a fine upon the administrator.

21 (b) With respect to any knowing and wilful violation of
22 a lawful order of the Director, any applicable portion of the
23 Illinois Insurance Code or Part of Title 50 of the Illinois
24 Administrative Code, or a provision of this Article, the
25 Director may impose a fine upon the administrator in an
26 amount not to exceed \$10,000 ~~\$5,000~~ for each such violation.
27 In no event shall such fine exceed an aggregate amount of
28 \$50,000 ~~\$25,000~~ for all knowing and wilful violations arising
29 out of the same action.

30 (Source: P.A. 84-887.)

31 (215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

32 Sec. 512.63. Fees. (a) The fees required by this Article

1 are as follows:

2 (1) Public Insurance Adjuster license annual fee, \$100
3 \$30;

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

5 (3) Application Fee for processing each request to take
6 the written examination for a Public Adjuster license, \$20
7 \$10.

8 (Source: P.A. 83-1362.)

9 (215 ILCS 5/513a3) (from Ch. 73, par. 1065.60a3)

10 Sec. 513a3. License required.

11 (a) No person may act as a premium finance company or
12 hold himself out to be engaged in the business of financing
13 insurance premiums, either directly or indirectly, without
14 first having obtained a license as a premium finance company
15 from the Director.

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

20 (c) In addition to any other penalty set forth in this
21 Article, any person violating subsection (a) of this Section
22 may, after hearing as set forth in Article XXIV of this Code,
23 be required to pay a civil penalty of not more than \$2,000
24 \$1000 for each offense.

25 (d) In addition to any other penalty set forth in this
26 Article, any person violating subsection (a) of this Section
27 is guilty of a Class A misdemeanor. Any individual violating
28 subsection (a) of this Section, and misappropriating or
29 converting any monies collected in conjunction with the
30 violation, is guilty of a Class 4 felony.

31 (Source: P.A. 89-626, eff. 8-9-96.)

32 (215 ILCS 5/513a4) (from Ch. 73, par. 1065.60a4)

1 Sec. 513a4. Application and license.

2 (a) Each application for a premium finance license shall
3 be made on a form specified by the Director and shall be
4 signed by the applicant declaring under penalty of refusal,
5 suspension, or revocation of the license that the statements
6 made in the application are true, correct, and complete to
7 the best of the applicant's knowledge and belief. The
8 Director shall cause to be issued a license to each applicant
9 that has demonstrated to the Director that the applicant:

10 (1) is competent and trustworthy and of a good
11 business reputation;

12 (2) has a minimum net worth of \$50,000; and

13 (3) has paid the fees required by this Article.

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

16 (1) certify that no charge for financing premiums
17 shall exceed the rates permitted by this Article;

18 (2) certify that the premium finance agreement or
19 other forms being used are in compliance with the
20 requirements of this Article;

21 (3) certify that he or she has a minimum net worth
22 of \$50,000; and

23 (4) attach with the application a non-refundable
24 annual fee of \$400 \$200.

25 (c) An applicant who has met the requirements of
26 subsection (a) and subsection (b) shall be issued a premium
27 finance license.

28 (d) Each premium finance license shall remain in effect
29 as long as the holder of the license annually continues to
30 meet the requirements of subsections (a) and (b) by the due
31 date unless the license is revoked or suspended by the
32 Director.

33 (e) The individual holder of a premium finance license
34 shall inform the Director in writing of a change in residence

1 address within 30 days of the change, and a corporation,
2 partnership, or association holder of a premium finance
3 license shall inform the Director in writing of a change in
4 business address within 30 days of the change.

5 (f) Every partnership or corporation holding a license
6 as a premium finance company shall appoint one or more
7 partners or officers to be responsible for the firm's
8 compliance with the Illinois Insurance Code and applicable
9 rules and regulations. Any change in the appointed person or
10 persons shall be reported to the Director in writing within
11 30 days of the change.

12 (Source: P.A. 87-811.)

13 (215 ILCS 5/513a7) (from Ch. 73, par. 1065.60a7)

14 Sec. 513a7. License suspension; revocation or denial.

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

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

20 (2) has intentionally made a material misstatement
21 in the application for a license;

22 (3) has obtained or attempted to obtain a license
23 through misrepresentation or fraud;

24 (4) has misappropriated or converted to his own use
25 or improperly withheld monies;

26 (5) has used fraudulent, coercive, or dishonest
27 practices or has demonstrated incompetence,
28 untrustworthiness, or financial irresponsibility;

29 (6) has been, within the past 3 years, convicted of
30 a felony, unless the individual demonstrates to the
31 Director sufficient rehabilitation to warrant public
32 trust;

33 (7) has failed to appear without reasonable cause

1 or excuse in response to a subpoena issued by the
2 Director;

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

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

8 (b) Suspension, revocation, or denial of a license under
9 this Section shall be by written order sent to the licensee
10 or applicant by certified or registered mail at the address
11 specified in the records of the Department. The licensee or
12 applicant may in writing request a hearing within 30 days
13 from the date of mailing. If no written request is made the
14 order shall be final upon the expiration of that 30 day
15 period.

16 (c) If the licensee or applicant requests a hearing
17 under this Section, the Director shall issue a written notice
18 of hearing sent to the licensee or applicant by certified or
19 registered mail at his address, as specified in the records
20 of the Department, and stating:

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

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

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

29 (d) Upon the suspension or revocation of a license, the
30 licensee or other person having possession or custody of the
31 license shall promptly deliver it to the Director in person
32 or by mail. The Director shall publish all suspensions and
33 revocations after they become final in a manner designed to
34 notify interested insurance companies and other persons.

1 (e) Any person whose license is revoked or denied under
2 this Section shall be ineligible to apply for any license for
3 2 years. A suspension under this Section may be for a period
4 of up to 2 years.

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

11 (Source: P.A. 87-811.)

12 (215 ILCS 5/529.5) (from Ch. 73, par. 1065.76-5)

13 Sec. 529.5. The Industry Placement Facility shall
14 compile an annual operating report, and publish such report
15 in at least 2 newspapers having widespread circulation in the
16 State, which report shall include:

17 (1) a description of the origin and purpose of the
18 Illinois Fair Plan and its relationship to the property and
19 casualty insurance industry in Illinois;

20 (2) a financial statement specifying the amount of
21 profit or loss incurred by the Facility for its financial
22 year; and

23 (3) a disclosure as to the amount of subsidization per
24 type of policy written by the Facility, which is provided by
25 the property and casualty insurance companies operating in
26 Illinois, if any.

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

32 (Source: P.A. 82-499.)

1 (215 ILCS 5/544) (from Ch. 73, par. 1065.94)

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

12 (Source: P.A. 85-576.)

13 (215 ILCS 5/1020) (from Ch. 73, par. 1065.720)

14 Sec. 1020. Penalties. (A) In any case where a hearing
15 pursuant to Section 1016 results in the finding of a knowing
16 violation of this Article, the Director may, in addition to
17 the issuance of a cease and desist order as prescribed in
18 Section 1018, order payment of a monetary penalty of not more
19 than \$1,000 ~~\$500~~ for each violation but not to exceed \$20,000
20 ~~\$10,000~~ in the aggregate for multiple violations.

21 (B) Any person who violates a cease and desist order of
22 the Director under Section 1018 of this Article may, after
23 notice and hearing and upon order of the Director, be subject
24 to one or more of the following penalties, at the discretion
25 of the Director:

26 (1) a monetary fine of not more than \$20,000 ~~\$10,000~~ for
27 each violation,

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

31 (3) suspension or revocation of an insurance
32 institution's or agent's license.

33 (Source: P.A. 82-108.)

1 (215 ILCS 5/1108) (from Ch. 73, par. 1065.808)

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

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

5 (a) A statement of intent to provide named
6 coverages.

7 (b) The trust agreement between the trust sponsor
8 and the trustees, detailing the organization and
9 administration of the trust and fiduciary
10 responsibilities.

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

14 (d) By April 1 of each year a financial statement
15 for the preceding calendar year ending December 31, and a
16 list of all beneficiaries during the year. The financial
17 statement and report shall be in such form as the
18 Director of Insurance may prescribe. The truth and
19 accuracy of the financial statement shall be attested to
20 by each trustee. Each Risk Retention Trust shall file
21 with the Director by June 1 an opinion of an independent
22 certified public accountant on the financial condition of
23 the Risk Retention Trust for the most recent calendar
24 year and the results of its operations, changes in
25 financial position and changes in capital and surplus for
26 the year then ended in conformity with accounting
27 practices permitted or prescribed by the Illinois
28 Department of Insurance.

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

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

34 (2) The Director of Insurance shall charge, collect and

1 give proper acquittances for the payment of the following
2 fees and charges:

3 (a) For filing trust instruments, amendments
4 thereto and financial statement and report of the
5 trustees, \$50 \$25.

6 (b) For copies of papers or records per page, \$2
7 \$1.

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

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

11 (3) The trust shall keep its books and records in
12 accordance with the provisions of Section 133 of this Code.
13 The Director may examine such books and records from time to
14 time as provided in Sections 132 through 132.7 of this Code
15 and may charge the expense of such examination to the trust
16 as provided in subsection (3) of Section 408 of this Code.

17 (4) Trust funds established under this Section and all
18 persons interest therein or dealing therewith shall be
19 subject to the provisions of Sections 133, 144.1, 149, 401,
20 401.1, 402, 403, 403A, 412, and all of the provisions of
21 Articles VII, VIII, XII 1/2 and XIII of the Code, as amended.
22 Except as otherwise provided in this Section, trust funds
23 established under and which fully comply with this Section,
24 shall not be subjected to any other provision of the Code.

25 (5) The Director of Insurance may make reasonable rules
26 and regulations pertaining to the standards of coverage and
27 administration of the trust authorized by this Section. Such
28 rules may include but need not be limited to reasonable
29 standards for fiduciary duties of the trustees, standards for
30 the investment of funds, limitation of risks assumed, minimum
31 size, capital, surplus, reserves, and contingency reserves.

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

33 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

1 Sec. 1204. (A) The Director shall promulgate rules and
2 regulations which shall require each insurer licensed to
3 write property or casualty insurance in the State and each
4 syndicate doing business on the Illinois Insurance Exchange
5 to record and report its loss and expense experience and
6 other data as may be necessary to assess the relationship of
7 insurance premiums and related income as compared to
8 insurance costs and expenses. The Director may designate one
9 or more rate service organizations or advisory organizations
10 to gather and compile such experience and data. The Director
11 shall require each insurer licensed to write property or
12 casualty insurance in this State and each syndicate doing
13 business on the Illinois Insurance Exchange to submit a
14 report, on a form furnished by the Director, showing its
15 direct writings in this State and companywide.

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

19 (1) Political subdivision liability insurance
20 reported separately in the following categories:

- 21 (a) municipalities;
- 22 (b) school districts;
- 23 (c) other political subdivisions;
- 24 (2) Public official liability insurance;
- 25 (3) Dram shop liability insurance;
- 26 (4) Day care center liability insurance;
- 27 (5) Labor, fraternal or religious organizations
28 liability insurance;

29 (6) Errors and omissions liability insurance;

30 (7) Officers and directors liability insurance
31 reported separately as follows:

- 32 (a) non-profit entities;
- 33 (b) for-profit entities;
- 34 (8) Products liability insurance;

- 1 (9) Medical malpractice insurance;
- 2 (10) Attorney malpractice insurance;
- 3 (11) Architects and engineers malpractice
- 4 insurance; and
- 5 (12) Motor vehicle insurance reported separately
- 6 for commercial and private passenger vehicles as follows:
- 7 (a) motor vehicle physical damage insurance;
- 8 (b) motor vehicle liability insurance.
- 9 (C) Such report may include, but need not be limited to
- 10 the following data, both specific to this State and
- 11 companywide, in the aggregate or by type of insurance for the
- 12 previous year on a calendar year basis:
- 13 (1) Direct premiums written;
- 14 (2) Direct premiums earned;
- 15 (3) Number of policies;
- 16 (4) Net investment income, using appropriate
- 17 estimates where necessary;
- 18 (5) Losses paid;
- 19 (6) Losses incurred;
- 20 (7) Loss reserves:
- 21 (a) Losses unpaid on reported claims;
- 22 (b) Losses unpaid on incurred but not reported
- 23 claims;
- 24 (8) Number of claims:
- 25 (a) Paid claims;
- 26 (b) Arising claims;
- 27 (9) Loss adjustment expenses:
- 28 (a) Allocated loss adjustment expenses;
- 29 (b) Unallocated loss adjustment expenses;
- 30 (10) Net underwriting gain or loss;
- 31 (11) Net operation gain or loss, including net
- 32 investment income;
- 33 (12) Any other information requested by the
- 34 Director.

1 (D) In addition to the information which may be
2 requested under subsection (C), the Director may also request
3 on a companywide, aggregate basis, Federal Income Tax
4 recoverable, net realized capital gain or loss, net
5 unrealized capital gain or loss, and all other expenses not
6 requested in subsection (C) above.

7 (E) Violations - Suspensions - Revocations.

8 (1) Any company or person subject to this Article,
9 who willfully or repeatedly fails to observe or who
10 otherwise violates any of the provisions of this Article
11 or any rule or regulation promulgated by the Director
12 under authority of this Article or any final order of the
13 Director entered under the authority of this Article
14 shall by civil penalty forfeit to the State of Illinois a
15 sum not to exceed \$2,000 ~~\$17,000~~. Each day during which a
16 violation occurs constitutes a separate offense.

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

32 (3) No forfeiture liability under paragraph (1) of
33 this subsection may attach for any violation occurring
34 more than 2 years prior to the date of issuance of the

1 notice of apparent liability and in no event may the
2 total civil penalty forfeiture imposed for the acts or
3 omissions set forth in any one notice of apparent
4 liability exceed \$100,000 \$50,000.

5 (4) All administrative hearings conducted pursuant
6 to this Article are subject to 50 Ill. Adm. Code 2402 and
7 all administrative hearings are subject to the
8 Administrative Review Law.

9 (5) The civil penalty forfeitures provided for in
10 this Section are payable to the General Revenue Fund of
11 the State of Illinois, and may be recovered in a civil
12 suit in the name of the State of Illinois brought in the
13 Circuit Court in Sangamon County or in the Circuit Court
14 of the county where the respondent is domiciled or has
15 its principal operating office.

16 (6) In any case where the Director issues a notice
17 of apparent liability looking toward the imposition of a
18 civil penalty forfeiture under this Section that fact may
19 not be used in any other proceeding before the Director
20 to the prejudice of the respondent to whom the notice was
21 issued, unless (a) the civil penalty forfeiture has been
22 paid, or (b) a court has ordered payment of the civil
23 penalty forfeiture and that order has become final.

24 (7) When any person or company has a license or
25 certificate of authority under this Code and knowingly
26 fails or refuses to comply with a lawful order of the
27 Director requiring compliance with this Article, entered
28 after notice and hearing, within the period of time
29 specified in the order, the Director may, in addition to
30 any other penalty or authority 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 order has been obtained.

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

11 (9) No suspension or revocation under this Section
12 may become effective until 5 days from the date that the
13 notice of suspension or revocation has been personally
14 delivered or delivered by registered or certified mail to
15 the company or person. A suspension or revocation under
16 this Section is stayed upon the filing, by the company or
17 person, of a petition for judicial review under the
18 Administrative Review Law.

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

20 Section 75-26. The Reinsurance Intermediary Act is
21 amended by changing Section 55 as follows:

22 (215 ILCS 100/55) (from Ch. 73, par. 1655)

23 Sec. 55. Penalties and liabilities.

24 (a) If the Director determines that a reinsurance
25 intermediary has not materially complied with this Act or any
26 regulation or Order promulgated hereunder, after notice and
27 opportunity to be heard, the Director may order a penalty in
28 an amount not exceeding \$100,000 ~~\$50,000~~ for each separate
29 violation and may order the revocation or suspension of the
30 reinsurance intermediary's license. If it is found that
31 because of the material noncompliance the insurer or
32 reinsurer has suffered any loss or damage, the Director may

1 maintain a civil action brought by or on behalf of the
2 reinsurer or insurer and its policyholders and creditors for
3 recovery of compensatory damages for the benefit of the
4 reinsurer or insurer and its policyholders and creditors or
5 seek other appropriate relief.

6 This subsection (a) shall not be construed to prevent any
7 other person from taking civil action against a reinsurance
8 intermediary.

9 (b) If an Order of Rehabilitation or Liquidation of the
10 insurer is entered under Article XIII of the Illinois
11 Insurance Code and the receiver appointed under that Order
12 determines that the reinsurance intermediary or any other
13 person has not materially complied with this Act or any
14 regulation or Order promulgated hereunder and the insurer has
15 suffered any loss or damage therefrom, the receiver may
16 maintain a civil action for recovery of damages or other
17 appropriate sanctions for the benefit of the insurer.

18 (c) The decision, determination, or order of the
19 Director under subsection (a) of this Section shall be
20 subject to judicial review under the Administrative Review
21 Law.

22 (d) Nothing contained in this Act shall affect the right
23 of the Director to impose any other penalties provided in the
24 Illinois Insurance Code.

25 (e) Nothing contained in this Act is intended to or
26 shall in any manner limit or restrict the rights of
27 policyholders, claimants, creditors, or other third parties
28 or confer any rights to those persons.

29 (Source: P.A. 87-108; 88-364.)

30 Section 75-26.1. The Employee Leasing Company Act is
31 amended by changing Section 20 as follows:

32 (215 ILCS 113/20)

1 Sec. 20. Registration.

2 (a) A lessor shall register with the Department prior to
3 becoming a qualified self-insured for workers' compensation
4 or becoming eligible to be issued a workers' compensation and
5 employers' liability insurance policy. The registration
6 shall:

7 (1) identify the name of the lessor;

8 (2) identify the address of the principal place of
9 business of the lessor;

10 (3) include the lessor's taxpayer or employer
11 identification number;

12 (4) include a list by jurisdiction of each and
13 every name that the lessor has operated under in the
14 preceding 5 years including any alternative names and
15 names of predecessors;

16 (5) include a list of the officers and directors of
17 the lessor and its predecessors, successors, or alter
18 egos in the preceding 5 years; and

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

21 Amounts received as registration fees shall be deposited
22 into the Insurance Producer Administration Fund.

23 (b) (Blank).

24 (c) Lessors registering pursuant to this Section shall
25 notify the Department within 30 days as to any changes in any
26 information provided pursuant to this Section.

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

29 (e) The Department may prescribe any forms that are
30 necessary to promote the efficient administration of this
31 Section.

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

1 (Source: P.A. 90-499, eff. 1-1-98; 90-794, eff. 8-14-98.)

2 Section 75-26.2. The Health Care Purchasing Group Act is
3 amended by changing Section 20 as follows:

4 (215 ILCS 123/20)

5 Sec. 20. HPG sponsors. Except as provided by Sections 15
6 and 25 of this Act, only a corporation authorized by the
7 Secretary of State to transact business in Illinois may
8 sponsor one or more HPGs with no more than 100,000 covered
9 individuals by negotiating, soliciting, or servicing health
10 insurance contracts for HPGs and their members. Such a
11 corporation may assert and maintain authority to act as an
12 HPG sponsor by complying with all of the following
13 requirements:

14 (1) The principal officers and directors
15 responsible for the conduct of the HPG sponsor must
16 perform their HPG sponsor related functions in Illinois.

17 (2) No insurance risk may be borne or retained by
18 the HPG sponsor; all health insurance contracts issued to
19 HPGs through the HPG sponsor must be delivered in
20 Illinois.

21 (3) No HPG sponsor may collect premium in its name
22 or hold or manage premium or claim fund accounts unless
23 duly qualified and licensed as a managing general agent
24 pursuant to Section 141a of the Illinois Insurance Code
25 or as a third party administrator pursuant to Section
26 511.105 of the Illinois Insurance Code.

27 (4) If the HPG gives an offer, application, notice,
28 or proposal of insurance to an employer, it must disclose
29 the total cost of the insurance. Dues, fees, or charges
30 to be paid to the HPG, HPG sponsor, or any other entity
31 as a condition to purchasing the insurance must be
32 itemized. The HPG shall also disclose to its members the

1 amount of any dividends, experience refunds, or other
2 such payments it receives from the risk-bearer.

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

17 (6) At the time of initial registration and each
18 renewal thereof an HPG sponsor shall pay a fee of \$200
19 \$100 to the Director.

20 (Source: P.A. 90-337, eff. 1-1-98; 91-617, eff. 1-1-00.)

21 Section 75-26.3. The Service Contract Act is amended by
22 changing Section 25 as follows:

23 (215 ILCS 152/25)

24 Sec. 25. Registration requirements for service contract
25 providers.

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

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

30 (2) a list identifying the service contract
31 provider's executive officer or officers directly
32 responsible for the service contract provider's service

1 contract business;

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

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

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

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

15 (Source: P.A. 90-711, eff. 8-7-98.)

16 Section 75-27. The Title Insurance Act is amended by
17 changing Section 14 as follows:

18 (215 ILCS 155/14) (from Ch. 73, par. 1414)

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

22 (1) for filing the original application for a
23 certificate of authority and receiving the deposit
24 required under this Act, \$500;

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

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

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

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

31 (b) Each title insurance company shall pay, for all of
32 its title insurance agents subject to this Act for filing an

1 annual registration of its agents, an amount equal to \$3
2 \$1,000 for each policy issued by all of its agents in the
3 immediately preceding calendar year, ~~provided such sum shall~~
4 ~~not exceed \$20,000 per annum.~~

5 (Source: P.A. 86-239.)

6 Section 75-28. The Viatical Settlements Act is amended
7 by changing Section 10 as follows:

8 (215 ILCS 158/10)

9 Sec. 10. License requirements.

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

13 (b) Application for a viatical settlement provider
14 license shall be made to the Director by the applicant on a
15 form prescribed by the Director. The application shall be
16 accompanied by a fee of \$3,000 ~~\$1,500~~, which shall be
17 deposited into the Insurance Producer Administration Fund.

18 (c) Viatical settlement providers' licenses may be
19 renewed from year to year on the anniversary date upon (1)
20 submission of renewal forms prescribed by the Director and
21 (2) payment of the annual renewal fee of \$1,500 ~~\$750~~, which
22 shall be deposited into the Insurance Producer Administration
23 Fund. Failure to pay the fee within the terms prescribed by
24 the Director shall result in the expiration of the license.

25 (d) Applicants for a viatical settlement provider's
26 license shall provide such information as the Director may
27 require. The Director shall have authority, at any time, to
28 require the applicant to fully disclose the identity of all
29 stockholders, partners, officers, and employees. The
30 Director may, in the exercise of discretion, refuse to issue
31 a license in the name of any firm, partnership, or
32 corporation if not satisfied that an officer, employee,

1 stockholder, or partner thereof who may materially influence
2 the applicant's conduct meets the standards of this Act.

3 (e) A viatical settlement provider's license issued to a
4 partnership, corporation, or other entity authorizes all
5 members, officers, and designated employees to act as
6 viatical settlement providers under the license. All those
7 persons must be named in the application and any supplements
8 thereto.

9 (f) Upon the filing of an application for a viatical
10 settlement provider's license and the payment of the license
11 fee, the Director shall make an investigation of the
12 applicant and may issue a license if the Director finds that
13 the applicant:

14 (1) has provided a detailed plan of operation;

15 (2) is competent and trustworthy and intends to act
16 in good faith in the capacity authorized by the license
17 applied for;

18 (3) has a good business reputation and has had
19 experience, training, or education so as to be qualified
20 in the business for which the license is applied for; and

21 (4) if a corporation, is a corporation incorporated
22 under the laws of this State or a foreign corporation
23 authorized to transact business in this State.

24 (g) The Director may not issue a license to a
25 nonresident applicant, unless a written designation of an
26 agent for service of process is filed and maintained with the
27 Director or the applicant has filed with the Director the
28 applicant's written irrevocable consent that any action
29 against the applicant may be commenced against the applicant
30 by service of process on the Director.

31 (h) A viatical settlement provider must assume
32 responsibility for all actions of its appointed viatical
33 settlement agents associated with a viatical settlement.

34 (Source: P.A. 89-484, eff. 6-21-96.)

1 Section 75-30. The Public Utilities Act is amended by
2 changing Section 6-108 as follows:

3 (220 ILCS 5/6-108) (from Ch. 111 2/3, par. 6-108)

4 Sec. 6-108. The Commission shall charge every public
5 utility receiving permission under this Act for the issue of
6 stocks, bonds, notes and other evidences of indebtedness an
7 amount equal to 12 ~~10~~ cents for every \$100 of the par or
8 stated value of stocks, and 24 ~~20~~ cents for every \$100 of the
9 principal amount of bonds, notes or other evidences of
10 indebtedness, authorized by the Commission, which shall be
11 paid to the Commission no later than 30 days after service of
12 the Commission order authorizing the issuance of those
13 stocks, bonds, notes or other evidences of indebtedness.
14 Provided, that if any such stock, bonds, notes or other
15 evidences of indebtedness constitutes or creates a lien or
16 charge on, or right to profits from, any property not
17 situated in this State, this fee shall be paid only on the
18 amount of any such issue which is the same proportion of the
19 whole issue as the property situated in this State is of the
20 total property on which such securities issue creates a lien
21 or charge, or from which a right to profits is established;
22 and provided further, that no public utility shall be
23 required to pay any fee for permission granted to it by the
24 Commission in any of the following cases:

25 (1) To guarantee bonds or other securities.

26 (2) To issue bonds, notes or other evidences of
27 indebtedness issued for the purpose of converting,
28 exchanging, taking over, refunding, discharging or retiring
29 any bonds, notes or other evidences of indebtedness except:

30 (a) When issued for an aggregate period of longer
31 than 2 years for the purpose of converting, exchanging,
32 taking over, refunding, discharging or retiring any note,
33 or renewals thereof, issued without the consent of the

1 State Public Utilities Commission of Illinois or the
2 Public Utilities Commission or the Illinois Commerce
3 Commission; or

4 (b) When issued for the purpose of converting,
5 exchanging, taking over, refunding, discharging or
6 retiring bonds, notes or other evidences of indebtedness
7 issued prior to January 1, 1914, and upon which no fee
8 has been previously paid.

9 (3) To issue shares of stock upon the conversion of
10 convertible bonds, notes or other evidences of indebtedness
11 or upon the conversion of convertible stock of another class
12 in accordance with a conversion privilege contained in such
13 convertible bonds, notes or other evidences of indebtedness
14 or contained in such convertible stock, as the case may be,
15 where a fee (in the amount payable under this Section in the
16 case of evidences of indebtedness) has been previously paid
17 for the issuance of such convertible bonds, notes or other
18 evidences of indebtedness, or where a fee (in the amount
19 payable under this Section in the case of stocks) has been
20 previously paid for the issuance of such convertible stock,
21 or where such convertible stock was issued prior to July 1,
22 1951 and upon which no fee has been previously paid, as the
23 case may be.

24 (4) To issue shares of stocks for the purpose of
25 redeeming or otherwise retiring, or in exchange for, other
26 stocks, where the fee for the issuance of such other stocks
27 has been previously paid, or where such other stocks were
28 issued prior to July 1, 1951 and upon which no fee has been
29 previously paid, as the case may be, but only to the extent
30 that the par or stated value of the shares of stock so issued
31 does not exceed the par or stated value of the other stocks
32 redeemed or otherwise retired or exchanged.

33 All fees collected by the Commission under this Section
34 shall be paid within 10 days after the receipt of the same,

1 accompanied by a detailed statement of the same, into the
2 Public Utility Fund in the State treasury.

3 (Source: P.A. 87-971.)

4 Section 75-35. The Professional Boxing Act is amended by
5 changing Section 23 as follows:

6 (225 ILCS 105/23) (from Ch. 111, par. 5023)

7 (Section scheduled to be repealed on January 1, 2012)

8 Sec. 23. Fees. The fees for the administration and
9 enforcement of this Act including, but not limited to,
10 original licensure, renewal, and restoration shall be set by
11 rule. The fees shall not be refundable. Beginning July 1,
12 2003, all of the fees, taxes, and fines collected under this
13 Act shall be deposited into the General Professions Dedicated
14 Fund.

15 (Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00;
16 92-16, eff. 6-28-01; 92-499, eff. 1-1-02.)

17 Section 75-40. The Illinois Certified Shorthand
18 Reporters Act of 1984 is amended by changing Section 17 as
19 follows:

20 (225 ILCS 415/17) (from Ch. 111, par. 6217)

21 (Section scheduled to be repealed on January 1, 2004)

22 Sec. 17. Fees; returned checks; expiration while in
23 military.

24 (a) The fees for the administration and enforcement of
25 this Act, including but not limited to, original
26 certification, renewal and restoration, shall be set by rule.

27 (b) Beginning July 1, 2003, all of the fees and fines
28 collected under this Act shall be deposited into the General
29 Professions Dedicated Fund.

30 (c) Any person who delivers a check or other payment to

1 the Department that is returned to the Department unpaid by
2 the financial institution upon which it is drawn shall pay to
3 the Department, in addition to the amount already owed to the
4 Department, a fine of \$50. The fines imposed by this Section
5 are in addition to any other discipline provided under this
6 Act prohibiting unlicensed practice or practice on a
7 nonrenewed license. The Department shall notify the person
8 that payment of fees and fines shall be paid to the
9 Department by certified check or money order within 30
10 calendar days of the notification. If, after the expiration
11 of 30 days from the date of the notification, the person has
12 failed to submit the necessary remittance, the Department
13 shall automatically terminate the license or certificate or
14 deny the application, without hearing. If, after termination
15 or denial, the person seeks a license or certificate, he or
16 she shall apply to the Department for restoration or issuance
17 of the license or certificate and pay all fees and fines due
18 to the Department. The Department may establish a fee for the
19 processing of an application for restoration of a license or
20 certificate to pay all expenses of processing this
21 application. The Director may waive the fines due under this
22 Section in individual cases where the Director finds that the
23 fines would be unreasonable or unnecessarily burdensome.

24 However, any person whose license has expired while he
25 has been engaged (1) in federal or state service active duty,
26 or (2) in training or education under the supervision of the
27 United States preliminary to induction into the military
28 service, may have his license renewed, reinstated or restored
29 without paying any lapsed renewal and restoration fees, if
30 within 2 years after termination of such service, training or
31 education other than by dishonorable discharge, he furnishes
32 the Department with satisfactory proof that he has been so
33 engaged and that his service, training or education has been
34 so terminated.

1 (Source: P.A. 92-146, eff. 1-1-02.)

2 Section 75-45. The Weights and Measures Act is amended
3 by changing Section 8.1 as follows:

4 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

5 Sec. 8.1. Registration of servicepersons, service
6 agents, and special sealers. No person, firm, or corporation
7 shall sell, install, service, recondition or repair a
8 weighing or measuring device used in trade or commerce
9 without first obtaining a certificate of registration.
10 Applications by individuals for a certificate of registration
11 shall be made to the Department, shall be in writing on forms
12 prescribed by the Department, and shall be accompanied by the
13 required fee.

14 Each application shall provide such information that will
15 enable the Department to pass on the qualifications of the
16 applicant for the certificate of registration. The
17 information requests shall include present residence,
18 location of the business to be licensed under this Act,
19 whether the applicant has had any previous registration under
20 this Act or any federal, state, county, or local law,
21 ordinance, or regulation relating to servicepersons and
22 service Agencies, whether the applicant has ever had a
23 registration suspended or revoked, whether the applicant has
24 been convicted of a felony, and such other information as the
25 Department deems necessary to determine if the applicant is
26 qualified to receive a certificate of registration.

27 Before any certificate of registration is issued, the
28 Department shall require the registrant to meet the following
29 qualifications:

30 (1) Has possession of or available for use weights
31 and measures, standards, and testing equipment
32 appropriate in design and adequate in amount to provide

1 the services for which the person is requesting
2 registration.

3 (2) Passes a qualifying examination for each type
4 of weighing or measuring device he intends to install,
5 service, recondition, or repair.

6 (3) Demonstrates a working knowledge of weighing
7 and measuring devices for which he intends to be
8 registered.

9 (4) Has a working knowledge of all appropriate
10 weights and measures laws and their rules and
11 regulations.

12 (5) Has available a current copy of National
13 Institute of Standards and Technology Handbook 44.

14 (6) Pays the prescribed registration fee for the
15 type of registration:

16 (A) The annual fee for a Serviceperson
17 Certificate of Registration shall be ~~\$25~~ \$5.

18 (B) The annual fee for a Special Sealer
19 Certificate of Registration shall be ~~\$50~~ \$25.

20 (C) The annual fee for a Service Agency
21 Certificate of Registration shall be ~~\$50~~ \$25.

22 "Registrant" means any individual, partnership,
23 corporation, agency, firm, or company registered by the
24 Department who installs, services, repairs, or reconditions,
25 for hire, award, commission, or any other payment of any
26 kind, any commercial weighing or measuring device.

27 "Commercial weighing and measuring device" means any
28 weight or measure or weighing or measuring device
29 commercially used or employed (i) in establishing size,
30 quantity, extent, area, or measurement of quantities, things,
31 produce, or articles for distribution or consumption which
32 are purchased, offered, or submitted for sale, hire, or
33 award, or (ii) in computing any basic charge or payment for
34 services rendered, except as otherwise excluded by Section 2

1 of this Act, and shall also include any accessory attached to
2 or used in connection with a commercial weighing or measuring
3 device when the accessory is so designed or installed that
4 its operation affects, or may affect, the accuracy of the
5 device.

6 "Serviceperson" means any individual who sells, installs,
7 services, repairs, or reconditions, for hire, award,
8 commission, or any other payment of kind, a commercial
9 weighing or measuring device.

10 "Service agency" means any individual, agency, firm,
11 company, or corporation that, for hire, award, commission, or
12 any other payment of any kind, sells, installs, services,
13 repairs, or reconditions a commercial weighing or measuring
14 device.

15 "Special sealer" means any serviceperson who is allowed
16 to service only one service agency's liquid petroleum meters
17 or liquid petroleum measuring devices.

18 Each registered service agency and serviceperson shall
19 have report forms, known as "Placed in Service Reports".
20 These forms shall be executed in triplicate, shall include
21 the assigned registration number (in the case where a
22 registered serviceperson is representing a registered service
23 agency both assigned registration numbers shall be included),
24 and shall be signed by a registered serviceperson or by a
25 registered serviceperson representing a registered service
26 agency for each rejected or repaired device restored to
27 service and for each newly installed device placed in
28 service. Whenever a registered serviceperson or special
29 sealer places into service a weighing or measuring device,
30 there shall be affixed to the device indicator a decal
31 provided by the Department that indicates the device
32 accuracy.

33 Within 5 days after a device is restored to service or
34 placed in service, the original of a properly executed

1 "Placed in Service Report", together with any official
2 rejection tag or seal removed from the device, shall be
3 mailed to the Department. The duplicate copy of the report
4 shall be handed to the owner or operator of the device and
5 the triplicate copy of the report shall be retained by the
6 service agency or serviceperson.

7 A registered service agency and a registered
8 serviceperson shall submit, at least once every 2 years to
9 the Department for examination and certification, any
10 standards and testing equipment that are used, or are to be
11 used, in the performance of the service and testing functions
12 with respect to weighing and measuring devices for which
13 competence is registered. A registered serviceperson or
14 agency shall not use in servicing commercial weighing and
15 measuring devices any standards or testing equipment that
16 have not been certified by the Department.

17 When a serviceperson's or service agency's weights and
18 measures are carried to a National Institute of Standards and
19 Technology approved out-of-state weights and measures
20 laboratory for inspection and testing, the serviceperson or
21 service agency shall be responsible for providing the
22 Department a copy of the current certification of all weights
23 and measures used in the repair, service, or testing of
24 weighing or measuring devices within the State of Illinois.

25 All registered servicepersons placing into service scales
26 in excess of 30,000 pounds shall have a minimum of 10,000
27 pounds of State approved certified test weights to accurately
28 test a scale.

29 Persons working as apprentices are not subject to
30 registration if they work with and under the supervision of a
31 registered serviceperson.

32 The Director is authorized to promulgate, after public
33 hearing, rules and regulations necessary to enforce the
34 provisions of this Section.

1 For good cause and after a hearing upon reasonable
2 notice, the Director may deny any application for
3 registration or any application for renewal of registration,
4 or may revoke or suspend the registration of any registrant.

5 The Director may publish from time to time as he deems
6 appropriate, and may supply upon request, lists of registered
7 servicepersons and registered service agencies.

8 All final administrative decisions of the Director under
9 this Section shall be subject to judicial review under the
10 Administrative Review Law. The term "administrative
11 decision" is defined as in Section 1 of the Administrative
12 Review Law.

13 (Source: P.A. 88-600, eff. 9-1-94.)

14 Section 75-52. The Environmental Protection Act is
15 amended by changing Sections 9.6, 12.2, 16.1, 22.8, 22.15,
16 22.44, 39.5, 56.4, 56.5, and 56.6 and adding Sections 9.12,
17 9.13, 12.5, and 12.6 as follows:

18 (415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

19 Sec. 9.6. Air pollution operating permit fee.

20 (a) For any site for which an air pollution operating
21 permit is required, other than a site permitted solely as a
22 retail liquid dispensing facility that has air pollution
23 control equipment or an agrichemical facility with an
24 endorsed permit pursuant to Section 39.4, the owner or
25 operator of that site shall pay an initial annual fee to the
26 Agency within 30 days of receipt of the permit and an annual
27 fee each year thereafter for as long as a permit is in
28 effect. The owner or operator of a portable emission unit,
29 as defined in 35 Ill. Adm. Code 201.170, may change the site
30 of any unit previously permitted without paying an additional
31 fee under this Section for each site change, provided that no
32 further change to the permit is otherwise necessary or

1 requested.

2 (b) Notwithstanding any rules to the contrary, the
3 following fee amounts shall apply:

4 (1) The fee for a site permitted to emit less than
5 25 tons per year of any combination of regulated air
6 pollutants, as defined in Section 39.5 of this Act, is
7 \$100 per year, beginning July 1, 1993, and increases to
8 \$200 per year beginning on July 1, 2003, except as
9 provided in subsection (c) of this Section.

10 (2) The fee for a site permitted to emit at least
11 25 tons per year but less than 100 tons per year of any
12 combination of regulated air pollutants, as defined in
13 Section 39.5 of this Act, is \$1,000 per year beginning
14 July 1, 1993, and increases to \$1,800 per year beginning
15 on July 1, 2003, except as provided in subsection (c) of
16 this Section.

17 (3) The fee for a site permitted to emit at least
18 100 tons per year of any combination of regulated air
19 pollutants is \$2,500 per year beginning July 1, 1993, and
20 increases to \$3,500 per year beginning on July 1, 2003,
21 except as provided in subsection (c) of this Section;
22 provided, however, that the fee shall not exceed the
23 amount that would be required for the site if it were
24 subject to the fee requirements of Section 39.5 of this
25 Act.

26 (c) The owner or operator of any source subject to
27 paragraphs (b)(1), (b)(2), or (b)(3) of this Section that
28 becomes subject to Section 39.5 of this Act shall continue to
29 pay the fee set forth in this Section until the source
30 becomes subject to the fee set forth within subsection 18 of
31 Section 39.5 of this Act. In the event a site has paid a fee
32 under this Section during the 12 month period following the
33 effective date of the CAAPP for that site, the fee amount
34 shall be deducted from any amount due under subsection 18 of

1 Section 39.5 of this Act. Owners or operators that are
2 subject to paragraph (b)(1), (b)(2), or (b)(3) of this
3 Section, but that are not also subject to Section 39.5, or
4 excluded pursuant to subsection 1.1 or subsection 3(c) of
5 Section 39.5 shall continue to pay the fee amounts set forth
6 within paragraphs (b)(1), (b)(2), or (b)(3), whichever is
7 applicable.

8 (d) Only one air pollution site fee may be collected
9 from any site, even if such site receives more than one air
10 pollution control permit.

11 (e) The Agency shall establish procedures for the
12 collection of air pollution site fees. Air pollution site
13 fees may be paid annually, or in advance for the number of
14 years for which the permit is issued, at the option of the
15 owner or operator. Payment in advance does not exempt the
16 owner or operator from paying any increase in the fee that
17 may occur during the term of the permit; the owner or
18 operator must pay the amount of the increase upon and from
19 the effective date of the increase.

20 (f) The Agency may deny an application for the issuance,
21 transfer, or renewal of an air pollution operating permit if
22 any air pollution site fee owed by the applicant has not been
23 paid within 60 days of the due date, unless the applicant, at
24 the time of application, pays to the Agency in advance the
25 air pollution site fee for the site that is the subject of
26 the operating permit, plus any other air pollution site fees
27 then owed by the applicant. The denial of an air pollution
28 operating permit for failure to pay an air pollution site fee
29 shall be subject to review by the Board pursuant to the
30 provisions of subsection (a) of Section 40 of this Act.

31 (g) If the Agency determines that an owner or operator
32 of a site was required, but failed, to timely obtain an air
33 pollution operating permit, and as a result avoided the
34 payment of permit fees, the Agency may collect the avoided

1 permit fees with or without pursuing enforcement under
2 Section 31 of this Act. The avoided permit fees shall be
3 calculated as double the amount that would have been owed had
4 a permit been timely obtained. Fees collected pursuant to
5 this subsection (g) shall be deposited into the Environmental
6 Protection Permit and Inspection Fund.

7 (h) If the Agency determines that an owner or operator
8 of a site was required, but failed, to timely obtain an air
9 pollution operating permit and as a result avoided the
10 payment of permit fees, an enforcement action may be brought
11 under Section 31 of this Act. In addition to any other
12 relief that may be obtained as part of this action, the
13 Agency may seek to recover the avoided permit fees. The
14 avoided permit fees shall be calculated as double the amount
15 that would have been owed had a permit been timely obtained.
16 Fees collected pursuant to this subsection (h) shall be
17 deposited into the Environmental Protection Permit and
18 Inspection Fund.

19 (i) If a permittee subject to a fee under this Section
20 fails to pay the fee within 90 days of its due date, or makes
21 the fee payment from an account with insufficient funds to
22 cover the amount of the fee payment, the Agency shall notify
23 the permittee of the failure to pay the fee. If the
24 permittee fails to pay the fee within 60 days after such
25 notification, the Agency may, by written notice, immediately
26 revoke the air pollution operating permit. Failure of the
27 Agency to notify the permittee of failure to pay a fee due
28 under this Section, or the payment of the fee from an account
29 with insufficient funds to cover the amount of the fee
30 payment, does not excuse or alter the duty of the permittee
31 to comply with the provisions of this Section.

