



Adopted in House Comm. on Jan 24, 2006

09400HB4345ham001

LRB094 15657 MKM 54549 a

1 AMENDMENT TO HOUSE BILL 4345

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4345 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Savings and Loan Act of 1985 is  
5 amended by by adding Section 1-1.5 and by changing Section 1-5  
6 as follows:

7 (205 ILCS 105/1-1.5 new)

8 Sec. 1-1.5. References to Office or Commissioner of Banks  
9 and Real Estate. On and after the effective date of this  
10 amendatory Act of the 94th General Assembly, unless the context  
11 requires otherwise:

12 (1) References in this Act to the Office of Banks and  
13 Real Estate or "the Office" mean the Department of  
14 Financial and Professional Regulation.

15 (2) References in this Act to the Commissioner of Banks  
16 and Real Estate or "the Commissioner" mean the Secretary of  
17 Financial and Professional Regulation.

18 (205 ILCS 105/1-5) (from Ch. 17, par. 3301-5)

19 Sec. 1-5. Prohibitions.

20 (a) No person or group of persons, except an association  
21 duly incorporated under this Act or a prior Act or a Federal  
22 association or a foreign association duly authorized to do  
23 business in this State, shall transact business within the

1 scope of this Act or do any business under any name or title or  
2 circulate or use any advertising or make any representation or  
3 give any information to any person which indicates or  
4 reasonably implies the operation of a business which is within  
5 the scope of this Act.

6 (b) A circuit court may issue an injunction to restrain any  
7 person from violating or continuing to violate subsection (a)  
8 ~~any of the foregoing provisions~~ of this Section.

9 (b-5) Except as otherwise expressly permitted by law or  
10 with the written consent of the association, no person or group  
11 of persons may use the name of or a name similar to the name of  
12 an existing association when marketing or soliciting business  
13 from customers or prospective customers if the name or similar  
14 name is used in a manner that would cause a reasonable person  
15 to believe that the marketing material or solicitation  
16 originated from or is endorsed by the existing association or  
17 that the existing association is in any other way responsible  
18 for the marketing material or solicitation.

19 (c) Any person or group of persons who violates subsection  
20 (a) of any provision of this Section commits a business offense  
21 and shall be fined not to exceed \$5,000.

22 (d) In addition to any other available remedies, an  
23 existing association may report an alleged violation of any  
24 provision of this Section to the Secretary. If the Secretary of  
25 Financial and Professional Regulation finds that any person or  
26 group of persons is in violation of any provision of this  
27 Section, then the Secretary may direct that person or group of  
28 persons to cease and desist from that violation. If the  
29 Secretary issues a cease and desist order against any person or  
30 group of persons for violation of subsection (b-5), then the  
31 order must require that person or group of persons to cease and  
32 desist from using the offending marketing material or  
33 solicitation in Illinois.

34 If the person or group of persons against whom the

1 Secretary issued the cease and desist order persists in the  
2 violation, then the Secretary may impose a civil penalty of up  
3 to \$10,000 for each violation. Each day that a person or group  
4 of persons is in violation of this Section constitutes a  
5 separate violation of this Section and each instance in which  
6 marketing material or a solicitation is sent in violation of  
7 subsection (b-5) constitutes a separate violation of this  
8 Section.

9 (e) The Department of Financial and Professional  
10 Regulation may adopt rules to administer the provisions of this  
11 Section.

12 (Source: P.A. 84-543.)

13 Section 10. The Savings Bank Act is amended by adding  
14 Section 1001.5 and by changing Section 1004 as follows:

15 (205 ILCS 205/1001.5 new)

16 Sec. 1001.5. References to Office or Commissioner of Banks  
17 and Real Estate. On and after the effective date of this  
18 amendatory Act of the 94th General Assembly, unless the context  
19 requires otherwise:

20 (1) References in this Act to the Office of Banks and  
21 Real Estate or "the Office" mean the Department of  
22 Financial and Professional Regulation.

23 (2) References in this Act to the Commissioner of Banks  
24 and Real Estate or "the Commissioner" mean the Secretary of  
25 Financial and Professional Regulation.

26 (205 ILCS 205/1004) (from Ch. 17, par. 7301-4)

27 Sec. 1004. Applicability.

28 (a) This Act shall apply to all financial institutions no  
29 matter how named or chartered, if they comply with the  
30 provisions of this Act and with the rules of the Commissioner  
31 promulgated pursuant to this Act.

1 (b) No person or group of persons, except a savings bank  
2 duly organized or authorized under this Act, a predecessor Act,  
3 or a federal Act may transact business within the scope of this  
4 Act or do business under any name or title or circulate or use  
5 any advertising or make any representations or give any  
6 information to anyone using any media, including electronic  
7 media, that indicates or implies the operation of a business  
8 within the scope of this Act. Nothing herein shall prohibit the  
9 continued use of the name or title "savings bank" by any bank  
10 or savings and loan association if the use of that name or  
11 title was in effect before January 1, 1990.

12 (c) Except as otherwise expressly permitted by law or with  
13 the written consent of the savings bank, no person or group of  
14 persons may use the name of or a name similar to the name of an  
15 existing savings bank when marketing or soliciting business  
16 from customers or prospective customers if the name or similar  
17 name is used in a manner that would cause a reasonable person  
18 to believe that the marketing material or solicitation  
19 originated from or is endorsed by the existing savings bank or  
20 that the existing savings bank is in any other way responsible  
21 for the marketing material or solicitation.

22 (d) Any person who violates subsection (b) of this Section  
23 commits a business offense and shall be fined in an amount not  
24 to exceed \$5,000.

25 (e) In addition to any other available remedies, any  
26 existing savings bank may report an alleged violation of any  
27 provision of this Section to the Secretary of Financial and  
28 Professional Regulation. If the Secretary finds that any person  
29 or group of persons is in violation of any provision of this  
30 Section, then the Secretary may direct that person or group of  
31 persons to cease and desist from that violation. If the  
32 Secretary issues a cease and desist order against any person or  
33 group of persons for violation of subsection (c), then the  
34 order must require that person or group of persons to cease and

1 desist from using the offending marketing material or  
2 solicitation in Illinois.

3 If the person or group of persons against whom the  
4 Secretary issued the cease and desist order persists in the  
5 violation, then the Secretary may impose a civil penalty of up  
6 to \$10,000 for each violation. Each day that a person or group  
7 of persons is in violation of this Section constitutes a  
8 separate violation of this Section and each instance in which  
9 marketing material or a solicitation is sent in violation of  
10 subsection (c) constitutes a separate violation of this  
11 Section.

12 (f) The Department of Financial and Professional  
13 Regulation may adopt rules to administer the provisions of this  
14 Section.

15 (Source: P.A. 86-1213.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law."