



Sen. Bill Brady

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09400SB2983sam003

LRB094 19114 BDD 56715 a

1 AMENDMENT TO SENATE BILL 2983

2 AMENDMENT NO. _____. Amend Senate Bill 2983 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Secretary of State Act is amended by
5 changing Section 5.5 as follows:

6 (15 ILCS 305/5.5)

7 Sec. 5.5. Secretary of State fees. There shall be paid to
8 the Secretary of State the following fees:

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

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

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

13 For copies of exemplifications of records, or for a
14 certified copy of any document, instrument, or paper when not
15 otherwise provided by law, and it does not exceed legal size:
16 \$0.50 per page or any portion of a page; and \$2 for the
17 certificate, with seal affixed.

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

23 For copies of bills or other papers: \$0.50 per page or any
24 portion of a page; and \$2 for the certificate, with seal

1 affixed, except that there shall be no charge for making or
2 certifying copies that are furnished to any governmental agency
3 for official use.

4 For recording a duplicate of an affidavit showing the
5 appointment of trustees of a religious corporation: \$0.50; and
6 \$2 for the certificate of recording, with seal affixed.

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

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

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

26 For each duplicate certified copy of a school land patent:
27 \$3.

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

29 For each page of a photostatic copy of surveyors field
30 notes: \$2.

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

33 For each page of a photostatic copy of a swamp land grant:
34 \$2.

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

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

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

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

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

23 (Source: P.A. 93-32, eff. 1-1-04.)

24 Section 10. The Capital Development Board Act is amended by
25 changing Section 9.02a as follows:

26 (20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a)

27 (This Section is scheduled to be repealed on June 30, 2008)

28 Sec. 9.02a. To charge contract administration fees used to
29 administer and process the terms of contracts awarded by this
30 State. Contract administration fees shall not exceed 1.5% ~~3%~~ of
31 the contract amount. This Section is repealed June 30, 2008.

32 (Source: P.A. 93-32, eff. 7-1-03; 93-827, eff. 7-28-04.)

1 Section 15. The Lobbyist Registration Act is amended by
2 changing Section 5 as follows:

3 (25 ILCS 170/5)

4 Sec. 5. Lobbyist registration and disclosure. Every person
5 required to register under Section 3 shall before any service
6 is performed which requires the person to register, but in any
7 event not later than 2 business days after being employed or
8 retained, and on or before each January 31 and July 31
9 thereafter, file in the Office of the Secretary of State a
10 written statement containing the following information with
11 respect to each person or entity employing or retaining the
12 person required to register:

13 (a) The registrant's name, permanent address, e-mail
14 address, if any, fax number, if any, business telephone
15 number, and temporary address, if the registrant has a
16 temporary address while lobbying.

17 (a-5) If the registrant is an organization or business
18 entity, the information required under subsection (a) for
19 each person associated with the registrant who will be
20 lobbying, regardless of whether lobbying is a significant
21 part of his or her duties.

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

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

28 (c-5) Each executive and legislative branch agency the
29 registrant expects to lobby during the registration
30 period.

31 (c-6) The nature of the client's business, by
32 indicating all of the following categories that apply: (1)

1 banking and financial services, (2) manufacturing, (3)
2 education, (4) environment, (5) healthcare, (6) insurance,
3 (7) community interests, (8) labor, (9) public relations or
4 advertising, (10) marketing or sales, (11) hospitality,
5 (12) engineering, (13) information or technology products
6 or services, (14) social services, (15) public utilities,
7 (16) racing or wagering, (17) real estate or construction,
8 (18) telecommunications, (19) trade or professional
9 association, (20) travel or tourism, (21) transportation,
10 and (22) other (setting forth the nature of that other
11 business).

12 The registrant must file an amendment to the statement
13 within 14 calendar days to report any substantial change or
14 addition to the information previously filed, except that a
15 registrant must file an amendment to the statement to disclose
16 a new agreement to retain the registrant for lobbying services
17 before any service is performed which requires the person to
18 register, but in any event not later than 2 business days after
19 entering into the retainer agreement.

20 Not later than 12 months after the effective date of this
21 amendatory Act of the 93rd General Assembly, or as soon
22 thereafter as the Secretary of State has provided adequate
23 software to the persons required to file, all statements and
24 amendments to statements required to be filed shall be filed
25 electronically. The Secretary of State shall promptly make all
26 filed statements and amendments to statements publicly
27 available by means of a searchable database that is accessible
28 through the World Wide Web. The Secretary of State shall
29 provide all software necessary to comply with this provision to
30 all persons required to file. The Secretary of State shall
31 implement a plan to provide computer access and assistance to
32 persons required to file electronically.