32 (Source: P.A. 90-367, eff. 8-10-97.)

1 Sec. 9.12. Construction permit fees for air pollution
2 sources.

3 (a) An applicant for a new or revised air pollution
4 construction permit shall pay a fee, as established in this
5 Section, to the Agency at the time that he or she submits the
6 application for a construction permit. Except as set forth
7 below, the fee for each activity or category listed in this
8 Section is separate and is cumulative with any other
9 applicable fee listed in this Section.

10 (b) The fee amounts in this subsection (b) apply to
11 construction permit applications relating to (i) a source
12 subject to Section 39.5 of this Act (the Clean Air Act Permit
13 Program); (ii) a source that, upon issuance of the requested
14 construction permit, will become a major source subject to
15 Section 39.5; or (iii) a source that has or will require a
16 federally enforceable State operating permit limiting its
17 potential to emit.

18 (1) Base fees for each construction permit
19 application shall be assessed as follows:

20 (A) If the construction permit application
21 relates to one or more new emission units or to a
22 combination of new and modified emission units, a
23 fee of \$4,000 for the first new emission unit and a
24 fee of \$1,000 for each additional new or modified
25 emission unit; provided that the total base fee
26 under this subdivision (A) shall not exceed \$10,000.

27 (B) If the construction permit application
28 relates to one or more modified emission units but
29 not to any new emission unit, a fee of \$2,000 for
30 the first modified emission unit and a fee of \$1,000
31 for each additional modified emission unit; provided
32 that the total base fee under this subdivision (B)
33 shall not exceed \$5,000.

34 (2) Supplemental fees for each construction permit

1 application shall be assessed as follows:

2 (A) If, based on the construction permit
3 application, the source will be, but is not
4 currently, subject to Section 39.5 of this Act, a
5 CAAPP entry fee of \$5,000.

6 (B) If the construction permit application
7 involves (i) a new source or emission unit subject
8 to Section 39.2 of this Act, (ii) a commercial
9 incinerator or other municipal waste, hazardous
10 waste, or waste tire incinerator, (iii) a commercial
11 power generator, or (iv) one or more other emission
12 units designated as a complex source by Agency
13 rulemaking, a fee of \$25,000.

14 (C) If the construction permit application
15 involves an emissions netting exercise or reliance
16 on a contemporaneous emissions decrease for a
17 pollutant to avoid application of the federal PSD
18 program (40 CFR 52.21) or nonattainment new source
19 review (35 Ill. Adm. Code 203). a fee of \$3,000 for
20 each such pollutant.

21 (D) If the construction permit application is
22 for a new major source subject to the federal PSD
23 program, a fee of \$12,000.

24 (E) If the construction permit application is
25 for a new major source subject to nonattainment new
26 source review, a fee of \$20,000.

27 (F) If the construction permit application is
28 for a major modification subject to the federal PSD
29 program, a fee of \$6,000.

30 (G) If the construction permit application is
31 for a major modification subject to nonattainment
32 new source review, a fee of \$12,000.

33 (H) If the construction permit application
34 review involves a determination of whether an

1 emission unit has Clean Unit Status and is therefore
2 not subject to the Best Available Control Technology
3 (BACT) or Lowest Achievable Emission Rate (LAER)
4 under the federal PSD program or nonattainment new
5 source review, a fee of \$5,000 per unit for which a
6 determination is requested or otherwise required.

7 (I) If the construction permit application
8 review involves a determination of the Maximum
9 Achievable Control Technology standard for a
10 pollutant and the project is not otherwise subject
11 to BACT or LAER for a related pollutant under the
12 federal PSD program or nonattainment new source
13 review, a fee of \$5,000 per unit for which a
14 determination is requested or otherwise required.

15 (J) If the applicant is requesting a
16 construction permit that will alter the source's
17 status so that it is no longer a major source
18 subject to Section 39.5 of this Act, a fee of
19 \$4,000.

20 (3) If a public hearing is held regarding the
21 construction permit application, an administrative fee of
22 \$10,000, subject to adjustment under subsection (f) of
23 this Section.

24 (c) The fee amounts in this subsection (c) apply to
25 construction permit applications relating to a source that,
26 upon issuance of the construction permit, will not (i) be or
27 become subject to Section 39.5 of this Act (the Clean Air Act
28 Permit Program) or (ii) have or require a federally
29 enforceable state operating permit limiting its potential to
30 emit.

31 (1) Base fees for each construction permit
32 application shall be assessed as follows:

33 (A) For a construction permit application
34 involving a single new emission unit, a fee of \$500.

1 (B) For a construction permit application
2 involving more than one new emission unit, a fee of
3 \$1,000.

4 (C) For a construction permit application
5 involving no more than 2 modified emission units, a
6 fee of \$500.

7 (D) For a construction permit application
8 involving more than 2 modified emission units, a fee
9 of \$1,000.

10 (2) Supplemental fees for each construction permit
11 application shall be assessed as follows:

12 (A) If the source is a new source, i.e., does
13 not currently have an operating permit, an entry fee
14 of \$500;

15 (B) If the construction permit application
16 involves (i) a new source or emission unit subject
17 to Section 39.2 of this Act, (ii) a commercial
18 incinerator or a municipal waste, hazardous waste,
19 or waste tire incinerator, (iii) a commercial power
20 generator, or (iv) an emission unit designated as a
21 complex source by Agency rulemaking, a fee of
22 \$15,000.

23 (3) If a public hearing is held regarding the
24 construction permit application, an administrative fee of
25 \$10,000.

26 (d) If no other fee is applicable under this Section, a
27 construction permit application addressing one or more of the
28 following shall be subject to a filing fee of \$500:

29 (1) A construction permit application to add or
30 replace a control device on a permitted emission unit.

31 (2) A construction permit application to conduct a
32 pilot project or trial burn for a permitted emission
33 unit.

34 (3) A construction permit application for a land

1 remediation project.

2 (4) A construction permit application for an
3 insignificant activity as described in 35 Ill. Adm. Code
4 201.210.

5 (5) A construction permit application to revise an
6 emissions testing methodology or the timing of required
7 emissions testing.

8 (6) A construction permit application that provides
9 for a change in the name, address, or phone number of any
10 person identified in the permit, or for a change in the
11 stated ownership or control, or for a similar minor
12 administrative permit change at the source.

13 (e) No fee shall be assessed for a request to correct an
14 issued permit that involves only an Agency error, if the
15 request is received within the deadline for a permit appeal
16 to the Pollution Control Board.

17 (f) The applicant for a new or revised air pollution
18 construction permit shall submit to the Agency, with the
19 construction permit application, both a certification of the
20 fee that he or she estimates to be due under this Section and
21 the fee itself.

22 (g) Notwithstanding the requirements of Section 39(a) of
23 this Act, the application for an air pollution construction
24 permit shall not be deemed to be filed with the Agency until
25 the Agency receives the initial air pollution construction
26 permit application fee and the certified estimate of the fee
27 required by this Section. Unless the Agency has received the
28 initial air pollution construction permit application fee and
29 the certified estimate of the fee required by this Section,
30 the Agency is not required to review or process the
31 application.

32 (h) If the Agency determines at any time that a
33 construction permit application is subject to an additional
34 fee under this Section that the applicant has not submitted,

1 the Agency shall notify the applicant in writing of the
2 amount due under this Section. The applicant shall have 60
3 days to remit the assessed fee to the Agency.

4 If the proper fee established under this Section is not
5 submitted within 60 days after the request for further
6 remittance:

7 (1) If the construction permit has not yet been
8 issued, the Agency is not required to further review or
9 process, and the provisions of Section 39(a) of this Act
10 do not apply to, the application for a construction
11 permit until such time as the proper fee is remitted.

12 (2) If the construction permit has been issued, the
13 Agency may, upon written notice, immediately revoke the
14 construction permit.

15 The denial or revocation of a construction permit does
16 not excuse the applicant from the duty of paying the fees
17 required under this Section.

18 (i) The Agency may deny the issuance of a pending air
19 pollution construction permit or the subsequent operating
20 permit if the applicant has not paid the required fees by the
21 date required for issuance of the permit. The denial or
22 revocation of a permit for failure to pay a construction
23 permit fee is subject to review by the Board pursuant to the
24 provisions of subsection (a) of Section 40 of this Act.

25 (j) If the owner or operator undertakes construction
26 without obtaining an air pollution construction permit, the
27 fee under this Section is still required. Payment of the
28 required fee does not preclude the Agency or the Attorney
29 General or other authorized persons from pursuing enforcement
30 against the applicant for failure to have an air pollution
31 construction permit prior to commencing construction.

32 (k) If an air pollution construction permittee makes a
33 fee payment under this Section from an account with
34 insufficient funds to cover the amount of the fee payment,

1 the Agency shall notify the permittee of the failure to pay
2 the fee. If the permittee fails to pay the fee within 60
3 days after such notification, the Agency may, by written
4 notice, immediately revoke the air pollution construction
5 permit. Failure of the Agency to notify the permittee of the
6 permittee's failure to make payment does not excuse or alter
7 the duty of the permittee to comply with the provisions of
8 this Section.

9 (l) The Agency may establish procedures for the
10 collection of air pollution construction permit fees.

11 (m) Fees collected pursuant to this Section shall be
12 deposited into the Environmental Protection Permit and
13 Inspection Fund.

14 (415 ILCS 5/9.13 new)

15 Sec. 9.13. Asbestos fees.

16 (a) For any site for which the owner or operator must
17 file an original 10-day notice of intent to renovate or
18 demolish pursuant to 40 CFR 61.145(b) (part of the federal
19 asbestos National Emission Standard for Hazardous Air
20 Pollutants or NESHAP), the owner or operator shall pay to the
21 Agency with the filing of each 10-day Notice a fee of \$150.

22 (b) If demolition or renovation of a site has commenced
23 without proper filing of the 10-day Notice, the fee is double
24 the amount otherwise due. This doubling of the fee is in
25 addition to any other penalties under this Act, the federal
26 NESHAP, or otherwise, and does not preclude the Agency, the
27 Attorney General, or other authorized persons from pursuing
28 an enforcement action against the owner or operator for
29 failure to file a 10-day Notice prior to commencing
30 demolition or renovation activities.

31 (c) In the event that an owner or operator makes a fee
32 payment under this Section from an account with insufficient
33 funds to cover the amount of the fee payment, the 10-day

1 Notice shall be deemed improperly filed. The Agency shall so
2 notify the owner or operator within 60 days of receiving the
3 notice of insufficient funds. Failure of the Agency to so
4 notify the owner or operator does not excuse or alter the
5 duty of the owner or operator to comply with the requirements
6 of this Section.

7 (d) Where asbestos remediation or demolition activities
8 have not been conducted in accordance with the asbestos
9 NESHAP, in addition to the fees imposed by this Section, the
10 Agency may also collect its actual costs incurred for
11 asbestos-related activities at the site, including without
12 limitation costs of sampling, sample analysis, remediation
13 plan review, and activity oversight for demolition or
14 renovation.

15 (e) Fees and cost recovery amounts collected under this
16 Section shall be deposited into the Environmental Protection
17 Permit and Inspection Fund.

18 (415 ILCS 5/12.2) (from Ch. 111 1/2, par. 1012.2)

19 Sec. 12.2. Water pollution construction permit fees.

20 (a) Beginning July 1, 2003 ~~January 17, 1991~~, the Agency
21 shall collect a fee in the amount set forth in this Section:
22 ~~subsection-(e)~~

23 (1) for any sewer which requires a construction
24 permit under paragraph (b) of Section 12, from each
25 applicant for a sewer construction permit under paragraph
26 (b) of Section 12 or regulations adopted hereunder; and-

27 (2) for any treatment works, industrial
28 pretreatment works, or industrial wastewater source that
29 requires a construction permit under paragraph (b) of
30 Section 12, from the applicant for the construction
31 permit. However, no fee shall be required for a
32 treatment works or wastewater source directly covered and
33 authorized under an NPDES permit issued by the Agency,

1 nor for any treatment works, industrial pretreatment
2 works, or industrial wastewater source (i) that is under
3 or pending construction authorized by a valid
4 construction permit issued by the Agency prior to July 1,
5 2003, during the term of that construction permit, or
6 (ii) for which a completed construction permit
7 application has been received by the Agency prior to July
8 1, 2003, with respect to the permit issued under that
9 application.

10 (b) Each applicant or person required to pay a fee under
11 this Section shall submit the fee to the Agency along with
12 the permit application. The Agency shall deny any
13 construction permit application for which a fee is required
14 under this Section that does not contain the appropriate fee.

15 (c) The amount of the fee is as follows:

16 (1) A \$100 \$50 fee shall be required for any sewer
17 constructed with a design population of 1.

18 (2) A \$400 \$200 fee shall be required for any sewer
19 constructed with a design population of 2 to 20.

20 (3) A \$800 \$400 fee shall be required for any sewer
21 constructed with a design population greater than 20 but
22 less than 101.

23 (4) A \$1200 \$600 fee shall be required for any
24 sewer constructed with a design population greater than
25 100 but less than 500.

26 (5) A \$2400 \$1200 fee shall be required for any
27 sewer constructed with a design population of 500 or
28 more.

29 (6) A \$1,000 fee shall be required for any
30 industrial wastewater source that does not require
31 pretreatment of the wastewater prior to discharge to the
32 publicly owned treatment works or publicly regulated
33 treatment works.

34 (7) A \$3,000 fee shall be required for any

1 industrial wastewater source that requires pretreatment
2 of the wastewater for non-toxic pollutants prior to
3 discharge to the publicly owned treatment works or
4 publicly regulated treatment works.

5 (8) A \$6,000 fee shall be required for any
6 industrial wastewater source that requires pretreatment
7 of the wastewater for toxic pollutants prior to discharge
8 to the publicly owned treatment works or publicly
9 regulated treatment works.

10 (9) A \$2,500 fee shall be required for construction
11 relating to land application of industrial sludge or
12 spray irrigation of industrial wastewater.

13 All fees collected by the Agency under this Section shall
14 be deposited into the Environmental Protection Permit and
15 Inspection Fund in accordance with Section 22.8.

16 (d) Prior to a final Agency decision on a permit
17 application for which a fee has been paid under this Section,
18 the applicant may propose modification to the application in
19 accordance with this Act and regulations adopted hereunder
20 without any additional fee becoming due, unless the proposed
21 modifications cause an increase in the design population
22 served by the sewer specified in the permit application
23 before the modifications or the modifications cause a change
24 in the applicable fee category stated in subsection (c). If
25 the modifications cause such an increase or change the fee
26 category and the increase results in additional fees being
27 due under subsection (c), the applicant shall submit the
28 additional fee to the Agency with the proposed modifications.

29 (e) No fee shall be due under this Section from:

30 (1) any department, agency or unit of State
31 government for installing or extending a sewer;

32 (2) any unit of local government with which the
33 Agency has entered into a written delegation agreement
34 under Section 4 which allows such unit to issue

1 construction permits under this Title, or regulations
2 adopted hereunder, for installing or extending a sewer;
3 or

4 (3) any unit of local government or school district
5 for installing or extending a sewer where both of the
6 following conditions are met:

7 (i) the cost of the installation or extension
8 is paid wholly from monies of the unit of local
9 government or school district, State grants or
10 loans, federal grants or loans, or any combination
11 thereof; and

12 (ii) the unit of local government or school
13 district is not given monies, reimbursed or paid,
14 either in whole or in part, by another person
15 (except for State grants or loans or federal grants
16 or loans) for the installation or extension.

17 (f) The Agency may establish procedures relating to the
18 collection of fees under this Section. The Agency shall not
19 refund any fee paid to it under this Section.
20 Notwithstanding the provisions of any rule adopted before
21 July 1, 2003 concerning fees under this Section, the Agency
22 shall assess and collect the fees imposed under subdivision
23 (a)(2) of this Section and the increases in the fees imposed
24 under subdivision (a)(1) of this Section beginning on July 1,
25 2003, for all completed applications received on or after
26 that date.

27 (g) Notwithstanding any other provision of this Act, the
28 Agency shall, not later than 45 days following the receipt of
29 both an application for a construction permit and the fee
30 required by this Section, either approve that application and
31 issue a permit or tender to the applicant a written statement
32 setting forth with specificity the reasons for the
33 disapproval of the application and denial of a permit. If
34 the Agency takes no final action within 45 days after the

1 filing of the application for a permit, the applicant may
2 deem the permit issued.

3 (h) For purposes of this Section:

4 "Toxic pollutants" means those pollutants defined in
5 Section 502(13) of the federal Clean Water Act and
6 regulations adopted pursuant to that Act.

7 "Industrial" refers to those industrial users referenced
8 in Section 502(13) of the federal Clean Water Act and
9 regulations adopted pursuant to that Act.

10 "Pretreatment" means the reduction of the amount of
11 pollutants, the elimination of pollutants, or the alteration
12 of the nature of pollutant properties in wastewater prior to
13 or in lieu of discharging or otherwise introducing those
14 pollutants into a publicly owned treatment works or publicly
15 regulated treatment works.

16 (Source: P.A. 87-843; 88-488.)

17 (415 ILCS 5/12.5 new)

18 Sec. 12.5. NPDES discharge fees; sludge permit fees.

19 (a) Beginning July 1, 2003, the Agency shall assess and
20 collect annual fees (i) in the amounts set forth in
21 subsection (e) for all discharges that require an NPDES
22 permit under subsection (f) of Section 12, from each person
23 holding an NPDES permit authorizing those discharges
24 (including a person who continues to discharge under an
25 expired permit pending renewal), and (ii) in the amounts set
26 forth in subsection (f) of this Section for all activities
27 that require a permit under subsection (b) of Section 12,
28 from each person holding a domestic sewage sludge generator
29 or user permit.

30 Each person subject to this Section must remit the
31 applicable annual fee to the Agency in accordance with the
32 requirements set forth in this Section and any rules adopted
33 pursuant to this Section.

1 (b) Within 30 days after the effective date of this
2 Section, and by May 31 of each year thereafter, the Agency
3 shall send a fee notice by mail to each existing permittee
4 subject to a fee under this Section at his or her address of
5 record. The notice shall state the amount of the applicable
6 annual fee and the date by which payment is required.

7 Except as provided in subsection (c) with respect to
8 initial fees under new permits and certain modifications of
9 existing permits, fees payable under this Section for the 12
10 months beginning July 1, 2003 are due by the date specified
11 in the fee notice, which shall be no less than 30 days after
12 the date the fee notice is mailed by the Agency, and fees
13 payable under this Section for subsequent years shall be due
14 on July 1 or as otherwise required in any rules that may be
15 adopted pursuant to this Section.

16 (c) The initial annual fee for discharges under a new
17 individual NPDES permit or for activity under a new
18 individual sludge generator or sludge user permit must be
19 remitted to the Agency prior to the issuance of the permit.
20 The Agency shall provide notice of the amount of the fee to
21 the applicant during its review of the application. In the
22 case of a new individual NPDES or sludge permit issued during
23 the months of January through June, the Agency may prorate
24 the initial annual fee payable under this Section.

25 The initial annual fee for discharges or other activity
26 under a general NPDES permit must be remitted to the Agency
27 as part of the application for coverage under that general
28 permit.

29 If a requested modification to an existing NPDES permit
30 causes a change in the applicable fee categories under
31 subsection (e) that results in an increase in the required
32 fee, the permittee must pay to the Agency the amount of the
33 increase, prorated for the number of months remaining before
34 the next July 1, before the modification is granted.

1 (d) Failure to submit the fee required under this
2 Section by the due date constitutes a violation of this
3 Section. Late payments shall incur an interest penalty,
4 calculated at the rate in effect from time to time for tax
5 delinquencies under subsection (a) of Section 1003 of the
6 Illinois Income Tax Act, from the date the fee is due until
7 the date the fee payment is received by the Agency.

8 (e) The annual fees applicable to discharges under NPDES
9 permits are as follows:

10 (1) For NPDES permits for publicly owned treatment
11 works, other facilities for which the wastewater being
12 treated and discharged is primarily domestic sewage, and
13 wastewater discharges from the operation of public water
14 supply treatment facilities, the fee is:

15 (i) \$1,500 for facilities with a Design
16 Average Flow rate of less than 100,000 gallons per
17 day;

18 (ii) \$5,000 for facilities with a Design
19 Average Flow rate of at least 100,000 gallons per
20 day but less than 500,000 gallons per day;

21 (iii) \$7,500 for facilities with a Design
22 Average Flow rate of at least 500,000 gallons per
23 day but less than 1,000,000 gallons per day;

24 (iv) \$15,000 for facilities with a Design
25 Average Flow rate of at least 1,000,000 gallons per
26 day but less than 5,000,000 gallons per day;

27 (v) \$30,000 for facilities with a Design
28 Average Flow rate of at least 5,000,000 gallons per
29 day but less than 10,000,000 gallons per day; and

30 (vi) \$50,000 for facilities with a Design
31 Average Flow rate of 10,000,000 gallons per day or
32 more.

33 (2) For NPDES permits for treatment works or sewer
34 collection systems that include combined sewer overflow

1 outfalls, the fee is:

2 (i) \$1,000 for systems serving a tributary
3 population of 10,000 or less;

4 (ii) \$5,000 for systems serving a tributary
5 population that is greater than 10,000 but not more
6 than 25,000; and

7 (iii) \$20,000 for systems serving a tributary
8 population that is greater than 25,000.

9 The fee amounts in this subdivision (e)(2) are in
10 addition to the fees stated in subdivision (e)(1) when
11 the combined sewer overflow outfall is contained within a
12 permit subject to subsection (e)(1) fees.

13 (3) For NPDES permits for mines producing coal, the
14 fee is \$5,000.

15 (4) For NPDES permits for mines other than mines
16 producing coal, the fee is \$5,000.

17 (5) For NPDES permits for industrial activity where
18 toxic substances are not regulated, other than permits
19 covered under subdivision (e)(3) or (e)(4), the fee is:

20 (i) \$1,000 for a facility with a Design
21 Average Flow rate that is not more than 10,000
22 gallons per day;

23 (ii) \$2,500 for a facility with a Design
24 Average Flow rate that is more than 10,000 gallons
25 per day but not more than 100,000 gallons per day;

26 and

27 (iii) \$10,000 for a facility with a Design
28 Average Flow rate that is more than 100,000 gallons
29 per day.

30 (6) For NPDES permits for industrial activity where
31 toxic substances are regulated, other than permits
32 covered under subdivision (e)(3) or (e)(4), the fee is:

33 (i) \$15,000 for a facility with a Design
34 Average Flow rate that is not more than 250,000

1 gallons per day; and

2 (ii) \$20,000 for a facility with a Design
3 Average Flow rate that is more than 250,000 gallons
4 per day.

5 (7) For NPDES permits for industrial activity
6 classified by USEPA as a major discharge, other than
7 permits covered under subdivision (e)(3) or (e)(4), the
8 fee is:

9 (i) \$30,000 for a facility where toxic
10 substances are not regulated; and

11 (ii) \$50,000 for a facility where toxic
12 substances are regulated.

13 (8) For NPDES permits for municipal separate storm
14 sewer systems, the fee is \$1,000.

15 (9) For NPDES permits for construction site or
16 industrial storm water, the fee is \$500.

17 (f) The annual fee for activities under a permit that
18 authorizes applying sludge on land is \$2,500 for a sludge
19 generator permit and \$5,000 for a sludge user permit.

20 (g) More than one of the annual fees specified in
21 subsections (e) and (f) may be applicable to a permit holder.
22 These fees are in addition to any other fees required under
23 this Act.

24 (h) The fees imposed under this Section do not apply to
25 the State or any department or agency of the State, nor to
26 any school district.

27 (i) The Agency may adopt rules to administer the fee
28 program established in this Section. The Agency may include
29 provisions pertaining to invoices, notice of late payment,
30 and disputes concerning the amount or timeliness of payment.
31 The Agency may set forth procedures and criteria for the
32 acceptance of payments. The absence of such rules does not
33 affect the duty of the Agency to immediately begin the
34 assessment and collection of fees under this Section.

1 (j) All fees and interest penalties collected by the
2 Agency under this Section shall be deposited into the
3 Illinois Clean Water Fund, which is hereby created as a
4 special fund in the State Treasury. Gifts, supplemental
5 environmental project funds, and grants may be deposited into
6 the Fund. Investment earnings on moneys held in the Fund
7 shall be credited to the Fund.

8 Subject to appropriation, the moneys in the Fund shall be
9 used by the Agency to carry out the Agency's clean water
10 activities.

11 (k) Fees paid to the Agency under this Section are not
12 refundable.

13 (415 ILCS 5/12.6 new)

14 Sec. 12.6. Certification fees.

15 (a) Beginning July 1, 2003, the Agency shall collect a
16 fee in the amount set forth in subsection (b) from each
17 applicant for a state water quality certification required by
18 Section 401 of the federal Clean Water Act prior to a federal
19 authorization pursuant to Section 404 of that Act; except
20 that the fee does not apply to the State or any department or
21 agency of the State, nor to any school district.

22 (b) The amount of the fee for a State water quality
23 certification is \$350 or 1% of the gross value of the
24 proposed project, whichever is greater, but not to exceed
25 \$10,000.

26 (c) Each applicant seeking a federal authorization of an
27 action requiring a Section 401 state water quality
28 certification by the Agency shall submit the required fee
29 with the application. The Agency shall deny an application
30 for which a fee is required under this Section, if the
31 application does not contain the appropriate fee.

32 (d) The Agency may establish procedures relating to the
33 collection of fees under this Section. Notwithstanding the

1 adoption of any rules establishing such procedures, the
2 Agency may begin collecting fees under this Section on July
3 1, 2003 for all complete applications received on or after
4 that date.

5 All fees collected by the Agency under this Section shall
6 be deposited into the Illinois Clean Water Fund. Fees paid
7 under this Section are not refundable.

8 (415 ILCS 5/16.1) (from Ch. 111 1/2, par. 1016.1)

9 Sec. 16.1. Permit fees.

10 (a) ~~Beginning-January-17-1990~~₇ Except as provided in
11 subsection (f), the Agency shall collect a fee in the amount
12 set forth in subsection (d) from: (1) each applicant for a
13 construction permit under this Title, or regulations adopted
14 hereunder, to install or extend water main; and (2) each
15 person who submits as-built plans under this Title, or
16 regulations adopted hereunder, to install or extend water
17 main.

18 (b) Except as provided in subsection (c), each applicant
19 or person required to pay a fee under this Section shall
20 submit the fee to the Agency along with the permit
21 application or as-built plans. The Agency shall deny any
22 construction permit application for which a fee is required
23 under this Section that does not contain the appropriate fee.
24 The Agency shall not approve any as-built plans for which a
25 fee is required under this Section that do not contain the
26 appropriate fee.

27 (c) Each applicant for an emergency construction permit
28 under this Title, or regulations adopted hereunder, to
29 install or extend a water main shall submit the appropriate
30 fee to the Agency within 10 calendar days from the date of
31 issuance of the emergency construction permit.

32 (d) The amount of the fee is as follows:

33 (1) \$240 ~~\$120~~ if the construction permit

1 application is to install or extend water main that is
2 more than 200 feet, but not more than 1,000 feet in
3 length;

4 (2) \$720 \$360 if the construction permit
5 application is to install or extend water main that is
6 more than 1,000 feet but not more than 5,000 feet in
7 length;

8 (3) \$1200 \$600 if the construction permit
9 application is to install or extend water main that is
10 more than 5,000 feet in length.

11 (e) Prior to a final Agency decision on a permit
12 application for which a fee has been paid under this Section,
13 the applicant may propose modifications to the application in
14 accordance with this Act and regulations adopted hereunder
15 without any additional fee becoming due unless the proposed
16 modifications cause the length of water main to increase
17 beyond the length specified in the permit application before
18 the modifications. If the modifications cause such an
19 increase and the increase results in additional fees being
20 due under subsection (d), the applicant shall submit the
21 additional fee to the Agency with the proposed modifications.

22 (f) No fee shall be due under this Section from (1) any
23 department, agency or unit of State government for installing
24 or extending a water main; (2) any unit of local government
25 with which the Agency has entered into a written delegation
26 agreement under Section 4 of this Act which allows such unit
27 to issue construction permits under this Title, or
28 regulations adopted hereunder, for installing or extending a
29 water main; or (3) any unit of local government or school
30 district for installing or extending a water main where both
31 of the following conditions are met: (i) the cost of the
32 installation or extension is paid wholly from monies of the
33 unit of local government or school district, State grants or
34 loans, federal grants or loans, or any combination thereof;

1 and (ii) the unit of local government or school district is
2 not given monies, reimbursed or paid, either in whole or in
3 part, by another person (except for State grants or loans or
4 federal grants or loans) for the installation or extension.

5 (g) The Agency may establish procedures relating to the
6 collection of fees under this Section. The Agency shall not
7 refund any fee paid to it under this Section.

8 (h) For the purposes of this Section, the term "water
9 main" means any pipe that is to be used for the purpose of
10 distributing potable water which serves or is accessible to
11 more than one property, dwelling or rental unit, and that is
12 exterior to buildings.

13 (i) Notwithstanding any other provision of this Act, the
14 Agency shall, not later than 45 days following the receipt of
15 both an application for a construction permit and the fee
16 required by this Section, either approve that application and
17 issue a permit or tender to the applicant a written statement
18 setting forth with specificity the reasons for the
19 disapproval of the application and denial of a permit. If
20 there is no final action by the Agency within 45 days after
21 the filing of the application for a permit, the applicant may
22 deem the permit issued.

23 (Source: P.A. 86-670; 87-843.)

24 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

25 Sec. 22.8. Environmental Protection Permit and
26 Inspection Fund.

27 (a) There is hereby created in the State Treasury a
28 special fund to be known as the Environmental Protection
29 Permit and Inspection Fund. All fees collected by the Agency
30 pursuant to this Section, Section 9.6, 12.2, 16.1, 22.2
31 (j)(6)(E)(v)(IV), 56.4, 56.5, 56.6, and subsection (f) of
32 Section 5 of this Act or pursuant to Section 22 of the Public
33 Water Supply Operations Act and funds collected under

1 subsection (b.5) of Section 42 of this Act shall be deposited
2 into the Fund. In addition to any monies appropriated from
3 the General Revenue Fund, monies in the Fund shall be
4 appropriated by the General Assembly to the Agency in amounts
5 deemed necessary for manifest, permit, and inspection
6 activities and for processing requests under Section 22.2
7 (j)(6)(E)(v)(IV).

8 The General Assembly may appropriate monies in the Fund
9 deemed necessary for Board regulatory and adjudicatory
10 proceedings.

11 (b) ~~On--and--after--January--1,--1989,~~ The Agency shall
12 collect from the owner or operator of any of the following
13 types of hazardous waste disposal sites or management
14 facilities which require a RCRA permit under subsection (f)
15 of Section 21 of this Act, or a UIC permit under subsection
16 (g) of Section 12 of this Act, an annual fee in the amount
17 of:

18 (1) \$35,000 (\$70,000 beginning in 2004) for a
19 hazardous waste disposal site receiving hazardous waste
20 if the hazardous waste disposal site is located off the
21 site where such waste was produced;

22 (2) \$9,000 (\$18,000 beginning in 2004) for a
23 hazardous waste disposal site receiving hazardous waste
24 if the hazardous waste disposal site is located on the
25 site where such waste was produced;

26 (3) \$7,000 (\$14,000 beginning in 2004) for a
27 hazardous waste disposal site receiving hazardous waste
28 if the hazardous waste disposal site is an underground
29 injection well;

30 (4) \$2,000 (\$4,000 beginning in 2004) for a
31 hazardous waste management facility treating hazardous
32 waste by incineration;

33 (5) \$1,000 (\$2,000 beginning in 2004) for a
34 hazardous waste management facility treating hazardous

1 waste by a method, technique or process other than
2 incineration;

3 (6) \$1,000 (\$2,000 beginning in 2004) for a
4 hazardous waste management facility storing hazardous
5 waste in a surface impoundment or pile; ~~or~~

6 (7) \$250 (\$500 beginning in 2004) for a hazardous
7 waste management facility storing hazardous waste other
8 than in a surface impoundment or pile; and-

9 (8) Beginning in 2004, \$500 for a large quantity
10 hazardous waste generator required to submit an annual or
11 biennial report for hazardous waste generation.

12 (c) Where two or more operational units are located
13 within a single hazardous waste disposal site, the Agency
14 shall collect from the owner or operator of such site an
15 annual fee equal to the highest fee imposed by subsection (b)
16 of this Section upon any single operational unit within the
17 site.

18 (d) The fee imposed upon a hazardous waste disposal site
19 under this Section shall be the exclusive permit and
20 inspection fee applicable to hazardous waste disposal at such
21 site, provided that nothing in this Section shall be
22 construed to diminish or otherwise affect any fee imposed
23 upon the owner or operator of a hazardous waste disposal site
24 by Section 22.2.

25 (e) The Agency shall establish procedures, no later than
26 December 1, 1984, relating to the collection of the hazardous
27 waste disposal site fees authorized by this Section. Such
28 procedures shall include, but not be limited to the time and
29 manner of payment of fees to the Agency, which shall be
30 quarterly, payable at the beginning of each quarter for
31 hazardous waste disposal site fees. Annual fees required
32 under paragraph (7) of subsection (b) of this Section shall
33 accompany the annual report required by Board regulations for
34 the calendar year for which the report applies.

1 (f) For purposes of this Section, a hazardous waste
2 disposal site consists of one or more of the following
3 operational units:

4 (1) a landfill receiving hazardous waste for
5 disposal;

6 (2) a waste pile or surface impoundment, receiving
7 hazardous waste, in which residues which exhibit any of
8 the characteristics of hazardous waste pursuant to Board
9 regulations are reasonably expected to remain after
10 closure;

11 (3) a land treatment facility receiving hazardous
12 waste; or

13 (4) a well injecting hazardous waste.

14 (g) The Agency shall assess a fee for each manifest
15 provided by the Agency. For manifests provided on or after
16 January 1, 1989 but before July 1, 2003, the fee shall be \$1
17 per manifest. For manifests provided on or after July 1,
18 2003, the fee shall be \$3 per manifest.

19 ~~(g) On and after January 1, 1989, the Agency shall~~
20 ~~assess a fee of \$1.00 for each manifest provided by the~~
21 ~~Agency, except that the Agency shall furnish up to 20~~
22 ~~manifests requested by any generator at no charge and no~~
23 ~~generator shall be required to pay more than \$500 per year in~~
24 ~~such manifest fees.~~

25 (Source: P.A. 89-79, eff. 6-30-95; 90-372, eff. 7-1-98.)

26 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

27 Sec. 22.15. Solid Waste Management Fund; fees.

28 (a) There is hereby created within the State Treasury a
29 special fund to be known as the "Solid Waste Management
30 Fund", to be constituted from the fees collected by the State
31 pursuant to this Section and from repayments of loans made
32 from the Fund for solid waste projects. Moneys received by
33 the Department of Commerce and Community Affairs in repayment

1 of loans made pursuant to the Illinois Solid Waste Management
2 Act shall be deposited into the Solid Waste Management
3 Revolving Loan Fund.

4 (b) ~~On and after January 1, 1987,~~ The Agency shall
5 assess and collect a fee in the amount set forth herein from
6 the owner or operator of each sanitary landfill permitted or
7 required to be permitted by the Agency to dispose of solid
8 waste if the sanitary landfill is located off the site where
9 such waste was produced and if such sanitary landfill is
10 owned, controlled, and operated by a person other than the
11 generator of such waste. The Agency shall deposit all fees
12 collected into the Solid Waste Management Fund. If a site is
13 contiguous to one or more landfills owned or operated by the
14 same person, the volumes permanently disposed of by each
15 landfill shall be combined for purposes of determining the
16 fee under this subsection.

17 (1) If more than 150,000 cubic yards of
18 non-hazardous solid waste is permanently disposed of at a
19 site in a calendar year, the owner or operator shall
20 either pay a fee of 95 cents ~~45-cents~~ per cubic yard or,
21 alternatively, the owner or operator may weigh the
22 quantity of the solid waste permanently disposed of with
23 a device for which certification has been obtained under
24 the Weights and Measures Act and pay a fee of \$2.00 ~~95~~
25 ~~cents~~ per ton of solid waste permanently disposed of. In
26 no case shall the fee collected or paid by the owner or
27 operator under this paragraph exceed \$1.55 ~~\$1.05~~ per
28 cubic yard or \$3.27 ~~\$2.22~~ per ton.

29 (2) If more than 100,000 cubic yards but not more
30 than 150,000 cubic yards of non-hazardous waste is
31 permanently disposed of at a site in a calendar year, the
32 owner or operator shall pay a fee of \$52,630 ~~\$25,000~~.

33 (3) If more than 50,000 cubic yards but not more
34 than 100,000 cubic yards of non-hazardous solid waste is

1 permanently disposed of at a site in a calendar year, the
2 owner or operator shall pay a fee of \$23,790 ~~\$11,300~~.

3 (4) If more than 10,000 cubic yards but not more
4 than 50,000 cubic yards of non-hazardous solid waste is
5 permanently disposed of at a site in a calendar year, the
6 owner or operator shall pay a fee of \$7,260 ~~\$3,450~~.

7 (5) If not more than 10,000 cubic yards of
8 non-hazardous solid waste is permanently disposed of at a
9 site in a calendar year, the owner or operator shall pay
10 a fee of \$1050 ~~\$500~~.

11 (c) (Blank.)

12 (d) The Agency shall establish rules relating to the
13 collection of the fees authorized by this Section. Such
14 rules shall include, but not be limited to:

15 (1) necessary records identifying the quantities of
16 solid waste received or disposed;

17 (2) the form and submission of reports to accompany
18 the payment of fees to the Agency;

19 (3) the time and manner of payment of fees to the
20 Agency, which payments shall not be more often than
21 quarterly; and

22 (4) procedures setting forth criteria establishing
23 when an owner or operator may measure by weight or volume
24 during any given quarter or other fee payment period.

25 (e) Pursuant to appropriation, all monies in the Solid
26 Waste Management Fund shall be used by the Agency and the
27 Department of Commerce and Community Affairs for the purposes
28 set forth in this Section and in the Illinois Solid Waste
29 Management Act, including for the costs of fee collection and
30 administration.

31 (f) The Agency is authorized to enter into such
32 agreements and to promulgate such rules as are necessary to
33 carry out its duties under this Section and the Illinois
34 Solid Waste Management Act.

1 (g) On the first day of January, April, July, and
2 October of each year, beginning on July 1, 1996, the State
3 Comptroller and Treasurer shall transfer \$500,000 from the
4 Solid Waste Management Fund to the Hazardous Waste Fund.
5 Moneys transferred under this subsection (g) shall be used
6 only for the purposes set forth in item (1) of subsection (d)
7 of Section 22.2.

8 (h) The Agency is authorized to provide financial
9 assistance to units of local government for the performance
10 of inspecting, investigating and enforcement activities
11 pursuant to Section 4(r) at nonhazardous solid waste disposal
12 sites.

13 (i) The Agency is authorized to support the operations
14 of an industrial materials exchange service, and to conduct
15 household waste collection and disposal programs.

16 (j) A unit of local government, as defined in the Local
17 Solid Waste Disposal Act, in which a solid waste disposal
18 facility is located may establish a fee, tax, or surcharge
19 with regard to the permanent disposal of solid waste. All
20 fees, taxes, and surcharges collected under this subsection
21 shall be utilized for solid waste management purposes,
22 including long-term monitoring and maintenance of landfills,
23 planning, implementation, inspection, enforcement and other
24 activities consistent with the Solid Waste Management Act and
25 the Local Solid Waste Disposal Act, or for any other
26 environment-related purpose, including but not limited to an
27 environment-related public works project, but not for the
28 construction of a new pollution control facility other than a
29 household hazardous waste facility. However, the total fee,
30 tax or surcharge imposed by all units of local government
31 under this subsection (j) upon the solid waste disposal
32 facility shall not exceed:

33 (1) 60¢ per cubic yard if more than 150,000 cubic
34 yards of non-hazardous solid waste is permanently

1 disposed of at the site in a calendar year, unless the
2 owner or operator weighs the quantity of the solid waste
3 received with a device for which certification has been
4 obtained under the Weights and Measures Act, in which
5 case the fee shall not exceed \$1.27 per ton of solid
6 waste permanently disposed of.

7 (2) \$33,350 if more than 100,000 cubic yards, but
8 not more than 150,000 cubic yards, of non-hazardous waste
9 is permanently disposed of at the site in a calendar
10 year.

11 (3) \$15,500 if more than 50,000 cubic yards, but
12 not more than 100,000 cubic yards, of non-hazardous solid
13 waste is permanently disposed of at the site in a
14 calendar year.

15 (4) \$4,650 if more than 10,000 cubic yards, but not
16 more than 50,000 cubic yards, of non-hazardous solid
17 waste is permanently disposed of at the site in a
18 calendar year.

19 (5) \$\$650 if not more than 10,000 cubic yards of
20 non-hazardous solid waste is permanently disposed of at
21 the site in a calendar year.

22 The corporate authorities of the unit of local government
23 may use proceeds from the fee, tax, or surcharge to reimburse
24 a highway commissioner whose road district lies wholly or
25 partially within the corporate limits of the unit of local
26 government for expenses incurred in the removal of
27 nonhazardous, nonfluid municipal waste that has been dumped
28 on public property in violation of a State law or local
29 ordinance.

30 A county or Municipal Joint Action Agency that imposes a
31 fee, tax, or surcharge under this subsection may use the
32 proceeds thereof to reimburse a municipality that lies wholly
33 or partially within its boundaries for expenses incurred in
34 the removal of nonhazardous, nonfluid municipal waste that

1 has been dumped on public property in violation of a State
2 law or local ordinance.

3 If the fees are to be used to conduct a local sanitary
4 landfill inspection or enforcement program, the unit of local
5 government must enter into a written delegation agreement
6 with the Agency pursuant to subsection (r) of Section 4. The
7 unit of local government and the Agency shall enter into such
8 a written delegation agreement within 60 days after the
9 establishment of such fees. At least annually, the Agency
10 shall conduct an audit of the expenditures made by units of
11 local government from the funds granted by the Agency to the
12 units of local government for purposes of local sanitary
13 landfill inspection and enforcement programs, to ensure that
14 the funds have been expended for the prescribed purposes
15 under the grant.

16 The fees, taxes or surcharges collected under this
17 subsection (j) shall be placed by the unit of local
18 government in a separate fund, and the interest received on
19 the moneys in the fund shall be credited to the fund. The
20 monies in the fund may be accumulated over a period of years
21 to be expended in accordance with this subsection.

22 A unit of local government, as defined in the Local Solid
23 Waste Disposal Act, shall prepare and distribute to the
24 Agency, in April of each year, a report that details spending
25 plans for monies collected in accordance with this
26 subsection. The report will at a minimum include the
27 following:

28 (1) The total monies collected pursuant to this
29 subsection.

30 (2) The most current balance of monies collected
31 pursuant to this subsection.

32 (3) An itemized accounting of all monies expended
33 for the previous year pursuant to this subsection.

34 (4) An estimation of monies to be collected for the

1 following 3 years pursuant to this subsection.

2 (5) A narrative detailing the general direction and
3 scope of future expenditures for one, 2 and 3 years.

4 The exemptions granted under Sections 22.16 and 22.16a,
5 and under subsections (c) and (k) of this Section, shall be
6 applicable to any fee, tax or surcharge imposed under this
7 subsection (j); except that the fee, tax or surcharge
8 authorized to be imposed under this subsection (j) may be
9 made applicable by a unit of local government to the
10 permanent disposal of solid waste after December 31, 1986,
11 under any contract lawfully executed before June 1, 1986
12 under which more than 150,000 cubic yards (or 50,000 tons) of
13 solid waste is to be permanently disposed of, even though the
14 waste is exempt from the fee imposed by the State under
15 subsection (b) of this Section pursuant to an exemption
16 granted under Section 22.16.

17 (k) In accordance with the findings and purposes of the
18 Illinois Solid Waste Management Act, beginning January 1,
19 1989 the fee under subsection (b) and the fee, tax or
20 surcharge under subsection (j) shall not apply to:

- 21 (1) Waste which is hazardous waste; or
- 22 (2) Waste which is pollution control waste; or
- 23 (3) Waste from recycling, reclamation or reuse
24 processes which have been approved by the Agency as being
25 designed to remove any contaminant from wastes so as to
26 render such wastes reusable, provided that the process
27 renders at least 50% of the waste reusable; or

28 (4) Non-hazardous solid waste that is received at a
29 sanitary landfill and composted or recycled through a
30 process permitted by the Agency; or

31 (5) Any landfill which is permitted by the Agency
32 to receive only demolition or construction debris or
33 landscape waste.

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

1 (415 ILCS 5/22.44)

2 Sec. 22.44. Subtitle D management fees.

3 (a) There is created within the State treasury a special
4 fund to be known as the "Subtitle D Management Fund"
5 constituted from the fees collected by the State under this
6 Section.

7 ~~On-and-after--January--17--1994,~~ The Agency shall
8 assess and collect a fee in the amount set forth in this
9 subsection from the owner or operator of each sanitary
10 landfill permitted or required to be permitted by the Agency
11 to dispose of solid waste if the sanitary landfill is located
12 off the site where the waste was produced and if the sanitary
13 landfill is owned, controlled, and operated by a person other
14 than the generator of the waste. The Agency shall deposit
15 all fees collected under this subsection into the Subtitle D
16 Management Fund. If a site is contiguous to one or more
17 landfills owned or operated by the same person, the volumes
18 permanently disposed of by each landfill shall be combined
19 for purposes of determining the fee under this subsection.

20 (1) If more than 150,000 cubic yards of
21 non-hazardous solid waste is permanently disposed of at a
22 site in a calendar year, the owner or operator shall
23 either pay a fee of 10.1 cents ~~5-5-cents~~ per cubic yard
24 or, alternatively, the owner or operator may weigh the
25 quantity of the solid waste permanently disposed of with
26 a device for which certification has been obtained under
27 the Weights and Measures Act and pay a fee of 22 cents ~~12~~
28 ~~cents~~ per ton of waste permanently disposed of.

29 (2) If more than 100,000 cubic yards, but not more
30 than 150,000 cubic yards, of non-hazardous waste is
31 permanently disposed of at a site in a calendar year, the
32 owner or operator shall pay a fee of \$7,020 ~~\$3,825~~.

33 (3) If more than 50,000 cubic yards, but not more
34 than 100,000 cubic yards, of non-hazardous solid waste is

1 permanently disposed of at a site in a calendar year, the
2 owner or operator shall pay a fee of \$3,120 ~~\$1,700~~.

3 (4) If more than 10,000 cubic yards, but not more
4 than 50,000 cubic yards, of non-hazardous solid waste is
5 permanently disposed of at a site in a calendar year, the
6 owner or operator shall pay a fee of \$975 ~~\$530~~.

7 (5) If not more than 10,000 cubic yards of
8 non-hazardous solid waste is permanently disposed of at a
9 site in a calendar year, the owner or operator shall pay
10 a fee of \$210 ~~\$110~~.

11 (c) The fee under subsection (b) shall not apply to any
12 of the following:

13 (1) Hazardous waste.

14 (2) Pollution control waste.

15 (3) Waste from recycling, reclamation, or reuse
16 processes that have been approved by the Agency as being
17 designed to remove any contaminant from wastes so as to
18 render the wastes reusable, provided that the process
19 renders at least 50% of the waste reusable.

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.

23 (5) Any landfill that is permitted by the Agency to
24 receive only demolition or construction debris or
25 landscape waste.

26 (d) The Agency shall establish rules relating to the
27 collection of the fees authorized by this Section. These
28 rules shall include, but not be limited to the following:

29 (1) Necessary records identifying the quantities of
30 solid waste received or disposed.

31 (2) The form and submission of reports to accompany
32 the payment of fees to the Agency.

33 (3) The time and manner of payment of fees to the
34 Agency, which payments shall not be more often than

1 quarterly.

2 (4) Procedures setting forth criteria establishing
3 when an owner or operator may measure by weight or volume
4 during any given quarter or other fee payment period.

5 (e) Fees collected under this Section shall be in
6 addition to any other fees collected under any other Section.

7 (f) The Agency shall not refund any fee paid to it under
8 this Section.

9 (g) Pursuant to appropriation, all moneys in the
10 Subtitle D Management Fund shall be used by the Agency to
11 administer the United States Environmental Protection
12 Agency's Subtitle D Program provided in Sections 4004 and
13 4010 of the Resource Conservation and Recovery Act of 1976
14 (P.L. 94-580) as it relates to a municipal solid waste
15 landfill program in Illinois and to fund a delegation of
16 inspecting, investigating, and enforcement functions, within
17 the municipality only, pursuant to subsection (r) of Section
18 4 of this Act to a municipality having a population of more
19 than 1,000,000 inhabitants. The Agency shall execute a
20 delegation agreement pursuant to subsection (r) of Section 4
21 of this Act with a municipality having a population of more
22 than 1,000,000 inhabitants within 90 days of September 13,
23 1993 and shall on an annual basis distribute from the
24 Subtitle D Management Fund to that municipality no less than
25 \$150,000.

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

27 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

28 Sec. 39.5. Clean Air Act Permit Program.

29 1. Definitions.

30 For purposes of this Section:

31 "Administrative permit amendment" means a permit revision
32 subject to subsection 13 of this Section.

33 "Affected source for acid deposition" means a source that

1 includes one or more affected units under Title IV of the
2 Clean Air Act.

3 "Affected States" for purposes of formal distribution of
4 a draft CAAPP permit to other States for comments prior to
5 issuance, means all States:

6 (1) Whose air quality may be affected by the source
7 covered by the draft permit and that are contiguous to
8 Illinois; or

9 (2) That are within 50 miles of the source.

10 "Affected unit for acid deposition" shall have the
11 meaning given to the term "affected unit" in the regulations
12 promulgated under Title IV of the Clean Air Act.

13 "Applicable Clean Air Act requirement" means all of the
14 following as they apply to emissions units in a source
15 (including regulations that have been promulgated or approved
16 by USEPA pursuant to the Clean Air Act which directly impose
17 requirements upon a source and other such federal
18 requirements which have been adopted by the Board. These may
19 include requirements and regulations which have future
20 effective compliance dates. Requirements and regulations
21 will be exempt if USEPA determines that such requirements
22 need not be contained in a Title V permit):

23 (1) Any standard or other requirement provided for
24 in the applicable state implementation plan approved or
25 promulgated by USEPA under Title I of the Clean Air Act
26 that implement the relevant requirements of the Clean Air
27 Act, including any revisions to the state Implementation
28 Plan promulgated in 40 CFR Part 52, Subparts A and O and
29 other subparts applicable to Illinois. For purposes of
30 this subsection (1) of this definition, "any standard or
31 other requirement" shall mean only such standards or
32 requirements directly enforceable against an individual
33 source under the Clean Air Act.

34 (2)(i) Any term or condition of any preconstruction

1 permits issued pursuant to regulations approved or
2 promulgated by USEPA under Title I of the Clean Air
3 Act, including Part C or D of the Clean Air Act.

4 (ii) Any term or condition as required
5 pursuant to Section 39.5 of any federally
6 enforceable State operating permit issued pursuant
7 to regulations approved or promulgated by USEPA
8 under Title I of the Clean Air Act, including Part C
9 or D of the Clean Air Act.

10 (3) Any standard or other requirement under Section
11 111 of the Clean Air Act, including Section 111(d).

12 (4) Any standard or other requirement under Section
13 112 of the Clean Air Act, including any requirement
14 concerning accident prevention under Section 112(r)(7) of
15 the Clean Air Act.

16 (5) Any standard or other requirement of the acid
17 rain program under Title IV of the Clean Air Act or the
18 regulations promulgated thereunder.

19 (6) Any requirements established pursuant to
20 Section 504(b) or Section 114(a)(3) of the Clean Air Act.

21 (7) Any standard or other requirement governing
22 solid waste incineration, under Section 129 of the Clean
23 Air Act.

24 (8) Any standard or other requirement for consumer
25 and commercial products, under Section 183(e) of the
26 Clean Air Act.

27 (9) Any standard or other requirement for tank
28 vessels, under Section 183(f) of the Clean Air Act.

29 (10) Any standard or other requirement of the
30 program to control air pollution from Outer Continental
31 Shelf sources, under Section 328 of the Clean Air Act.

32 (11) Any standard or other requirement of the
33 regulations promulgated to protect stratospheric ozone
34 under Title VI of the Clean Air Act, unless USEPA has

1 determined that such requirements need not be contained
2 in a Title V permit.

3 (12) Any national ambient air quality standard or
4 increment or visibility requirement under Part C of Title
5 I of the Clean Air Act, but only as it would apply to
6 temporary sources permitted pursuant to Section 504(e) of
7 the Clean Air Act.

8 "Applicable requirement" means all applicable Clean Air
9 Act requirements and any other standard, limitation, or other
10 requirement contained in this Act or regulations promulgated
11 under this Act as applicable to sources of air contaminants
12 (including requirements that have future effective compliance
13 dates).

14 "CAAPP" means the Clean Air Act Permit Program, developed
15 pursuant to Title V of the Clean Air Act.

16 "CAAPP application" means an application for a CAAPP
17 permit.

18 "CAAPP Permit" or "permit" (unless the context suggests
19 otherwise) means any permit issued, renewed, amended,
20 modified or revised pursuant to Title V of the Clean Air Act.

21 "CAAPP source" means any source for which the owner or
22 operator is required to obtain a CAAPP permit pursuant to
23 subsection 2 of this Section.

24 "Clean Air Act" means the Clean Air Act, as now and
25 hereafter amended, 42 U.S.C. 7401, et seq.

26 "Designated representative" shall have the meaning given
27 to it in Section 402(26) of the Clean Air Act and the
28 regulations promulgated thereunder which states that the term
29 'designated representative' shall mean a responsible person
30 or official authorized by the owner or operator of a unit to
31 represent the owner or operator in all matters pertaining to
32 the holding, transfer, or disposition of allowances allocated
33 to a unit, and the submission of and compliance with permits,
34 permit applications, and compliance plans for the unit.

1 "Draft CAAPP permit" means the version of a CAAPP permit
2 for which public notice and an opportunity for public comment
3 and hearing is offered by the Agency.

4 "Effective date of the CAAPP" means the date that USEPA
5 approves Illinois' CAAPP.

6 "Emission unit" means any part or activity of a
7 stationary source that emits or has the potential to emit any
8 air pollutant. This term is not meant to alter or affect the
9 definition of the term "unit" for purposes of Title IV of the
10 Clean Air Act.

11 "Federally enforceable" means enforceable by USEPA.

12 "Final permit action" means the Agency's granting with
13 conditions, refusal to grant, renewal of, or revision of a
14 CAAPP permit, the Agency's determination of incompleteness of
15 a submitted CAAPP application, or the Agency's failure to act
16 on an application for a permit, permit renewal, or permit
17 revision within the time specified in paragraph 5(j),
18 subsection 13, or subsection 14 of this Section.

19 "General permit" means a permit issued to cover numerous
20 similar sources in accordance with subsection 11 of this
21 Section.

22 "Major source" means a source for which emissions of one
23 or more air pollutants meet the criteria for major status
24 pursuant to paragraph 2(c) of this Section.

25 "Maximum achievable control technology" or "MACT" means
26 the maximum degree of reductions in emissions deemed
27 achievable under Section 112 of the Clean Air Act.

28 "Owner or operator" means any person who owns, leases,
29 operates, controls, or supervises a stationary source.

30 "Permit modification" means a revision to a CAAPP permit
31 that cannot be accomplished under the provisions for
32 administrative permit amendments under subsection 13 of this
33 Section.

34 "Permit revision" means a permit modification or

1 administrative permit amendment.

2 "Phase II" means the period of the national acid rain
3 program, established under Title IV of the Clean Air Act,
4 beginning January 1, 2000, and continuing thereafter.

5 "Phase II acid rain permit" means the portion of a CAAPP
6 permit issued, renewed, modified, or revised by the Agency
7 during Phase II for an affected source for acid deposition.

8 "Potential to emit" means the maximum capacity of a
9 stationary source to emit any air pollutant under its
10 physical and operational design. Any physical or operational
11 limitation on the capacity of a source to emit an air
12 pollutant, including air pollution control equipment and
13 restrictions on hours of operation or on the type or amount
14 of material combusted, stored, or processed, shall be treated
15 as part of its design if the limitation is enforceable by
16 USEPA. This definition does not alter or affect the use of
17 this term for any other purposes under the Clean Air Act, or
18 the term "capacity factor" as used in Title IV of the Clean
19 Air Act or the regulations promulgated thereunder.

20 "Preconstruction Permit" or "Construction Permit" means a
21 permit which is to be obtained prior to commencing or
22 beginning actual construction or modification of a source or
23 emissions unit.

24 "Proposed CAAPP permit" means the version of a CAAPP
25 permit that the Agency proposes to issue and forwards to
26 USEPA for review in compliance with applicable requirements
27 of the Act and regulations promulgated thereunder.

28 "Regulated air pollutant" means the following:

29 (1) Nitrogen oxides (NOx) or any volatile organic
30 compound.

31 (2) Any pollutant for which a national ambient air
32 quality standard has been promulgated.

33 (3) Any pollutant that is subject to any standard
34 promulgated under Section 111 of the Clean Air Act.

1 (4) Any Class I or II substance subject to a
2 standard promulgated under or established by Title VI of
3 the Clean Air Act.

4 (5) Any pollutant subject to a standard promulgated
5 under Section 112 or other requirements established under
6 Section 112 of the Clean Air Act, including Sections
7 112(g), (j) and (r).

8 (i) Any pollutant subject to requirements
9 under Section 112(j) of the Clean Air Act. Any
10 pollutant listed under Section 112(b) for which the
11 subject source would be major shall be considered to
12 be regulated 18 months after the date on which USEPA
13 was required to promulgate an applicable standard
14 pursuant to Section 112(e) of the Clean Air Act, if
15 USEPA fails to promulgate such standard.

16 (ii) Any pollutant for which the requirements
17 of Section 112(g)(2) of the Clean Air Act have been
18 met, but only with respect to the individual source
19 subject to Section 112(g)(2) requirement.

20 "Renewal" means the process by which a permit is reissued
21 at the end of its term.

22 "Responsible official" means one of the following:

23 (1) For a corporation: a president, secretary,
24 treasurer, or vice-president of the corporation in charge
25 of a principal business function, or any other person who
26 performs similar policy or decision-making functions for
27 the corporation, or a duly authorized representative of
28 such person if the representative is responsible for the
29 overall operation of one or more manufacturing,
30 production, or operating facilities applying for or
31 subject to a permit and either (i) the facilities employ
32 more than 250 persons or have gross annual sales or
33 expenditures exceeding \$25 million (in second quarter
34 1980 dollars), or (ii) the delegation of authority to

1 such representative is approved in advance by the Agency.

2 (2) For a partnership or sole proprietorship: a
3 general partner or the proprietor, respectively, or in
4 the case of a partnership in which all of the partners
5 are corporations, a duly authorized representative of the
6 partnership if the representative is responsible for the
7 overall operation of one or more manufacturing,
8 production, or operating facilities applying for or
9 subject to a permit and either (i) the facilities employ
10 more than 250 persons or have gross annual sales or
11 expenditures exceeding \$25 million (in second quarter
12 1980 dollars), or (ii) the delegation of authority to
13 such representative is approved in advance by the Agency.

14 (3) For a municipality, State, Federal, or other
15 public agency: either a principal executive officer or
16 ranking elected official. For the purposes of this part,
17 a principal executive officer of a Federal agency
18 includes the chief executive officer having
19 responsibility for the overall operations of a principal
20 geographic unit of the agency (e.g., a Regional
21 Administrator of USEPA).

22 (4) For affected sources for acid deposition:

23 (i) The designated representative shall be the
24 "responsible official" in so far as actions,
25 standards, requirements, or prohibitions under Title
26 IV of the Clean Air Act or the regulations
27 promulgated thereunder are concerned.

28 (ii) The designated representative may also be
29 the "responsible official" for any other purposes
30 with respect to air pollution control.

31 "Section 502(b)(10) changes" means changes that
32 contravene express permit terms. "Section 502(b)(10) changes"
33 do not include changes that would violate applicable
34 requirements or contravene federally enforceable permit terms

1 or conditions that are monitoring (including test methods),
2 recordkeeping, reporting, or compliance certification
3 requirements.

4 "Solid waste incineration unit" means a distinct
5 operating unit of any facility which combusts any solid waste
6 material from commercial or industrial establishments or the
7 general public (including single and multiple residences,
8 hotels, and motels). The term does not include incinerators
9 or other units required to have a permit under Section 3005
10 of the Solid Waste Disposal Act. The term also does not
11 include (A) materials recovery facilities (including primary
12 or secondary smelters) which combust waste for the primary
13 purpose of recovering metals, (B) qualifying small power
14 production facilities, as defined in Section 3(17)(C) of the
15 Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying
16 cogeneration facilities, as defined in Section 3(18)(B) of
17 the Federal Power Act (16 U.S.C. 796(18)(B)), which burn
18 homogeneous waste (such as units which burn tires or used
19 oil, but not including refuse-derived fuel) for the
20 production of electric energy or in the case of qualifying
21 cogeneration facilities which burn homogeneous waste for the
22 production of electric energy and steam or forms of useful
23 energy (such as heat) which are used for industrial,
24 commercial, heating or cooling purposes, or (C) air curtain
25 incinerators provided that such incinerators only burn wood
26 wastes, yard waste and clean lumber and that such air curtain
27 incinerators comply with opacity limitations to be
28 established by the USEPA by rule.

29 "Source" means any stationary source (or any group of
30 stationary sources) that are located on one or more
31 contiguous or adjacent properties that are under common
32 control of the same person (or persons under common control)
33 and that belongs to a single major industrial grouping. For
34 the purposes of defining "source," a stationary source or

1 group of stationary sources shall be considered part of a
2 single major industrial grouping if all of the pollutant
3 emitting activities at such source or group of sources
4 located on contiguous or adjacent properties and under common
5 control belong to the same Major Group (i.e., all have the
6 same two-digit code) as described in the Standard Industrial
7 Classification Manual, 1987, or such pollutant emitting
8 activities at a stationary source (or group of stationary
9 sources) located on contiguous or adjacent properties and
10 under common control constitute a support facility. The
11 determination as to whether any group of stationary sources
12 are located on contiguous or adjacent properties, and/or are
13 under common control, and/or whether the pollutant emitting
14 activities at such group of stationary sources constitute a
15 support facility shall be made on a case by case basis.

16 "Stationary source" means any building, structure,
17 facility, or installation that emits or may emit any
18 regulated air pollutant or any pollutant listed under Section
19 112(b) of the Clean Air Act.

20 "Support facility" means any stationary source (or group
21 of stationary sources) that conveys, stores, or otherwise
22 assists to a significant extent in the production of a
23 principal product at another stationary source (or group of
24 stationary sources). A support facility shall be considered
25 to be part of the same source as the stationary source (or
26 group of stationary sources) that it supports regardless of
27 the 2-digit Standard Industrial Classification code for the
28 support facility.

29 "USEPA" means the Administrator of the United States
30 Environmental Protection Agency (USEPA) or a person
31 designated by the Administrator.

32 1.1. Exclusion From the CAAPP.

33 a. An owner or operator of a source which
34 determines that the source could be excluded from the

1 CAAPP may seek such exclusion prior to the date that the
2 CAAPP application for the source is due but in no case
3 later than 9 months after the effective date of the CAAPP
4 through the imposition of federally enforceable
5 conditions limiting the "potential to emit" of the source
6 to a level below the major source threshold for that
7 source as described in paragraph 2(c) of this Section,
8 within a State operating permit issued pursuant to
9 Section 39(a) of this Act. After such date, an exclusion
10 from the CAAPP may be sought under paragraph 3(c) of this
11 Section.

12 b. An owner or operator of a source seeking
13 exclusion from the CAAPP pursuant to paragraph (a) of
14 this subsection must submit a permit application
15 consistent with the existing State permit program which
16 specifically requests such exclusion through the
17 imposition of such federally enforceable conditions.

18 c. Upon such request, if the Agency determines that
19 the owner or operator of a source has met the
20 requirements for exclusion pursuant to paragraph (a) of
21 this subsection and other applicable requirements for
22 permit issuance under Section 39(a) of this Act, the
23 Agency shall issue a State operating permit for such
24 source under Section 39(a) of this Act, as amended, and
25 regulations promulgated thereunder with federally
26 enforceable conditions limiting the "potential to emit"
27 of the source to a level below the major source threshold
28 for that source as described in paragraph 2(c) of this
29 Section.

30 d. The Agency shall provide an owner or operator of
31 a source which may be excluded from the CAAPP pursuant to
32 this subsection with reasonable notice that the owner or
33 operator may seek such exclusion.

34 e. The Agency shall provide such sources with the

1 necessary permit application forms.

2 2. Applicability.

3 a. Sources subject to this Section shall include:

4 i. Any major source as defined in paragraph
5 (c) of this subsection.

6 ii. Any source subject to a standard or other
7 requirements promulgated under Section 111 (New
8 Source Performance Standards) or Section 112
9 (Hazardous Air Pollutants) of the Clean Air Act,
10 except that a source is not required to obtain a
11 permit solely because it is subject to regulations
12 or requirements under Section 112(r) of the Clean
13 Air Act.

14 iii. Any affected source for acid deposition,
15 as defined in subsection 1 of this Section.

16 iv. Any other source subject to this Section
17 under the Clean Air Act or regulations promulgated
18 thereunder, or applicable Board regulations.

19 b. Sources exempted from this Section shall
20 include:

21 i. All sources listed in paragraph (a) of this
22 subsection which are not major sources, affected
23 sources for acid deposition or solid waste
24 incineration units required to obtain a permit
25 pursuant to Section 129(e) of the Clean Air Act,
26 until the source is required to obtain a CAAPP
27 permit pursuant to the Clean Air Act or regulations
28 promulgated thereunder.

29 ii. Nonmajor sources subject to a standard or
30 other requirements subsequently promulgated by USEPA
31 under Section 111 or 112 of the Clean Air Act which
32 are determined by USEPA to be exempt at the time a
33 new standard is promulgated.

34 iii. All sources and source categories that

1 would be required to obtain a permit solely because
2 they are subject to Part 60, Subpart AAA - Standards
3 of Performance for New Residential Wood Heaters (40
4 CFR Part 60).

5 iv. All sources and source categories that
6 would be required to obtain a permit solely because
7 they are subject to Part 61, Subpart M - National
8 Emission Standard for Hazardous Air Pollutants for
9 Asbestos, Section 61.145 (40 CFR Part 61).

10 v. Any other source categories exempted by
11 USEPA regulations pursuant to Section 502(a) of the
12 Clean Air Act.

13 c. For purposes of this Section the term "major
14 source" means any source that is:

15 i. A major source under Section 112 of the
16 Clean Air Act, which is defined as:

17 A. For pollutants other than
18 radionuclides, any stationary source or group
19 of stationary sources located within a
20 contiguous area and under common control that
21 emits or has the potential to emit, in the
22 aggregate, 10 tons per year (tpy) or more of
23 any hazardous air pollutant which has been
24 listed pursuant to Section 112(b) of the Clean
25 Air Act, 25 tpy or more of any combination of
26 such hazardous air pollutants, or such lesser
27 quantity as USEPA may establish by rule.
28 Notwithstanding the preceding sentence,
29 emissions from any oil or gas exploration or
30 production well (with its associated equipment)
31 and emissions from any pipeline compressor or
32 pump station shall not be aggregated with
33 emissions from other similar units, whether or
34 not such units are in a contiguous area or

1 under common control, to determine whether such
2 stations are major sources.

3 B. For radionuclides, "major source"
4 shall have the meaning specified by the USEPA
5 by rule.

6 ii. A major stationary source of air
7 pollutants, as defined in Section 302 of the Clean
8 Air Act, that directly emits or has the potential to
9 emit, 100 tpy or more of any air pollutant
10 (including any major source of fugitive emissions of
11 any such pollutant, as determined by rule by USEPA).
12 For purposes of this subsection, "fugitive
13 emissions" means those emissions which could not
14 reasonably pass through a stack, chimney, vent, or
15 other functionally-equivalent opening. The fugitive
16 emissions of a stationary source shall not be
17 considered in determining whether it is a major
18 stationary source for the purposes of Section 302(j)
19 of the Clean Air Act, unless the source belongs to
20 one of the following categories of stationary
21 source:

22 A. Coal cleaning plants (with thermal
23 dryers).

24 B. Kraft pulp mills.

25 C. Portland cement plants.

26 D. Primary zinc smelters.

27 E. Iron and steel mills.

28 F. Primary aluminum ore reduction plants.

29 G. Primary copper smelters.

30 H. Municipal incinerators capable of
31 charging more than 250 tons of refuse per day.

32 I. Hydrofluoric, sulfuric, or nitric acid
33 plants.

34 J. Petroleum refineries.

- 1 K. Lime plants.
- 2 L. Phosphate rock processing plants.
- 3 M. Coke oven batteries.
- 4 N. Sulfur recovery plants.
- 5 O. Carbon black plants (furnace process).
- 6 P. Primary lead smelters.
- 7 Q. Fuel conversion plants.
- 8 R. Sintering plants.
- 9 S. Secondary metal production plants.
- 10 T. Chemical process plants.
- 11 U. Fossil-fuel boilers (or combination
- 12 thereof) totaling more than 250 million British
- 13 thermal units per hour heat input.
- 14 V. Petroleum storage and transfer units
- 15 with a total storage capacity exceeding 300,000
- 16 barrels.
- 17 W. Taconite ore processing plants.
- 18 X. Glass fiber processing plants.
- 19 Y. Charcoal production plants.
- 20 Z. Fossil fuel-fired steam electric
- 21 plants of more than 250 million British thermal
- 22 units per hour heat input.
- 23 AA. All other stationary source
- 24 categories regulated by a standard promulgated
- 25 under Section 111 or 112 of the Clean Air Act,
- 26 but only with respect to those air pollutants
- 27 that have been regulated for that category.
- 28 BB. Any other stationary source category
- 29 designated by USEPA by rule.
- 30 iii. A major stationary source as defined in
- 31 part D of Title I of the Clean Air Act including:
- 32 A. For ozone nonattainment areas, sources
- 33 with the potential to emit 100 tons or more per
- 34 year of volatile organic compounds or oxides of

1 nitrogen in areas classified as "marginal" or
2 "moderate", 50 tons or more per year in areas
3 classified as "serious", 25 tons or more per
4 year in areas classified as "severe", and 10
5 tons or more per year in areas classified as
6 "extreme"; except that the references in this
7 clause to 100, 50, 25, and 10 tons per year of
8 nitrogen oxides shall not apply with respect to
9 any source for which USEPA has made a finding,
10 under Section 182(f)(1) or (2) of the Clean Air
11 Act, that requirements otherwise applicable to
12 such source under Section 182(f) of the Clean
13 Air Act do not apply. Such sources shall
14 remain subject to the major source criteria of
15 paragraph 2(c)(ii) of this subsection.

16 B. For ozone transport regions
17 established pursuant to Section 184 of the
18 Clean Air Act, sources with the potential to
19 emit 50 tons or more per year of volatile
20 organic compounds (VOCs).

21 C. For carbon monoxide nonattainment
22 areas (1) that are classified as "serious", and
23 (2) in which stationary sources contribute
24 significantly to carbon monoxide levels as
25 determined under rules issued by USEPA, sources
26 with the potential to emit 50 tons or more per
27 year of carbon monoxide.

28 D. For particulate matter (PM-10)
29 nonattainment areas classified as "serious",
30 sources with the potential to emit 70 tons or
31 more per year of PM-10.

32 3. Agency Authority To Issue CAAPP Permits and Federally
33 Enforceable State Operating Permits.

34 a. The Agency shall issue CAAPP permits under this

1 Section consistent with the Clean Air Act and regulations
2 promulgated thereunder and this Act and regulations
3 promulgated thereunder.

4 b. The Agency shall issue CAAPP permits for fixed
5 terms of 5 years, except CAAPP permits issued for solid
6 waste incineration units combusting municipal waste which
7 shall be issued for fixed terms of 12 years and except
8 CAAPP permits for affected sources for acid deposition
9 which shall be issued for initial terms to expire on
10 December 31, 1999, and for fixed terms of 5 years
11 thereafter.

12 c. The Agency shall have the authority to issue a
13 State operating permit for a source under Section 39(a)
14 of this Act, as amended, and regulations promulgated
15 thereunder, which includes federally enforceable
16 conditions limiting the "potential to emit" of the source
17 to a level below the major source threshold for that
18 source as described in paragraph 2(c) of this Section,
19 thereby excluding the source from the CAAPP, when
20 requested by the applicant pursuant to paragraph 5(u) of
21 this Section. The public notice requirements of this
22 Section applicable to CAAPP permits shall also apply to
23 the initial issuance of permits under this paragraph.

24 d. For purposes of this Act, a permit issued by
25 USEPA under Section 505 of the Clean Air Act, as now and
26 hereafter amended, shall be deemed to be a permit issued
27 by the Agency pursuant to Section 39.5 of this Act.

28 4. Transition.

29 a. An owner or operator of a CAAPP source shall not
30 be required to renew an existing State operating permit
31 for any emission unit at such CAAPP source once a CAAPP
32 application timely submitted prior to expiration of the
33 State operating permit has been deemed complete. For
34 purposes other than permit renewal, the obligation upon

1 the owner or operator of a CAAPP source to obtain a State
2 operating permit is not removed upon submittal of the
3 complete CAAPP permit application. An owner or operator
4 of a CAAPP source seeking to make a modification to a
5 source prior to the issuance of its CAAPP permit shall be
6 required to obtain a construction and/or operating permit
7 as required for such modification in accordance with the
8 State permit program under Section 39(a) of this Act, as
9 amended, and regulations promulgated thereunder. The
10 application for such construction and/or operating permit
11 shall be considered an amendment to the CAAPP application
12 submitted for such source.

13 b. An owner or operator of a CAAPP source shall
14 continue to operate in accordance with the terms and
15 conditions of its applicable State operating permit
16 notwithstanding the expiration of the State operating
17 permit until the source's CAAPP permit has been issued.

18 c. An owner or operator of a CAAPP source shall
19 submit its initial CAAPP application to the Agency no
20 later than 12 months after the effective date of the
21 CAAPP. The Agency may request submittal of initial CAAPP
22 applications during this 12 month period according to a
23 schedule set forth within Agency procedures, however, in
24 no event shall the Agency require such submittal earlier
25 than 3 months after such effective date of the CAAPP. An
26 owner or operator may voluntarily submit its initial
27 CAAPP application prior to the date required within this
28 paragraph or applicable procedures, if any, subsequent to
29 the date the Agency submits the CAAPP to USEPA for
30 approval.

31 d. The Agency shall act on initial CAAPP
32 applications in accordance with subsection 5(j) of this
33 Section.

34 e. For purposes of this Section, the term "initial

1 CAAPP application" shall mean the first CAAPP application
2 submitted for a source existing as of the effective date
3 of the CAAPP.

4 f. The Agency shall provide owners or operators of
5 CAAPP sources with at least three months advance notice
6 of the date on which their applications are required to
7 be submitted. In determining which sources shall be
8 subject to early submittal, the Agency shall include
9 among its considerations the complexity of the permit
10 application, and the burden that such early submittal
11 will have on the source.

12 g. The CAAPP permit shall upon becoming effective
13 supersede the State operating permit.

14 h. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary, to implement this subsection.

18 5. Applications and Completeness.

19 a. An owner or operator of a CAAPP source shall
20 submit its complete CAAPP application consistent with the
21 Act and applicable regulations.

22 b. An owner or operator of a CAAPP source shall
23 submit a single complete CAAPP application covering all
24 emission units at that source.

25 c. To be deemed complete, a CAAPP application must
26 provide all information, as requested in Agency
27 application forms, sufficient to evaluate the subject
28 source and its application and to determine all
29 applicable requirements, pursuant to the Clean Air Act,
30 and regulations thereunder, this Act and regulations
31 thereunder. Such Agency application forms shall be
32 finalized and made available prior to the date on which
33 any CAAPP application is required.

34 d. An owner or operator of a CAAPP source shall

1 submit, as part of its complete CAAPP application, a
2 compliance plan, including a schedule of compliance,
3 describing how each emission unit will comply with all
4 applicable requirements. Any such schedule of compliance
5 shall be supplemental to, and shall not sanction
6 noncompliance with, the applicable requirements on which
7 it is based.

8 e. Each submitted CAAPP application shall be
9 certified for truth, accuracy, and completeness by a
10 responsible official in accordance with applicable
11 regulations.

12 f. The Agency shall provide notice to a CAAPP
13 applicant as to whether a submitted CAAPP application is
14 complete. Unless the Agency notifies the applicant of
15 incompleteness, within 60 days of receipt of the CAAPP
16 application, the application shall be deemed complete.
17 The Agency may request additional information as needed
18 to make the completeness determination. The Agency may
19 to the extent practicable provide the applicant with a
20 reasonable opportunity to correct deficiencies prior to a
21 final determination of completeness.

22 g. If after the determination of completeness the
23 Agency finds that additional information is necessary to
24 evaluate or take final action on the CAAPP application,
25 the Agency may request in writing such information from
26 the source with a reasonable deadline for response.

27 h. If the owner or operator of a CAAPP source
28 submits a timely and complete CAAPP application, the
29 source's failure to have a CAAPP permit shall not be a
30 violation of this Section until the Agency takes final
31 action on the submitted CAAPP application, provided,
32 however, where the applicant fails to submit the
33 requested information under paragraph 5(g) within the
34 time frame specified by the Agency, this protection shall

1 cease to apply.

2 i. Any applicant who fails to submit any relevant
3 facts necessary to evaluate the subject source and its
4 CAAPP application or who has submitted incorrect
5 information in a CAAPP application shall, upon becoming
6 aware of such failure or incorrect submittal, submit
7 supplementary facts or correct information to the Agency.
8 In addition, an applicant shall provide to the Agency
9 additional information as necessary to address any
10 requirements which become applicable to the source
11 subsequent to the date the applicant submitted its
12 complete CAAPP application but prior to release of the
13 draft CAAPP permit.

14 j. The Agency shall issue or deny the CAAPP permit
15 within 18 months after the date of receipt of the
16 complete CAAPP application, with the following
17 exceptions: (i) permits for affected sources for acid
18 deposition shall be issued or denied within 6 months
19 after receipt of a complete application in accordance
20 with subsection 17 of this Section; (ii) the Agency shall
21 act on initial CAAPP applications within 24 months after
22 the date of receipt of the complete CAAPP application;
23 (iii) the Agency shall act on complete applications
24 containing early reduction demonstrations under Section
25 112(i)(5) of the Clean Air Act within 9 months of receipt
26 of the complete CAAPP application.

27 Where the Agency does not take final action on the
28 permit within the required time period, the permit shall
29 not be deemed issued; rather, the failure to act shall be
30 treated as a final permit action for purposes of judicial
31 review pursuant to Sections 40.2 and 41 of this Act.

32 k. The submittal of a complete CAAPP application
33 shall not affect the requirement that any source have a
34 preconstruction permit under Title I of the Clean Air

1 Act.

2 1. Unless a timely and complete renewal application
3 has been submitted consistent with this subsection, a
4 CAAPP source operating upon the expiration of its CAAPP
5 permit shall be deemed to be operating without a CAAPP
6 permit. Such operation is prohibited under this Act.

7 m. Permits being renewed shall be subject to the
8 same procedural requirements, including those for public
9 participation and federal review and objection, that
10 apply to original permit issuance.

11 n. For purposes of permit renewal, a timely
12 application is one that is submitted no less than 9
13 months prior to the date of permit expiration.

14 o. The terms and conditions of a CAAPP permit shall
15 remain in effect until the issuance of a CAAPP renewal
16 permit provided a timely and complete CAAPP application
17 has been submitted.

18 p. The owner or operator of a CAAPP source seeking
19 a permit shield pursuant to paragraph 7(j) of this
20 Section shall request such permit shield in the CAAPP
21 application regarding that source.

22 q. The Agency shall make available to the public
23 all documents submitted by the applicant to the Agency,
24 including each CAAPP application, compliance plan
25 (including the schedule of compliance), and emissions or
26 compliance monitoring report, with the exception of
27 information entitled to confidential treatment pursuant
28 to Section 7 of this Act.

29 r. The Agency shall use the standardized forms
30 required under Title IV of the Clean Air Act and
31 regulations promulgated thereunder for affected sources
32 for acid deposition.

33 s. An owner or operator of a CAAPP source may
34 include within its CAAPP application a request for

1 permission to operate during a startup, malfunction, or
2 breakdown consistent with applicable Board regulations.

3 t. An owner or operator of a CAAPP source, in order
4 to utilize the operational flexibility provided under
5 paragraph 7(1) of this Section, must request such use and
6 provide the necessary information within its CAAPP
7 application.

8 u. An owner or operator of a CAAPP source which
9 seeks exclusion from the CAAPP through the imposition of
10 federally enforceable conditions, pursuant to paragraph
11 3(c) of this Section, must request such exclusion within
12 a CAAPP application submitted consistent with this
13 subsection on or after the date that the CAAPP
14 application for the source is due. Prior to such date,
15 but in no case later than 9 months after the effective
16 date of the CAAPP, such owner or operator may request the
17 imposition of federally enforceable conditions pursuant
18 to paragraph 1.1(b) of this Section.

19 v. CAAPP applications shall contain accurate
20 information on allowable emissions to implement the fee
21 provisions of subsection 18 of this Section.

22 w. An owner or operator of a CAAPP source shall
23 submit within its CAAPP application emissions information
24 regarding all regulated air pollutants emitted at that
25 source consistent with applicable Agency procedures.
26 Emissions information regarding insignificant activities
27 or emission levels, as determined by the Agency pursuant
28 to Board regulations, may be submitted as a list within
29 the CAAPP application. The Agency shall propose
30 regulations to the Board defining insignificant
31 activities or emission levels, consistent with federal
32 regulations, if any, no later than 18 months after the
33 effective date of this amendatory Act of 1992, consistent
34 with Section 112(n)(1) of the Clean Air Act. The Board

1 shall adopt final regulations defining insignificant
2 activities or emission levels no later than 9 months
3 after the date of the Agency's proposal.

4 x. The owner or operator of a new CAAPP source
5 shall submit its complete CAAPP application consistent
6 with this subsection within 12 months after commencing
7 operation of such source. The owner or operator of an
8 existing source that has been excluded from the
9 provisions of this Section under subsection 1.1 or
10 subsection 3(c) of this Section and that becomes subject
11 to the CAAPP solely due to a change in operation at the
12 source shall submit its complete CAAPP application
13 consistent with this subsection at least 180 days before
14 commencing operation in accordance with the change in
15 operation.

16 y. The Agency shall have the authority to adopt
17 procedural rules, in accordance with the Illinois
18 Administrative Procedure Act, as the Agency deems
19 necessary to implement this subsection.

20 6. Prohibitions.

21 a. It shall be unlawful for any person to violate
22 any terms or conditions of a permit issued under this
23 Section, to operate any CAAPP source except in compliance
24 with a permit issued by the Agency under this Section or
25 to violate any other applicable requirements. All terms
26 and conditions of a permit issued under this Section are
27 enforceable by USEPA and citizens under the Clean Air
28 Act, except those, if any, that are specifically
29 designated as not being federally enforceable in the
30 permit pursuant to paragraph 7(m) of this Section.

31 b. After the applicable CAAPP permit or renewal
32 application submittal date, as specified in subsection 5
33 of this Section, no person shall operate a CAAPP source
34 without a CAAPP permit unless the complete CAAPP permit

1 or renewal application for such source has been timely
2 submitted to the Agency.

3 c. No owner or operator of a CAAPP source shall
4 cause or threaten or allow the continued operation of an
5 emission source during malfunction or breakdown of the
6 emission source or related air pollution control
7 equipment if such operation would cause a violation of
8 the standards or limitations applicable to the source,
9 unless the CAAPP permit granted to the source provides
10 for such operation consistent with this Act and
11 applicable Board regulations.