33 Persons required to register under this Act prior to July
34 1, 2003 and on or after the the effective date of this

1 amendatory Act of the 94th General Assembly, shall remit a
2 single, annual and nonrefundable \$50 registration fee. All fees
3 collected for registrations prior to July 1, 2003, shall be
4 deposited into the Lobbyist Registration Administration Fund
5 for administration and enforcement of this Act. Beginning July
6 1, 2003 and until the effective date of this amendatory Act of
7 the 94th General Assembly, all persons other than entities
8 qualified under Section 501(c)(3) of the Internal Revenue Code
9 required to register under this Act shall remit a single,
10 annual, and nonrefundable \$350 registration fee. ~~Entities~~
11 ~~required to register under this Act which are qualified under~~
12 ~~Section 501(c)(3) of the Internal Revenue Code shall remit a~~
13 ~~single, annual, and nonrefundable \$150 registration fee.~~ Each
14 individual required to register under this Act shall submit, on
15 an annual basis, a picture of the registrant. A registrant may,
16 in lieu of submitting a picture on an annual basis, authorize
17 the Secretary of State to use any photo identification
18 available in any database maintained by the Secretary of State
19 for other purposes. Of each registration fee collected for
20 registrations on or after July 1, 2003 until the effective date
21 of this amendatory Act of the 94th General Assembly, \$50 shall
22 be deposited into the Lobbyist Registration Administration
23 Fund for administration and enforcement of this Act and is
24 intended to be used to implement and maintain electronic filing
25 of reports under this Act, the next \$100 shall be deposited
26 into the Lobbyist Registration Administration Fund for
27 administration and enforcement of this Act, and any balance
28 shall be deposited into the General Revenue Fund.

29 (Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03;
30 93-617, eff. 12-9-03.)

31 (30 ILCS 105/8j rep.)

32 Section 20. The State Finance Act is amended by repealing
33 Section 8j.

1 Section 25. The Retailers' Occupation Tax Act is amended by
2 changing Section 2d as follows:

3 (35 ILCS 120/2d) (from Ch. 120, par. 441d)

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

14 Beginning on July 1, 2000 and through December 31, 2000,
15 the Retailers' Occupation Tax paid to the distributor,
16 supplier, or other reseller shall be an amount equal to \$0.01
17 per gallon of the motor fuel, except gasohol as defined in
18 Section 2-10 of this Act which shall be an amount equal to
19 \$0.01 per gallon, purchased from the distributor, supplier, or
20 other reseller.

21 Before July 1, 2000 and then beginning on January 1, 2001
22 and through June 30, 2003 and beginning again on the effective
23 date of this amendatory Act of the 94th General Assembly, the
24 Retailers' Occupation Tax paid to the distributor, supplier, or
25 other reseller shall be an amount equal to \$0.04 per gallon of
26 the motor fuel, except gasohol as defined in Section 2-10 of
27 this Act which shall be an amount equal to \$0.03 per gallon,
28 purchased from the distributor, supplier, or other reseller.

29 Beginning July 1, 2003 and until the effective date of this
30 amendatory Act of the 94th General Assembly thereafter, the
31 Retailers' Occupation Tax paid to the distributor, supplier, or
32 other reseller shall be an amount equal to \$0.06 per gallon of

1 the motor fuel, except gasohol as defined in Section 2-10 of
2 this Act which shall be an amount equal to \$0.05 per gallon,
3 purchased from the distributor, supplier, or other reseller.

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

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

19 (Source: P.A. 93-32, eff. 6-20-03.)

20 Section 30. The Cigarette Tax Act is amended by changing
21 Section 29 as follows:

22 (35 ILCS 130/29) (from Ch. 120, par. 453.29)

23 Sec. 29. All moneys received by the Department from the
24 one-half mill tax imposed by the Sixty-fourth General Assembly
25 and all interest and penalties, received in connection
26 therewith under the provisions of this Act shall be paid into
27 the Metropolitan Fair and Exposition Authority Reconstruction
28 Fund. All other moneys received by the Department under this
29 Act shall be paid into the General Revenue Fund in the State
30 treasury. After there has been paid into the Metropolitan Fair
31 and Exposition Authority Reconstruction Fund sufficient money
32 to pay in full both principal and interest, all of the