12 7. Permit Content.

13 a. All CAAPP permits shall contain emission
14 limitations and standards and other enforceable terms and
15 conditions, including but not limited to operational
16 requirements, and schedules for achieving compliance at
17 the earliest reasonable date, which are or will be
18 required to accomplish the purposes and provisions of
19 this Act and to assure compliance with all applicable
20 requirements.

21 b. The Agency shall include among such conditions
22 applicable monitoring, reporting, record keeping and
23 compliance certification requirements, as authorized by
24 paragraphs d, e, and f of this subsection, that the
25 Agency deems necessary to assure compliance with the
26 Clean Air Act, the regulations promulgated thereunder,
27 this Act, and applicable Board regulations. When
28 monitoring, reporting, record keeping, and compliance
29 certification requirements are specified within the Clean
30 Air Act, regulations promulgated thereunder, this Act, or
31 applicable regulations, such requirements shall be
32 included within the CAAPP permit. The Board shall have
33 authority to promulgate additional regulations where
34 necessary to accomplish the purposes of the Clean Air

1 Act, this Act, and regulations promulgated thereunder.

2 c. The Agency shall assure, within such conditions,
3 the use of terms, test methods, units, averaging periods,
4 and other statistical conventions consistent with the
5 applicable emission limitations, standards, and other
6 requirements contained in the permit.

7 d. To meet the requirements of this subsection with
8 respect to monitoring, the permit shall:

9 i. Incorporate and identify all applicable
10 emissions monitoring and analysis procedures or test
11 methods required under the Clean Air Act,
12 regulations promulgated thereunder, this Act, and
13 applicable Board regulations, including any
14 procedures and methods promulgated by USEPA pursuant
15 to Section 504(b) or Section 114 (a)(3) of the Clean
16 Air Act.

17 ii. Where the applicable requirement does not
18 require periodic testing or instrumental or
19 noninstrumental monitoring (which may consist of
20 recordkeeping designed to serve as monitoring),
21 require periodic monitoring sufficient to yield
22 reliable data from the relevant time period that is
23 representative of the source's compliance with the
24 permit, as reported pursuant to paragraph (f) of
25 this subsection. The Agency may determine that
26 recordkeeping requirements are sufficient to meet
27 the requirements of this subparagraph.

28 iii. As necessary, specify requirements
29 concerning the use, maintenance, and when
30 appropriate, installation of monitoring equipment or
31 methods.

32 e. To meet the requirements of this subsection with
33 respect to record keeping, the permit shall incorporate
34 and identify all applicable recordkeeping requirements

1 and require, where applicable, the following:

2 i. Records of required monitoring information
3 that include the following:

4 A. The date, place and time of sampling
5 or measurements.

6 B. The date(s) analyses were performed.

7 C. The company or entity that performed
8 the analyses.

9 D. The analytical techniques or methods
10 used.

11 E. The results of such analyses.

12 F. The operating conditions as existing
13 at the time of sampling or measurement.

14 ii. Retention of records of all monitoring
15 data and support information for a period of at
16 least 5 years from the date of the monitoring
17 sample, measurement, report, or application.
18 Support information includes all calibration and
19 maintenance records, original strip-chart recordings
20 for continuous monitoring instrumentation, and
21 copies of all reports required by the permit.

22 f. To meet the requirements of this subsection with
23 respect to reporting, the permit shall incorporate and
24 identify all applicable reporting requirements and
25 require the following:

26 i. Submittal of reports of any required
27 monitoring every 6 months. More frequent submittals
28 may be requested by the Agency if such submittals
29 are necessary to assure compliance with this Act or
30 regulations promulgated by the Board thereunder.
31 All instances of deviations from permit requirements
32 must be clearly identified in such reports. All
33 required reports must be certified by a responsible
34 official consistent with subsection 5 of this

1 Section.

2 ii. Prompt reporting of deviations from permit
3 requirements, including those attributable to upset
4 conditions as defined in the permit, the probable
5 cause of such deviations, and any corrective actions
6 or preventive measures taken.

7 g. Each CAAPP permit issued under subsection 10 of
8 this Section shall include a condition prohibiting
9 emissions exceeding any allowances that the source
10 lawfully holds under Title IV of the Clean Air Act or the
11 regulations promulgated thereunder, consistent with
12 subsection 17 of this Section and applicable regulations,
13 if any.

14 h. All CAAPP permits shall state that, where
15 another applicable requirement of the Clean Air Act is
16 more stringent than any applicable requirement of
17 regulations promulgated under Title IV of the Clean Air
18 Act, both provisions shall be incorporated into the
19 permit and shall be State and federally enforceable.

20 i. Each CAAPP permit issued under subsection 10 of
21 this Section shall include a severability clause to
22 ensure the continued validity of the various permit
23 requirements in the event of a challenge to any portions
24 of the permit.

25 j. The following shall apply with respect to owners
26 or operators requesting a permit shield:

27 i. The Agency shall include in a CAAPP permit,
28 when requested by an applicant pursuant to paragraph
29 5(p) of this Section, a provision stating that
30 compliance with the conditions of the permit shall
31 be deemed compliance with applicable requirements
32 which are applicable as of the date of release of
33 the proposed permit, provided that:

34 A. The applicable requirement is

1 specifically identified within the permit; or

2 B. The Agency in acting on the CAAPP
3 application or revision determines in writing
4 that other requirements specifically identified
5 are not applicable to the source, and the
6 permit includes that determination or a concise
7 summary thereof.

8 ii. The permit shall identify the requirements
9 for which the source is shielded. The shield shall
10 not extend to applicable requirements which are
11 promulgated after the date of release of the
12 proposed permit unless the permit has been modified
13 to reflect such new requirements.

14 iii. A CAAPP permit which does not expressly
15 indicate the existence of a permit shield shall not
16 provide such a shield.

17 iv. Nothing in this paragraph or in a CAAPP
18 permit shall alter or affect the following:

19 A. The provisions of Section 303
20 (emergency powers) of the Clean Air Act,
21 including USEPA's authority under that section.

22 B. The liability of an owner or operator
23 of a source for any violation of applicable
24 requirements prior to or at the time of permit
25 issuance.

26 C. The applicable requirements of the
27 acid rain program consistent with Section
28 408(a) of the Clean Air Act.

29 D. The ability of USEPA to obtain
30 information from a source pursuant to Section
31 114 (inspections, monitoring, and entry) of the
32 Clean Air Act.

33 k. Each CAAPP permit shall include an emergency
34 provision providing an affirmative defense of emergency

1 to an action brought for noncompliance with
2 technology-based emission limitations under a CAAPP
3 permit if the following conditions are met through
4 properly signed, contemporaneous operating logs, or other
5 relevant evidence:

6 i. An emergency occurred and the permittee can
7 identify the cause(s) of the emergency.

8 ii. The permitted facility was at the time
9 being properly operated.

10 iii. The permittee submitted notice of the
11 emergency to the Agency within 2 working days of the
12 time when emission limitations were exceeded due to
13 the emergency. This notice must contain a detailed
14 description of the emergency, any steps taken to
15 mitigate emissions, and corrective actions taken.

16 iv. During the period of the emergency the
17 permittee took all reasonable steps to minimize
18 levels of emissions that exceeded the emission
19 limitations, standards, or requirements in the
20 permit.

21 For purposes of this subsection, "emergency" means
22 any situation arising from sudden and reasonably
23 unforeseeable events beyond the control of the source,
24 such as an act of God, that requires immediate corrective
25 action to restore normal operation, and that causes the
26 source to exceed a technology-based emission limitation
27 under the permit, due to unavoidable increases in
28 emissions attributable to the emergency. An emergency
29 shall not include noncompliance to the extent caused by
30 improperly designed equipment, lack of preventative
31 maintenance, careless or improper operation, or operation
32 error.

33 In any enforcement proceeding, the permittee
34 seeking to establish the occurrence of an emergency has

1 the burden of proof. This provision is in addition to
2 any emergency or upset provision contained in any
3 applicable requirement. This provision does not relieve
4 a permittee of any reporting obligations under existing
5 federal or state laws or regulations.

6 1. The Agency shall include in each permit issued
7 under subsection 10 of this Section:

8 i. Terms and conditions for reasonably
9 anticipated operating scenarios identified by the
10 source in its application. The permit terms and
11 conditions for each such operating scenario shall
12 meet all applicable requirements and the
13 requirements of this Section.

14 A. Under this subparagraph, the source
15 must record in a log at the permitted facility
16 a record of the scenario under which it is
17 operating contemporaneously with making a
18 change from one operating scenario to another.

19 B. The permit shield described in
20 paragraph 7(j) of this Section shall extend to
21 all terms and conditions under each such
22 operating scenario.

23 ii. Where requested by an applicant, all terms
24 and conditions allowing for trading of emissions
25 increases and decreases between different emission
26 units at the CAAPP source, to the extent that the
27 applicable requirements provide for trading of such
28 emissions increases and decreases without a
29 case-by-case approval of each emissions trade. Such
30 terms and conditions:

31 A. Shall include all terms required under
32 this subsection to determine compliance;

33 B. Must meet all applicable requirements;

34 C. Shall extend the permit shield

1 described in paragraph 7(j) of this Section to
2 all terms and conditions that allow such
3 increases and decreases in emissions.

4 m. The Agency shall specifically designate as not
5 being federally enforceable under the Clean Air Act any
6 terms and conditions included in the permit that are not
7 specifically required under the Clean Air Act or federal
8 regulations promulgated thereunder. Terms or conditions
9 so designated shall be subject to all applicable state
10 requirements, except the requirements of subsection 7
11 (other than this paragraph, paragraph q of subsection 7,
12 subsections 8 through 11, and subsections 13 through 16
13 of this Section. The Agency shall, however, include such
14 terms and conditions in the CAAPP permit issued to the
15 source.

16 n. Each CAAPP permit issued under subsection 10 of
17 this Section shall specify and reference the origin of
18 and authority for each term or condition, and identify
19 any difference in form as compared to the applicable
20 requirement upon which the term or condition is based.

21 o. Each CAAPP permit issued under subsection 10 of
22 this Section shall include provisions stating the
23 following:

24 i. Duty to comply. The permittee must comply
25 with all terms and conditions of the CAAPP permit.
26 Any permit noncompliance constitutes a violation of
27 the Clean Air Act and the Act, and is grounds for
28 any or all of the following: enforcement action;
29 permit termination, revocation and reissuance, or
30 modification; or denial of a permit renewal
31 application.

32 ii. Need to halt or reduce activity not a
33 defense. It shall not be a defense for a permittee
34 in an enforcement action that it would have been

1 necessary to halt or reduce the permitted activity
2 in order to maintain compliance with the conditions
3 of this permit.

4 iii. Permit actions. The permit may be
5 modified, revoked, reopened, and reissued, or
6 terminated for cause in accordance with the
7 applicable subsections of Section 39.5 of this Act.
8 The filing of a request by the permittee for a
9 permit modification, revocation and reissuance, or
10 termination, or of a notification of planned changes
11 or anticipated noncompliance does not stay any
12 permit condition.

13 iv. Property rights. The permit does not
14 convey any property rights of any sort, or any
15 exclusive privilege.

16 v. Duty to provide information. The permittee
17 shall furnish to the Agency within a reasonable time
18 specified by the Agency any information that the
19 Agency may request in writing to determine whether
20 cause exists for modifying, revoking and reissuing,
21 or terminating the permit or to determine compliance
22 with the permit. Upon request, the permittee shall
23 also furnish to the Agency copies of records
24 required to be kept by the permit or, for
25 information claimed to be confidential, the
26 permittee may furnish such records directly to USEPA
27 along with a claim of confidentiality.

28 vi. Duty to pay fees. The permittee must pay
29 fees to the Agency consistent with the fee schedule
30 approved pursuant to subsection 18 of this Section,
31 and submit any information relevant thereto.

32 vii. Emissions trading. No permit revision
33 shall be required for increases in emissions allowed
34 under any approved economic incentives, marketable

1 permits, emissions trading, and other similar
2 programs or processes for changes that are provided
3 for in the permit and that are authorized by the
4 applicable requirement.

5 p. Each CAAPP permit issued under subsection 10 of
6 this Section shall contain the following elements with
7 respect to compliance:

8 i. Compliance certification, testing,
9 monitoring, reporting, and record keeping
10 requirements sufficient to assure compliance with
11 the terms and conditions of the permit. Any
12 document (including reports) required by a CAAPP
13 permit shall contain a certification by a
14 responsible official that meets the requirements of
15 subsection 5 of this Section and applicable
16 regulations.

17 ii. Inspection and entry requirements that
18 necessitate that, upon presentation of credentials
19 and other documents as may be required by law and in
20 accordance with constitutional limitations, the
21 permittee shall allow the Agency, or an authorized
22 representative to perform the following:

23 A. Enter upon the permittee's premises
24 where a CAAPP source is located or
25 emissions-related activity is conducted, or
26 where records must be kept under the conditions
27 of the permit.

28 B. Have access to and copy, at reasonable
29 times, any records that must be kept under the
30 conditions of the permit.

31 C. Inspect at reasonable times any
32 facilities, equipment (including monitoring and
33 air pollution control equipment), practices, or
34 operations regulated or required under the

1 permit.

2 D. Sample or monitor any substances or
3 parameters at any location:

4 1. As authorized by the Clean Air
5 Act, at reasonable times, for the purposes
6 of assuring compliance with the CAAPP
7 permit or applicable requirements; or

8 2. As otherwise authorized by this
9 Act.

10 iii. A schedule of compliance consistent with
11 subsection 5 of this Section and applicable
12 regulations.

13 iv. Progress reports consistent with an
14 applicable schedule of compliance pursuant to
15 paragraph 5(d) of this Section and applicable
16 regulations to be submitted semiannually, or more
17 frequently if the Agency determines that such more
18 frequent submittals are necessary for compliance
19 with the Act or regulations promulgated by the Board
20 thereunder. Such progress reports shall contain the
21 following:

22 A. Required dates for achieving the
23 activities, milestones, or compliance required
24 by the schedule of compliance and dates when
25 such activities, milestones or compliance were
26 achieved.

27 B. An explanation of why any dates in the
28 schedule of compliance were not or will not be
29 met, and any preventive or corrective measures
30 adopted.

31 v. Requirements for compliance certification
32 with terms and conditions contained in the permit,
33 including emission limitations, standards, or work
34 practices. Permits shall include each of the

1 following:

2 A. The frequency (annually or more
3 frequently as specified in any applicable
4 requirement or by the Agency pursuant to
5 written procedures) of submissions of
6 compliance certifications.

7 B. A means for assessing or monitoring
8 the compliance of the source with its emissions
9 limitations, standards, and work practices.

10 C. A requirement that the compliance
11 certification include the following:

12 1. The identification of each term
13 or condition contained in the permit that
14 is the basis of the certification.

15 2. The compliance status.

16 3. Whether compliance was continuous
17 or intermittent.

18 4. The method(s) used for
19 determining the compliance status of the
20 source, both currently and over the
21 reporting period consistent with
22 subsection 7 of Section 39.5 of the Act.

23 D. A requirement that all compliance
24 certifications be submitted to USEPA as well as
25 to the Agency.

26 E. Additional requirements as may be
27 specified pursuant to Sections 114(a)(3) and
28 504(b) of the Clean Air Act.

29 F. Other provisions as the Agency may
30 require.

31 q. If the owner or operator of CAAPP source can
32 demonstrate in its CAAPP application, including an
33 application for a significant modification, that an
34 alternative emission limit would be equivalent to that

1 contained in the applicable Board regulations, the Agency
2 shall include the alternative emission limit in the CAAPP
3 permit, which shall supersede the emission limit set
4 forth in the applicable Board regulations, and shall
5 include conditions that insure that the resulting
6 emission limit is quantifiable, accountable, enforceable,
7 and based on replicable procedures.

8 8. Public Notice; Affected State Review.

9 a. The Agency shall provide notice to the public,
10 including an opportunity for public comment and a
11 hearing, on each draft CAAPP permit for issuance, renewal
12 or significant modification, subject to Sections 7(a) and
13 7.1 of this Act.

14 b. The Agency shall prepare a draft CAAPP permit
15 and a statement that sets forth the legal and factual
16 basis for the draft CAAPP permit conditions, including
17 references to the applicable statutory or regulatory
18 provisions. The Agency shall provide this statement to
19 any person who requests it.

20 c. The Agency shall give notice of each draft CAAPP
21 permit to the applicant and to any affected State on or
22 before the time that the Agency has provided notice to
23 the public, except as otherwise provided in this Act.

24 d. The Agency, as part of its submittal of a
25 proposed permit to USEPA (or as soon as possible after
26 the submittal for minor permit modification procedures
27 allowed under subsection 14 of this Section), shall
28 notify USEPA and any affected State in writing of any
29 refusal of the Agency to accept all of the
30 recommendations for the proposed permit that an affected
31 State submitted during the public or affected State
32 review period. The notice shall include the Agency's
33 reasons for not accepting the recommendations. The
34 Agency is not required to accept recommendations that are

1 not based on applicable requirements or the requirements
2 of this Section.

3 e. The Agency shall make available to the public
4 any CAAPP permit application, compliance plan (including
5 the schedule of compliance), CAAPP permit, and emissions
6 or compliance monitoring report. If an owner or operator
7 of a CAAPP source is required to submit information
8 entitled to protection from disclosure under Section 7(a)
9 or Section 7.1 of this Act, the owner or operator shall
10 submit such information separately. The requirements of
11 Section 7(a) or Section 7.1 of this Act shall apply to
12 such information, which shall not be included in a CAAPP
13 permit unless required by law. The contents of a CAAPP
14 permit shall not be entitled to protection under Section
15 7(a) or Section 7.1 of this Act.

16 f. The Agency shall have the authority to adopt
17 procedural rules, in accordance with the Illinois
18 Administrative Procedure Act, as the Agency deems
19 necessary, to implement this subsection.

20 9. USEPA Notice and Objection.

21 a. The Agency shall provide to USEPA for its review
22 a copy of each CAAPP application (including any
23 application for permit modification), statement of basis
24 as provided in paragraph 8(b) of this Section, proposed
25 CAAPP permit, CAAPP permit, and, if the Agency does not
26 incorporate any affected State's recommendations on a
27 proposed CAAPP permit, a written statement of this
28 decision and its reasons for not accepting the
29 recommendations, except as otherwise provided in this Act
30 or by agreement with USEPA. To the extent practicable,
31 the preceding information shall be provided in computer
32 readable format compatible with USEPA's national database
33 management system.

34 b. The Agency shall not issue the proposed CAAPP

1 permit if USEPA objects in writing within 45 days of
2 receipt of the proposed CAAPP permit and all necessary
3 supporting information.

4 c. If USEPA objects in writing to the issuance of
5 the proposed CAAPP permit within the 45-day period, the
6 Agency shall respond in writing and may revise and
7 resubmit the proposed CAAPP permit in response to the
8 stated objection, to the extent supported by the record,
9 within 90 days after the date of the objection. Prior to
10 submitting a revised permit to USEPA, the Agency shall
11 provide the applicant and any person who participated in
12 the public comment process, pursuant to subsection 8 of
13 this Section, with a 10-day period to comment on any
14 revision which the Agency is proposing to make to the
15 permit in response to USEPA's objection in accordance
16 with Agency procedures.

17 d. Any USEPA objection under this subsection,
18 according to the Clean Air Act, will include a statement
19 of reasons for the objection and a description of the
20 terms and conditions that must be in the permit, in order
21 to adequately respond to the objections. Grounds for a
22 USEPA objection include the failure of the Agency to:
23 (1) submit the items and notices required under this
24 subsection; (2) submit any other information necessary to
25 adequately review the proposed CAAPP permit; or (3)
26 process the permit under subsection 8 of this Section
27 except for minor permit modifications.

28 e. If USEPA does not object in writing to issuance
29 of a permit under this subsection, any person may
30 petition USEPA within 60 days after expiration of the
31 45-day review period to make such objection.

32 f. If the permit has not yet been issued and USEPA
33 objects to the permit as a result of a petition, the
34 Agency shall not issue the permit until USEPA's objection

1 has been resolved. The Agency shall provide a 10-day
2 comment period in accordance with paragraph c of this
3 subsection. A petition does not, however, stay the
4 effectiveness of a permit or its requirements if the
5 permit was issued after expiration of the 45-day review
6 period and prior to a USEPA objection.

7 g. If the Agency has issued a permit after
8 expiration of the 45-day review period and prior to
9 receipt of a USEPA objection under this subsection in
10 response to a petition submitted pursuant to paragraph e
11 of this subsection, the Agency may, upon receipt of an
12 objection from USEPA, revise and resubmit the permit to
13 USEPA pursuant to this subsection after providing a
14 10-day comment period in accordance with paragraph c of
15 this subsection. If the Agency fails to submit a revised
16 permit in response to the objection, USEPA shall modify,
17 terminate or revoke the permit. In any case, the source
18 will not be in violation of the requirement to have
19 submitted a timely and complete application.

20 h. The Agency shall have the authority to adopt
21 procedural rules, in accordance with the Illinois
22 Administrative Procedure Act, as the Agency deems
23 necessary, to implement this subsection.

24 10. Final Agency Action.

25 a. The Agency shall issue a CAAPP permit, permit
26 modification, or permit renewal if all of the following
27 conditions are met:

28 i. The applicant has submitted a complete and
29 certified application for a permit, permit
30 modification, or permit renewal consistent with
31 subsections 5 and 14 of this Section, as applicable,
32 and applicable regulations.

33 ii. The applicant has submitted with its
34 complete application an approvable compliance plan,

1 including a schedule for achieving compliance,
2 consistent with subsection 5 of this Section and
3 applicable regulations.

4 iii. The applicant has timely paid the fees
5 required pursuant to subsection 18 of this Section
6 and applicable regulations.

7 iv. The Agency has received a complete CAAPP
8 application and, if necessary, has requested and
9 received additional information from the applicant
10 consistent with subsection 5 of this Section and
11 applicable regulations.

12 v. The Agency has complied with all applicable
13 provisions regarding public notice and affected
14 State review consistent with subsection 8 of this
15 Section and applicable regulations.

16 vi. The Agency has provided a copy of each
17 CAAPP application, or summary thereof, pursuant to
18 agreement with USEPA and proposed CAAPP permit
19 required under subsection 9 of this Section to
20 USEPA, and USEPA has not objected to the issuance of
21 the permit in accordance with the Clean Air Act and
22 40 CFR Part 70.

23 b. The Agency shall have the authority to deny a
24 CAAPP permit, permit modification, or permit renewal if
25 the applicant has not complied with the requirements of
26 paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA
27 objects to its issuance.

28 c. i. Prior to denial of a CAAPP permit, permit
29 modification, or permit renewal under this Section,
30 the Agency shall notify the applicant of the
31 possible denial and the reasons for the denial.

32 ii. Within such notice, the Agency shall
33 specify an appropriate date by which the applicant
34 shall adequately respond to the Agency's notice.

1 Such date shall not exceed 15 days from the date the
2 notification is received by the applicant. The
3 Agency may grant a reasonable extension for good
4 cause shown.

5 iii. Failure by the applicant to adequately
6 respond by the date specified in the notification or
7 by any granted extension date shall be grounds for
8 denial of the permit.

9 For purposes of obtaining judicial review under
10 Sections 40.2 and 41 of this Act, the Agency shall
11 provide to USEPA and each applicant, and, upon
12 request, to affected States, any person who
13 participated in the public comment process, and any
14 other person who could obtain judicial review under
15 Sections 40.2 and 41 of this Act, a copy of each
16 CAAPP permit or notification of denial pertaining to
17 that party.

18 d. The Agency shall have the authority to adopt
19 procedural rules, in accordance with the Illinois
20 Administrative Procedure Act, as the Agency deems
21 necessary, to implement this subsection.

22 11. General Permits.

23 a. The Agency may issue a general permit covering
24 numerous similar sources, except for affected sources for
25 acid deposition unless otherwise provided in regulations
26 promulgated under Title IV of the Clean Air Act.

27 b. The Agency shall identify, in any general
28 permit, criteria by which sources may qualify for the
29 general permit.

30 c. CAAPP sources that would qualify for a general
31 permit must apply for coverage under the terms of the
32 general permit or must apply for a CAAPP permit
33 consistent with subsection 5 of this Section and
34 applicable regulations.

1 d. The Agency shall comply with the public comment
2 and hearing provisions of this Section as well as the
3 USEPA and affected State review procedures prior to
4 issuance of a general permit.

5 e. When granting a subsequent request by a
6 qualifying CAAPP source for coverage under the terms of a
7 general permit, the Agency shall not be required to
8 repeat the public notice and comment procedures. The
9 granting of such request shall not be considered a final
10 permit action for purposes of judicial review.

11 f. The Agency may not issue a general permit to
12 cover any discrete emission unit at a CAAPP source if
13 another CAAPP permit covers emission units at the source.

14 g. The Agency shall have the authority to adopt
15 procedural rules, in accordance with the Illinois
16 Administrative Procedure Act, as the Agency deems
17 necessary, to implement this subsection.

18 12. Operational Flexibility.

19 a. An owner or operator of a CAAPP source may make
20 changes at the CAAPP source without requiring a prior
21 permit revision, consistent with subparagraphs (a) (i)
22 through (a) (iii) of this subsection, so long as the
23 changes are not modifications under any provision of
24 Title I of the Clean Air Act and they do not exceed the
25 emissions allowable under the permit (whether expressed
26 therein as a rate of emissions or in terms of total
27 emissions), provided that the owner or operator of the
28 CAAPP source provides USEPA and the Agency with written
29 notification as required below in advance of the proposed
30 changes, which shall be a minimum of 7 days, unless
31 otherwise provided by the Agency in applicable
32 regulations regarding emergencies. The owner or operator
33 of a CAAPP source and the Agency shall each attach such
34 notice to their copy of the relevant permit.

1 i. An owner or operator of a CAAPP source may
2 make Section 502 (b) (10) changes without a permit
3 revision, if the changes are not modifications under
4 any provision of Title I of the Clean Air Act and
5 the changes do not exceed the emissions allowable
6 under the permit (whether expressed therein as a
7 rate of emissions or in terms of total emissions).

8 A. For each such change, the written
9 notification required above shall include a
10 brief description of the change within the
11 source, the date on which the change will
12 occur, any change in emissions, and any permit
13 term or condition that is no longer applicable
14 as a result of the change.

15 B. The permit shield described in
16 paragraph 7(j) of this Section shall not apply
17 to any change made pursuant to this
18 subparagraph.

19 ii. An owner or operator of a CAAPP source may
20 trade increases and decreases in emissions in the
21 CAAPP source, where the applicable implementation
22 plan provides for such emission trades without
23 requiring a permit revision. This provision is
24 available in those cases where the permit does not
25 already provide for such emissions trading.

26 A. Under this subparagraph (a)(ii), the
27 written notification required above shall
28 include such information as may be required by
29 the provision in the applicable implementation
30 plan authorizing the emissions trade, including
31 at a minimum, when the proposed changes will
32 occur, a description of each such change, any
33 change in emissions, the permit requirements
34 with which the source will comply using the

1 emissions trading provisions of the applicable
2 implementation plan, and the pollutants emitted
3 subject to the emissions trade. The notice
4 shall also refer to the provisions in the
5 applicable implementation plan with which the
6 source will comply and provide for the
7 emissions trade.

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 (a) (ii). Compliance with the
12 permit requirements that the source will meet
13 using the emissions trade shall be determined
14 according to the requirements of the applicable
15 implementation plan authorizing the emissions
16 trade.

17 iii. If requested within a CAAPP application,
18 the Agency shall issue a CAAPP permit which contains
19 terms and conditions, including all terms required
20 under subsection 7 of this Section to determine
21 compliance, allowing for the trading of emissions
22 increases and decreases at the CAAPP source solely
23 for the purpose of complying with a
24 federally-enforceable emissions cap that is
25 established in the permit independent of otherwise
26 applicable requirements. The owner or operator of a
27 CAAPP source shall include in its CAAPP application
28 proposed replicable procedures and permit terms that
29 ensure the emissions trades are quantifiable and
30 enforceable. The permit shall also require
31 compliance with all applicable requirements.

32 A. Under this subparagraph (a)(iii), the
33 written notification required above shall state
34 when the change will occur and shall describe

1 the changes in emissions that will result and
2 how these increases and decreases in emissions
3 will comply with the terms and conditions of
4 the permit.

5 B. The permit shield described in
6 paragraph 7(j) of this Section shall extend to
7 terms and conditions that allow such increases
8 and decreases in emissions.

9 b. An owner or operator of a CAAPP source may make
10 changes that are not addressed or prohibited by the
11 permit, other than those which are subject to any
12 requirements under Title IV of the Clean Air Act or are
13 modifications under any provisions of Title I of the
14 Clean Air Act, without a permit revision, in accordance
15 with the following requirements:

16 (i) Each such change shall meet all applicable
17 requirements and shall not violate any existing
18 permit term or condition;

19 (ii) Sources must provide contemporaneous
20 written notice to the Agency and USEPA of each such
21 change, except for changes that qualify as
22 insignificant under provisions adopted by the Agency
23 or the Board. Such written notice shall describe
24 each such change, including the date, any change in
25 emissions, pollutants emitted, and any applicable
26 requirement that would apply as a result of the
27 change;

28 (iii) The change shall not qualify for the
29 shield described in paragraph 7(j) of this Section;
30 and

31 (iv) The permittee shall keep a record
32 describing changes made at the source that result in
33 emissions of a regulated air pollutant subject to an
34 applicable Clean Air Act requirement, but not

1 otherwise regulated under the permit, and the
2 emissions resulting from those changes.

3 c. The Agency shall have the authority to adopt
4 procedural rules, in accordance with the Illinois
5 Administrative Procedure Act, as the Agency deems
6 necessary to implement this subsection.

7 13. Administrative Permit Amendments.

8 a. The Agency shall take final action on a request
9 for an administrative permit amendment within 60 days of
10 receipt of the request. Neither notice nor an
11 opportunity for public and affected State comment shall
12 be required for the Agency to incorporate such revisions,
13 provided it designates the permit revisions as having
14 been made pursuant to this subsection.

15 b. The Agency shall submit a copy of the revised
16 permit to USEPA.

17 c. For purposes of this Section the term
18 "administrative permit amendment" shall be defined as a
19 permit revision that can accomplish one or more of the
20 changes described below:

21 i. Corrects typographical errors;

22 ii. Identifies a change in the name, address,
23 or phone number of any person identified in the
24 permit, or provides a similar minor administrative
25 change at the source;

26 iii. Requires more frequent monitoring or
27 reporting by the permittee;

28 iv. Allows for a change in ownership or
29 operational control of a source where the Agency
30 determines that no other change in the permit is
31 necessary, provided that a written agreement
32 containing a specific date for transfer of permit
33 responsibility, coverage, and liability between the
34 current and new permittees has been submitted to the

1 Agency;

2 v. Incorporates into the CAAPP permit the
3 requirements from preconstruction review permits
4 authorized under a USEPA-approved program, provided
5 the program meets procedural and compliance
6 requirements substantially equivalent to those
7 contained in this Section;

8 vi. (Blank); or

9 vii. Any other type of change which USEPA has
10 determined as part of the approved CAAPP permit
11 program to be similar to those included in this
12 subsection.

13 d. The Agency shall, upon taking final action
14 granting a request for an administrative permit
15 amendment, allow coverage by the permit shield in
16 paragraph 7(j) of this Section for administrative permit
17 amendments made pursuant to subparagraph (c)(v) of this
18 subsection which meet the relevant requirements for
19 significant permit modifications.

20 e. Permit revisions and modifications, including
21 administrative amendments and automatic amendments
22 (pursuant to Sections 408(b) and 403(d) of the Clean Air
23 Act or regulations promulgated thereunder), for purposes
24 of the acid rain portion of the permit shall be governed
25 by the regulations promulgated under Title IV of the
26 Clean Air Act. Owners or operators of affected sources
27 for acid deposition shall have the flexibility to amend
28 their compliance plans as provided in the regulations
29 promulgated under Title IV of the Clean Air Act.

30 f. The CAAPP source may implement the changes
31 addressed in the request for an administrative permit
32 amendment immediately upon submittal of the request.

33 g. The Agency shall have the authority to adopt
34 procedural rules, in accordance with the Illinois

1 Administrative Procedure Act, as the Agency deems
2 necessary, to implement this subsection.

3 14. Permit Modifications.

4 a. Minor permit modification procedures.

5 i. The Agency shall review a permit
6 modification using the "minor permit" modification
7 procedures only for those permit modifications that:

8 A. Do not violate any applicable
9 requirement;

10 B. Do not involve significant changes to
11 existing monitoring, reporting, or
12 recordkeeping requirements in the permit;

13 C. Do not require a case-by-case
14 determination of an emission limitation or
15 other standard, or a source-specific
16 determination of ambient impacts, or a
17 visibility or increment analysis;

18 D. Do not seek to establish or change a
19 permit term or condition for which there is no
20 corresponding underlying requirement and which
21 avoids an applicable requirement to which the
22 source would otherwise be subject. Such terms
23 and conditions include:

24 1. A federally enforceable emissions
25 cap assumed to avoid classification as a
26 modification under any provision of Title
27 I of the Clean Air Act; and

28 2. An alternative emissions limit
29 approved pursuant to regulations
30 promulgated under Section 112(i)(5) of the
31 Clean Air Act;

32 E. Are not modifications under any
33 provision of Title I of the Clean Air Act; and

34 F. Are not required to be processed as a

1 significant modification.

2 ii. Notwithstanding subparagraphs (a)(i) and
3 (b)(ii) of this subsection, minor permit
4 modification procedures may be used for permit
5 modifications involving the use of economic
6 incentives, marketable permits, emissions trading,
7 and other similar approaches, to the extent that
8 such minor permit modification procedures are
9 explicitly provided for in an applicable
10 implementation plan or in applicable requirements
11 promulgated by USEPA.

12 iii. An applicant requesting the use of minor
13 permit modification procedures shall meet the
14 requirements of subsection 5 of this Section and
15 shall include the following in its application:

16 A. A description of the change, the
17 emissions resulting from the change, and any
18 new applicable requirements that will apply if
19 the change occurs;

20 B. The source's suggested draft permit;

21 C. Certification by a responsible
22 official, consistent with paragraph 5(e) of
23 this Section and applicable regulations, that
24 the proposed modification meets the criteria
25 for use of minor permit modification procedures
26 and a request that such procedures be used; and

27 D. Completed forms for the Agency to use
28 to notify USEPA and affected States as required
29 under subsections 8 and 9 of this Section.

30 iv. Within 5 working days of receipt of a
31 complete permit modification application, the Agency
32 shall notify USEPA and affected States of the
33 requested permit modification in accordance with
34 subsections 8 and 9 of this Section. The Agency

1 promptly shall send any notice required under
2 paragraph 8(d) of this Section to USEPA.

3 v. The Agency may not issue a final permit
4 modification until after the 45-day review period
5 for USEPA or until USEPA has notified the Agency
6 that USEPA will not object to the issuance of the
7 permit modification, whichever comes first, although
8 the Agency can approve the permit modification prior
9 to that time. Within 90 days of the Agency's
10 receipt of an application under the minor permit
11 modification procedures or 15 days after the end of
12 USEPA's 45-day review period under subsection 9 of
13 this Section, whichever is later, the Agency shall:

14 A. Issue the permit modification as
15 proposed;

16 B. Deny the permit modification
17 application;

18 C. Determine that the requested
19 modification does not meet the minor permit
20 modification criteria and should be reviewed
21 under the significant modification procedures;
22 or

23 D. Revise the draft permit modification
24 and transmit to USEPA the new proposed permit
25 modification as required by subsection 9 of
26 this Section.

27 vi. Any CAAPP source may make the change
28 proposed in its minor permit modification
29 application immediately after it files such
30 application. After the CAAPP source makes the
31 change allowed by the preceding sentence, and until
32 the Agency takes any of the actions specified in
33 subparagraphs (a)(v)(A) through (a)(v)(C) of this
34 subsection, the source must comply with both the

1 applicable requirements governing the change and the
2 proposed permit terms and conditions. During this
3 time period, the source need not comply with the
4 existing permit terms and conditions it seeks to
5 modify. If the source fails to comply with its
6 proposed permit terms and conditions during this
7 time period, the existing permit terms and
8 conditions which it seeks to modify may be enforced
9 against it.

10 vii. The permit shield under subparagraph 7(j)
11 of this Section may not extend to minor permit
12 modifications.

13 viii. If a construction permit is required,
14 pursuant to Section 39(a) of this Act and
15 regulations thereunder, for a change for which the
16 minor permit modification procedures are applicable,
17 the source may request that the processing of the
18 construction permit application be consolidated with
19 the processing of the application for the minor
20 permit modification. In such cases, the provisions
21 of this Section, including those within subsections
22 5, 8, and 9, shall apply and the Agency shall act on
23 such applications pursuant to subparagraph 14(a)(v).
24 The source may make the proposed change immediately
25 after filing its application for the minor permit
26 modification. Nothing in this subparagraph shall
27 otherwise affect the requirements and procedures
28 applicable to construction permits.

29 b. Group Processing of Minor Permit Modifications.

30 i. Where requested by an applicant within its
31 application, the Agency shall process groups of a
32 source's applications for certain modifications
33 eligible for minor permit modification processing
34 in accordance with the provisions of this paragraph

1 (b).

2 ii. Permit modifications may be processed in
3 accordance with the procedures for group processing,
4 for those modifications:

5 A. Which meet the criteria for minor
6 permit modification procedures under
7 subparagraph 14(a)(i) of this Section; and

8 B. That collectively are below 10 percent
9 of the emissions allowed by the permit for the
10 emissions unit for which change is requested,
11 20 percent of the applicable definition of
12 major source set forth in subsection 2 of this
13 Section, or 5 tons per year, whichever is
14 least.

15 iii. An applicant requesting the use of group
16 processing procedures shall meet the requirements of
17 subsection 5 of this Section and shall include the
18 following in its application:

19 A. A description of the change, the
20 emissions resulting from the change, and any
21 new applicable requirements that will apply if
22 the change occurs.

23 B. The source's suggested draft permit.

24 C. Certification by a responsible
25 official consistent with paragraph 5(e) of this
26 Section, that the proposed modification meets
27 the criteria for use of group processing
28 procedures and a request that such procedures
29 be used.

30 D. A list of the source's other pending
31 applications awaiting group processing, and a
32 determination of whether the requested
33 modification, aggregated with these other
34 applications, equals or exceeds the threshold

1 set under subparagraph (b)(ii)(B) of this
2 subsection.

3 E. Certification, consistent with
4 paragraph 5(e), that the source has notified
5 USEPA of the proposed modification. Such
6 notification need only contain a brief
7 description of the requested modification.

8 F. Completed forms for the Agency to use
9 to notify USEPA and affected states as required
10 under subsections 8 and 9 of this Section.

11 iv. On a quarterly basis or within 5 business
12 days of receipt of an application demonstrating that
13 the aggregate of a source's pending applications
14 equals or exceeds the threshold level set forth
15 within subparagraph (b)(ii)(B) of this subsection,
16 whichever is earlier, the Agency shall promptly
17 notify USEPA and affected States of the requested
18 permit modifications in accordance with subsections
19 8 and 9 of this Section. The Agency shall send any
20 notice required under paragraph 8(d) of this Section
21 to USEPA.

22 v. The provisions of subparagraph (a)(v) of
23 this subsection shall apply to modifications
24 eligible for group processing, except that the
25 Agency shall take one of the actions specified in
26 subparagraphs (a)(v)(A) through (a)(v)(D) of this
27 subsection within 180 days of receipt of the
28 application or 15 days after the end of USEPA's
29 45-day review period under subsection 9 of this
30 Section, whichever is later.

31 vi. The provisions of subparagraph (a)(vi) of
32 this subsection shall apply to modifications for
33 group processing.

34 vii. The provisions of paragraph 7(j) of this

1 Section shall not apply to modifications eligible
2 for group processing.

3 c. Significant Permit Modifications.

4 i. Significant modification procedures shall
5 be used for applications requesting significant
6 permit modifications and for those applications that
7 do not qualify as either minor permit modifications
8 or as administrative permit amendments.

9 ii. Every significant change in existing
10 monitoring permit terms or conditions and every
11 relaxation of reporting or recordkeeping
12 requirements shall be considered significant. A
13 modification shall also be considered significant if
14 in the judgment of the Agency action on an
15 application for modification would require decisions
16 to be made on technically complex issues. Nothing
17 herein shall be construed to preclude the permittee
18 from making changes consistent with this Section
19 that would render existing permit compliance terms
20 and conditions irrelevant.

21 iii. Significant permit modifications must
22 meet all the requirements of this Section, including
23 those for applications (including completeness
24 review), public participation, review by affected
25 States, and review by USEPA applicable to initial
26 permit issuance and permit renewal. The Agency
27 shall take final action on significant permit
28 modifications within 9 months after receipt of a
29 complete application.

30 d. 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 15. Reopenings for Cause by the Agency.

1 a. Each issued CAAPP permit shall include
2 provisions specifying the conditions under which the
3 permit will be reopened prior to the expiration of the
4 permit. Such revisions shall be made as expeditiously as
5 practicable. A CAAPP permit shall be reopened and
6 revised under any of the following circumstances, in
7 accordance with procedures adopted by the Agency:

8 i. Additional requirements under the Clean Air
9 Act become applicable to a major CAAPP source for
10 which 3 or more years remain on the original term of
11 the permit. Such a reopening shall be completed not
12 later than 18 months after the promulgation of the
13 applicable requirement. No such revision is
14 required if the effective date of the requirement is
15 later than the date on which the permit is due to
16 expire.

17 ii. Additional requirements (including excess
18 emissions requirements) become applicable to an
19 affected source for acid deposition under the acid
20 rain program. Excess emissions offset plans shall
21 be deemed to be incorporated into the permit upon
22 approval by USEPA.

23 iii. The Agency or USEPA determines that the
24 permit contains a material mistake or that
25 inaccurate statements were made in establishing the
26 emissions standards, limitations, or other terms or
27 conditions of the permit.

28 iv. The Agency or USEPA determines that the
29 permit must be revised or revoked to assure
30 compliance with the applicable requirements.

31 b. In the event that the Agency determines that
32 there are grounds for revoking a CAAPP permit, for cause,
33 consistent with paragraph a of this subsection, it shall
34 file a petition before the Board setting forth the basis

1 for such revocation. In any such proceeding, the Agency
2 shall have the burden of establishing that the permit
3 should be revoked under the standards set forth in this
4 Act and the Clean Air Act. Any such proceeding shall be
5 conducted pursuant to the Board's procedures for
6 adjudicatory hearings and the Board shall render its
7 decision within 120 days of the filing of the petition.
8 The Agency shall take final action to revoke and reissue
9 a CAAPP permit consistent with the Board's order.

10 c. Proceedings regarding a reopened CAAPP permit
11 shall follow the same procedures as apply to initial
12 permit issuance and shall affect only those parts of the
13 permit for which cause to reopen exists.

14 d. Reopenings under paragraph (a) of this
15 subsection shall not be initiated before a notice of such
16 intent is provided to the CAAPP source by the Agency at
17 least 30 days in advance of the date that the permit is
18 to be reopened, except that the Agency may provide a
19 shorter time period in the case of an emergency.

20 e. The Agency shall have the authority to adopt
21 procedural rules, in accordance with the Illinois
22 Administrative Procedure Act, as the Agency deems
23 necessary, to implement this subsection.

24 16. Reopenings for Cause by USEPA.

25 a. When USEPA finds that cause exists to terminate,
26 modify, or revoke and reissue a CAAPP permit pursuant to
27 subsection 15 of this Section, and thereafter notifies
28 the Agency and the permittee of such finding in writing,
29 the Agency shall forward to USEPA and the permittee a
30 proposed determination of termination, modification, or
31 revocation and reissuance as appropriate, in accordance
32 with paragraph b of this subsection. The Agency's
33 proposed determination shall be in accordance with the
34 record, the Clean Air Act, regulations promulgated

1 thereunder, this Act and regulations promulgated
2 thereunder. Such proposed determination shall not affect
3 the permit or constitute a final permit action for
4 purposes of this Act or the Administrative Review Law.
5 The Agency shall forward to USEPA such proposed
6 determination within 90 days after receipt of the
7 notification from USEPA. If additional time is necessary
8 to submit the proposed determination, the Agency shall
9 request a 90-day extension from USEPA and shall submit
10 the proposed determination within 180 days of receipt of
11 notification from USEPA.

12 b. i. Prior to the Agency's submittal to USEPA
13 of a proposed determination to terminate or revoke
14 and reissue the permit, the Agency shall file a
15 petition before the Board setting forth USEPA's
16 objection, the permit record, the Agency's proposed
17 determination, and the justification for its
18 proposed determination. The Board shall conduct a
19 hearing pursuant to the rules prescribed by Section
20 32 of this Act, and the burden of proof shall be on
21 the Agency.

22 ii. After due consideration of the written and
23 oral statements, the testimony and arguments that
24 shall be submitted at hearing, the Board shall issue
25 and enter an interim order for the proposed
26 determination, which shall set forth all changes, if
27 any, required in the Agency's proposed
28 determination. The interim order shall comply with
29 the requirements for final orders as set forth in
30 Section 33 of this Act. Issuance of an interim order
31 by the Board under this paragraph, however, shall
32 not affect the permit status and does not constitute
33 a final action for purposes of this Act or the
34 Administrative Review Law.

1 iii. The Board shall cause a copy of its
2 interim order to be served upon all parties to the
3 proceeding as well as upon USEPA. The Agency shall
4 submit the proposed determination to USEPA in
5 accordance with the Board's Interim Order within 180
6 days after receipt of the notification from USEPA.

7 c. USEPA shall review the proposed determination to
8 terminate, modify, or revoke and reissue the permit
9 within 90 days of receipt.

10 i. When USEPA reviews the proposed
11 determination to terminate or revoke and reissue and
12 does not object, the Board shall, within 7 days of
13 receipt of USEPA's final approval, enter the interim
14 order as a final order. The final order may be
15 appealed as provided by Title XI of this Act. The
16 Agency shall take final action in accordance with
17 the Board's final order.

18 ii. When USEPA reviews such proposed
19 determination to terminate or revoke and reissue and
20 objects, the Agency shall submit USEPA's objection
21 and the Agency's comments and recommendation on the
22 objection to the Board and permittee. The Board
23 shall review its interim order in response to
24 USEPA's objection and the Agency's comments and
25 recommendation and issue a final order in accordance
26 with Sections 32 and 33 of this Act. The Agency
27 shall, within 90 days after receipt of such
28 objection, respond to USEPA's objection in
29 accordance with the Board's final order.

30 iii. When USEPA reviews such proposed
31 determination to modify and objects, the Agency
32 shall, within 90 days after receipt of the
33 objection, resolve the objection and modify the
34 permit in accordance with USEPA's objection, based

1 upon the record, the Clean Air Act, regulations
2 promulgated thereunder, this Act, and regulations
3 promulgated thereunder.

4 d. If the Agency fails to submit the proposed
5 determination pursuant to paragraph a of this subsection
6 or fails to resolve any USEPA objection pursuant to
7 paragraph c of this subsection, USEPA will terminate,
8 modify, or revoke and reissue the permit.

9 e. 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 17. Title IV; Acid Rain Provisions.

14 a. The Agency shall act on initial CAAPP
15 applications for affected sources for acid deposition in
16 accordance with this Section and Title V of the Clean Air
17 Act and regulations promulgated thereunder, except as
18 modified by Title IV of the Clean Air Act and regulations
19 promulgated thereunder. The Agency shall issue initial
20 CAAPP permits to the affected sources for acid deposition
21 which shall become effective no earlier than January 1,
22 1995, and which shall terminate on December 31, 1999, in
23 accordance with this Section. Subsequent CAAPP permits
24 issued to affected sources for acid deposition shall be
25 issued for a fixed term of 5 years. Title IV of the Clean
26 Air Act and regulations promulgated thereunder, including
27 but not limited to 40 C.F.R. Part 72, as now or hereafter
28 amended, are applicable to and enforceable under this
29 Act.

30 b. A designated representative of an affected
31 source for acid deposition shall submit a timely and
32 complete Phase II acid rain permit application and
33 compliance plan to the Agency, not later than January 1,
34 1996, that meets the requirements of Titles IV and V of

1 the Clean Air Act and regulations. The Agency shall act
2 on the Phase II acid rain permit application and
3 compliance plan in accordance with this Section and Title
4 V of the Clean Air Act and regulations promulgated
5 thereunder, except as modified by Title IV of the Clean
6 Air Act and regulations promulgated thereunder. The
7 Agency shall issue the Phase II acid rain permit to an
8 affected source for acid deposition no later than
9 December 31, 1997, which shall become effective on
10 January 1, 2000, in accordance with this Section, except
11 as modified by Title IV and regulations promulgated
12 thereunder; provided that the designated representative
13 of the source submitted a timely and complete Phase II
14 permit application and compliance plan to the Agency that
15 meets the requirements of Title IV and V of the Clean Air
16 Act and regulations.

17 c. Each Phase II acid rain permit issued in
18 accordance with this subsection shall have a fixed term
19 of 5 years. Except as provided in paragraph b above, the
20 Agency shall issue or deny a Phase II acid rain permit
21 within 18 months of receiving a complete Phase II permit
22 application and compliance plan.

23 d. A designated representative of a new unit, as
24 defined in Section 402 of the Clean Air Act, shall submit
25 a timely and complete Phase II acid rain permit
26 application and compliance plan that meets the
27 requirements of Titles IV and V of the Clean Air Act and
28 its regulations. The Agency shall act on the new unit's
29 Phase II acid rain permit application and compliance plan
30 in accordance with this Section and Title V of the Clean
31 Air Act and its regulations, except as modified by Title
32 IV of the Clean Air Act and its regulations. The Agency
33 shall reopen the new unit's CAAPP permit for cause to
34 incorporate the approved Phase II acid rain permit in

1 accordance with this Section. The Phase II acid rain
2 permit for the new unit shall become effective no later
3 than the date required under Title IV of the Clean Air
4 Act and its regulations.

5 e. A designated representative of an affected
6 source for acid deposition shall submit a timely and
7 complete Title IV NOx permit application to the Agency,
8 not later than January 1, 1998, that meets the
9 requirements of Titles IV and V of the Clean Air Act and
10 its regulations. The Agency shall reopen the Phase II
11 acid rain permit for cause and incorporate the approved
12 NOx provisions into the Phase II acid rain permit not
13 later than January 1, 1999, in accordance with this
14 Section, except as modified by Title IV of the Clean Air
15 Act and regulations promulgated thereunder. Such
16 reopening shall not affect the term of the Phase II acid
17 rain permit.

18 f. The designated representative of the affected
19 source for acid deposition shall renew the initial CAAPP
20 permit and Phase II acid rain permit in accordance with
21 this Section and Title V of the Clean Air Act and
22 regulations promulgated thereunder, except as modified by
23 Title IV of the Clean Air Act and regulations promulgated
24 thereunder.

25 g. In the case of an affected source for acid
26 deposition for which a complete Phase II acid rain permit
27 application and compliance plan are timely received under
28 this subsection, the complete permit application and
29 compliance plan, including amendments thereto, shall be
30 binding on the owner, operator and designated
31 representative, all affected units for acid deposition at
32 the affected source, and any other unit, as defined in
33 Section 402 of the Clean Air Act, governed by the Phase
34 II acid rain permit application and shall be enforceable

1 as an acid rain permit for purposes of Titles IV and V of
2 the Clean Air Act, from the date of submission of the
3 acid rain permit application until a Phase II acid rain
4 permit is issued or denied by the Agency.

5 h. The Agency shall not include or implement any
6 measure which would interfere with or modify the
7 requirements of Title IV of the Clean Air Act or
8 regulations promulgated thereunder.

9 i. Nothing in this Section shall be construed as
10 affecting allowances or USEPA's decision regarding an
11 excess emissions offset plan, as set forth in Title IV of
12 the Clean Air Act or regulations promulgated thereunder.

13 i. No permit revision shall be required for
14 increases in emissions that are authorized by
15 allowances acquired pursuant to the acid rain
16 program, provided that such increases do not require
17 a permit revision under any other applicable
18 requirement.

19 ii. No limit shall be placed on the number of
20 allowances held by the source. The source may not,
21 however, use allowances as a defense to
22 noncompliance with any other applicable requirement.

23 iii. Any such allowance shall be accounted for
24 according to the procedures established in
25 regulations promulgated under Title IV of the Clean
26 Air Act.

27 j. To the extent that the federal regulations
28 promulgated under Title IV, including but not limited to
29 40 C.F.R. Part 72, as now or hereafter amended, are
30 inconsistent with the federal regulations promulgated
31 under Title V, the federal regulations promulgated under
32 Title IV shall take precedence.

33 k. The USEPA may intervene as a matter of right in
34 any permit appeal involving a Phase II acid rain permit

1 provision or denial of a Phase II acid rain permit.

2 1. It is unlawful for any owner or operator to
3 violate any terms or conditions of a Phase II acid rain
4 permit issued under this subsection, to operate any
5 affected source for acid deposition except in compliance
6 with a Phase II acid rain permit issued by the Agency
7 under this subsection, or to violate any other applicable
8 requirements.

9 m. The designated representative of an affected
10 source for acid deposition shall submit to the Agency the
11 data and information submitted quarterly to USEPA,
12 pursuant to 40 CFR 75.64, concurrently with the
13 submission to USEPA. The submission shall be in the same
14 electronic format as specified by USEPA.

15 n. The Agency shall act on any petition for
16 exemption of a new unit or retired unit, as those terms
17 are defined in Section 402 of the Clean Air Act, from the
18 requirements of the acid rain program in accordance with
19 Title IV of the Clean Air Act and its regulations.

20 o. The Agency shall have the authority to adopt
21 procedural rules, in accordance with the Illinois
22 Administrative Procedure Act, as the Agency deems
23 necessary to implement this subsection.

24 18. Fee Provisions.

25 a. For each 12 month period after the date on which
26 the USEPA approves or conditionally approves the CAAPP,
27 but in no event prior to January 1, 1994, a source
28 subject to this Section or excluded under subsection 1.1
29 or paragraph 3(c) of this Section, shall pay a fee as
30 provided in this part (a) of this subsection 18.
31 However, a source that has been excluded from the
32 provisions of this Section under subsection 1.1 or
33 paragraph 3(c) of this Section because the source emits
34 less than 25 tons per year of any combination of

1 regulated air pollutants shall pay fees in accordance
2 with paragraph (1) of subsection (b) of Section 9.6.

3 i. The fee for a source allowed to emit less
4 than 100 tons per year of any combination of
5 regulated air pollutants shall be \$1,800 ~~\$1,000~~ per
6 year.

7 ii. The fee for a source allowed to emit 100
8 tons or more per year of any combination of
9 regulated air pollutants, except for those regulated
10 air pollutants excluded in paragraph 18(f) of this
11 subsection, shall be as follows:

12 A. The Agency shall assess an annual fee
13 of \$18.00 ~~\$13.50~~ per ton for the allowable
14 emissions of all regulated air pollutants at
15 that source during the term of the permit.
16 These fees shall be used by the Agency and the
17 Board to fund the activities required by Title
18 V of the Clean Air Act including such
19 activities as may be carried out by other State
20 or local agencies pursuant to paragraph (d) of
21 this subsection. The amount of such fee shall
22 be based on the information supplied by the
23 applicant in its complete CAAPP permit
24 application or in the CAAPP permit if the
25 permit has been granted and shall be determined
26 by the amount of emissions that the source is
27 allowed to emit annually, provided however,
28 that no source shall be required to pay an
29 annual fee in excess of \$250,000 ~~\$100,000~~. The
30 Agency shall provide as part of the permit
31 application form required under subsection 5 of
32 this Section a separate fee calculation form
33 which will allow the applicant to identify the
34 allowable emissions and calculate the fee for

1 the term of the permit. In no event shall the
2 Agency raise the amount of allowable emissions
3 requested by the applicant unless such
4 increases are required to demonstrate
5 compliance with terms of a CAAPP permit.

6 Notwithstanding the above, any applicant
7 may seek a change in its permit which would
8 result in increases in allowable emissions due
9 to an increase in the hours of operation or
10 production rates of an emission unit or units
11 and such a change shall be consistent with the
12 construction permit requirements of the
13 existing State permit program, under Section
14 39(a) of this Act and applicable provisions of
15 this Section. Where a construction permit is
16 required, the Agency shall expeditiously grant
17 such construction permit and shall, if
18 necessary, modify the CAAPP permit based on the
19 same application.

20 B. The applicant or permittee may pay the
21 fee annually or semiannually for those fees
22 greater than \$5,000. However, any applicant
23 paying a fee equal to or greater than \$100,000
24 shall pay the full amount on July 1, for the
25 subsequent fiscal year, or pay 50% of the fee
26 on July 1 and the remaining 50% by the next
27 January 1. The Agency may change any annual
28 billing date upon reasonable notice, but shall
29 prorate the new bill so that the permittee or
30 applicant does not pay more than its required
31 fees for the fee period for which payment is
32 made.

33 b. (Blank).

34 c. (Blank). ~~There shall be created a CAA Fee Panel~~

1 of 5 persons. The Panel shall:

2 i. If it deems necessary on an annual basis,
3 render advisory opinions to the Agency and the
4 General Assembly regarding the appropriate level of
5 Title V Clean Air Act fees for the next fiscal year.
6 Such advisory opinions shall be based on a study of
7 the operations of the Agency and any other entity
8 requesting appropriations from the CAA Permit Fund.
9 This study shall recommend changes in the fee
10 structure, if warranted. The study will be based on
11 the ability of the Agency or other entity to
12 effectively utilize the funds generated as well as
13 the entity's conformance with the objectives and
14 measurable benchmarks identified by the Agency as
15 justification for the prior year's fee. Such
16 advisory opinions shall be submitted to the
17 appropriation committees no later than April 15th of
18 each year.

19 ii. Not be compensated for their services, but
20 shall receive reimbursement for their expenses.

21 iii. Be appointed as follows: 4 members by
22 the Director of the Agency from a list of no more
23 than 8 persons, submitted by representatives of
24 associations who represent facilities subject to the
25 provisions of this subsection and the Director of
26 the Agency or designee.

27 d. There is hereby created in the State Treasury a
28 special fund to be known as the "CAA Permit Fund". All
29 Funds collected by the Agency pursuant to this subsection
30 shall be deposited into the Fund. The General Assembly
31 shall appropriate monies from this Fund to the Agency and
32 to the Board to carry out their obligations under this
33 Section. The General Assembly may also authorize monies
34 to be granted by the Agency from this Fund to other State

1 and local agencies which perform duties related to the
2 CAAPP. Interest generated on the monies deposited in this
3 Fund shall be returned to the Fund. ~~The General Assembly~~
4 ~~may appropriate up to the sum of \$25,000 to the Agency~~
5 ~~from the CAA Permit Fund for use by the Panel in carrying~~
6 ~~out its responsibilities under this subsection.~~

7 e. 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 f. For purposes of this subsection, the term
12 "regulated air pollutant" shall have the meaning given to
13 it under subsection 1 of this Section but shall exclude
14 the following:

15 i. carbon monoxide;

16 ii. any Class I or II substance which is a
17 regulated air pollutant solely because it is listed
18 pursuant to Section 602 of the Clean Air Act; and

19 iii. any pollutant that is a regulated air
20 pollutant solely because it is subject to a standard
21 or regulation under Section 112(r) of the Clean Air
22 Act based on the emissions allowed in the permit
23 effective in that calendar year, at the time the
24 applicable bill is generated.

25 19. Air Toxics Provisions.

26 a. In the event that the USEPA fails to promulgate
27 in a timely manner a standard pursuant to Section 112(d)
28 of the Clean Air Act, the Agency shall have the authority
29 to issue permits, pursuant to Section 112(j) of the Clean
30 Air Act and regulations promulgated thereunder, which
31 contain emission limitations which are equivalent to the
32 emission limitations that would apply to a source if an
33 emission standard had been promulgated in a timely manner
34 by USEPA pursuant to Section 112(d). Provided, however,

1 that the owner or operator of a source shall have the
2 opportunity to submit to the Agency a proposed emission
3 limitation which it determines to be equivalent to the
4 emission limitations that would apply to such source if
5 an emission standard had been promulgated in a timely
6 manner by USEPA. If the Agency refuses to include the
7 emission limitation proposed by the owner or operator in
8 a CAAPP permit, the owner or operator may petition the
9 Board to establish whether the emission limitation
10 proposal submitted by the owner or operator provides for
11 emission limitations which are equivalent to the emission
12 limitations that would apply to the source if the
13 emission standard had been promulgated by USEPA in a
14 timely manner. The Board shall determine whether the
15 emission limitation proposed by the owner or operator or
16 an alternative emission limitation proposed by the Agency
17 provides for the level of control required under Section
18 112 of the Clean Air Act, or shall otherwise establish an
19 appropriate emission limitation, pursuant to Section 112
20 of the Clean Air Act.

21 b. Any Board proceeding brought under paragraph (a)
22 or (e) of this subsection shall be conducted according to
23 the Board's procedures for adjudicatory hearings and the
24 Board shall render its decision within 120 days of the
25 filing of the petition. Any such decision shall be
26 subject to review pursuant to Section 41 of this Act.
27 Where USEPA promulgates an applicable emission standard
28 prior to the issuance of the CAAPP permit, the Agency
29 shall include in the permit the promulgated standard,
30 provided that the source shall have the compliance period
31 provided under Section 112(i) of the Clean Air Act. Where
32 USEPA promulgates an applicable standard subsequent to
33 the issuance of the CAAPP permit, the Agency shall revise
34 such permit upon the next renewal to reflect the

1 promulgated standard, providing a reasonable time for the
2 applicable source to comply with the standard, but no
3 longer than 8 years after the date on which the source is
4 first required to comply with the emissions limitation
5 established under this subsection.

6 c. The Agency shall have the authority to implement
7 and enforce complete or partial emission standards
8 promulgated by USEPA pursuant to Section 112(d), and
9 standards promulgated by USEPA pursuant to Sections
10 112(f), 112(h), 112(m), and 112(n), and may accept
11 delegation of authority from USEPA to implement and
12 enforce Section 112(l) and requirements for the
13 prevention and detection of accidental releases pursuant
14 to Section 112(r) of the Clean Air Act.

15 d. The Agency shall have the authority to issue
16 permits pursuant to Section 112(i)(5) of the Clean Air
17 Act.

18 e. The Agency has the authority to implement
19 Section 112(g) of the Clean Air Act consistent with the
20 Clean Air Act and federal regulations promulgated
21 thereunder. If the Agency refuses to include the emission
22 limitations proposed in an application submitted by an
23 owner or operator for a case-by-case maximum achievable
24 control technology (MACT) determination, the owner or
25 operator may petition the Board to determine whether the
26 emission limitation proposed by the owner or operator or
27 an alternative emission limitation proposed by the Agency
28 provides for a level of control required by Section 112
29 of the Clean Air Act, or to otherwise establish an
30 appropriate emission limitation under Section 112 of the
31 Clean Air Act.

32 20. Small Business.

33 a. For purposes of this subsection:

34 "Program" is the Small Business Stationary Source

1 Technical and Environmental Compliance Assistance Program
2 created within this State pursuant to Section 507 of the
3 Clean Air Act and guidance promulgated thereunder, to
4 provide technical assistance and compliance information
5 to small business stationary sources;

6 "Small Business Assistance Program" is a component
7 of the Program responsible for providing sufficient
8 communications with small businesses through the
9 collection and dissemination of information to small
10 business stationary sources; and

11 "Small Business Stationary Source" means a
12 stationary source that:

13 1. is owned or operated by a person that
14 employs 100 or fewer individuals;

15 2. is a small business concern as defined in
16 the "Small Business Act";

17 3. is not a major source as that term is
18 defined in subsection 2 of this Section;

19 4. does not emit 50 tons or more per year of
20 any regulated air pollutant; and

21 5. emits less than 75 tons per year of all
22 regulated pollutants.

23 b. The Agency shall adopt and submit to USEPA,
24 after reasonable notice and opportunity for public
25 comment, as a revision to the Illinois state
26 implementation plan, plans for establishing the Program.

27 c. The Agency shall have the authority to enter
28 into such contracts and agreements as the Agency deems
29 necessary to carry out the purposes of this subsection.

30 d. The Agency may establish such procedures as it
31 may deem necessary for the purposes of implementing and
32 executing its responsibilities under this subsection.

33 e. There shall be appointed a Small Business
34 Ombudsman (hereinafter in this subsection referred to as

1 "Ombudsman") to monitor the Small Business Assistance
2 Program. The Ombudsman shall be a nonpartisan designated
3 official, with the ability to independently assess
4 whether the goals of the Program are being met.

5 f. The State Ombudsman Office shall be located in
6 an existing Ombudsman office within the State or in any
7 State Department.

8 g. There is hereby created a State Compliance
9 Advisory Panel (hereinafter in this subsection referred
10 to as "Panel") for determining the overall effectiveness
11 of the Small Business Assistance Program within this
12 State.

13 h. The selection of Panel members shall be by the
14 following method:

15 1. The Governor shall select two members who
16 are not owners or representatives of owners of small
17 business stationary sources to represent the general
18 public;

19 2. The Director of the Agency shall select one
20 member to represent the Agency; and

21 3. The State Legislature shall select four
22 members who are owners or representatives of owners
23 of small business stationary sources. Both the
24 majority and minority leadership in both Houses of
25 the Legislature shall appoint one member of the
26 panel.

27 i. Panel members should serve without compensation
28 but will receive full reimbursement for expenses
29 including travel and per diem as authorized within this
30 State.

31 j. The Panel shall select its own Chair by a
32 majority vote. The Chair may meet and consult with the
33 Ombudsman and the head of the Small Business Assistance
34 Program in planning the activities for the Panel.

1 21. Temporary Sources.

2 a. The Agency may issue a single permit authorizing
3 emissions from similar operations by the same source
4 owner or operator at multiple temporary locations, except
5 for sources which are affected sources for acid
6 deposition under Title IV of the Clean Air Act.

7 b. The applicant must demonstrate that the
8 operation is temporary and will involve at least one
9 change of location during the term of the permit.

10 c. Any such permit shall meet all applicable
11 requirements of this Section and applicable regulations,
12 and include conditions assuring compliance with all
13 applicable requirements at all authorized locations and
14 requirements that the owner or operator notify the Agency
15 at least 10 days in advance of each change in location.

16 22. Solid Waste Incineration Units.

17 a. A CAAPP permit for a solid waste incineration
18 unit combusting municipal waste subject to standards
19 promulgated under Section 129(e) of the Clean Air Act
20 shall be issued for a period of 12 years and shall be
21 reviewed every 5 years, unless the Agency requires more
22 frequent review through Agency procedures.

23 b. During the review in paragraph (a) of this
24 subsection, the Agency shall fully review the previously
25 submitted CAAPP permit application and corresponding
26 reports subsequently submitted to determine whether the
27 source is in compliance with all applicable requirements.

28 c. If the Agency determines that the source is not
29 in compliance with all applicable requirements it shall
30 revise the CAAPP permit as appropriate.

31 d. The Agency shall have the authority to adopt
32 procedural rules, in accordance with the Illinois
33 Administrative Procedure Act, as the Agency deems
34 necessary, to implement this subsection.

1 (Source: P.A. 92-24, eff. 7-1-01.)

2 (415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)

3 Sec. 56.4. Medical waste manifests.

4 (a) Manifests for potentially infectious medical waste
5 shall consist of an original (the first page of the form) and
6 3 copies. Upon delivery of potentially infectious medical
7 waste by a generator to a transporter, the transporter shall
8 deliver one copy of the completed manifest to the generator.
9 Upon delivery of potentially infectious medical waste by a
10 transporter to a treatment or disposal facility, the
11 transporter shall keep one copy of the completed manifest,
12 and the transporter shall deliver the original and one copy
13 of the completed manifest to the treatment or disposal
14 facility. The treatment or disposal facility shall keep one
15 copy of the completed manifest and return the original to the
16 generator within 35 days. The manifest, as provided for in
17 this Section, shall not terminate while being transferred
18 between the generator, transporter, transfer station, or
19 storage facility, unless transfer activities are conducted at
20 the treatment or disposal facility. The manifest shall
21 terminate at the treatment or disposal facility.

22 (b) Potentially infectious medical waste manifests shall
23 be in a form prescribed and provided by the Agency.
24 Generators and transporters of potentially infectious medical
25 waste and facilities accepting potentially infectious medical
26 waste are not required to submit copies of such manifests to
27 the Agency. The manifest described in this Section shall be
28 used for the transportation of potentially infectious medical
29 waste instead of the manifest described in Section 22.01 of
30 this Act. Copies of each manifest shall be retained for 3
31 years by generators, transporters, and facilities, and shall
32 be available for inspection and copying by the Agency.

33 (c) The Agency shall assess a fee of \$4.00 ~~\$2.00~~ for

1 each potentially infectious medical waste manifest provided
2 by the Agency.

3 (d) All fees collected by the Agency under this Section
4 shall be deposited into the Environmental Protection Permit
5 and Inspection Fund. The Agency may establish procedures
6 relating to the collection of fees under this Section. The
7 Agency shall not refund any fee paid to it under this
8 Section.

9 (Source: P.A. 90-773, eff. 8-14-98.)

10 (415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

11 Sec. 56.5. Medical waste hauling fees.

12 (a) The Agency shall annually collect a \$2000 ~~\$1000~~ fee
13 for each potentially infectious medical waste hauling permit
14 application and, in addition, shall collect a fee of \$250 for
15 each potentially infectious medical waste hauling vehicle
16 identified in the annual permit application and for each
17 vehicle that is added to the permit during the annual period.
18 Each applicant required to pay a fee under this Section shall
19 submit the fee along with the permit application. The Agency
20 shall deny any permit application for which a fee is required
21 under this Section that does not contain the appropriate fee.

22 (b) All fees collected by the Agency under this Section
23 shall be deposited into the Environmental Protection Permit
24 and Inspection Fund. The Agency may establish procedures
25 relating to the collection of fees under this Section. The
26 Agency shall not refund any fee paid to it under this
27 Section.

28 (c) The Agency shall not collect a fee under this
29 Section from any hospital that transports only potentially
30 infectious medical waste generated by its own activities or
31 by members of its medical staff.

32 (Source: P.A. 87-752.)

1 (415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

2 Sec. 56.6. Medical waste transportation fees.

3 (a) The Agency shall collect from each transporter of
4 potentially infectious medical waste required to have a
5 permit under Section 56.1(f) of this Act a fee in the amount
6 of 3 ~~1.5~~ cents per pound of potentially infectious medical
7 waste transported. The Agency shall collect from each
8 transporter of potentially infectious medical waste not
9 required to have a permit under Section 56.1(f)(1)(A) of this
10 Act a fee in the amount of 3 ~~1.5~~ cents per pound of
11 potentially infectious medical waste transported to a site or
12 facility not owned, controlled, or operated by the
13 transporter. The Agency shall deny any permit required under
14 Section 56.1(f) of this Act from any applicant who has not
15 paid to the Agency all fees due under this Section.

16 A fee in the amount of 3 ~~1.5~~ cents per pound of
17 potentially infectious medical waste shall be collected by
18 the Agency from a potentially infectious medical waste
19 storage site or treatment facility receiving potentially
20 infectious medical waste, unless the fee has been previously
21 paid by a transporter.

22 (b) The Agency shall establish procedures, not later
23 than January 1, 1992, relating to the collection of the fees
24 authorized by this Section. These procedures shall include,
25 but not be limited to: (i) necessary records identifying the
26 quantities of potentially infectious medical waste
27 transported; (ii) the form and submission of reports to
28 accompany the payment of fees to the Agency; and (iii) the
29 time and manner of payment of fees to the Agency, which
30 payments shall be not more often than quarterly.

31 (c) All fees collected by the Agency under this Section
32 shall be deposited into the Environmental Protection Permit
33 and Inspection Fund. The Agency may establish procedures
34 relating to the collection of fees under this Section. The

1 Agency shall not refund any fee paid to it under this
2 Section.

3 (d) The Agency shall not collect a fee under this
4 Section from a person transporting potentially infectious
5 medical waste to a hospital when the person is a member of
6 the hospital's medical staff.

7 (Source: P.A. 87-752; 87-1097.)

8 Section 75-55. The Illinois Pesticide Act is amended by
9 changing Sections 6 and 22.1 as follows:

10 (415 ILCS 60/6) (from Ch. 5, par. 806)

11 Sec. 6. Registration.

12 1. Every pesticide which is distributed, sold, offered
13 for sale within this State, delivered for transportation or
14 transported in interstate commerce or between points within
15 the State through any point outside the State, shall be
16 registered with the Director or his designated agent, subject
17 to provisions of this Act. Such registration shall be
18 renewed annually with registrations expiring December 31 each
19 year. Registration is not required if a pesticide is shipped
20 from one plant or warehouse to another plant or warehouse by
21 the same person and is used solely at such plant or warehouse
22 as a constituent part to make a pesticide which is registered
23 under provisions of this Act and FIFRA.

24 2. Registration applicant shall file a statement with
25 the Director which shall include:

26 A. The name and address of the applicant and the
27 name and address of the person whose name will appear on
28 the label if different from the applicant's.

29 B. The name of the pesticide.

30 C. A copy of the labeling accompanying the
31 pesticide under customary conditions of distribution,
32 sale and use, including ingredient statement, direction

1 for use, use classification, and precautionary or warning
2 statements.

3 3. The Director may require the submission of complete
4 formula data.

5 4. The Director may require a full description of tests
6 made and the results thereof, upon which the claims are
7 based, for any pesticide not registered pursuant to FIFRA, or
8 on any pesticide under consideration to be classified for
9 restricted use.

10 A. The Director will not consider data he required
11 of the initial registrant of a pesticide in support of
12 another applicants' registration unless the subsequent
13 applicant has obtained written permission to use such
14 data.

15 B. In the case of renewal registration, the
16 Director may accept a statement only with respect to
17 information which is different from that furnished
18 previously.

19 5. The Director may prescribe other requirements to
20 support a pesticide registration by regulation.

21 6. For the years preceding the year 2004, any registrant
22 desiring to register a pesticide product at any time during
23 one year shall pay the annual registration fee of \$100 per
24 product registered for that applicant. For the years 2004 and
25 thereafter, the annual product registration fee is \$200 per
26 product ~~\$130~~.

27 In addition, for the years preceding the year 2004 any
28 business registering a pesticide product at any time during
29 one year shall pay the annual business registration fee of
30 \$250. For the years 2004 and thereafter, the annual business
31 registration fee shall be \$400 ~~\$300~~. Each legal entity of
32 the business shall pay the annual business registration fee.

33 For the years preceding the year 2004, any applicant
34 requesting an experimental use permit shall pay the annual

1 fee of \$100 per permit and all special local need pesticide
2 registration applicants shall pay an annual fee of \$100 per
3 product. For the years 2004 and thereafter, the annual
4 experimental use permit fee and special local need pesticide
5 registration fee is \$200 per permit ~~\$130~~. Subsequent SLN
6 registrations for a pesticide already registered shall be
7 exempted from the registration fee.

8 A. All registration accepted and approved by the
9 Director shall expire on the 31st day of December in any
10 one year unless cancelled. Registration for a special
11 local need may be granted for a specific period of time
12 with the approval date and expiration date specified.

13 B. If a registration for special local need granted
14 by the Director does not receive approval of the
15 Administrator of USEPA, the registration shall expire on
16 the date of the Administrator's disapproval.

17 7. Registrations approved and accepted by the Director
18 and in effect on the 31st day of December, for which renewal
19 application is made, shall continue in full force and effect
20 until the Director notifies the registrant that the renewal
21 has been approved and accepted or the registration is denied
22 under this Act. Renewal registration forms will be provided
23 to applicants by the Director.

24 8. If the renewal of a pesticide registration is not
25 filed within 30 days of the date of expiration, a penalty
26 late registration assessment of \$300 ~~\$200~~ per product shall
27 apply in lieu of the normal annual product registration fee.
28 The late registration assessment shall not apply if the
29 applicant furnishes an affidavit certifying that no
30 unregulated pesticide was distributed or sold during the
31 period of registration. The late assessment is not a bar to
32 prosecution for doing business without proper registry.

33 9. The Director may prescribe by regulation to allow
34 pesticide use for a special local need, pursuant to FIFRA.

1 10. The Director may prescribe by regulation the
2 provisions for and requirements of registering a pesticide
3 intended for experimental use.

4 11. The Director shall not make any lack of essentiality
5 a criterion for denial of registration of any pesticide.
6 Where 2 pesticides meet the requirements, one should not be
7 registered in preference to the other.

8 12. It shall be the duty of the pesticide registrant to
9 properly dispose of any pesticide the registration of which
10 has been suspended, revoked or cancelled or which is
11 otherwise not properly registered in the State.

12 (Source: P.A. 90-205, eff. 1-1-98.)

13 (415 ILCS 60/22.1) (from Ch. 5, par. 822.1)

14 Sec. 22.1. Pesticide Control Fund. There is hereby
15 created in the State Treasury a special fund to be known as
16 the Pesticide Control Fund. All registration, penalty and
17 license fees collected by the Department pursuant to this Act
18 shall be deposited into the Fund. The amount annually
19 collected as fees shall be appropriated by the General
20 Assembly to the Department for the purposes of conducting a
21 public educational program on the proper use of pesticides,
22 for other activities related to the enforcement of this Act,
23 and for administration of the Insect Pest and Plant Disease
24 Act. However, the increase in fees in Sections 6, 10, and 13
25 of this Act resulting from this amendatory Act of 1990 shall
26 be used by the Department for the purpose of carrying out the
27 Department's powers and duties as set forth in paragraph 8 of
28 Section 19 of this Act. The monies collected under Section
29 13.1 of this Act shall be deposited in the Agrichemical
30 Incident Response Fund. In addition, for the years 2004 and
31 thereafter, \$125 of each pesticide annual business
32 registration fee and \$50 of each pesticide product annual
33 registration fee collected by the Department pursuant to

1 Section 6, paragraph 6 of this Act shall be deposited by the
2 Department directly into the State's General Revenue Fund.

3 (Source: P.A. 90-372, eff. 7-1-98.)

4 Section 75-58. The Alternate Fuels Act is amended by
5 changing Sections 35 and 40 as follows:

6 (415 ILCS 120/35)

7 Sec. 35. User fees.

8 ~~(a) During fiscal years 1999, 2000, 2001, and 2002~~ The
9 Office of the Secretary of State shall collect annual user
10 fees from any individual, partnership, association,
11 corporation, or agency of the United States government that
12 registers any combination of 10 or more of the following
13 types of motor vehicles in the Covered Area: (1) vehicles of
14 the First Division, as defined in the Illinois Vehicle Code;
15 (2) vehicles of the Second Division registered under the B,
16 D, F, H, MD, MF, MG, MH and MJ plate categories, as defined
17 in the Illinois Vehicle Code; and (3) commuter vans and
18 livery vehicles as defined in the Illinois Vehicle Code.
19 This Section does not apply to vehicles registered under the
20 International Registration Plan under Section 3-402.1 of the
21 Illinois Vehicle Code. The user fee shall be \$20 for each
22 vehicle registered in the Covered Area for each fiscal year.
23 The Office of the Secretary of State shall collect the \$20
24 when a vehicle's registration fee is paid.

25 (b) Owners of State, county, and local government
26 vehicles, rental vehicles, antique vehicles, electric
27 vehicles, and motorcycles are exempt from paying the user
28 fees on such vehicles.

29 (c) The Office of the Secretary of State shall deposit
30 the user fees collected into the Alternate Fuels Fund.

31 (Source: P.A. 92-858, eff. 1-3-03.)

1 (415 ILCS 120/40)

2 Sec. 40. Appropriations from the Alternate Fuels Fund.

3 (a) User Fees Funds. The Agency shall estimate the
4 amount of user fees expected to be collected under Section 35
5 of this Act for each fiscal year years-1999, 2000, 2001, and
6 2002. User fee funds shall be deposited into and distributed
7 from the Alternate Fuels Fund in the following manner:

8 (1) In each of fiscal years 1999, 2000, 2001, and
9 2002, and 2003, an amount not to exceed \$200,000, and
10 beginning in fiscal year 2004 an annual amount not to
11 exceed \$225,000, may be appropriated to the Agency from
12 the Alternate Fuels Fund to pay its costs of
13 administering the programs authorized by Section 30 of
14 this Act. Up to \$200,000 may be appropriated to the
15 Office of the Secretary of State in each of fiscal years
16 1999, 2000, 2001, and 2002, and 2003 from the Alternate
17 Fuels Fund to pay the Secretary of State's costs of
18 administering the programs authorized under this Act.
19 Beginning in fiscal year 2004 and in each fiscal year
20 thereafter, an amount not to exceed \$225,000 may be
21 appropriated to the Secretary of State from the Alternate
22 Fuels Fund to pay the Secretary of State's costs of
23 administering the programs authorized under this Act.

24 (2) In fiscal years 1999, 2000, 2001, and 2002,
25 after appropriation of the amounts authorized by item (1)
26 of subsection (a) of this Section, the remaining moneys
27 estimated to be collected during each fiscal year shall
28 be appropriated as follows: 80% of the remaining moneys
29 shall be appropriated to fund the programs authorized by
30 Section 30, and 20% shall be appropriated to fund the
31 programs authorized by Section 25. In fiscal year 2004
32 and each fiscal year thereafter, after appropriation of
33 the amounts authorized by item (1) of subsection (a) of
34 this Section, the remaining moneys estimated to be

1 collected during each fiscal year shall be appropriated
2 as follows: 70% of the remaining moneys shall be
3 appropriated to fund the programs authorized by Section
4 30 and 30% shall be appropriated to fund the programs
5 authorized by Section 31.

6 (3) (Blank). Additional--appropriations---to---the
7 Agency--from-the-Alternate-Fuels-Fund-to-pay-its-costs-of
8 administering-the-programs-authorized-by--Section--30--of
9 this--Act-may-be-made-in-fiscal-years-following-2002, not
10 to-exceed-the-amount-of-\$200,000-in-any-fiscal--year,--if
11 funds--are--still--available--and-program-costs-are-still
12 being-incurred.

13 (4) Moneys appropriated to fund the programs
14 authorized in Sections 25 and 30 shall be expended only
15 after they have been collected and deposited into the
16 Alternate Fuels Fund.

17 (b) General Revenue Fund Appropriations. General Revenue
18 Fund amounts appropriated to and deposited into the Alternate
19 Fuels Fund shall be distributed from the Alternate Fuels Fund
20 in the following manner:

21 (1) In each of fiscal years 2003 and 2004, an
22 amount not to exceed \$50,000 may be appropriated to the
23 Department of Commerce and Community Affairs from the
24 Alternate Fuels Fund to pay its costs of administering
25 the programs authorized by Sections 31 and 32.

26 (2) In each of fiscal years 2003 and 2004, an
27 amount not to exceed \$50,000 may be appropriated to the
28 Department of Commerce and Community Affairs to fund the
29 programs authorized by Section 32.

30 (3) In each of fiscal years 2003 and 2004, after
31 appropriation of the amounts authorized in items (1) and
32 (2) of subsection (b) of this Section, the remaining
33 moneys received from the General Revenue Fund shall be
34 appropriated as follows: 52.632% of the remaining moneys

1 shall be appropriated to fund the programs authorized by
2 Sections 25 and 30 and 47.368% of the remaining moneys
3 shall be appropriated to fund the programs authorized by
4 Section 31. The moneys appropriated to fund the
5 programs authorized by Sections 25 and 30 shall be used
6 as follows: 20% shall be used to fund the programs
7 authorized by Section 25, and 80% shall be used to fund
8 the programs authorized by Section 30.

9 Moneys appropriated to fund the programs authorized in
10 Section 31 shall be expended only after they have been
11 deposited into the Alternate Fuels Fund.

12 (Source: P.A. 92-858, eff. 1-3-03.)

13 Section 75-65. The Boiler and Pressure Vessel Safety Act
14 is amended by changing Section 13 as follows:

15 (430 ILCS 75/13) (from Ch. 111 1/2, par. 3214)

16 Sec. 13. Inspection fees. The owner or user of a
17 boiler or pressure vessel required by this Act to be
18 inspected by the Chief Inspector or his Deputy Inspector
19 shall pay directly to the Office of the State Fire Marshal,
20 upon completion of inspection, fees established by the Board.