1 outstanding bonds issued pursuant to the "Fair and Exposition
2 Authority Reconstruction Act", the State Treasurer and
3 Comptroller shall transfer to the General Revenue Fund the
4 balance of moneys remaining in the Metropolitan Fair and
5 Exposition Authority Reconstruction Fund except for \$2,500,000
6 which shall remain in the Metropolitan Fair and Exposition
7 Authority Reconstruction Fund and which may be appropriated by
8 the General Assembly for the corporate purposes of the
9 Metropolitan Pier and Exposition Authority. All monies
10 received by the Department in fiscal year 1978 and thereafter
11 from the one-half mill tax imposed by the Sixty-fourth General
12 Assembly, and all interest and penalties received in connection
13 therewith under the provisions of this Act, shall be paid into
14 the General Revenue Fund, except that the Department shall pay
15 the first \$4,800,000 received in fiscal years 1979 through 2001
16 from that one-half mill tax into the Metropolitan Fair and
17 Exposition Authority Reconstruction Fund which monies may be
18 appropriated by the General Assembly for the corporate purposes
19 of the Metropolitan Pier and Exposition Authority.

20 In fiscal year 2002 and fiscal year 2003 and in fiscal year
21 2007 and thereafter, the first \$4,800,000 from the one-half
22 mill tax shall be paid into the Statewide Economic Development
23 Fund.

24 All moneys received by the Department in fiscal year 2006
25 ~~and thereafter~~ from the one-half mill tax imposed by the 64th
26 General Assembly and all interest and penalties received in
27 connection with that tax under the provisions of this Act shall
28 be paid into the General Revenue Fund.

29 (Source: P.A. 93-22, eff. 6-20-03; 94-91, eff. 7-1-05.)

30 Section 35. The Motor Fuel Tax Law is amended by changing
31 Sections 2b, 6, and 6a, as follows:

32 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

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

1 variations or evaporation for each of the respective 6-month
2 periods.

3 The return shall be prescribed by the Department and shall
4 be filed between the 1st and 20th days of each calendar month.
5 The Department may, in its discretion, combine the returns
6 filed under this Section, Section 5, and Section 5a of this
7 Act. The return must be accompanied by appropriate
8 computer-generated magnetic media supporting schedule data in
9 the format required by the Department, unless, as provided by
10 rule, the Department grants an exception upon petition of a
11 taxpayer. If the return is filed timely, the seller shall take
12 a discount of 2% through June 30, 2003 and beginning again on
13 the effective date of this amendatory Act of the 94th General
14 Assembly and 1.75% for the period beginning on July 1, 2003
15 until the effective date of this amendatory Act of the 94th
16 General Assembly thereafter which is allowed to reimburse the
17 seller for the expenses incurred in keeping records, preparing
18 and filing returns, collecting and remitting the tax and
19 supplying data to the Department on request. The discount,
20 however, shall be applicable only to the amount of payment
21 which accompanies a return that is filed timely in accordance
22 with this Section.

23 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

24 (35 ILCS 505/6) (from Ch. 120, par. 422)

25 Sec. 6. Collection of tax; distributors. A distributor who
26 sells or distributes any motor fuel, which he is required by
27 Section 5 to report to the Department when filing a return,
28 shall (except as hereinafter provided) collect at the time of
29 such sale and distribution, the amount of tax imposed under
30 this Act on all such motor fuel sold and distributed, and at
31 the time of making a return, the distributor shall pay to the
32 Department the amount so collected less a discount of 2%
33 through June 30, 2003 and beginning again on the effective date

1 of this amendatory Act of the 94th General Assembly and 1.75%
2 for the period beginning on July 1, 2003 until the effective
3 date of this amendatory Act of the 94th General Assembly
4 ~~thereafter~~ which is allowed to reimburse the distributor for
5 the expenses incurred in keeping records, preparing and filing
6 returns, collecting and remitting the tax and supplying data to
7 the Department on request, and shall also pay to the Department
8 an amount equal to the amount that would be collectible as a
9 tax in the event of a sale thereof on all such motor fuel used
10 by said distributor during the period covered by the return.
11 However, no payment shall be made based upon dyed diesel fuel
12 used by the distributor for non-highway purposes. The discount
13 shall only be applicable to the amount of tax payment which
14 accompanies a return which is filed timely in accordance with
15 Section 5 of this Act. In each subsequent sale of motor fuel on
16 which the amount of tax imposed under this Act has been
17 collected as provided in this Section, the amount so collected
18 shall be added to the selling price, so that the amount of tax
19 is paid ultimately by the user of the motor fuel. However, no
20 collection or payment shall be made in the case of the sale or
21 use of any motor fuel to the extent to which such sale or use of
22 motor fuel may not, under the constitution and statutes of the
23 United States, be made the subject of taxation by this State. A
24 person whose license to act as a distributor of fuel has been
25 revoked shall, at the time of making a return, also pay to the
26 Department an amount equal to the amount that would be
27 collectible as a tax in the event of a sale thereof on all
28 motor fuel, which he is required by the second paragraph of
29 Section 5 to report to the Department in making a return, and
30 which he had on hand on the date on which the license was
31 revoked, and with respect to which no tax had been previously
32 paid under this Act.