21 On and after October 1, 2003, 50% of the fees for
22 certification of boilers and pressure vessels as described in
23 Section 11 shall be deposited into the General Revenue Fund
24 and the remaining fees received under this Act shall be
25 deposited in the Fire Prevention Fund.

26 (Source: P.A. 88-608, eff. 1-1-95; 89-467, eff. 1-1-97.)

27 Section 75-70. The Illinois Commercial Feed Act of 1961
28 is amended by changing Sections 6 and 14.3 as follows:

29 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

30 Sec. 6. Inspection fees and reports.

1 (a) An inspection fee at the rate of 20 16 cents per ton
2 shall be paid to the Director on commercial feed distributed
3 in this State by the person who first distributes the
4 commercial feed subject to the following:

5 (1) The inspection fee is not required on the first
6 distribution, if made to an Exempt Buyer, who with
7 approval from the Director, will become responsible for
8 the fee.

9 (2) Customer-formula feeds are hereby exempted if
10 the inspection fee is paid on the commercial feeds which
11 they contain.

12 (3) A fee shall not be paid on a commercial feed if
13 the payment has been made by a previous distributor.

14 (4) In the case of pet food and specialty pet food
15 which are distributed in the State in packages of 10
16 pounds or less, an annual fee of \$75 \$50 shall be paid in
17 lieu of an inspection fee. The inspection fee required by
18 subsection (a) shall apply to pet food and specialty pet
19 food distribution in packages exceeding 10 pounds. All
20 fees collected pursuant to this Section shall be paid
21 into the Feed Control Fund in the State Treasury.

22 (b) The minimum inspection fee shall be \$25 every 6
23 months.

24 (c) Each person who is liable for the payment of the
25 inspection fee shall:

26 (1) File, not later than the last day of January
27 and July of each year, a statement setting forth the
28 number of net tons of commercial feeds distributed in
29 this State during the preceding calendar 6 months period;
30 and upon filing such statement shall pay the inspection
31 fee at the rate stated in paragraph (a) of this Section.
32 This report shall be made on a summary form provided by
33 the Director or on other forms as approved by the
34 Director. If the tonnage report is not filed and the

1 inspection fee is not paid within 15 days after the end
2 of the filing date a collection fee amounting to 10% of
3 the inspection fee that is due or \$50 whichever is
4 greater, shall be assessed against the person who is
5 liable for the payment of the inspection fee in addition
6 to the inspection fee that is due.

7 (2) Keep such records as may be necessary or
8 required by the Director to indicate accurately the
9 tonnage of commercial feed distributed in this State, and
10 the Director shall have the right to examine such records
11 to verify statements of tonnage. Failure to make an
12 accurate statement of tonnage or to pay the inspection
13 fee or comply as provided herein shall constitute
14 sufficient cause for the cancellation of all
15 registrations or firm licenses on file for the
16 manufacturer or distributor.

17 (Source: P.A. 87-664.)

18 (505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

19 Sec. 14.3. Feed Control Fund. There is created in the
20 State Treasury a special fund to be known as the Feed Control
21 Fund. All firm license, inspection, and penalty fees
22 collected by the Department under this Act shall be deposited
23 in the Feed Control Fund. In addition, for the years 2004 and
24 thereafter, \$22 of each annual fee collected by the
25 Department pursuant to Section 6, paragraph 4 of this Act
26 shall be deposited by the Department directly into the
27 State's General Revenue Fund. the amount annually collected
28 as fees shall be appropriated by the General Assembly to the
29 Department for activities related to the enforcement of this
30 Act.

31 (Source: P.A. 87-664.)

32 Section 75-75. The Illinois Fertilizer Act of 1961 is

1 amended by changing Sections 4 and 6 as follows:

2 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

3 Sec. 4. Registration.

4 (a) Each brand and grade of commercial fertilizer shall
5 be registered before being distributed in this State. The
6 application for registration shall be submitted with a label
7 or facsimile of same to the Director on form furnished by the
8 Director, and shall be accompanied by a fee of \$10 \$5 per
9 grade within a brand. Upon approval by the Director a copy of
10 the registration shall be furnished to the applicant. All
11 registrations expire on December 31 of each year.

12 The application shall include the following information:

13 (1) The net weight

14 (2) The brand and grade

15 (3) The guaranteed analysis

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

17 (b) A distributor shall not be required to register any
18 brand of commercial fertilizer or custom mix which is already
19 registered under this Act by another person.

20 (c) The plant nutrient content of each and every
21 commercial fertilizer must remain uniform for the period of
22 registration and, in no case, shall the percentage of any
23 guaranteed plant nutrient element be changed in such a manner
24 that the crop-producing quality of the commercial fertilizer
25 is lowered.

26 (d) Each custom mixer shall register annually with the
27 Director on forms furnished by the Director. The application
28 for registration shall be accompanied by a fee of \$50 \$25.00,
29 unless the custom mixer elects to register each mixture,
30 paying a fee of \$10 \$5.00 per mixture. Upon approval by the
31 Director, a copy of the registration shall be furnished to
32 the applicant. All registrations expire on December 31 of
33 each year.

1 (e) A custom mix as defined in section 3(f), prepared
2 for one consumer shall not be co-mingled with the custom
3 mixed fertilizer prepared for another consumer.

4 (f) All fees collected pursuant to this Section shall be
5 paid into the State treasury.

6 (Source: Laws 1967, p. 297.)

7 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

8 Sec. 6. Inspection fees.

9 (a) There shall be paid to the Director for all
10 commercial fertilizers or custom mix distributed in this
11 State an inspection fee at the rate of 25¢ ~~20¢~~ per ton. Sales
12 to manufacturers or exchanges between them are hereby
13 exempted from the inspection fee.

14 On individual packages of commercial or custom mix or
15 specialty fertilizers containing 5 pounds or less, or if in
16 liquid form containers of 4,000 cubic centimeters or less,
17 there shall be paid instead of the 25¢ ~~20¢~~ per ton inspection
18 fee, an annual inspection fee of \$25 for each grade within a
19 brand sold or distributed. Where a person sells commercial or
20 custom mix or specialty fertilizers in packages of 5 pounds
21 or less, or 4,000 cubic centimeters or less if in liquid
22 form, and also sells in larger packages than 5 pounds or
23 liquid containers larger than 4,000 cubic centimeters, this
24 annual inspection fee of \$25 applies only to that portion
25 sold in packages of 5 pounds or less or 4,000 cubic
26 centimeters or less, and that portion sold in larger packages
27 or containers shall be subject to the same inspection fee of
28 25¢ ~~20¢~~ per ton as provided in this Act. The increased fees
29 shall be effective after June 30, 1989.

30 (b) Every person who distributes a commercial fertilizer
31 or custom mix in this State shall file with the Director, on
32 forms furnished by the Director, a semi-annual statement for
33 the periods ending June 30 and December 31, setting forth the

1 number of net tons of each grade of commercial fertilizers
2 within a brand or the net tons of custom mix distributed. The
3 report shall be due on or before the 15th day of the month
4 following the close of each semi-annual period and upon the
5 statement shall pay the inspection fee at the rate stated in
6 paragraph (a) of this Section.

7 One half of the ~~25¢~~ 20¢ per ton inspection fee shall be
8 paid into the Fertilizer Control Fund and all other fees
9 collected under this Section shall be paid into the State
10 treasury.

11 If the tonnage report is not filed and the payment of
12 inspection fee is not made within 30 days after the end of
13 the semi-annual period, a collection fee amounting to 10%
14 (minimum \$10) of the amount shall be assessed against the
15 registrant. The amount of fees due shall constitute a debt
16 and become the basis of a judgment against the registrant.
17 Upon the written request to the Director additional time may
18 be granted past the normal date of filing the semi-annual
19 statement.

20 When more than one person is involved in the distribution
21 of a commercial fertilizer, the last registrant who
22 distributes to the non-registrant (dealer or consumer) is
23 responsible for reporting the tonnage and paying the
24 inspection fee.

25 (Source: P.A. 86-232; 87-14.)

26 Section 75-80. The Illinois Vehicle Code is amended by
27 changing Sections 2-119, 2-123, 2-124, 3-403, 3-405.1, 3-811,
28 5-101, 5-102, 6-118, 7-707, 18c-1501, 18c-1502.05, and
29 18c-1502.10 and by adding Section 3-806.5 as follows:

30 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

31 Sec. 2-119. Disposition of fees and taxes.

32 (a) All moneys received from Salvage Certificates shall

1 be deposited in the Common School Fund in the State Treasury.

2 (b) Beginning January 1, 1990 and concluding December
3 31, 1994, of the money collected for each certificate of
4 title, duplicate certificate of title and corrected
5 certificate of title, \$0.50 shall be deposited into the Used
6 Tire Management Fund. Beginning January 1, 1990 and
7 concluding December 31, 1994, of the money collected for each
8 certificate of title, duplicate certificate of title and
9 corrected certificate of title, \$1.50 shall be deposited in
10 the Park and Conservation Fund.

11 Beginning January 1, 1995, of the money collected for
12 each certificate of title, duplicate certificate of title and
13 corrected certificate of title, \$2 shall be deposited in the
14 Park and Conservation Fund. The moneys deposited in the Park
15 and Conservation Fund pursuant to this Section shall be used
16 for the acquisition and development of bike paths as provided
17 for in Section 805-420 of the Department of Natural Resources
18 (Conservation) Law (20 ILCS 805/805-420).

19 Beginning January 1, 2000 and ~~continuing through December~~
20 ~~31, 2004~~, of the moneys collected for each certificate of
21 title, duplicate certificate of title, and corrected
22 certificate of title, \$48 shall be deposited into the Road
23 Fund and \$4 shall be deposited into the Motor Vehicle License
24 Plate Fund, except that if the balance in the Motor Vehicle
25 License Plate Fund exceeds \$40,000,000 on the last day of a
26 calendar month, then during the next calendar month the \$4
27 shall instead be deposited into the Road Fund.

28 ~~Beginning January 1, 2005, of the moneys collected for~~
29 ~~each certificate of title, duplicate certificate of title,~~
30 ~~and corrected certificate of title, \$52 shall be deposited~~
31 ~~into the Road Fund.~~

32 Except as otherwise provided in this Code, all remaining
33 moneys collected for certificates of title, and all moneys
34 collected for filing of security interests, shall be placed

1 in the General Revenue Fund in the State Treasury.

2 (c) All moneys collected for that portion of a driver's
3 license fee designated for driver education under Section
4 6-118 shall be placed in the Driver Education Fund in the
5 State Treasury.

6 (d) Beginning January 1, 1999, of the monies collected
7 as a registration fee for each motorcycle, motor driven cycle
8 and motorized pedalcycle, 27% of each annual registration fee
9 for such vehicle and 27% of each semiannual registration fee
10 for such vehicle is deposited in the Cycle Rider Safety
11 Training Fund.

12 (e) Of the monies received by the Secretary of State as
13 registration fees or taxes or as payment of any other fee, as
14 provided in this Act, except fees received by the Secretary
15 under paragraph (7) of subsection (b) of Section 5-101 and
16 Section 5-109 of this Code, 37% shall be deposited into the
17 State Construction Fund.

18 (f) Of the total money collected for a CDL instruction
19 permit or original or renewal issuance of a commercial
20 driver's license (CDL) pursuant to the Uniform Commercial
21 Driver's License Act (UCDLA): (i) \$6 of the total fee for an
22 original or renewal CDL, and \$6 of the total CDL instruction
23 permit fee when such permit is issued to any person holding a
24 valid Illinois driver's license, shall be paid into the
25 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
26 Information System/American Association of Motor Vehicle
27 Administrators network Trust Fund) and shall be used for the
28 purposes provided in Section 6z-23 of the State Finance Act
29 and (ii) \$20 of the total fee for an original or renewal CDL
30 or commercial driver instruction permit shall be paid into
31 the Motor Carrier Safety Inspection Fund, which is hereby
32 created as a special fund in the State Treasury, to be used
33 by the Department of State Police, subject to appropriation,
34 to hire additional officers to conduct motor carrier safety

1 inspections pursuant to Chapter 18b of this Code.

2 (g) All remaining moneys received by the Secretary of
3 State as registration fees or taxes or as payment of any
4 other fee, as provided in this Act, except fees received by
5 the Secretary under paragraph (7)(A) of subsection (b) of
6 Section 5-101 and Section 5-109 of this Code, shall be
7 deposited in the Road Fund in the State Treasury. Moneys in
8 the Road Fund shall be used for the purposes provided in
9 Section 8.3 of the State Finance Act.

10 (h) (Blank).

11 (i) (Blank).

12 (j) (Blank).

13 (k) There is created in the State Treasury a special
14 fund to be known as the Secretary of State Special License
15 Plate Fund. Money deposited into the Fund shall, subject to
16 appropriation, be used by the Office of the Secretary of
17 State (i) to help defray plate manufacturing and plate
18 processing costs for the issuance and, when applicable,
19 renewal of any new or existing ~~special~~ registration plates
20 authorized under this Code and (ii) for grants made by the
21 Secretary of State to benefit Illinois Veterans Home
22 libraries.

23 On or before October 1, 1995, the Secretary of State
24 shall direct the State Comptroller and State Treasurer to
25 transfer any unexpended balance in the Special Environmental
26 License Plate Fund, the Special Korean War Veteran License
27 Plate Fund, and the Retired Congressional License Plate Fund
28 to the Secretary of State Special License Plate Fund.

29 (l) The Motor Vehicle Review Board Fund is created as a
30 special fund in the State Treasury. Moneys deposited into
31 the Fund under paragraph (7) of subsection (b) of Section
32 5-101 and Section 5-109 shall, subject to appropriation, be
33 used by the Office of the Secretary of State to administer
34 the Motor Vehicle Review Board, including without limitation

1 payment of compensation and all necessary expenses incurred
2 in administering the Motor Vehicle Review Board under the
3 Motor Vehicle Franchise Act.

4 (m) Effective July 1, 1996, there is created in the
5 State Treasury a special fund to be known as the Family
6 Responsibility Fund. Moneys deposited into the Fund shall,
7 subject to appropriation, be used by the Office of the
8 Secretary of State for the purpose of enforcing the Family
9 Financial Responsibility Law.

10 (n) The Illinois Fire Fighters' Memorial Fund is created
11 as a special fund in the State Treasury. Moneys deposited
12 into the Fund shall, subject to appropriation, be used by the
13 Office of the State Fire Marshal for construction of the
14 Illinois Fire Fighters' Memorial to be located at the State
15 Capitol grounds in Springfield, Illinois. Upon the
16 completion of the Memorial, moneys in the Fund shall be used
17 in accordance with Section 3-634.

18 (o) Of the money collected for each certificate of title
19 for all-terrain vehicles and off-highway motorcycles, \$17
20 shall be deposited into the Off-Highway Vehicle Trails Fund.

21 (p) For audits conducted on or after July 1, 2003
22 pursuant to Section 2-124(d) of this Code, 50% of the money
23 collected as audit fees shall be deposited into the General
24 Revenue Fund.

25 (Source: P.A. 91-37, eff. 7-1-99; 91-239, eff. 1-1-00;
26 91-537, eff. 8-13-99; 91-832, eff. 6-16-00; 92-16, eff.
27 6-28-01.)

28 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

29 Sec. 2-123. Sale and Distribution of Information.

30 (a) Except as otherwise provided in this Section, the
31 Secretary may make the driver's license, vehicle and title
32 registration lists, in part or in whole, and any statistical
33 information derived from these lists available to local

1 governments, elected state officials, state educational
2 institutions, and all other governmental units of the State
3 and Federal Government requesting them for governmental
4 purposes. The Secretary shall require any such applicant for
5 services to pay for the costs of furnishing such services and
6 the use of the equipment involved, and in addition is
7 empowered to establish prices and charges for the services so
8 furnished and for the use of the electronic equipment
9 utilized.

10 (b) The Secretary is further empowered to and he may, in
11 his discretion, furnish to any applicant, other than listed
12 in subsection (a) of this Section, vehicle or driver data on
13 a computer tape, disk, other electronic format or computer
14 processable medium, or printout at a fixed fee of \$250 for
15 orders received before October 1, 2003 and \$500 for orders
16 received on or after October 1, 2003, in advance, and require
17 in addition a further sufficient deposit based upon the
18 Secretary of State's estimate of the total cost of the
19 information requested and a charge of \$25 for orders received
20 before October 1, 2003 and \$50 for orders received on or
21 after October 1, 2003, per 1,000 units or part thereof
22 identified or the actual cost, whichever is greater. The
23 Secretary is authorized to refund any difference between the
24 additional deposit and the actual cost of the request. This
25 service shall not be in lieu of an abstract of a driver's
26 record nor of a title or registration search. This service
27 may be limited to entities purchasing a minimum number of
28 records as required by administrative rule. The information
29 sold pursuant to this subsection shall be the entire vehicle
30 or driver data list, or part thereof. The information sold
31 pursuant to this subsection shall not contain personally
32 identifying information unless the information is to be used
33 for one of the purposes identified in subsection (f-5) of
34 this Section. Commercial purchasers of driver and vehicle

1 record databases shall enter into a written agreement with
2 the Secretary of State that includes disclosure of the
3 commercial use of the information to be purchased.

4 (c) Secretary of State may issue registration lists.
5 The Secretary of State shall compile and publish, at least
6 annually, a list of all registered vehicles. Each list of
7 registered vehicles shall be arranged serially according to
8 the registration numbers assigned to registered vehicles and
9 shall contain in addition the names and addresses of
10 registered owners and a brief description of each vehicle
11 including the serial or other identifying number thereof.
12 Such compilation may be in such form as in the discretion of
13 the Secretary of State may seem best for the purposes
14 intended.

15 (d) The Secretary of State shall furnish no more than 2
16 current available lists of such registrations to the sheriffs
17 of all counties and to the chiefs of police of all cities and
18 villages and towns of 2,000 population and over in this State
19 at no cost. Additional copies may be purchased by the
20 sheriffs or chiefs of police at the fee of \$500 each or at
21 the cost of producing the list as determined by the Secretary
22 of State. Such lists are to be used for governmental
23 purposes only.

24 (e) (Blank).

25 (e-1) (Blank).

26 (f) The Secretary of State shall make a title or
27 registration search of the records of his office and a
28 written report on the same for any person, upon written
29 application of such person, accompanied by a fee of \$5 for
30 each registration or title search. The written application
31 shall set forth the intended use of the requested
32 information. No fee shall be charged for a title or
33 registration search, or for the certification thereof
34 requested by a government agency. The report of the title or

1 registration search shall not contain personally identifying
2 information unless the request for a search was made for one
3 of the purposes identified in subsection (f-5) of this
4 Section.

5 The Secretary of State shall certify a title or
6 registration record upon written request. The fee for
7 certification shall be \$5 in addition to the fee required for
8 a title or registration search. Certification shall be made
9 under the signature of the Secretary of State and shall be
10 authenticated by Seal of the Secretary of State.

11 The Secretary of State may notify the vehicle owner or
12 registrant of the request for purchase of his title or
13 registration information as the Secretary deems appropriate.

14 No information shall be released to the requestor until
15 expiration of a 10 day period. This 10 day period shall not
16 apply to requests for information made by law enforcement
17 officials, government agencies, financial institutions,
18 attorneys, insurers, employers, automobile associated
19 businesses, persons licensed as a private detective or firms
20 licensed as a private detective agency under the Private
21 Detective, Private Alarm, and Private Security Act of 1983,
22 who are employed by or are acting on behalf of law
23 enforcement officials, government agencies, financial
24 institutions, attorneys, insurers, employers, automobile
25 associated businesses, and other business entities for
26 purposes consistent with the Illinois Vehicle Code, the
27 vehicle owner or registrant or other entities as the
28 Secretary may exempt by rule and regulation.

29 Any misrepresentation made by a requestor of title or
30 vehicle information shall be punishable as a petty offense,
31 except in the case of persons licensed as a private detective
32 or firms licensed as a private detective agency which shall
33 be subject to disciplinary sanctions under Section 22 or 25
34 of the Private Detective, Private Alarm, and Private Security

1 Act of 1983.

2 (f-5) The Secretary of State shall not disclose or
3 otherwise make available to any person or entity any
4 personally identifying information obtained by the Secretary
5 of State in connection with a driver's license, vehicle, or
6 title registration record unless the information is disclosed
7 for one of the following purposes:

8 (1) For use by any government agency, including any
9 court or law enforcement agency, in carrying out its
10 functions, or any private person or entity acting on
11 behalf of a federal, State, or local agency in carrying
12 out its functions.

13 (2) For use in connection with matters of motor
14 vehicle or driver safety and theft; motor vehicle
15 emissions; motor vehicle product alterations, recalls, or
16 advisories; performance monitoring of motor vehicles,
17 motor vehicle parts, and dealers; and removal of
18 non-owner records from the original owner records of
19 motor vehicle manufacturers.

20 (3) For use in the normal course of business by a
21 legitimate business or its agents, employees, or
22 contractors, but only:

23 (A) to verify the accuracy of personal
24 information submitted by an individual to the
25 business or its agents, employees, or contractors;
26 and

27 (B) if such information as so submitted is not
28 correct or is no longer correct, to obtain the
29 correct information, but only for the purposes of
30 preventing fraud by, pursuing legal remedies
31 against, or recovering on a debt or security
32 interest against, the individual.

33 (4) For use in research activities and for use in
34 producing statistical reports, if the personally

1 identifying information is not published, redisclosed, or
2 used to contact individuals.

3 (5) For use in connection with any civil, criminal,
4 administrative, or arbitral proceeding in any federal,
5 State, or local court or agency or before any
6 self-regulatory body, including the service of process,
7 investigation in anticipation of litigation, and the
8 execution or enforcement of judgments and orders, or
9 pursuant to an order of a federal, State, or local court.

10 (6) For use by any insurer or insurance support
11 organization or by a self-insured entity or its agents,
12 employees, or contractors in connection with claims
13 investigation activities, antifraud activities, rating,
14 or underwriting.

15 (7) For use in providing notice to the owners of
16 towed or impounded vehicles.

17 (8) For use by any private investigative agency or
18 security service licensed in Illinois for any purpose
19 permitted under this subsection.

20 (9) For use by an employer or its agent or insurer
21 to obtain or verify information relating to a holder of a
22 commercial driver's license that is required under
23 chapter 313 of title 49 of the United States Code.

24 (10) For use in connection with the operation of
25 private toll transportation facilities.

26 (11) For use by any requester, if the requester
27 demonstrates it has obtained the written consent of the
28 individual to whom the information pertains.

29 (12) For use by members of the news media, as
30 defined in Section 1-148.5, for the purpose of
31 newsgathering when the request relates to the operation
32 of a motor vehicle or public safety.

33 (13) For any other use specifically authorized by
34 law, if that use is related to the operation of a motor

1 vehicle or public safety.

2 (g) 1. The Secretary of State may, upon receipt of a
3 written request and a fee of \$6 before October 1, 2003
4 and a fee of \$12 on and after October 1, 2003, furnish to
5 the person or agency so requesting a driver's record.
6 Such document may include a record of: current driver's
7 license issuance information, except that the information
8 on judicial driving permits shall be available only as
9 otherwise provided by this Code; convictions; orders
10 entered revoking, suspending or cancelling a driver's
11 license or privilege; and notations of accident
12 involvement. All other information, unless otherwise
13 permitted by this Code, shall remain confidential.
14 Information released pursuant to a request for a driver's
15 record shall not contain personally identifying
16 information, unless the request for the driver's record
17 was made for one of the purposes set forth in subsection
18 (f-5) of this Section.

19 2. The Secretary of State may certify an abstract
20 of a driver's record upon written request therefor.
21 Such certification shall be made under the signature of
22 the Secretary of State and shall be authenticated by the
23 Seal of his office.

24 3. All requests for driving record information
25 shall be made in a manner prescribed by the Secretary and
26 shall set forth the intended use of the requested
27 information.

28 The Secretary of State may notify the affected
29 driver of the request for purchase of his driver's record
30 as the Secretary deems appropriate.

31 No information shall be released to the requester
32 until expiration of a 10 day period. This 10 day period
33 shall not apply to requests for information made by law
34 enforcement officials, government agencies, financial

1 institutions, attorneys, insurers, employers, automobile
2 associated businesses, persons licensed as a private
3 detective or firms licensed as a private detective agency
4 under the Private Detective, Private Alarm, and Private
5 Security Act of 1983, who are employed by or are acting
6 on behalf of law enforcement officials, government
7 agencies, financial institutions, attorneys, insurers,
8 employers, automobile associated businesses, and other
9 business entities for purposes consistent with the
10 Illinois Vehicle Code, the affected driver or other
11 entities as the Secretary may exempt by rule and
12 regulation.

13 Any misrepresentation made by a requestor of driver
14 information shall be punishable as a petty offense,
15 except in the case of persons licensed as a private
16 detective or firms licensed as a private detective agency
17 which shall be subject to disciplinary sanctions under
18 Section 22 or 25 of the Private Detective, Private Alarm,
19 and Private Security Act of 1983.

20 4. The Secretary of State may furnish without fee,
21 upon the written request of a law enforcement agency, any
22 information from a driver's record on file with the
23 Secretary of State when such information is required in
24 the enforcement of this Code or any other law relating to
25 the operation of motor vehicles, including records of
26 dispositions; documented information involving the use of
27 a motor vehicle; whether such individual has, or
28 previously had, a driver's license; and the address and
29 personal description as reflected on said driver's
30 record.

31 5. Except as otherwise provided in this Section,
32 the Secretary of State may furnish, without fee,
33 information from an individual driver's record on file,
34 if a written request therefor is submitted by any public

1 transit system or authority, public defender, law
2 enforcement agency, a state or federal agency, or an
3 Illinois local intergovernmental association, if the
4 request is for the purpose of a background check of
5 applicants for employment with the requesting agency, or
6 for the purpose of an official investigation conducted by
7 the agency, or to determine a current address for the
8 driver so public funds can be recovered or paid to the
9 driver, or for any other purpose set forth in subsection
10 (f-5) of this Section.

11 The Secretary may also furnish the courts a copy of
12 an abstract of a driver's record, without fee, subsequent
13 to an arrest for a violation of Section 11-501 or a
14 similar provision of a local ordinance. Such abstract
15 may include records of dispositions; documented
16 information involving the use of a motor vehicle as
17 contained in the current file; whether such individual
18 has, or previously had, a driver's license; and the
19 address and personal description as reflected on said
20 driver's record.

21 6. Any certified abstract issued by the Secretary
22 of State or transmitted electronically by the Secretary
23 of State pursuant to this Section, to a court or on
24 request of a law enforcement agency, for the record of a
25 named person as to the status of the person's driver's
26 license shall be prima facie evidence of the facts
27 therein stated and if the name appearing in such abstract
28 is the same as that of a person named in an information
29 or warrant, such abstract shall be prima facie evidence
30 that the person named in such information or warrant is
31 the same person as the person named in such abstract and
32 shall be admissible for any prosecution under this Code
33 and be admitted as proof of any prior conviction or proof
34 of records, notices, or orders recorded on individual

1 driving records maintained by the Secretary of State.

2 7. Subject to any restrictions contained in the
3 Juvenile Court Act of 1987, and upon receipt of a proper
4 request and a fee of \$6 before October 1, 2003 and a fee
5 of \$12 on or after October 1, 2003, the Secretary of
6 State shall provide a driver's record to the affected
7 driver, or the affected driver's attorney, upon
8 verification. Such record shall contain all the
9 information referred to in paragraph 1 of this subsection
10 (g) plus: any recorded accident involvement as a driver;
11 information recorded pursuant to subsection (e) of
12 Section 6-117 and paragraph (4) of subsection (a) of
13 Section 6-204 of this Code. All other information,
14 unless otherwise permitted by this Code, shall remain
15 confidential.

16 (h) The Secretary shall not disclose social security
17 numbers except pursuant to a written request by, or with the
18 prior written consent of, the individual except: (1) to
19 officers and employees of the Secretary who have a need to
20 know the social security numbers in performance of their
21 official duties, (2) to law enforcement officials for a
22 lawful, civil or criminal law enforcement investigation, and
23 if the head of the law enforcement agency has made a written
24 request to the Secretary specifying the law enforcement
25 investigation for which the social security numbers are being
26 sought, (3) to the United States Department of
27 Transportation, or any other State, pursuant to the
28 administration and enforcement of the Commercial Motor
29 Vehicle Safety Act of 1986, (4) pursuant to the order of a
30 court of competent jurisdiction, or (5) to the Department of
31 Public Aid for utilization in the child support enforcement
32 duties assigned to that Department under provisions of the
33 Public Aid Code after the individual has received advanced
34 meaningful notification of what redisclosure is sought by the

1 Secretary in accordance with the federal Privacy Act.

2 (i) (Blank).

3 (j) Medical statements or medical reports received in
4 the Secretary of State's Office shall be confidential. No
5 confidential information may be open to public inspection or
6 the contents disclosed to anyone, except officers and
7 employees of the Secretary who have a need to know the
8 information contained in the medical reports and the Driver
9 License Medical Advisory Board, unless so directed by an
10 order of a court of competent jurisdiction.

11 (k) All fees collected under this Section shall be paid
12 into the Road Fund of the State Treasury, except that (i) for
13 fees collected before October 1, 2003, \$3 of the \$6 fee for a
14 driver's record shall be paid into the Secretary of State
15 Special Services Fund, (ii) for fees collected on and after
16 October 1, 2003, of the \$12 fee for a driver's record, \$3
17 shall be paid into the Secretary of State Special Services
18 Fund and \$6 shall be paid into the General Revenue Fund, and
19 (iii) for fees collected on and after October 1, 2003, 50% of
20 the amounts collected pursuant to subsection (b) shall be
21 paid into the General Revenue Fund.

22 (l) (Blank).

23 (m) Notations of accident involvement that may be
24 disclosed under this Section shall not include notations
25 relating to damage to a vehicle or other property being
26 transported by a tow truck. This information shall remain
27 confidential, provided that nothing in this subsection (m)
28 shall limit disclosure of any notification of accident
29 involvement to any law enforcement agency or official.

30 (n) Requests made by the news media for driver's
31 license, vehicle, or title registration information may be
32 furnished without charge or at a reduced charge, as
33 determined by the Secretary, when the specific purpose for
34 requesting the documents is deemed to be in the public

1 interest. Waiver or reduction of the fee is in the public
2 interest if the principal purpose of the request is to access
3 and disseminate information regarding the health, safety, and
4 welfare or the legal rights of the general public and is not
5 for the principal purpose of gaining a personal or commercial
6 benefit. The information provided pursuant to this subsection
7 shall not contain personally identifying information unless
8 the information is to be used for one of the purposes
9 identified in subsection (f-5) of this Section.

10 (o) The redisclosure of personally identifying
11 information obtained pursuant to this Section is prohibited,
12 except to the extent necessary to effectuate the purpose for
13 which the original disclosure of the information was
14 permitted.

15 (p) The Secretary of State is empowered to adopt rules
16 to effectuate this Section.

17 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;
18 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff.
19 7-11-02.)

20 (625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)

21 Sec. 2-124. Audits, interest and penalties.

22 (a) Audits. The Secretary of State or employees and
23 agents designated by him, may audit the books, records, tax
24 returns, reports, and any and all other pertinent records or
25 documents of any person licensed or registered, or required
26 to be licensed or registered, under any provisions of this
27 Act, for the purpose of determining whether such person has
28 not paid any fees or taxes required to be paid to the
29 Secretary of State and due to the State of Illinois. For
30 purposes of this Section, "person" means an individual,
31 corporation, or partnership, or an officer or an employee of
32 any corporation, including a dissolved corporation, or a
33 member or an employee of any partnership, who as an officer,

1 employee, or member under a duty to perform the act in
2 respect to which the violation occurs.

3 (b) Joint Audits. The Secretary of State may enter into
4 reciprocal audit agreements with officers, agents or agencies
5 of another State or States, for joint audits of any person
6 subject to audit under this Act.

7 (c) Special Audits. If the Secretary of State is not
8 satisfied with the books, records and documents made
9 available for an audit, or if the Secretary of State is
10 unable to determine therefrom whether any fees or taxes are
11 due to the State of Illinois, or if there is cause to believe
12 that the person audited has declined or refused to supply the
13 books, records and documents necessary to determine whether a
14 deficiency exists, the Secretary of State may either seek a
15 court order for production of any and all books, records and
16 documents he deems relevant and material, or, in his
17 discretion, the Secretary of State may instead give written
18 notice to such person requiring him to produce any and all
19 books, records and documents necessary to properly audit and
20 determine whether any fees or taxes are due to the State of
21 Illinois. If such person fails, refuses or declines to comply
22 with either the court order or written notice within the time
23 specified, the Secretary of State shall then order a special
24 audit at the expense of the person affected. Upon completion
25 of the special audit, the Secretary of State shall determine
26 if any fees or taxes required to be paid under this Act have
27 not been paid, and make an assessment of any deficiency based
28 upon the books, records and documents available to him, and
29 in an assessment, he may rely upon records of other persons
30 having an operation similar to that of the person audited
31 specially. A person audited specially and subject to a court
32 order and in default thereof, shall in addition, be subject
33 to any penalty or punishment imposed by the court entering
34 the order.

1 (d) Deficiency; Audit Costs. When a deficiency is found
2 and any fees or taxes required to be paid under this Act have
3 not been paid to the State of Illinois, the Secretary of
4 State may impose an audit fee of \$100 \$50 per day, or \$50 \$25
5 per half-day, per auditor, plus in the case of out-of-state
6 travel, transportation expenses incurred by the auditor or
7 auditors. Where more than one person is audited on the same
8 out-of-state trip, the additional transportation expenses may
9 be apportioned. The actual costs of a special audit shall be
10 imposed upon the person audited.

11 (e) Interest. When a deficiency is found and any fees or
12 taxes required to be paid under this Act have not been paid
13 to the State of Illinois, the amount of the deficiency, if
14 greater than \$100 for all registration years examined, shall
15 also bear interest at the rate of 1/2 of 1% per month or
16 fraction thereof, from the date when the fee or tax due
17 should have been paid under the provisions of this Act,
18 subject to a maximum of 6% per annum.

19 (f) Willful Negligence. When a deficiency is determined
20 by the Secretary to be caused by the willful neglect or
21 negligence of the person audited, an additional 10% penalty,
22 that is 10% of the amount of the deficiency or assessment,
23 shall be imposed, and the 10% penalty shall bear interest at
24 the rate of 1/2 of 1% on and after the 30th day after the
25 penalty is imposed until paid in full.

26 (g) Fraud or Evasion. When a deficiency is determined by
27 the Secretary to be caused by fraud or willful evasion of the
28 provisions of this Act, an additional penalty, that is 20% of
29 the amount of the deficiency or assessment, shall be imposed,
30 and the 20% penalty shall bear interest at the rate of 1/2 of
31 1% on and after the 30th day after the penalty is imposed
32 until paid in full.

33 (h) Notice. The Secretary of State shall give written
34 notice to any person audited, of the amount of any deficiency

1 found or assessment made, of the costs of an audit or special
2 audit, and of the penalty imposed, and payment shall be made
3 within 30 days of the date of the notice unless such person
4 petitions for a hearing.

5 However, except in the case of fraud or willful evasion,
6 or the inaccessibility of books and records for audit or with
7 the express consent of the person audited, no notice of a
8 deficiency or assessment shall be issued by the Secretary for
9 more than 3 registration years. This limitation shall
10 commence on any January 1 as to calendar year registrations
11 and on any July 1 as to fiscal year registrations. This
12 limitation shall not apply for any period during which the
13 person affected has declined or refuses to make his books and
14 records available for audit, nor during any period of time in
15 which an Order of any Court has the effect of enjoining or
16 restraining the Secretary from making an audit or issuing a
17 notice. Notwithstanding, each person licensed under the
18 International Registration Plan and audited by this State or
19 any member jurisdiction shall follow the assessment and
20 refund procedures as adopted and amended by the International
21 Registration Plan members. The Secretary of State shall have
22 the final decision as to which registrants may be subject to
23 the netting of audit fees as outlined in the International
24 Registration Plan. Persons audited may be subject to a
25 review process to determine the final outcome of the audit
26 finding. This process shall follow the adopted procedure as
27 outlined in the International Registration Plan. All
28 decisions by the IRP designated tribunal shall be binding.

29 (i) Every person subject to licensing or registration
30 and audit under the provisions of this Chapter shall retain
31 all pertinent licensing and registration documents, books,
32 records, tax returns, reports and all supporting records and
33 documents for a period of 4 years.

34 (j) Hearings. Any person receiving written notice of a

1 deficiency or assessment may, within 30 days after the date
2 of the notice, petition for a hearing before the Secretary of
3 State or his duly appointed hearing officer to contest the
4 audit in whole or in part, and the petitioner shall
5 simultaneously file a certified check or money order, or
6 certificate of deposit, or a surety bond approved by the
7 Secretary in the amount of the deficiency or assessment.
8 Hearings shall be held pursuant to the provisions of Section
9 2-118 of this Act.

10 (k) Judgments. The Secretary of State may enforce any
11 notice of deficiency or assessment pursuant to the provisions
12 of Section 3-831 of this Act.

13 (Source: P.A. 92-69, eff. 7-12-01.)

14 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

15 Sec. 3-403. Trip and Short-term permits.

16 (a) The Secretary of State may issue a short-term permit
17 to operate a nonregistered first or second division vehicle
18 within the State of Illinois for a period of not more than 7
19 days. Any second division vehicle operating on such permit
20 may operate only on empty weight. The fee for the short-term
21 permit shall be \$6 for permits purchased on or before June
22 30, 2003 and \$10 for permits purchased on or after July 1,
23 2003. For short term permits purchased on or after July 1,
24 2003, \$4 of the fee collected for the purchase of each permit
25 shall be deposited into the General Revenue Fund.

26 This permit may also be issued to operate an unladen
27 registered vehicle which is suspended under the Vehicle
28 Emissions Inspection Law and allow it to be driven on the
29 roads and highways of the State in order to be repaired or
30 when travelling to and from an emissions inspection station.

31 (b) The Secretary of State may, subject to reciprocal
32 agreements, arrangements or declarations made or entered into
33 pursuant to Section 3-402, 3-402.4 or by rule, provide for

1 and issue registration permits for the use of Illinois
2 highways by vehicles of the second division on an occasional
3 basis or for a specific and special short-term use, in
4 compliance with rules and regulations promulgated by the
5 Secretary of State, and upon payment of the prescribed fee as
6 follows:

7 One-trip permits. A registration permit for one trip, or
8 one round-trip into and out of Illinois, for a period not to
9 exceed 72 consecutive hours or 3 calendar days may be
10 provided, for a fee as prescribed in Section 3-811.

11 One-Month permits. A registration permit for 30 days may
12 be provided for a fee of \$13 for registration plus 1/10 of
13 the flat weight tax. The minimum fee for such permit shall
14 be \$31.

15 In-transit permits. A registration permit for one trip
16 may be provided for vehicles in transit by the driveaway or
17 towaway method and operated by a transporter in compliance
18 with the Illinois Motor Carrier of Property Law, for a fee as
19 prescribed in Section 3-811.

20 Illinois Temporary Apportionment Authorization Permits.
21 An apportionment authorization permit for forty-five days for
22 the immediate operation of a vehicle upon application for and
23 prior to receiving apportioned credentials or interstate
24 credentials from the State of Illinois. The fee for such
25 permit shall be \$3.

26 Illinois Temporary Prorate Authorization Permit. A
27 prorate authorization permit for forty-five days for the
28 immediate operation of a vehicle upon application for and
29 prior to receiving prorate credentials or interstate
30 credentials from the State of Illinois. The fee for such
31 permit shall be \$3.

32 (c) The Secretary of State shall promulgate by such rule
33 or regulation, schedules of fees and taxes for such permits
34 and in computing the amount or amounts due, may round off

1 such amount to the nearest full dollar amount.

2 (d) The Secretary of State shall further prescribe the
3 form of application and permit and may require such
4 information and data as necessary and proper, including
5 confirming the status or identity of the applicant and the
6 vehicle in question.

7 (e) Rules or regulations promulgated by the Secretary of
8 State under this Section shall provide for reasonable and
9 proper limitations and restrictions governing the application
10 for and issuance and use of permits, and shall provide for
11 the number of permits per vehicle or per applicant, so as to
12 preclude evasion of annual registration requirements as may
13 be required by this Act.

14 (f) Any permit under this Section is subject to
15 suspension or revocation under this Act, and in addition, any
16 such permit is subject to suspension or revocation should the
17 Secretary of State determine that the vehicle identified in
18 any permit should be properly registered in Illinois. In the
19 event any such permit is suspended or revoked, the permit is
20 then null and void, may not be re-instated, nor is a refund
21 therefor available. The vehicle identified in such permit
22 may not thereafter be operated in Illinois without being
23 properly registered as provided in this Chapter.

24 (Source: P.A. 91-37, eff. 7-1-99; 92-680, eff. 7-16-02.)

25 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

26 Sec. 3-405.1. Application for vanity and personalized
27 license plates.

28 (a) Vanity license plates mean any license plates,
29 assigned to a passenger motor vehicle of the first division,
30 to a motor vehicle of the second division registered at not
31 more than 8,000 pounds or to a recreational vehicle, which
32 display a registration number containing 1 4 to 7 letters and
33 no numbers or 1, 2, or 3 numbers and no letters as requested

1 by the owner of the vehicle and license plates issued to
2 retired members of Congress under Section 3-610.1 or to
3 retired members of the General Assembly as provided in
4 Section 3-606.1. ~~A license plate consisting of 3 letters and~~
5 ~~no numbers or of 1, 2 or 3 numbers, upon its becoming~~
6 ~~available, is a vanity license plate.~~ Personalized license
7 plates mean any license plates, assigned to a passenger motor
8 vehicle of the first division, to a motor vehicle of the
9 second division registered at not more than 8,000 pounds, or
10 to a recreational vehicle, which display a registration
11 number containing one of the following combinations a
12 combination of letters and numbers as prescribed by rule, as
13 requested by the owner of the vehicle:-

14 Standard Passenger Plates

15 First Division Vehicles

16 1 letter plus 0-99

17 2 letters plus 0-99

18 3 letters plus 0-99

19 4 letters plus 0-99

20 5 letters plus 0-99

21 6 letters plus 0-9

22 Second Division Vehicles

23 8,000 pounds or less and Recreation Vehicles

24 0-999 plus 1 letter

25 0-999 plus 2 letters

26 0-999 plus 3 letters

27 0-99 plus 4 letters

28 0-9 plus 5 letters

29 (b) For any registration period commencing after
30 December 31, 2003, 1979, any person who is the registered
31 owner of a passenger motor vehicle of the first division, of

1 a motor vehicle of the second division registered at not more
2 than 8,000 pounds or of a recreational vehicle registered
3 with the Secretary of State or who makes application for an
4 original registration of such a motor vehicle or renewal
5 registration of such a motor vehicle may, upon payment of a
6 fee prescribed in Section 3-806.1 or Section 3-806.5, apply
7 to the Secretary of State for vanity or personalized license
8 plates.