33 A distributor may make tax free sales of motor fuel, with
34 respect to which he is otherwise required to collect the tax,

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

9 1. When the sale is made to a person holding a valid
10 unrevoked license as a distributor, by making a specific
11 notation thereof on invoices or sales slip covering each
12 sale.

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

15 3. When the sale is made to the Federal Government or
16 its instrumentalities.

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

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

32 6. When a sale of special fuel is made to a person
33 holding a valid, unrevoked license as a supplier, by making
34 a specific notation thereof on the invoice or sales slip

1 covering each such sale.

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

10 8. (Blank).

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

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

17 (Source: P.A. 93-32, eff. 6-20-03.)

18 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

19 Sec. 6a. Collection of tax; suppliers. A supplier, other
20 than a licensed distributor, who sells or distributes any
21 special fuel, which he is required by Section 5a to report to
22 the Department when filing a return, shall (except as
23 hereinafter provided) collect at the time of such sale and
24 distribution, the amount of tax imposed under this Act on all
25 such special fuel sold and distributed, and at the time of
26 making a return, the supplier shall pay to the Department the
27 amount so collected less a discount of 2% through June 30, 2003
28 and beginning again on the effective date of this amendatory
29 Act of the 94th General Assembly and 1.75% for the period
30 beginning on July 1, 2003 until the effective date of this
31 amendatory Act of the 94th General Assembly thereafter which is
32 allowed to reimburse the supplier for the expenses incurred in
33 keeping records, preparing and filing returns, collecting and

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

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

26 A supplier may make tax-free sales of special fuel, with
27 respect to which he is otherwise required to collect the tax,
28 when the motor fuel is delivered from a dispensing facility
29 that has withdrawal facilities capable of dispensing special
30 fuel into the fuel supply tanks of motor vehicles only as
31 specified in the following items 1, 2, and 3. A supplier may
32 make tax-free sales of special fuel, with respect to which he
33 is otherwise required to collect the tax, when the special fuel
34 is delivered from other facilities only as specified in the

1 following items 1 through 7.

2 1. When the sale is made to the federal government or
3 its instrumentalities.

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

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

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

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

31 6. (Blank).

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

34 All special fuel sold or used for non-highway purposes must

1 have a dye added in accordance with Section 4d of this Law.

2 All suits or other proceedings brought for the purpose of
3 recovering any taxes, interest or penalties due the State of
4 Illinois under this Act may be maintained in the name of the
5 Department.

6 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

7 Section 40. The Coin-Operated Amusement Device and
8 Redemption Machine Tax Act is amended by changing Sections 1,
9 2, 3, and 4b as follows:

10 (35 ILCS 510/1) (from Ch. 120, par. 481b.1)

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

25 (Source: P.A. 93-32, eff. 7-1-03.)

26 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

27 Sec. 2. (a) Any person, firm, limited liability company, or
28 corporation which displays any device described in Section 1,
29 to be played or operated by the public at any place owned or
30 leased by any such person, firm, limited liability company, or
31 corporation, shall before he displays such device, file in the

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

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

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

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

14 A claim for credit or refund shall be filed on a form
15 provided by the Department. As soon as practicable after any
16 claim for credit or refund is filed, the Department shall
17 determine the amount of credit or refund to which the claimant
18 is entitled and shall notify the claimant of that
19 determination.

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

1 whether a claim was received, or when the claim was received by
2 the Department, shall be deemed to be prima facie correct in
3 the event of any dispute between the claimant, or his legal
4 representative, and the Department on these issues.

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

8 If the Department determines that the claimant is entitled
9 to a refund, the refund shall be made only from an
10 appropriation to the Department for that purpose. If the amount
11 appropriated is insufficient to pay claimants electing to
12 receive a cash refund, the Department by rule or regulation
13 shall first provide for the payment of refunds in hardship
14 cases as defined by the Department.