9 (c) Except as otherwise provided in this Chapter 3,
10 vanity and personalized license plates as issued under this
11 Section shall be the same color and design as other passenger
12 vehicle license plates and shall not in any manner conflict
13 with any other existing passenger, commercial, trailer,
14 motorcycle, or special license plate series. However,
15 special registration plates issued under Sections 3-611 and
16 3-616 for vehicles operated by or for persons with
17 disabilities may also be vanity or personalized license
18 plates.

19 (d) Vanity and personalized license plates shall be
20 issued only to the registered owner of the vehicle on which
21 they are to be displayed, except as provided in Sections
22 3-611 and 3-616 for special registration plates for vehicles
23 operated by or for persons with disabilities.

24 (e) An applicant for the issuance of vanity or
25 personalized license plates or subsequent renewal thereof
26 shall file an application in such form and manner and by such
27 date as the Secretary of State may, in his discretion,
28 require.

29 No vanity nor personalized license plates shall be
30 approved, manufactured, or distributed that contain any
31 characters, symbols other than the international
32 accessibility symbol for vehicles operated by or for persons
33 with disabilities, foreign words, or letters of punctuation.

34 (f) Vanity and personalized license plates as issued

1 pursuant to this Act may be subject to the Staggered
2 Registration System as prescribed by the Secretary of State.
3 (Source: P.A. 92-651, eff. 7-11-02.)

4 (625 ILCS 5/3-806.5 new)

5 Sec. 3-806.5. Additional fees for personalized license
6 plates. For registration periods commencing after December
7 31, 2003, in addition to the regular registration fee, an
8 applicant shall be charged \$47 for each set of personalized
9 license plates issued to a motor vehicle of the first
10 division or a motor vehicle of the second division registered
11 at not more than 8,000 pounds or to a recreational vehicle
12 and \$25 for each set of personalized plates issued to a
13 motorcycle. In addition to the regular renewal fee, an
14 applicant shall be charged \$7 for the renewal of each set of
15 personalized license plates. Of the money received by the
16 Secretary of State as additional fees for personalized
17 license plates, 50% shall be deposited into the Secretary of
18 State Special License Plate Fund and 50% shall be deposited
19 into the General Revenue Fund.

20 (625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)

21 Sec. 3-811. Drive-away and other permits - Fees.

22 (a) Dealers may obtain drive-away permits for use as
23 provided in this Code, for a fee of \$6 per permit for permits
24 purchased on or before June 30, 2003 and \$10 for permits
25 purchased on or after July 1, 2003. For drive-away permits
26 purchased on or after July 1, 2003, \$4 of the fee collected
27 for the purchase of each permit shall be deposited into the
28 General Revenue Fund.

29 (b) Transporters may obtain one-trip permits for
30 vehicles in transit for use as provided in this Code, for a
31 fee of \$6 per permit for permits purchased on or before June
32 30, 2003 and \$10 for permits purchased on or after July 1,

1 2003. For one-trip permits purchased on or after July 1,
2 2003, \$4 of the fee collected from the purchase of each
3 permit shall be deposited into the General Revenue Fund.

4 (c) Non-residents may likewise obtain a drive-away
5 permit from the Secretary of State to export a motor vehicle
6 purchased in Illinois, for a fee of \$6 per permit for permits
7 purchased on or before June 30, 2003 and \$10 for permits
8 purchased on or after July 1, 2003. For drive-away permits
9 purchased on or after July 1, 2003, \$4 of the fee collected
10 for the purchase of each permit shall be deposited into the
11 General Revenue Fund.

12 (d) One-trip permits may be obtained for an occasional
13 single trip by a vehicle as provided in this Code, upon
14 payment of a fee of \$19.

15 (e) One month permits may likewise be obtained for the
16 fees and taxes prescribed in this Code and as promulgated by
17 the Secretary of State.

18 (Source: P.A. 91-37, eff. 7-1-99; 92-680, eff. 7-16-02.)

19 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

20 Sec. 5-101. New vehicle dealers must be licensed.

21 (a) No person shall engage in this State in the business
22 of selling or dealing in, on consignment or otherwise, new
23 vehicles of any make, or act as an intermediary or agent or
24 broker for any licensed dealer or vehicle purchaser other
25 than as a salesperson, or represent or advertise that he is
26 so engaged or intends to so engage in such business unless
27 licensed to do so in writing by the Secretary of State under
28 the provisions of this Section.

29 (b) An application for a new vehicle dealer's license
30 shall be filed with the Secretary of State, duly verified by
31 oath, on such form as the Secretary of State may by rule or
32 regulation prescribe and shall contain:

33 1. The name and type of business organization of

1 the applicant and his established and additional places
2 of business, if any, in this State.

3 2. If the applicant is a corporation, a list of its
4 officers, directors, and shareholders having a ten
5 percent or greater ownership interest in the corporation,
6 setting forth the residence address of each; if the
7 applicant is a sole proprietorship, a partnership, an
8 unincorporated association, a trust, or any similar form
9 of business organization, the name and residence address
10 of the proprietor or of each partner, member, officer,
11 director, trustee, or manager.

12 3. The make or makes of new vehicles which the
13 applicant will offer for sale at retail in this State.

14 4. The name of each manufacturer or franchised
15 distributor, if any, of new vehicles with whom the
16 applicant has contracted for the sale of such new
17 vehicles. As evidence of this fact, the application shall
18 be accompanied by a signed statement from each such
19 manufacturer or franchised distributor. If the applicant
20 is in the business of offering for sale new conversion
21 vehicles, trucks or vans, except for trucks modified to
22 serve a special purpose which includes but is not limited
23 to the following vehicles: street sweepers, fertilizer
24 spreaders, emergency vehicles, implements of husbandry or
25 maintenance type vehicles, he must furnish evidence of a
26 sales and service agreement from both the chassis
27 manufacturer and second stage manufacturer.

28 5. A statement that the applicant has been approved
29 for registration under the Retailers' Occupation Tax Act
30 by the Department of Revenue: Provided that this
31 requirement does not apply to a dealer who is already
32 licensed hereunder with the Secretary of State, and who
33 is merely applying for a renewal of his license. As
34 evidence of this fact, the application shall be

1 accompanied by a certification from the Department of
2 Revenue showing that that Department has approved the
3 applicant for registration under the Retailers'
4 Occupation Tax Act.

5 6. A statement that the applicant has complied with
6 the appropriate liability insurance requirement. A
7 Certificate of Insurance in a solvent company authorized
8 to do business in the State of Illinois shall be included
9 with each application covering each location at which he
10 proposes to act as a new vehicle dealer. The policy must
11 provide liability coverage in the minimum amounts of
12 \$100,000 for bodily injury to, or death of, any person,
13 \$300,000 for bodily injury to, or death of, two or more
14 persons in any one accident, and \$50,000 for damage to
15 property. Such policy shall expire not sooner than
16 December 31 of the year for which the license was issued
17 or renewed. The expiration of the insurance policy shall
18 not terminate the liability under the policy arising
19 during the period for which the policy was filed.
20 Trailer and mobile home dealers are exempt from this
21 requirement.

22 If the permitted user has a liability insurance
23 policy that provides automobile liability insurance
24 coverage of at least \$100,000 for bodily injury to or the
25 death of any person, \$300,000 for bodily injury to or the
26 death of any 2 or more persons in any one accident, and
27 \$50,000 for damage to property, then the permitted user's
28 insurer shall be the primary insurer and the dealer's
29 insurer shall be the secondary insurer. If the permitted
30 user does not have a liability insurance policy that
31 provides automobile liability insurance coverage of at
32 least \$100,000 for bodily injury to or the death of any
33 person, \$300,000 for bodily injury to or the death of any
34 2 or more persons in any one accident, and \$50,000 for

1 damage to property, or does not have any insurance at
2 all, then the dealer's insurer shall be the primary
3 insurer and the permitted user's insurer shall be the
4 secondary insurer.

5 When a permitted user is "test driving" a new
6 vehicle dealer's automobile, the new vehicle dealer's
7 insurance shall be primary and the permitted user's
8 insurance shall be secondary.

9 As used in this paragraph 6, a "permitted user" is a
10 person who, with the permission of the new vehicle dealer
11 or an employee of the new vehicle dealer, drives a
12 vehicle owned and held for sale or lease by the new
13 vehicle dealer which the person is considering to
14 purchase or lease, in order to evaluate the performance,
15 reliability, or condition of the vehicle. The term
16 "permitted user" also includes a person who, with the
17 permission of the new vehicle dealer, drives a vehicle
18 owned or held for sale or lease by the new vehicle dealer
19 for loaner purposes while the user's vehicle is being
20 repaired or evaluated.

21 As used in this paragraph 6, "test driving" occurs
22 when a permitted user who, with the permission of the new
23 vehicle dealer or an employee of the new vehicle dealer,
24 drives a vehicle owned and held for sale or lease by a
25 new vehicle dealer that the person is considering to
26 purchase or lease, in order to evaluate the performance,
27 reliability, or condition of the vehicle.

28 As used in this paragraph 6, "loaner purposes" means
29 when a person who, with the permission of the new vehicle
30 dealer, drives a vehicle owned or held for sale or lease
31 by the new vehicle dealer while the user's vehicle is
32 being repaired or evaluated.

33 7. (A) An application for a new motor vehicle
34 dealer's license shall be accompanied by the following

1 license fees:

2 \$1,000 ~~\$100~~ for applicant's established place
3 of business, and \$100 ~~\$50~~ for each additional place
4 of business, if any, to which the application
5 pertains; but if the application is made after June
6 15 of any year, the license fee shall be \$500 ~~\$50~~
7 for applicant's established place of business plus
8 \$50 ~~\$25~~ for each additional place of business, if
9 any, to which the application pertains. License fees
10 shall be returnable only in the event that the
11 application is denied by the Secretary of State. All
12 moneys received by the Secretary of State as license
13 fees under paragraph (7)(A) of subsection (b) of
14 this Section prior to applications for the 2004
15 licensing year shall be deposited into the Motor
16 Vehicle Review Board Fund and shall be used to
17 administer the Motor Vehicle Review Board under the
18 Motor Vehicle Franchise Act. Of the money received
19 by the Secretary of State as license fees under
20 paragraph (7)(A) of subsection (b) of this Section
21 for the 2004 licensing year and thereafter, 10%
22 shall be deposited into the Motor Vehicle Review
23 Board Fund and shall be used to administer the Motor
24 Vehicle Review Board under the Motor Vehicle
25 Franchise Act and 90% shall be deposited into the
26 General Revenue Fund.

27 (B) An application for a new vehicle dealer's
28 license, other than for a new motor vehicle dealer's
29 license, shall be accompanied by the following
30 license fees:

31 \$1,000 ~~\$50~~ for applicant's established place of
32 business, and \$50 ~~\$25~~ for each additional place of
33 business, if any, to which the application pertains;
34 but if the application is made after June 15 of any

1 year, the license fee shall be \$500 \$25 for
2 applicant's established place of business plus \$25
3 \$12.50 for each additional place of business, if
4 any, to which the application pertains. License
5 fees shall be returnable only in the event that the
6 application is denied by the Secretary of State. Of
7 the money received by the Secretary of State as
8 license fees under this subsection for the 2004
9 licensing year and thereafter, 95% shall be
10 deposited into the General Revenue Fund.

11 8. A statement that the applicant's officers,
12 directors, shareholders having a 10% or greater ownership
13 interest therein, proprietor, a partner, member, officer,
14 director, trustee, manager or other principals in the
15 business have not committed in the past 3 years any one
16 violation as determined in any civil, criminal or
17 administrative proceedings of any one of the following
18 Acts:

19 (A) The Anti Theft Laws of the Illinois
20 Vehicle Code;

21 (B) The Certificate of Title Laws of the
22 Illinois Vehicle Code;

23 (C) The Offenses against Registration and
24 Certificates of Title Laws of the Illinois Vehicle
25 Code;

26 (D) The Dealers, Transporters, Wreckers and
27 Rebuilders Laws of the Illinois Vehicle Code;

28 (E) Section 21-2 of the Criminal Code of 1961,
29 Criminal Trespass to Vehicles; or

30 (F) The Retailers' Occupation Tax Act.

31 9. A statement that the applicant's officers,
32 directors, shareholders having a 10% or greater ownership
33 interest therein, proprietor, partner, member, officer,
34 director, trustee, manager or other principals in the

1 business have not committed in any calendar year 3 or
2 more violations, as determined in any civil, criminal or
3 administrative proceedings, of any one or more of the
4 following Acts:

5 (A) The Consumer Finance Act;

6 (B) The Consumer Installment Loan Act;

7 (C) The Retail Installment Sales Act;

8 (D) The Motor Vehicle Retail Installment Sales
9 Act;

10 (E) The Interest Act;

11 (F) The Illinois Wage Assignment Act;

12 (G) Part 8 of Article XII of the Code of Civil
13 Procedure; or

14 (H) The Consumer Fraud Act.

15 10. A bond or certificate of deposit in the amount
16 of \$20,000 for each location at which the applicant
17 intends to act as a new vehicle dealer. The bond shall
18 be for the term of the license, or its renewal, for which
19 application is made, and shall expire not sooner than
20 December 31 of the year for which the license was issued
21 or renewed. The bond shall run to the People of the
22 State of Illinois, with surety by a bonding or insurance
23 company authorized to do business in this State. It
24 shall be conditioned upon the proper transmittal of all
25 title and registration fees and taxes (excluding taxes
26 under the Retailers' Occupation Tax Act) accepted by the
27 applicant as a new vehicle dealer.

28 11. Such other information concerning the business
29 of the applicant as the Secretary of State may by rule or
30 regulation prescribe.

31 12. A statement that the applicant understands
32 Chapter One through Chapter Five of this Code.

33 (c) Any change which renders no longer accurate any
34 information contained in any application for a new vehicle

1 dealer's license shall be amended within 30 days after the
2 occurrence of such change on such form as the Secretary of
3 State may prescribe by rule or regulation, accompanied by an
4 amendatory fee of \$2.

5 (d) Anything in this Chapter 5 to the contrary
6 notwithstanding no person shall be licensed as a new vehicle
7 dealer unless:

8 1. He is authorized by contract in writing between
9 himself and the manufacturer or franchised distributor of
10 such make of vehicle to so sell the same in this State,
11 and

12 2. Such person shall maintain an established place
13 of business as defined in this Act.

14 (e) The Secretary of State shall, within a reasonable
15 time after receipt, examine an application submitted to him
16 under this Section and unless he makes a determination that
17 the application submitted to him does not conform with the
18 requirements of this Section or that grounds exist for a
19 denial of the application, under Section 5-501 of this
20 Chapter, grant the applicant an original new vehicle dealer's
21 license in writing for his established place of business and
22 a supplemental license in writing for each additional place
23 of business in such form as he may prescribe by rule or
24 regulation which shall include the following:

25 1. The name of the person licensed;

26 2. If a corporation, the name and address of its
27 officers or if a sole proprietorship, a partnership, an
28 unincorporated association or any similar form of
29 business organization, the name and address of the
30 proprietor or of each partner, member, officer, director,
31 trustee or manager;

32 3. In the case of an original license, the
33 established place of business of the licensee;

34 4. In the case of a supplemental license, the

1 established place of business of the licensee and the
2 additional place of business to which such supplemental
3 license pertains;

4 5. The make or makes of new vehicles which the
5 licensee is licensed to sell.

6 (f) The appropriate instrument evidencing the license or
7 a certified copy thereof, provided by the Secretary of State,
8 shall be kept posted conspicuously in the established place
9 of business of the licensee and in each additional place of
10 business, if any, maintained by such licensee.

11 (g) Except as provided in subsection (h) hereof, all new
12 vehicle dealer's licenses granted under this Section shall
13 expire by operation of law on December 31 of the calendar
14 year for which they are granted unless sooner revoked or
15 cancelled under the provisions of Section 5-501 of this
16 Chapter.

17 (h) A new vehicle dealer's license may be renewed upon
18 application and payment of the fee required herein, and
19 submission of proof of coverage under an approved bond under
20 the "Retailers' Occupation Tax Act" or proof that applicant
21 is not subject to such bonding requirements, as in the case
22 of an original license, but in case an application for the
23 renewal of an effective license is made during the month of
24 December, the effective license shall remain in force until
25 the application is granted or denied by the Secretary of
26 State.

27 (i) All persons licensed as a new vehicle dealer are
28 required to furnish each purchaser of a motor vehicle:

29 1. In the case of a new vehicle a manufacturer's
30 statement of origin and in the case of a used motor
31 vehicle a certificate of title, in either case properly
32 assigned to the purchaser;

33 2. A statement verified under oath that all
34 identifying numbers on the vehicle agree with those on

1 the certificate of title or manufacturer's statement of
2 origin;

3 3. A bill of sale properly executed on behalf of
4 such person;

5 4. A copy of the Uniform Invoice-transaction
6 reporting return referred to in Section 5-402 hereof;

7 5. In the case of a rebuilt vehicle, a copy of the
8 Disclosure of Rebuilt Vehicle Status; and

9 6. In the case of a vehicle for which the warranty
10 has been reinstated, a copy of the warranty.

11 (j) Except at the time of sale or repossession of the
12 vehicle, no person licensed as a new vehicle dealer may issue
13 any other person a newly created key to a vehicle unless the
14 new vehicle dealer makes a copy of the driver's license or
15 State identification card of the person requesting or
16 obtaining the newly created key. The new vehicle dealer must
17 retain the copy for 30 days.

18 A new vehicle dealer who violates this subsection (j) is
19 guilty of a petty offense. Violation of this subsection (j)
20 is not cause to suspend, revoke, cancel, or deny renewal of
21 the new vehicle dealer's license.

22 This amendatory Act of 1983 shall be applicable to the
23 1984 registration year and thereafter.

24 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03.)

25 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

26 Sec. 5-102. Used vehicle dealers must be licensed.

27 (a) No person, other than a licensed new vehicle dealer,
28 shall engage in the business of selling or dealing in, on
29 consignment or otherwise, 5 or more used vehicles of any make
30 during the year (except house trailers as authorized by
31 paragraph (j) of this Section and rebuilt salvage vehicles
32 sold by their rebuilders to persons licensed under this
33 Chapter), or act as an intermediary, agent or broker for any

1 licensed dealer or vehicle purchaser (other than as a
2 salesperson) or represent or advertise that he is so engaged
3 or intends to so engage in such business unless licensed to
4 do so by the Secretary of State under the provisions of this
5 Section.

6 (b) An application for a used vehicle dealer's license
7 shall be filed with the Secretary of State, duly verified by
8 oath, in such form as the Secretary of State may by rule or
9 regulation prescribe and shall contain:

10 1. The name and type of business organization
11 established and additional places of business, if any, in
12 this State.

13 2. If the applicant is a corporation, a list of its
14 officers, directors, and shareholders having a ten
15 percent or greater ownership interest in the corporation,
16 setting forth the residence address of each; if the
17 applicant is a sole proprietorship, a partnership, an
18 unincorporated association, a trust, or any similar form
19 of business organization, the names and residence address
20 of the proprietor or of each partner, member, officer,
21 director, trustee or manager.

22 3. A statement that the applicant has been approved
23 for registration under the Retailers' Occupation Tax Act
24 by the Department of Revenue. However, this requirement
25 does not apply to a dealer who is already licensed
26 hereunder with the Secretary of State, and who is merely
27 applying for a renewal of his license. As evidence of
28 this fact, the application shall be accompanied by a
29 certification from the Department of Revenue showing that
30 the Department has approved the applicant for
31 registration under the Retailers' Occupation Tax Act.

32 4. A statement that the applicant has complied with
33 the appropriate liability insurance requirement. A
34 Certificate of Insurance in a solvent company authorized

1 to do business in the State of Illinois shall be included
2 with each application covering each location at which he
3 proposes to act as a used vehicle dealer. The policy
4 must provide liability coverage in the minimum amounts of
5 \$100,000 for bodily injury to, or death of, any person,
6 \$300,000 for bodily injury to, or death of, two or more
7 persons in any one accident, and \$50,000 for damage to
8 property. Such policy shall expire not sooner than
9 December 31 of the year for which the license was issued
10 or renewed. The expiration of the insurance policy shall
11 not terminate the liability under the policy arising
12 during the period for which the policy was filed.
13 Trailer and mobile home dealers are exempt from this
14 requirement.

15 If the permitted user has a liability insurance
16 policy that provides automobile liability insurance
17 coverage of at least \$100,000 for bodily injury to or the
18 death of any person, \$300,000 for bodily injury to or the
19 death of any 2 or more persons in any one accident, and
20 \$50,000 for damage to property, then the permitted user's
21 insurer shall be the primary insurer and the dealer's
22 insurer shall be the secondary insurer. If the permitted
23 user does not have a liability insurance policy that
24 provides automobile liability insurance coverage of at
25 least \$100,000 for bodily injury to or the death of any
26 person, \$300,000 for bodily injury to or the death of any
27 2 or more persons in any one accident, and \$50,000 for
28 damage to property, or does not have any insurance at
29 all, then the dealer's insurer shall be the primary
30 insurer and the permitted user's insurer shall be the
31 secondary insurer.

32 When a permitted user is "test driving" a used
33 vehicle dealer's automobile, the used vehicle dealer's
34 insurance shall be primary and the permitted user's

1 insurance shall be secondary.

2 As used in this paragraph 4, a "permitted user" is a
3 person who, with the permission of the used vehicle
4 dealer or an employee of the used vehicle dealer, drives
5 a vehicle owned and held for sale or lease by the used
6 vehicle dealer which the person is considering to
7 purchase or lease, in order to evaluate the performance,
8 reliability, or condition of the vehicle. The term
9 "permitted user" also includes a person who, with the
10 permission of the used vehicle dealer, drives a vehicle
11 owned or held for sale or lease by the used vehicle
12 dealer for loaner purposes while the user's vehicle is
13 being repaired or evaluated.

14 As used in this paragraph 4, "test driving" occurs
15 when a permitted user who, with the permission of the
16 used vehicle dealer or an employee of the used vehicle
17 dealer, drives a vehicle owned and held for sale or lease
18 by a used vehicle dealer that the person is considering
19 to purchase or lease, in order to evaluate the
20 performance, reliability, or condition of the vehicle.

21 As used in this paragraph 4, "loaner purposes" means
22 when a person who, with the permission of the used
23 vehicle dealer, drives a vehicle owned or held for sale
24 or lease by the used vehicle dealer while the user's
25 vehicle is being repaired or evaluated.

26 5. An application for a used vehicle dealer's
27 license shall be accompanied by the following license
28 fees:

29 \$1,000 \$50 for applicant's established place of
30 business, and \$50 \$25 for each additional place of
31 business, if any, to which the application pertains;
32 however, if the application is made after June 15 of any
33 year, the license fee shall be \$500 \$25 for applicant's
34 established place of business plus \$25 \$12.50 for each

1 additional place of business, if any, to which the
2 application pertains. License fees shall be returnable
3 only in the event that the application is denied by the
4 Secretary of State. Of the money received by the
5 Secretary of State as license fees under this Section for
6 the 2004 licensing year and thereafter, 95% shall be
7 deposited into the General Revenue Fund.

8 6. A statement that the applicant's officers,
9 directors, shareholders having a 10% or greater ownership
10 interest therein, proprietor, partner, member, officer,
11 director, trustee, manager or other principals in the
12 business have not committed in the past 3 years any one
13 violation as determined in any civil, criminal or
14 administrative proceedings of any one of the following
15 Acts:

16 (A) The Anti Theft Laws of the Illinois
17 Vehicle Code;

18 (B) The Certificate of Title Laws of the
19 Illinois Vehicle Code;

20 (C) The Offenses against Registration and
21 Certificates of Title Laws of the Illinois Vehicle
22 Code;

23 (D) The Dealers, Transporters, Wreckers and
24 Rebuilders Laws of the Illinois Vehicle Code;

25 (E) Section 21-2 of the Illinois Criminal Code
26 of 1961, Criminal Trespass to Vehicles; or

27 (F) The Retailers' Occupation Tax Act.

28 7. A statement that the applicant's officers,
29 directors, shareholders having a 10% or greater ownership
30 interest therein, proprietor, partner, member, officer,
31 director, trustee, manager or other principals in the
32 business have not committed in any calendar year 3 or
33 more violations, as determined in any civil or criminal
34 or administrative proceedings, of any one or more of the

1 following Acts:

- 2 (A) The Consumer Finance Act;
- 3 (B) The Consumer Installment Loan Act;
- 4 (C) The Retail Installment Sales Act;
- 5 (D) The Motor Vehicle Retail Installment Sales
6 Act;
- 7 (E) The Interest Act;
- 8 (F) The Illinois Wage Assignment Act;
- 9 (G) Part 8 of Article XII of the Code of Civil
10 Procedure; or
- 11 (H) The Consumer Fraud Act.

12 8. A bond or Certificate of Deposit in the amount
13 of \$20,000 for each location at which the applicant
14 intends to act as a used vehicle dealer. The bond shall
15 be for the term of the license, or its renewal, for which
16 application is made, and shall expire not sooner than
17 December 31 of the year for which the license was issued
18 or renewed. The bond shall run to the People of the
19 State of Illinois, with surety by a bonding or insurance
20 company authorized to do business in this State. It
21 shall be conditioned upon the proper transmittal of all
22 title and registration fees and taxes (excluding taxes
23 under the Retailers' Occupation Tax Act) accepted by the
24 applicant as a used vehicle dealer.

25 9. Such other information concerning the business
26 of the applicant as the Secretary of State may by rule or
27 regulation prescribe.

28 10. A statement that the applicant understands
29 Chapter 1 through Chapter 5 of this Code.

30 (c) Any change which renders no longer accurate any
31 information contained in any application for a used vehicle
32 dealer's license shall be amended within 30 days after the
33 occurrence of each change on such form as the Secretary of
34 State may prescribe by rule or regulation, accompanied by an

1 amendatory fee of \$2.

2 (d) Anything in this Chapter to the contrary
3 notwithstanding, no person shall be licensed as a used
4 vehicle dealer unless such person maintains an established
5 place of business as defined in this Chapter.

6 (e) The Secretary of State shall, within a reasonable
7 time after receipt, examine an application submitted to him
8 under this Section. Unless the Secretary makes a
9 determination that the application submitted to him does not
10 conform to this Section or that grounds exist for a denial of
11 the application under Section 5-501 of this Chapter, he must
12 grant the applicant an original used vehicle dealer's license
13 in writing for his established place of business and a
14 supplemental license in writing for each additional place of
15 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 case of an original license, the established
25 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 (f) The appropriate instrument evidencing the license or
31 a certified copy thereof, provided by the Secretary of State
32 shall be kept posted, conspicuously, in the established place
33 of business of the licensee and in each additional place of
34 business, if any, maintained by such licensee.

1 (g) Except as provided in subsection (h) of this
2 Section, all used vehicle dealer's licenses granted under
3 this Section expire by operation of law on December 31 of the
4 calendar year for which they are granted unless sooner
5 revoked or cancelled under Section 5-501 of this Chapter.

6 (h) A used vehicle dealer's license may be renewed upon
7 application and payment of the fee required herein, and
8 submission of proof of coverage by an approved bond under the
9 "Retailers' Occupation Tax Act" or proof that applicant is
10 not subject to such bonding requirements, as in the case of
11 an original license, but in case an application for the
12 renewal of an effective license is made during the month of
13 December, the effective license shall remain in force until
14 the application for renewal is granted or denied by the
15 Secretary of State.

16 (i) All persons licensed as a used vehicle dealer are
17 required to furnish each purchaser of a motor vehicle:

18 1. A certificate of title properly assigned to the
19 purchaser;

20 2. A statement verified under oath that all
21 identifying numbers on the vehicle agree with those on
22 the certificate of title;

23 3. A bill of sale properly executed on behalf of
24 such person;

25 4. A copy of the Uniform Invoice-transaction
26 reporting return referred to in Section 5-402 of this
27 Chapter;

28 5. In the case of a rebuilt vehicle, a copy of the
29 Disclosure of Rebuilt Vehicle Status; and

30 6. In the case of a vehicle for which the warranty
31 has been reinstated, a copy of the warranty.

32 (j) A real estate broker holding a valid certificate of
33 registration issued pursuant to "The Real Estate Brokers and
34 Salesmen License Act" may engage in the business of selling

1 or dealing in house trailers not his own without being
2 licensed as a used vehicle dealer under this Section; however
3 such broker shall maintain a record of the transaction
4 including the following:

- 5 (1) the name and address of the buyer and seller,
- 6 (2) the date of sale,
- 7 (3) a description of the mobile home, including the
8 vehicle identification number, make, model, and year, and
- 9 (4) the Illinois certificate of title number.

10 The foregoing records shall be available for inspection
11 by any officer of the Secretary of State's Office at any
12 reasonable hour.

13 (k) Except at the time of sale or repossession of the
14 vehicle, no person licensed as a used vehicle dealer may
15 issue any other person a newly created key to a vehicle
16 unless the used vehicle dealer makes a copy of the driver's
17 license or State identification card of the person requesting
18 or obtaining the newly created key. The used vehicle dealer
19 must retain the copy for 30 days.

20 A used vehicle dealer who violates this subsection (k) is
21 guilty of a petty offense. Violation of this subsection (k)
22 is not cause to suspend, revoke, cancel, or deny renewal of
23 the used vehicle dealer's license.

24 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03.)

25 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
26 Sec. 6-118. Fees.

27 (a) The fee for licenses and permits under this Article
28 is as follows:

29	Original driver's license.....	\$10
30	Original or renewal driver's license	
31	issued to 18, 19 and 20 year olds.....	5
32	All driver's licenses for persons	
33	age 69 through age 80.....	5

1 All driver's licenses for persons
2 age 81 through age 86.....2
3 All driver's licenses for persons
4 age 87 or older.....0
5 Renewal driver's license (except for
6 applicants ages 18, 19 and 20 or
7 age 69 and older).....10
8 Original instruction permit issued to
9 persons (except those age 69 and older)
10 who do not hold or have not previously
11 held an Illinois instruction permit or
12 driver's license.....20
13 Instruction permit issued to any person
14 holding an Illinois driver's license
15 who wishes a change in classifications,
16 other than at the time of renewal.....5
17 Any instruction permit issued to a person
18 age 69 and older.....5
19 Instruction permit issued to any person,
20 under age 69, not currently holding a
21 valid Illinois driver's license or
22 instruction permit but who has
23 previously been issued either document
24 in Illinois.....10
25 Restricted driving permit.....8
26 Duplicate or corrected driver's license
27 or permit.....5
28 Duplicate or corrected restricted
29 driving permit.....5
30 Original or renewal M or L endorsement.....5
31 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE
32 The fees for commercial driver licenses and permits
33 under Article V shall be as follows:
34 Commercial driver's license:

1 \$6 for the CDLIS/AAMVAnet Fund
 2 (Commercial Driver's License Information
 3 System/American Association of Motor Vehicle
 4 Administrators network Trust Fund);
 5 \$20 for the Motor Carrier Safety Inspection Fund;
 6 \$10 for the driver's license;
 7 and \$24 for the CDL:.....\$60

8 Renewal commercial driver's license:
 9 \$6 for the CDLIS/AAMVAnet Trust Fund;
 10 \$20 for the Motor Carrier Safety Inspection Fund;
 11 \$10 for the driver's license; and
 12 \$24 for the CDL:.....\$60

13 Commercial driver instruction permit
 14 issued to any person holding a valid
 15 Illinois driver's license for the
 16 purpose of changing to a
 17 CDL classification: \$6 for the
 18 CDLIS/AAMVAnet Trust Fund;
 19 \$20 for the Motor Carrier
 20 Safety Inspection Fund; and
 21 \$24 for the CDL classification.....\$50

22 Commercial driver instruction permit
 23 issued to any person holding a valid
 24 Illinois CDL for the purpose of
 25 making a change in a classification,
 26 endorsement or restriction.....\$5

27 CDL duplicate or corrected license.....\$5

28 In order to ensure the proper implementation of the
 29 Uniform Commercial Driver License Act, Article V of this
 30 Chapter, the Secretary of State is empowered to pro-rate the
 31 \$24 fee for the commercial driver's license proportionate to
 32 the expiration date of the applicant's Illinois driver's
 33 license.

34 The fee for any duplicate license or permit shall be

1 waived for any person age 60 or older who presents the
2 Secretary of State's office with a police report showing that
3 his license or permit was stolen.

4 No additional fee shall be charged for a driver's
5 license, or for a commercial driver's license, when issued to
6 the holder of an instruction permit for the same
7 classification or type of license who becomes eligible for
8 such license.

9 (b) Any person whose license or privilege to operate a
10 motor vehicle in this State has been suspended or revoked
11 under any provision of Chapter 6, Chapter 11, or Section
12 7-205, 7-303, or 7-702 of the Family Financial Responsibility
13 Law of this Code, shall in addition to any other fees
14 required by this Code, pay a reinstatement fee as follows:

15	Summary suspension under Section 11-501.1.....	<u>\$250</u>	\$60
16	Other suspension.....	<u>\$70</u>	\$30
17	Revocation.....	<u>\$500</u>	\$60

18 However, any person whose license or privilege to operate
19 a motor vehicle in this State has been suspended or revoked
20 for a second or subsequent time for a violation of Section
21 11-501 or 11-501.1 of this Code or a similar provision of a
22 local ordinance or a similar out-of-state offense or Section
23 9-3 of the Criminal Code of 1961 and each suspension or
24 revocation was for a violation of Section 11-501 or 11-501.1
25 of this Code or a similar provision of a local ordinance or a
26 similar out-of-state offense or Section 9-3 of the Criminal
27 Code of 1961 shall pay, in addition to any other fees
28 required by this Code, a reinstatement fee as follows:

29	Summary suspension under Section 11-501.1.....	<u>\$500</u>	\$250
30	Revocation.....	<u>\$500</u>	\$250

31 (c) All fees collected under the provisions of this
32 Chapter 6 shall be paid into the Road Fund in the State
33 Treasury except as follows:

34 1. The following amounts shall be paid into the

1 Driver Education Fund:

2 (A) \$16 of the \$20 fee for an original
3 driver's instruction permit;

4 (B) \$5 of the \$20 \$10 fee for an original
5 driver's license;

6 (C) \$5 of the \$20 \$10 fee for a 4 year renewal
7 driver's license; and

8 (D) \$4 of the \$8 fee for a restricted driving
9 permit.

10 2. \$30 of the \$250 \$60 fee for reinstatement of a
11 license summarily suspended under Section 11-501.1 shall
12 be deposited into the Drunk and Drugged Driving
13 Prevention Fund. However, for a person whose license or
14 privilege to operate a motor vehicle in this State has
15 been suspended or revoked for a second or subsequent time
16 for a violation of Section 11-501 or 11-501.1 of this
17 Code or Section 9-3 of the Criminal Code of 1961, \$190 of
18 the \$500 \$250 fee for reinstatement of a license
19 summarily suspended under Section 11-501.1, and \$190 of
20 the \$500 \$250 fee for reinstatement of a revoked license
21 shall be deposited into the Drunk and Drugged Driving
22 Prevention Fund.

23 3. \$6 of such original or renewal fee for a
24 commercial driver's license and \$6 of the commercial
25 driver instruction permit fee when such permit is issued
26 to any person holding a valid Illinois driver's license,
27 shall be paid into the CDLIS/AAMVAnet Trust Fund.

28 4. \$30 of the \$70 fee for reinstatement of a
29 license suspended under the Family Financial
30 Responsibility Law shall be paid into the Family
31 Responsibility Fund.

32 5. The \$5 fee for each original or renewal M or L
33 endorsement shall be deposited into the Cycle Rider
34 Safety Training Fund.

1 6. \$20 of any original or renewal fee for a
2 commercial driver's license or commercial driver
3 instruction permit shall be paid into the Motor Carrier
4 Safety Inspection Fund.

5 7. The following amounts shall be paid into the
6 General Revenue Fund:

7 (A) \$190 of the \$250 reinstatement fee for a
8 summary suspension under Section 11-501.1;

9 (B) \$40 of the \$70 reinstatement fee for any
10 other suspension provided in subsection (b) of this
11 Section; and

12 (C) \$440 of the \$500 reinstatement fee for a
13 first offense revocation and \$310 of the \$500
14 reinstatement fee for a second or subsequent
15 revocation.

16 (Source: P.A. 91-357, eff. 7-29-99; 91-537, eff. 8-13-99;
17 92-458, eff. 8-22-01.)

18 (625 ILCS 5/7-707)

19 Sec. 7-707. Payment of reinstatement fee. When an
20 obligor receives notice from the Secretary of State that the
21 suspension of driving privileges has been terminated based
22 upon receipt of notification from the circuit clerk of the
23 obligor's compliance with a court order of support, the
24 obligor shall pay a \$70 \$30 reinstatement fee to the
25 Secretary of State as set forth in Section 6-118 of this
26 Code. \$30 of the \$70 fee shall be deposited into the Family
27 Responsibility Fund. In accordance with subsection (e) of
28 Section 6-115 of this Code, the Secretary of State may
29 decline to process a renewal of a driver's license of a
30 person who has not paid this fee.

31 (Source: P.A. 92-16, eff. 6-28-01.)

32 (625 ILCS 5/18c-1501) (from Ch. 95 1/2, par. 18c-1501)

1 Sec. 18c-1501. Franchise, Franchise Renewal, Filing and
2 Other Fees for Motor Carriers of Property.

3 (1) Franchise, Franchise Renewal, Filing, and Other Fee
4 Levels in Effect Absent Commission Regulations Prescribing
5 Different Fee Levels. The levels of franchise, franchise
6 renewal, filing, and other fees for motor carriers of
7 property in effect, absent Commission regulations prescribing
8 different fee levels, shall be:

9 (a) Franchise and franchise renewal fees: \$19 for
10 each motor vehicle operated by a motor carrier of
11 property in intrastate commerce, and \$2 for each motor
12 vehicle operated by a motor carrier of property in
13 interstate commerce.

14 (b) Filing fees: \$100 for each application seeking
15 a Commission license or other authority, the
16 reinstatement of a cancelled license or authority, or
17 authority to establish a rate, other than by special
18 permission, excluding both released rate applications and
19 rate filings which may be investigated or suspended but
20 which require no prior authorization for filing; \$25 for
21 each released rate application and each application to
22 register as an interstate carrier; \$15 for each
23 application seeking special permission in regard to
24 rates; and \$15 for each equipment lease.

25 (2) Adjustment of Fee Levels. The Commission may, by
26 rulemaking in accordance with provisions of The Illinois
27 Administrative Procedure Act, adjust franchise, franchise
28 renewal, filing, and other fees for motor carriers of
29 property by increasing or decreasing them from levels in
30 effect absent Commission regulations prescribing different
31 fee levels. Franchise and franchise renewal fees prescribed
32 by the Commission for motor carriers of property shall not
33 exceed:

34 (a) \$50 for each motor vehicle operated by a

1 household goods carrier in intrastate commerce;

2 (a-5) \$15 \$5 for each motor vehicle operated by a
3 public carrier in intrastate commerce; and

4 (b) \$7 for each motor vehicle operated by a motor
5 carrier of property in interstate commerce.

6 (3) Late-Filing Fees.

7 (a) Commission to Prescribe Late-Filing Fees. The
8 Commission may prescribe fees for the late filing of
9 proof of insurance, operating reports, franchise or
10 franchise renewal fee applications, or other documents
11 required to be filed on a periodic basis with the
12 Commission.

13 (b) Late-filing Fees to Accrue Automatically.
14 Late-filing fees shall accrue automatically from the
15 filing deadline set forth in Commission regulations, and
16 all persons or entities required to make such filings
17 shall be on notice of such deadlines.

18 (c) Maximum Fees. Late-filing fees prescribed by
19 the Commission shall not exceed \$100 for an initial
20 period, plus \$10 for each day after the expiration of the
21 initial period. The Commission may provide for waiver of
22 all or part of late-filing fees accrued under this
23 subsection on a showing of good cause.

24 (d) Effect of Failure to Make Timely Filings and
25 Pay Late-Filing Fees. Failure of a person to file proof
26 of continuous insurance coverage or to make other
27 periodic filings required under Commission regulations
28 shall make licenses and registrations held by the person
29 subject to revocation or suspension. The licenses or
30 registrations cannot thereafter be returned to good
31 standing until after payment of all late-filing fees
32 accrued and not waived under this subsection.

33 (4) Payment of Fees.

34 (a) Franchise and Franchise Renewal Fees. Franchise

1 and franchise renewal fees for motor carriers of property
2 shall be due and payable on or before the 31st day of
3 December of the calendar year preceding the calendar year
4 for which the fees are owing, unless otherwise provided
5 in Commission regulations.

6 (b) Filing and Other Fees. Filing and other fees
7 (including late-filing fees) shall be due and payable on
8 the date of filing, or on such other date as is set forth
9 in Commission regulations.

10 (5) When Fees Returnable.

11 (a) Whenever an application to the Illinois
12 Commerce Commission is accompanied by any fee as required
13 by law and such application is refused or rejected, said
14 fee shall be returned to said applicant.

15 (b) The Illinois Commerce Commission may reduce by
16 interlineation the amount of any personal check or
17 corporate check or company check drawn on the account of
18 and delivered by any person for payment of a fee required
19 by the Illinois Commerce Commission.