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 (35 ILCS 510/3) (from Ch. 120, par. 481b.3)

17 Sec. 3. (1) All licenses ~~privilege tax decals~~ herein
18 provided for shall be transferable from one device to another
19 device. Any such transfer from one device to another shall be
20 reported to the Department of Revenue on forms prescribed by
21 such Department. All licenses ~~privilege tax decals~~ issued
22 hereunder shall expire on July 31 following issuance.

23 (2) (Blank).

24 (Source: P.A. 93-32, eff. 7-1-03.)

25 (35 ILCS 510/4b) (from Ch. 120, par. 481b.4b)

26 Sec. 4b. The Department of Revenue is hereby authorized to
27 implement a program whereby the licenses ~~privilege tax decals~~
28 required by and the taxes imposed by this Act may be
29 distributed and collected on behalf of the Department by State
30 or national banks and by State or federal savings and loan
31 associations. The Department shall promulgate such rules and
32 regulations as are reasonable and necessary to establish the

1 system of collection of taxes and distribution of licenses
2 ~~privilege tax decals~~ authorized by this Section. Such rules and
3 regulations shall provide for the licensing of such financial
4 institutions, specification of information to be disclosed in
5 an application therefor and the imposition of a license fee not
6 in excess of \$100 annually.

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 Section 45. The Illinois Pension Code is amended by
9 changing Section 1A-112 as follows:

10 (40 ILCS 5/1A-112)

11 Sec. 1A-112. Fees.

12 (a) Every pension fund that is required to file an annual
13 statement under Section 1A-109 shall pay to the Department an
14 annual compliance fee. In the case of a pension fund under
15 Article 3 or 4 of this Code, the annual compliance fee shall be
16 0.007% ~~0.02%~~ (0.7 ~~2~~ basis points) of the total assets of the
17 pension fund, as reported in the most current annual statement
18 of the fund, but not more than \$6,000 ~~\$8,000~~. In the case of
19 all other pension funds and retirement systems, the annual
20 compliance fee shall be \$6,000 ~~\$8,000~~.

21 (b) The annual compliance fee shall be due on June 30 for
22 the following State fiscal year, except that the fee payable in
23 1997 for fiscal year 1998 shall be due no earlier than 30 days
24 following the effective date of this amendatory Act of 1997.

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

1 information. The information may be furnished by means of
2 published copy or on a computer processed or computer
3 processible medium.

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

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

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

21 (f) Nothing in this Code prohibits the General Assembly
22 from appropriating funds from the General Revenue Fund to the
23 Department for the purpose of administering or enforcing this
24 Code.

25 (Source: P.A. 93-32, eff. 7-1-03.)

26 Section 50. The Illinois Savings and Loan Act of 1985 is
27 amended by changing Section 2B-6 as follows:

28 (205 ILCS 105/2B-6) (from Ch. 17, par. 3302B-6)

29 Sec. 2B-6. Foreign savings and loan associations shall pay
30 to the Commissioner the following fees that shall be paid into
31 the Savings and Residential Finance Regulatory Fund, to wit:
32 For filing each application for admission to do business in

1 this State, \$750 ~~\$1,125~~; and for each certificate of authority
2 and annual renewal of same, \$200 ~~\$300~~.

3 (Source: P.A. 93-32, eff. 7-1-03.)

4 Section 55. The Illinois Credit Union Act is amended by
5 changing Section 12 as follows:

6 (205 ILCS 305/12) (from Ch. 17, par. 4413)
7 Sec. 12. Regulatory fees.

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

| TOTAL ASSETS | REGULATORY FEE |
|-----------------------------|---------------------------------|
| \$25,000 or less | \$100 |
| Over \$25,000 and not over | |
| \$100,000 | \$100 plus \$4 per |
| | \$1,000 of assets in excess of |
| | \$25,000 |
| Over \$100,000 and not over | |
| \$200,000 | \$400 plus \$3 per |
| | \$1,000 of assets in excess of |
| | \$100,000 |
| Over \$200,000 and not over | |
| \$500,000 | \$700 plus \$2 per |
| | \$1,000 of assets in excess of |
| | \$200,000 |
| Over \$500,000 and not over | |
| \$1,000,000 | \$1,300 plus \$1.40 |
| | per \$1,000 of assets in excess |
| | of \$500,000 |
| Over \$1,000,000 and not | |
| over \$5,000,000 | \$2,000 plus \$0.50 |
| | per \$1,000 of assets in |
| | excess of \$1,000,000 |