20 (c) Any check altered pursuant to above shall be
21 endorsed by the Illinois Commerce Commission as follows:
22 "This check is warranted to subsequent holders and to the
23 drawee to be in the amount \$."

24 (d) All applications to the Illinois Commerce
25 Commission requiring fee payment upon reprinting shall
26 contain the following authorization statement: "My
27 signature authorizes the Illinois Commerce Commission to
28 lower the amount of check if fee submitted exceeds
29 correct amount."

30 (Source: P.A. 89-444, eff. 1-25-96.)

31 (625 ILCS 5/18c-1502.05)

32 Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers.
33 Beginning with calendar year 2004 1997, every rail carrier

1 shall pay to the Commission for each calendar year a route
2 mileage fee of ~~\$45~~ \$37 for each route mile of railroad right
3 of way owned by the rail carrier in Illinois. The fee shall
4 be based on the number of route miles as of January 1 of the
5 year for which the fee is due, and the payment of the route
6 mileage fee shall be due by February 1 of each calendar year.
7 (Source: P.A. 89-699, eff. 1-16-97.)

8 (625 ILCS 5/18c-1502.10)

9 Sec. 18c-1502.10. Railroad-Highway Grade Crossing and
10 Grade Separation Fee. Beginning with calendar year ~~2004~~
11 ~~1997~~, every rail carrier shall pay to the Commission for each
12 calendar year a fee of ~~\$28~~ \$23 for each location at which the
13 rail carrier's track crosses a public road, highway, or
14 street, whether the crossing be at grade, by overhead
15 structure, or by subway. The fee shall be based on the
16 number of the crossings as of January 1 of each calendar
17 year, and the fee shall be due by February 1 of each calendar
18 year.

19 (Source: P.A. 89-699, eff. 1-16-97.)

20 Section 75-85. The Boat Registration and Safety Act is
21 amended by changing Sections 3-2 and 3-7 as follows:

22 (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

23 Sec. 3-2. Identification number application. The owner of
24 each watercraft requiring numbering by this State shall file
25 an application for number with the Department on forms
26 approved by it. The application shall be signed by the owner
27 of the watercraft and shall be accompanied by a fee as
28 follows:

- 29 A. Class A (all canoes and kayaks)..... \$6
- 30 B. Class 1 (all watercraft less than 16
- 31 feet in length, except canoes and kayaks)... \$15

1 C. Class 2 (all watercraft 16 feet or
2 more but less than 26 feet in length except
3 canoes and kayaks)..... \$45 \$20

4 D. Class 3 (all watercraft 26 feet or
5 more but less than 40 feet in length)..... \$75 \$25

6 E. Class 4 (all watercraft 40 feet in
7 length or more)..... \$100 \$30

8 Upon receipt of the application in approved form, and
9 when satisfied that no tax imposed pursuant to the "Municipal
10 Use Tax Act" or the "County Use Tax Act" is owed, or that
11 such tax has been paid, the Department shall enter the same
12 upon the records of its office and issue to the applicant a
13 certificate of number stating the number awarded to the
14 watercraft and the name and address of the owner.

15 (Source: P.A. 88-91.)

16 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

17 Sec. 3-7. Loss of certificate. Should a certificate of
18 number or registration expiration decal become lost,
19 destroyed, or mutilated beyond legibility, the owner of the
20 watercraft shall make application to the Department for the
21 replacement of the certificate or decal, giving his name,
22 address, and the number of his boat and shall at the same
23 time pay to the Department a fee of \$5 \$1.

24 (Source: P.A. 85-149.)

25 Section 75-90. The Illinois Controlled Substances Act is
26 amended by changing Section 303 as follows:

27 (720 ILCS 570/303) (from Ch. 56 1/2, par. 1303)

28 Sec. 303. (a) The Department of Professional Regulation
29 shall license an applicant to manufacture, distribute or
30 dispense controlled substances included in Sections 204, 206,
31 208, 210 and 212 of this Act unless it determines that the

1 issuance of that license would be inconsistent with the
2 public interest. In determining the public interest, the
3 Department of Professional Regulation shall consider the
4 following:

5 (1) maintenance of effective controls against
6 diversion of controlled substances into other than lawful
7 medical, scientific, or industrial channels;

8 (2) compliance with applicable Federal, State and
9 local law;

10 (3) any convictions of the applicant under any law
11 of the United States or of any State relating to any
12 controlled substance;

13 (4) past experience in the manufacture or
14 distribution of controlled substances, and the existence
15 in the applicant's establishment of effective controls
16 against diversion;

17 (5) furnishing by the applicant of false or
18 fraudulent material in any application filed under this
19 Act;

20 (6) suspension or revocation of the applicant's
21 Federal registration to manufacture, distribute, or
22 dispense controlled substances as authorized by Federal
23 law;

24 (7) whether the applicant is suitably equipped with
25 the facilities appropriate to carry on the operation
26 described in his application;

27 (8) whether the applicant is of good moral
28 character or, if the applicant is a partnership,
29 association, corporation or other organization, whether
30 the partners, directors, governing committee and managing
31 officers are of good moral character;

32 (9) any other factors relevant to and consistent
33 with the public health and safety; and

34 (10) Evidence from court, medical disciplinary and

1 pharmacy board records and those of State and Federal
2 investigatory bodies that the applicant has not or does
3 not prescribe controlled substances within the provisions
4 of this Act.

5 (b) No license shall be granted to or renewed for any
6 person who has within 5 years been convicted of a wilful
7 violation of any law of the United States or any law of any
8 State relating to controlled substances, or who is found to
9 be deficient in any of the matters enumerated in subsections
10 (a)(1) through (a)(8).

11 (c) Licensure under subsection (a) does not entitle a
12 registrant to manufacture, distribute or dispense controlled
13 substances in Schedules I or II other than those specified in
14 the registration.

15 (d) Practitioners who are licensed to dispense any
16 controlled substances in Schedules II through V are
17 authorized to conduct instructional activities with
18 controlled substances in Schedules II through V under the law
19 of this State.

20 (e) If an applicant for registration is registered under
21 the Federal law to manufacture, distribute or dispense
22 controlled substances, upon filing a completed application
23 for licensure in this State and payment of all fees due
24 hereunder, he shall be licensed in this State to the same
25 extent as his Federal registration, unless, within 30 days
26 after completing his application in this State, the
27 Department of Professional Regulation notifies the applicant
28 that his application has not been granted. A practitioner
29 who is in compliance with the Federal law with respect to
30 registration to dispense controlled substances in Schedules
31 II through V need only send a current copy of that Federal
32 registration to the Department of Professional Regulation and
33 he shall be deemed in compliance with the registration
34 provisions of this State.

1 (e-5) Beginning July 1, 2003, all of the fees and fines
2 collected under this Section 303 shall be deposited into the
3 Illinois State Pharmacy Disciplinary Fund.

4 (f) The fee for registration as a manufacturer or
5 wholesale distributor of controlled substances shall be
6 \$50.00 per year, except that the fee for registration as a
7 manufacturer or wholesale distributor of controlled
8 substances that may be dispensed without a prescription under
9 this Act shall be \$15.00 per year. The expiration date and
10 renewal period for each controlled substance license issued
11 under this Act shall be set by rule.

12 (Source: P.A. 90-818, eff. 3-23-99.)

13 Section 75-92. The Business Corporation Act of 1983 is
14 amended by changing Sections 15.10, 15.12, 15.15, 15.45, and
15 15.75 as follows:

16 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

17 Sec. 15.10. Fees for filing documents. The Secretary of
18 State shall charge and collect for:

19 (a) Filing articles of incorporation, \$150 \$75.

20 (b) Filing articles of amendment, \$50 \$25, unless the
21 amendment is a restatement of the articles of incorporation,
22 in which case the fee shall be \$150 \$100.

23 (c) Filing articles of merger or consolidation, \$100,
24 but if the merger or consolidation involves more than 2
25 corporations, \$50 for each additional corporation.

26 (d) Filing articles of share exchange, \$100.

27 (e) Filing articles of dissolution, \$5.

28 (f) Filing application to reserve a corporate name, \$25.

29 (g) Filing a notice of transfer of a reserved corporate
30 name, \$25.

31 (h) Filing statement of change of address of registered
32 office or change of registered agent, or both, if other than

1 on an annual report, \$25 \$5.

2 (i) Filing statement of the establishment of a series of
3 shares, \$25.

4 (j) Filing an application of a foreign corporation for
5 authority to transact business in this State, \$150 \$75.

6 (k) Filing an application of a foreign corporation for
7 amended authority to transact business in this State, \$25.

8 (l) Filing a copy of amendment to the articles of
9 incorporation of a foreign corporation holding authority to
10 transact business in this State, \$50 \$25, unless the
11 amendment is a restatement of the articles of incorporation,
12 in which case the fee shall be \$150 \$100.

13 (m) Filing a copy of articles of merger of a foreign
14 corporation holding a certificate of authority to transact
15 business in this State, \$100, but if the merger involves more
16 than 2 corporations, \$50 for each additional corporation.

17 (n) Filing an application for withdrawal and final
18 report or a copy of articles of dissolution of a foreign
19 corporation, \$25.

20 (o) Filing an annual report, interim annual report, or
21 final transition annual report of a domestic or foreign
22 corporation, \$75 \$25.

23 (p) Filing an application for reinstatement of a
24 domestic or a foreign corporation, \$200 \$100.

25 (q) Filing an application for use of an assumed
26 corporate name, \$150 for each year or part thereof ending in
27 0 or 5, \$120 for each year or part thereof ending in 1 or 6,
28 \$90 for each year or part thereof ending in 2 or 7, \$60 for
29 each year or part thereof ending in 3 or 8, \$30 for each year
30 or part thereof ending in 4 or 9, between the date of filing
31 the application and the date of the renewal of the assumed
32 corporate name; and a renewal fee for each assumed corporate
33 name, \$150.

34 (r) To change an assumed corporate name for the period

1 remaining until the renewal date of the original assumed
2 name, \$25.

3 (s) Filing an application for cancellation of an assumed
4 corporate name, \$5.

5 (t) Filing an application to register the corporate name
6 of a foreign corporation, \$50; and an annual renewal fee for
7 the registered name, \$50.

8 (u) Filing an application for cancellation of a
9 registered name of a foreign corporation, \$25.

10 (v) Filing a statement of correction, \$50 \$25.

11 (w) Filing a petition for refund or adjustment, \$5.

12 (x) Filing a statement of election of an extended filing
13 month, \$25.

14 (y) Filing any other statement or report, \$5.

15 (Source: P.A. 92-33, eff. 7-1-01.)

16 (805 ILCS 5/15.12)

17 Sec. 15.12. Disposition of fees. Of the total money
18 collected for the filing of an annual report under this Act,
19 \$15 ~~\$10~~ of the filing fee shall be paid into the Secretary of
20 State Special Services Fund. The remaining \$60 ~~\$15~~ shall be
21 deposited into the General Revenue Fund in the State
22 Treasury.

23 (Source: P.A. 89-503, eff. 1-1-97.)

24 (805 ILCS 5/15.15) (from Ch. 32, par. 15.15)

25 Sec. 15.15. Miscellaneous charges. The Secretary of
26 State shall charge and collect; (a) For furnishing a copy or
27 certified copy of any document, instrument, or paper relating
28 to a corporation, or for a certificate, \$25 ~~50¢-per-page, but~~
29 ~~not less than \$5.00--and--\$5--for--the--certificate--and--for~~
30 ~~affixing the seal thereto.~~

31 (b) At the time of any service of process, notice or
32 demand on him or her as resident agent of a corporation, \$10,

1 which amount may be recovered as taxable costs by the party
2 to the suit or action causing such service to be made if such
3 party prevails in the suit or action.

4 (Source: P.A. 83-1025.)

5 (805 ILCS 5/15.45) (from Ch. 32, par. 15.45)

6 Sec. 15.45. Rate of franchise taxes payable by domestic
7 corporations.

8 (a) The annual franchise tax payable by each domestic
9 corporation shall be computed at the rate of 1/12 of 1/10 of
10 1% for each calendar month or fraction thereof for the period
11 commencing on the first day of July 1983 to the first day of
12 the anniversary month in 1984, but in no event shall the
13 amount of the annual franchise tax be less than \$2.08333 per
14 month assessed on a minimum of \$25 per annum or more than
15 \$83,333.333333 per month; commencing on January 1, 1984 to
16 the first day of the anniversary month in 2004 thereafter,
17 the annual franchise tax payable by each domestic corporation
18 shall be computed at the rate of 1/10 of 1% for the
19 12-months' period commencing on the first day of the
20 anniversary month or, in cases where a corporation has
21 established an extended filing month, the extended filing
22 month of the corporation, but in no event shall the amount of
23 the annual franchise tax be less than \$25 nor more than
24 \$1,000,000 per annum; commencing with the first anniversary
25 month that occurs after December, 2003, the annual franchise
26 tax payable by each domestic corporation shall be computed at
27 the rate of 1/10 of 1% for the 12-months' period commencing
28 on the first day of the anniversary month or, in cases where
29 a corporation has established an extended filing month, the
30 extended filing month of the corporation, but in no event
31 shall the amount of the annual franchise tax be less than \$25
32 nor more than \$2,000,000 per annum.

33 (b) The annual franchise tax payable by each domestic

1 corporation at the time of filing a statement of election and
2 interim annual report in connection with an anniversary month
3 prior to January, 2004 shall be computed at the rate of 1/10
4 of 1% for the 12 month period commencing on the first day of
5 the anniversary month of the corporation next following such
6 filing, but in no event shall the amount of the annual
7 franchise tax be less than \$25 nor more than \$1,000,000 per
8 annum; commencing with the first anniversary month that
9 occurs after December, 2003, the annual franchise tax payable
10 by each domestic corporation at the time of filing a
11 statement of election and interim annual report shall be
12 computed at the rate of 1/10 of 1% for the 12-month period
13 commencing on the first day of the anniversary month of the
14 corporation next following such filing, but in no event shall
15 the amount of the annual franchise tax be less than \$25 nor
16 more than \$2,000,000 per annum.

17 (c) The annual franchise tax payable at the time of
18 filing the final transition annual report in connection with
19 an anniversary month prior to January, 2004 shall be an
20 amount equal to (i) 1/12 of 1/10 of 1% per month of the
21 proportion of paid-in capital represented in this State as
22 shown in the final transition annual report multiplied by
23 (ii) the number of months commencing with the anniversary
24 month next following the filing of the statement of election
25 until, but excluding, the second extended filing month, less
26 the annual franchise tax theretofore paid at the time of
27 filing the statement of election, but in no event shall the
28 amount of the annual franchise tax be less than \$2.08333 per
29 month assessed on a minimum of \$25 per annum or more than
30 \$83,333.333333 per month; commencing with the first
31 anniversary month that occurs after December, 2003, the
32 annual franchise tax payable at the time of filing the final
33 transition annual report shall be an amount equal to (i) 1/12
34 of 1/10 of 1% per month of the proportion of paid-in capital

1 represented in this State as shown in the final transition
2 annual report multiplied by (ii) the number of months
3 commencing with the anniversary month next following the
4 filing of the statement of election until, but excluding, the
5 second extended filing month, less the annual franchise tax
6 theretofore paid at the time of filing the statement of
7 election, but in no event shall the amount of the annual
8 franchise tax be less than \$2.08333 per month assessed on a
9 minimum of \$25 per annum or more than \$166,666.666666 per
10 month.

11 (d) The initial franchise tax payable after January 1,
12 1983, but prior to January 1, 1991, by each domestic
13 corporation shall be computed at the rate of 1/10 of 1% for
14 the 12 months' period commencing on the first day of the
15 anniversary month in which the certificate of incorporation
16 is issued to the corporation under Section 2.10 of this Act,
17 but in no event shall the franchise tax be less than \$25 nor
18 more than \$1,000,000 per annum. The initial franchise tax
19 payable on or after January 1, 1991, but prior to January 1,
20 2004, by each domestic corporation shall be computed at the
21 rate of 15/100 of 1% for the 12 month period commencing on
22 the first day of the anniversary month in which the articles
23 certificate of incorporation are filed in accordance with is
24 issued-to-the-corporation-under Section 2.10 of this Act, but
25 in no event shall the initial franchise tax be less than \$25
26 nor more than \$1,000,000 per annum plus 1/20th of 1% of the
27 basis therefor. The initial franchise tax payable on or after
28 January 1, 2004, by each domestic corporation shall be
29 computed at the rate of 15/100 of 1% for the 12-month period
30 commencing on the first day of the anniversary month in which
31 the articles of incorporation are filed in accordance with
32 Section 2.10 of this Act, but in no event shall the initial
33 franchise tax be less than \$25 nor more than \$2,000,000 per
34 annum plus 1/10th of 1% of the basis therefor.

1 (e) Each additional franchise tax payable by each
2 domestic corporation for the period beginning January 1, 1983
3 through December 31, 1983 shall be computed at the rate of
4 $\frac{1}{12}$ of $\frac{1}{10}$ of 1% for each calendar month or fraction
5 thereof, between the date of each respective increase in its
6 paid-in capital and its anniversary month in 1984; thereafter
7 until the last day of the month that is both after December
8 31, 1990 and the third month immediately preceding the
9 anniversary month in 1991, each additional franchise tax
10 payable by each domestic corporation shall be computed at the
11 rate of $\frac{1}{12}$ of $\frac{1}{10}$ of 1% for each calendar month, or
12 fraction thereof, between the date of each respective
13 increase in its paid-in capital and its next anniversary
14 month; however, if the increase occurs within the 2 month
15 period immediately preceding the anniversary month, the tax
16 shall be computed to the anniversary month of the next
17 succeeding calendar year. Commencing with increases in
18 paid-in capital that occur subsequent to both December 31,
19 1990 and the last day of the third month immediately
20 preceding the anniversary month in 1991, the additional
21 franchise tax payable by a domestic corporation shall be
22 computed at the rate of $\frac{15}{100}$ of 1%.

23 (Source: P.A. 91-464, eff. 1-1-00.)

24 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

25 Sec. 15.75. Rate of franchise taxes payable by foreign
26 corporations.

27 (a) The annual franchise tax payable by each foreign
28 corporation shall be computed at the rate of $\frac{1}{12}$ of $\frac{1}{10}$ of
29 1% for each calendar month or fraction thereof for the period
30 commencing on the first day of July 1983 to the first day of
31 the anniversary month in 1984, but in no event shall the
32 amount of the annual franchise tax be less than \$2.083333 per
33 month based on a minimum of \$25 per annum or more than

1 \$83,333.333333 per month; commencing on January 1, 1984 to
2 the first day of the anniversary month in 2004, thereafter,
3 the annual franchise tax payable by each foreign corporation
4 shall be computed at the rate of 1/10 of 1% for the
5 12-months' period commencing on the first day of the
6 anniversary month or, in the case of a corporation that has
7 established an extended filing month, the extended filing
8 month of the corporation, but in no event shall the amount of
9 the annual franchise tax be less than \$25 nor more than
10 \$1,000,000 per annum; commencing on January 1, 2004, the
11 annual franchise tax payable by each foreign corporation
12 shall be computed at the rate of 1/10 of 1% for the 12-month
13 period commencing on the first day of the anniversary month
14 or, in the case of a corporation that has established an
15 extended filing month, the extended filing month of the
16 corporation, but in no event shall the amount of the annual
17 franchise tax be less than \$25 nor more then \$2,000,000 per
18 annum.

19 (b) The annual franchise tax payable by each foreign
20 corporation at the time of filing a statement of election and
21 interim annual report in connection with an anniversary month
22 prior to January, 2004 shall be computed at the rate of 1/10
23 of 1% for the 12 month period commencing on the first day of
24 the anniversary month of the corporation next following the
25 filing, but in no event shall the amount of the annual
26 franchise tax be less than \$25 nor more than \$1,000,000 per
27 annum; commencing with the first anniversary month that
28 occurs after December, 2003, the annual franchise tax payable
29 by each foreign corporation at the time of filing a statement
30 of election and interim annual report shall be computed at
31 the rate of 1/10 of 1% for the 12-month period commencing on
32 the first day of the anniversary month of the corporation
33 next following such filing, but in no event shall the amount
34 of the annual franchise tax be less than \$25 nor more than

1 \$2,000,000 per annum.

2 (c) The annual franchise tax payable at the time of
3 filing the final transition annual report in connection with
4 an anniversary month prior to January, 2004 shall be an
5 amount equal to (i) $1/12$ of $1/10$ of 1% per month of the
6 proportion of paid-in capital represented in this State as
7 shown in the final transition annual report multiplied by
8 (ii) the number of months commencing with the anniversary
9 month next following the filing of the statement of election
10 until, but excluding, the second extended filing month, less
11 the annual franchise tax theretofore paid at the time of
12 filing the statement of election, but in no event shall the
13 amount of the annual franchise tax be less than \$2.083333 per
14 month based on a minimum of \$25 per annum or more than
15 \$83,333.333333 per month; commencing with the first
16 anniversary month that occurs after December, 2003, the
17 annual franchise tax payable at the time of filing the final
18 transition annual report shall be an amount equal to (i) $1/12$
19 of $1/10$ of 1% per month of the proportion of paid-in capital
20 represented in this State as shown in the final transition
21 annual report multiplied by (ii) the number of months
22 commencing with the anniversary month next following the
23 filing of the statement of election until, but excluding, the
24 second extended filing month, less the annual franchise tax
25 theretofore paid at the time of filing the statement of
26 election, but in no event shall the amount of the annual
27 franchise tax be less than \$2.083333 per month based on a
28 minimum of \$25 per annum or more than \$166,666.666666 per
29 month.

30 (d) The initial franchise tax payable after January 1,
31 1983, but prior to January 1, 1991, by each foreign
32 corporation shall be computed at the rate of $1/10$ of 1% for
33 the 12 months' period commencing on the first day of the
34 anniversary month in which the application for authority is

1 filed by the corporation under Section 13.15 of this Act, but
2 in no event shall the franchise tax be less than \$25 nor more
3 than \$1,000,000 per annum. Except in the case of a foreign
4 corporation that has begun transacting business in Illinois
5 prior to January 1, 1991, the initial franchise tax payable
6 on or after January 1, 1991, by each foreign corporation,
7 shall be computed at the rate of 15/100 of 1% for the
8 12-month ~~12--month~~ period commencing on the first day of the
9 anniversary month in which the application for authority is
10 filed by the corporation under Section 13.15 of this Act, but
11 in no event shall the franchise tax for a taxable year
12 commencing prior to January 1, 2004 be less than \$25 nor more
13 than \$1,000,000 per annum plus 1/20 of 1% of the basis
14 therefor and in no event shall the franchise tax for a
15 taxable year commencing on or after January 1, 2004 be less
16 than \$25 or more than \$2,000,000 per annum plus 1/20 of 1% of
17 the basis therefor.

18 (e) Whenever the application for authority indicates
19 that the corporation commenced transacting business:

20 (1) prior to January 1, 1991, the initial franchise
21 tax shall be computed at the rate of 1/12 of 1/10 of 1%
22 for each calendar month; or

23 (2) after December 31, 1990, the initial franchise
24 tax shall be computed at the rate of 1/12 of 15/100 of 1%
25 for each calendar month.

26 (f) Each additional franchise tax payable by each
27 foreign corporation for the period beginning January 1, 1983
28 through December 31, 1983 shall be computed at the rate of
29 1/12 of 1/10 of 1% for each calendar month or fraction
30 thereof between the date of each respective increase in its
31 paid-in capital and its anniversary month in 1984; thereafter
32 until the last day of the month that is both after December
33 31, 1990 and the third month immediately preceding the
34 anniversary month in 1991, each additional franchise tax

1 payable by each foreign corporation shall be computed at the
2 rate of 1/12 of 1/10 of 1% for each calendar month, or
3 fraction thereof, between the date of each respective
4 increase in its paid-in capital and its next anniversary
5 month; however, if the increase occurs within the 2 month
6 period immediately preceding the anniversary month, the tax
7 shall be computed to the anniversary month of the next
8 succeeding calendar year. Commencing with increases in
9 paid-in capital that occur subsequent to both December 31,
10 1990 and the last day of the third month immediately
11 preceding the anniversary month in 1991, the additional
12 franchise tax payable by a foreign corporation shall be
13 computed at the rate of 15/100 of 1%.

14 (Source: P.A. 91-464, eff. 1-1-00; 92-33, eff. 7-1-01.)

15 Section 75-93. The Business Corporation Act of 1983 is
16 amended by changing Section 15.95 as follows:

17 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

18 Sec. 15.95. Department of Business Services Special
19 Operations Fund.

20 (a) A special fund in the State treasury known as the
21 Division of Corporations Special Operations Fund is renamed
22 the Department of Business Services Special Operations Fund.
23 Moneys deposited into the Fund shall, subject to
24 appropriation, be used by the Department of Business Services
25 of the Office of the Secretary of State, hereinafter
26 "Department", to create and maintain the capability to
27 perform expedited services in response to special requests
28 made by the public for same day or 24 hour service. Moneys
29 deposited into the Fund shall be used for, but not limited
30 to, expenditures for personal services, retirement, social
31 security, contractual services, equipment, electronic data
32 processing, and telecommunications.

1 (b) The balance in the Fund at the end of any fiscal
2 year shall not exceed \$600,000 ~~\$400,000~~ and any amount in
3 excess thereof shall be transferred to the General Revenue
4 Fund.

5 (c) All fees payable to the Secretary of State under
6 this Section shall be deposited into the Fund. No other fees
7 or taxes collected under this Act shall be deposited into the
8 Fund.

9 (d) "Expedited services" means services rendered within
10 the same day, or within 24 hours from the time, the request
11 therefor is submitted by the filer, law firm, service
12 company, or messenger physically in person or, at the
13 Secretary of State's discretion, by electronic means, to the
14 Department's Springfield Office and includes requests for
15 certified copies, photocopies, and certificates of good
16 standing or fact made to the Department's Springfield Office
17 in person or by telephone, or requests for certificates of
18 good standing or fact made in person or by telephone to the
19 Department's Chicago Office.

20 (e) Fees for expedited services shall be as follows:
21 Restatement of articles, \$200 ~~\$100~~;
22 Merger, consolidation or exchange, \$200 ~~\$100~~;
23 Articles of incorporation, \$100 ~~\$50~~;
24 Articles of amendment, \$100 ~~\$50~~;
25 Revocation of dissolution, \$100 ~~\$50~~;
26 Reinstatement, \$100 ~~\$50~~;
27 Application for authority, \$100 ~~\$50~~;
28 Cumulative report of changes in issued shares or paid-in
29 capital, \$100 ~~\$50~~;
30 Report following merger or consolidation, \$100 ~~\$50~~;
31 Certificate of good standing or fact, \$20 ~~\$10~~;
32 All other filings, copies of documents, annual reports
33 for the 3 preceding years, and copies of documents of
34 dissolved or revoked corporations having a file number over

1 5199, \$50 \$25.

2 (f) Expedited services shall not be available for a
3 statement of correction, a petition for refund or adjustment,
4 or a request involving more than 3 year's annual reports or
5 involving dissolved corporations with a file number below
6 5200.

7 (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

8 Section 75-95. The Medical Corporation Act is amended by
9 adding Section 5.1 as follows:

10 (805 ILCS 15/5.1 new)

11 Sec. 5.1. Deposit of fees and fines. Beginning July 1,
12 2003, all of the fees and fines collected under this Act
13 shall be deposited into the General Professions Dedicated
14 Fund.

15 Section 75-100. The Limited Liability Company Act is
16 amended by changing Sections 45-45, 50-10, and 50-15 as
17 follows:

18 (805 ILCS 180/45-45)

19 Sec. 45-45. Transaction of business without admission.

20 (a) A foreign limited liability company transacting
21 business in this State may not maintain a civil action in any
22 court of this State until the limited liability company is
23 admitted to transact business in this State.

24 (b) The failure of a foreign limited liability company
25 to be admitted to transact business in this State does not
26 impair the validity of any contract or act of the foreign
27 limited liability company or prevent the foreign limited
28 liability company from defending any civil action in any
29 court of this State.

30 (c) A foreign limited liability company, by transacting

1 business in this State without being admitted to do so,
2 appoints the Secretary of State as its agent upon whom any
3 notice, process, or demand may be served.

4 (d) A foreign limited liability company that transacts
5 business in this State without being admitted to do so shall
6 be liable to the State for the years or parts thereof during
7 which it transacted business in this State without being
8 admitted in an amount equal to all fees that would have been
9 imposed by this Article upon that limited liability company
10 had it been duly admitted, filed all reports required by this
11 Article, and paid all penalties imposed by this Article. If
12 a limited liability company fails to be admitted to do
13 business in this State within 60 days after it commences
14 transacting business in Illinois, it is liable for a penalty
15 of \$2,000 ~~\$1,000~~ plus \$100 ~~\$50~~ for each month or fraction
16 thereof in which it has continued to transact business in
17 this State without being admitted to do so. The Attorney
18 General shall bring proceedings to recover all amounts due
19 this State under this Article.

20 (e) A member of a foreign limited liability company is
21 not liable for the debts and obligations of the limited
22 liability company solely by reason of the company's having
23 transacted business in this State without being admitted to
24 do so.

25 (Source: P.A. 87-1062.)

26 (805 ILCS 180/50-10)

27 Sec. 50-10. Fees.

28 (a) The Secretary of State shall charge and collect in
29 accordance with the provisions of this Act and rules
30 promulgated under its authority all of the following:

- 31 (1) Fees for filing documents.
- 32 (2) Miscellaneous charges.
- 33 (3) Fees for the sale of lists of filings, copies

1 of any documents, and for the sale or release of any
2 information.

3 (b) The Secretary of State shall charge and collect for
4 all of the following:

5 (1) Filing articles of organization of limited
6 liability companies (domestic), application for admission
7 (foreign), and restated articles of organization
8 (domestic), \$500 ~~\$400~~.

9 (2) Filing amendments:

10 (A) For other than change of registered agent
11 name or registered office, or both, \$150 ~~\$100~~.

12 (B) For the purpose of changing the registered
13 agent name or registered office, or both, \$35 ~~\$25~~.

14 (3) Filing articles of dissolution or application
15 for withdrawal, \$100.

16 (4) Filing an application to reserve a name, \$300.

17 (5) Renewal fee for reserved name, \$100.

18 (6) Filing a notice of a transfer of a reserved
19 name, \$100.

20 (7) Registration of a name, \$300.

21 (8) Renewal of registration of a name, \$100.

22 (9) Filing an application for use of an assumed
23 name under Section 1-20 of this Act, \$150 for each year
24 or part thereof ending in 0 or 5, \$120 for each year or
25 part thereof ending in 1 or 6, \$90 for each year or part
26 thereof ending in 2 or 7, \$60 for each year or part
27 thereof ending in 3 or 8, \$30 for each year or part
28 thereof ending in 4 or 9, and a renewal for each assumed
29 name, \$300.

30 (10) Filing an application for change of an assumed
31 name, \$100.

32 (11) Filing an annual report of a limited liability
33 company or foreign limited liability company, \$250 ~~\$200~~,
34 if filed as required by this Act, plus a penalty if

1 delinquent.

2 (12) Filing an application for reinstatement of a
3 limited liability company or foreign limited liability
4 company \$500.

5 (13) Filing Articles of Merger, \$100 plus \$50 for
6 each party to the merger in excess of the first 2
7 parties.

8 (14) Filing an Agreement of Conversion or Statement
9 of Conversion, \$100.

10 (15) Filing any other document, \$100.

11 (c) The Secretary of State shall charge and collect all
12 of the following:

13 (1) For furnishing a copy or certified copy of any
14 document, instrument, or paper relating to a limited
15 liability company or foreign limited liability company,
16 \$1 per page, but not less than \$25, and \$25 for the
17 certificate and for affixing the seal thereto.

18 (2) For the transfer of information by computer
19 process media to any purchaser, fees established by rule.

20 (Source: P.A. 92-33, eff. 7-1-01.)

21 (805 ILCS 180/50-15)

22 Sec. 50-15. Penalty.

23 (a) The Secretary of State shall declare any limited
24 liability company or foreign limited liability company to be
25 delinquent and not in good standing if any of the following
26 occur:

27 (1) It has failed to file its annual report and pay
28 the requisite fee as required by this Act before the
29 first day of the anniversary month in the year in which
30 it is due.

31 (2) It has failed to appoint and maintain a
32 registered agent in Illinois within 60 days of
33 notification of the Secretary of State by the resigning

1 registered agent.

2 (3) (Blank).

3 (b) If the limited liability company or foreign limited
4 liability company has not corrected the default within the
5 time periods prescribed by this Act, the Secretary of State
6 shall be empowered to invoke any of the following penalties:

7 (1) For failure or refusal to comply with
8 subsection (a) of this Section within 60 days after the
9 due date, a penalty of \$300 ~~\$100-plus-\$50-for-each-month~~
10 ~~or-fraction-thereof-until-returned-to-good-standing-or~~
11 ~~until-administratively-dissolved-by-the-Secretary-of~~
12 State.

13 (2) The Secretary of State shall not file any
14 additional documents, amendments, reports, or other
15 papers relating to any limited liability company or
16 foreign limited liability company organized under or
17 subject to the provisions of this Act until any
18 delinquency under subsection (a) is satisfied.

19 (3) In response to inquiries received in the Office
20 of the Secretary of State from any party regarding a
21 limited liability company that is delinquent, the
22 Secretary of State may show the limited liability company
23 as not in good standing.

24 (Source: P.A. 90-424, eff. 1-1-98; 91-354, eff. 1-1-00.)

25 Section 75-105. The Limited Liability Company Act is
26 amended by changing Section 50-50 as follows:

27 (805 ILCS 180/50-50)

28 Sec. 50-50. Department of Business Services Special
29 Operations Fund.

30 (a) A special fund in the State treasury is created and
31 shall be known as the Department of Business Services Special
32 Operations Fund. Moneys deposited into the Fund shall,

1 subject to appropriation, be used by the Department of
2 Business Services of the Office of the Secretary of State,
3 hereinafter "Department", to create and maintain the
4 capability to perform expedited services in response to
5 special requests made by the public for same-day or 24-hour
6 service. Moneys deposited into the Fund shall be used for,
7 but not limited to, expenditures for personal services,
8 retirement, Social Security, contractual services, equipment,
9 electronic data processing, and telecommunications.

10 (b) The balance in the Fund at the end of any fiscal
11 year shall not exceed \$600,000 ~~\$400,000~~, and any amount in
12 excess thereof shall be transferred to the General Revenue
13 Fund.

14 (c) All fees payable to the Secretary of State under
15 this Section shall be deposited into the Fund. No other fees
16 or charges collected under this Act shall be deposited into
17 the Fund.

18 (d) "Expedited services" means services rendered within
19 the same day, or within 24 hours from the time, the request
20 therefor is submitted by the filer, law firm, service
21 company, or messenger physically in person or, at the
22 Secretary of State's discretion, by electronic means, to the
23 Department's Springfield Office and includes requests for
24 certified copies, photocopies, and certificates of good
25 standing made to the Department's Springfield Office in
26 person or by telephone, or requests for certificates of good
27 standing made in person or by telephone to the Department's
28 Chicago Office.

29 (e) Fees for expedited services shall be as follows:

30 Restated articles of organization, \$200 ~~\$100~~;

31 Merger or conversion, \$200 ~~\$100~~;

32 Articles of organization, \$100 ~~\$50~~;

33 Articles of amendment, \$100 ~~\$50~~;

34 Reinstatement, \$100 ~~\$50~~;

1 Application for admission to transact business, \$100 \$50;
2 Certificate of good standing or abstract of computer
3 record, \$20 \$10;

4 All other filings, copies of documents, annual reports,
5 and copies of documents of dissolved or revoked limited
6 liability companies, \$50 \$25.

7 (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

8 Section 75-110. The Revised Uniform Limited Partnership
9 Act is amended by changing Sections 1102 and 1111 as follows:

10 (805 ILCS 210/1102) (from Ch. 106 1/2, par. 161-2)

11 Sec. 1102. Fees.

12 (a) The Secretary of State shall charge and collect in
13 accordance with the provisions of this Act and rules
14 promulgated pursuant to its authority:

15 (1) fees for filing documents;

16 (2) miscellaneous charges;

17 (3) fees for the sale of lists of filings, copies
18 of any documents, and for the sale or release of any
19 information.

20 (b) The Secretary of State shall charge and collect for:

21 (1) filing certificates of limited partnership
22 (domestic), certificates of admission (foreign), restated
23 certificates of limited partnership (domestic), and
24 restated certificates of admission (foreign), \$150 \$75;

25 (2) filing certificates to be governed by this Act,
26 \$50 \$25;

27 (3) filing amendments and certificates of
28 amendment, \$50 \$25;

29 (4) filing certificates of cancellation, \$25;

30 (5) filing an application for use of an assumed
31 name pursuant to Section 108 of this Act, \$150 for each
32 year or part thereof ending in 0 or 5, \$120 for each year

1 or part thereof ending in 1 or 6, \$90 for each year or
2 part thereof ending in 2 or 7, \$60 for each year or part
3 thereof ending in 3 or 8, \$30 for each year or part
4 thereof ending in 4 or 9, and a renewal fee for each
5 assumed name, \$150;

6 (6) filing a renewal report of a domestic or
7 foreign limited partnership, \$150 ~~\$15~~ if filed as
8 required by this Act, plus \$100 penalty if delinquent;

9 (7) filing an application for reinstatement of a
10 domestic or foreign limited partnership, and for issuing
11 a certificate of reinstatement, \$200 ~~\$100~~;

12 (8) filing any other document, \$50 ~~\$5~~.

13 (c) The Secretary of State shall charge and collect:

14 (1) for furnishing a copy or certified copy of any
15 document, instrument or paper relating to a domestic
16 limited partnership or foreign limited partnership, \$25
17 ~~\$.50-per-page,-but-not-less--than--\$5,-and--\$5--for--the~~
18 ~~certificate-and-for-affixing-the-seal-thereto~~; and

19 (2) for the transfer of information by computer
20 process media to any purchaser, fees established by rule.

21 (Source: P.A. 92-33, eff. 7-1-01.)

22 (805 ILCS 210/1111)

23 Sec. 1111. Department of Business Services Special
24 Operations Fund.

25 (a) A special fund in the State Treasury is created and
26 shall be known as the Department of Business Services Special
27 Operations Fund. Moneys deposited into the Fund shall,
28 subject to appropriation, be used by the Department of
29 Business Services of the Office of the Secretary of State,
30 hereinafter "Department", to create and maintain the
31 capability to perform expedited services in response to
32 special requests made by the public for same day or 24 hour
33 service. Moneys deposited into the Fund shall be used for,

1 but not limited to, expenditures for personal services,
2 retirement, social security contractual services, equipment,
3 electronic data processing, and telecommunications.

4 (b) The balance in the Fund at the end of any fiscal
5 year shall not exceed \$600,000 ~~\$400,000~~ and any amount in
6 excess thereof shall be transferred to the General Revenue
7 Fund.

8 (c) All fees payable to the Secretary of State under
9 this Section shall be deposited into the Fund. No other fees
10 or charges collected under this Act shall be deposited into
11 the Fund.

12 (d) "Expedited services" means services rendered within
13 the same day, or within 24 hours from the time, the request
14 therefor is submitted by the filer, law firm, service
15 company, or messenger physically in person, or at the
16 Secretary of State's discretion, by electronic means, to the
17 Department's Springfield Office or Chicago Office and
18 includes requests for certified copies, photocopies, and
19 certificates of existence or abstracts of computer record
20 made to the Department's Springfield Office in person or by
21 telephone, or requests for certificates of existence or
22 abstracts of computer record made in person or by telephone
23 to the Department's Chicago Office.

24 (e) Fees for expedited services shall be as follows:

25 Merger or conversion, \$200 ~~\$100~~;

26 Certificate of limited partnership, \$100 ~~\$50~~;

27 Certificate of amendment, \$100 ~~\$50~~;

28 Reinstatement, \$100 ~~\$50~~;

29 Application for admission to transact business, \$100 ~~\$50~~;

30 Certificate of cancellation of admission, \$100 ~~\$50~~;

31 Certificate of existence or abstract of computer record,
32 \$20 ~~\$10~~.

33 All other filings, copies of documents, biennial renewal
34 reports, and copies of documents of canceled limited

1 partnerships, \$50 \$25.

2 (Source: P.A. 91-463, eff. 1-1-00; 92-33, eff. 7-1-01.)

3 Section 75-115. The Illinois Securities Law of 1953 is
4 amended by adding Section 18.1 as follows:

5 (815 ILCS 5/18.1 new)

6 Sec. 18.1. Additional fees. In addition to any other
7 fee that the Secretary of State may impose and collect
8 pursuant to the authority contained in Sections 4, 8, and 11a
9 of this Act, beginning on July 1, 2003 the Secretary of State
10 shall also collect the following additional fees:

11 Securities offered or sold under the Uniform
12 Limited Offering Exemption Pursuant to
13 Section 4.D of the Act..... \$100

14 Registration and renewal of a dealer..... \$300

15 Registration and renewal of an investment adviser. \$200

16 Federal covered investment adviser notification
17 filing and annual notification filing..... \$200

18 Registration and renewal of a salesperson..... \$75

19 Registration and renewal of an investment adviser
20 representative and a federal covered
21 investment adviser representative..... \$75

22 Investment fund shares notification filing and annual
23 notification filing: \$800 plus \$80 for each series, class, or
24 portfolio.

25 All fees collected by the Secretary of State pursuant to
26 this amendatory Act of the 93rd General Assembly shall be
27 deposited into the General Revenue Fund in the State
28 Treasury.

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ARTICLE 999

Section 999-1. Effective date. This Act, except for Article 75, takes effect upon becoming law. Article 75 takes effect on July 1, 2003, except as follows:

(1) The provisions of Article 75 changing Section 15.95 of the Business Corporation Act of 1983 and Section 50-50 of the Limited Liability Company Act take effect on September 1, 2003.

(2) The provisions of Article 75 changing Sections 15.10, 15.12, 15.15, 15.45, and 15.75 of the Business Corporation Act of 1983 and the provisions changing Sections 45-45, 50-10, and 50-15 of the Limited Liability Company Act take effect on December 1, 2003.

(3) The provisions of Article 75 changing Section 5.5 of the Secretary of State Act and Sections 6-118 and 7-707 of the Illinois Vehicle Code take effect on January 1, 2004."