1 Over \$5,000,000 and not
2 over \$30,000,000 \$4,000 ~~\$5,000~~ plus \$0.35 ~~\$0.44~~
3 per \$1,000 assets
4 in excess of \$5,000,000
5 Over \$30,000,000 and not
6 \$12,750 ~~\$16,192~~ plus \$0.30
7 over \$100,000,000 ~~\$0.38~~
8 per \$1,000 of assets in
9 excess of \$30,000,000
10 Over \$100,000,000 and not
11 \$33,750 ~~\$42,862~~ plus \$0.15
12 over \$500,000,000 ~~\$0.19~~
13 per \$1,000 of assets in
14 excess of \$100,000,000
15 Over \$500,000,000 \$140,625 plus \$0.075
16 per \$1,000 of assets in
17 excess of \$500,000,000

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

24 (3) Not later than March 1 of each calendar year, a credit
25 union shall pay to the Department a regulatory fee for that
26 calendar year in accordance with the regulatory fee schedule in
27 subsection (1), on the basis of assets as of the Year-end Call
28 Report of the preceding year. The regulatory fee shall not be
29 less than \$100 or more than \$125,000 ~~\$187,500~~, provided that
30 the regulatory fee cap of \$125,000 ~~\$187,500~~ shall be adjusted
31 to incorporate the same percentage increase as the Director
32 makes in the regulatory fee schedule from time to time under

1 subsection (2). No regulatory fee shall be collected from a
2 credit union until it has been in operation for one year.

3 (4) The aggregate of all fees collected by the Department
4 under this Act shall be paid promptly after they are received,
5 accompanied by a detailed statement thereof, into the State
6 Treasury and shall be set apart in the Credit Union Fund, a
7 special fund hereby created in the State treasury. The amount
8 from time to time deposited in the Credit Union Fund and shall
9 be used to offset the ordinary administrative and operational
10 expenses of the Department under this Act. All earnings
11 received from investments of funds in the Credit Union Fund
12 shall be deposited into the Credit Union Fund and may be used
13 for the same purposes as fees deposited into that Fund. Moneys
14 in the Credit Union Fund may be transferred to the Professions
15 Indirect Cost Fund, as authorized under Section 2105-300 of the
16 Department of Professional Regulation Law of the Civil
17 Administrative Code of Illinois.

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

30 (6) When the aggregate of all fees collected by the
31 Department under this Act and all earnings thereon for any
32 calendar year exceeds 150% of the total administrative and
33 operational expenses under this Act for that year, such excess
34 shall be credited to credit unions and applied against their

1 regulatory fees for the subsequent year. The amount credited to
2 a credit union shall be in the same proportion as the fee paid
3 by such credit union for the calendar year in which the excess
4 is produced bears to the aggregate of the fees collected by the
5 Department under this Act for the same year.

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

10 (8) Nothing in this Act shall prohibit the General Assembly
11 from appropriating funds to the Department from the General
12 Revenue Fund for the purpose of administering this Act.

13 (Source: P.A. 93-32, eff. 7-1-03; 93-652, eff. 1-8-04; 94-91,
14 eff. 7-1-05.)

15 Section 60. The Currency Exchange Act is amended by
16 changing Section 16 as follows:

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

18 Sec. 16. Annual report; investigation; costs. Each
19 licensee shall annually, on or before the 1st day of March,
20 file a report with the Director for the calendar year period
21 from January 1st through December 31st, except that the report
22 filed on or before March 15, 1990 shall cover the period from
23 October 1, 1988 through December 31, 1989, (which shall be used
24 only for the official purposes of the Director) giving such
25 relevant information as the Director may reasonably require
26 concerning, and for the purpose of examining, the business and
27 operations during the preceding fiscal year period of each
28 licensed currency exchange conducted by such licensee within
29 the State. Such report shall be made under oath and shall be in
30 the form prescribed by the Director and the Director may at any
31 time and shall at least once in each year investigate the
32 currency exchange business of any licensee and of every person,

1 partnership, association, limited liability company, and
2 corporation who or which shall be engaged in the business of
3 operating a currency exchange. For that purpose, the Director
4 shall have free access to the offices and places of business
5 and to such records of all such persons, firms, partnerships,
6 associations, limited liability companies and members thereof,
7 and corporations and to the officers and directors thereof that
8 shall relate to such currency exchange business. The
9 investigation may be conducted in conjunction with
10 representatives of other State agencies or agencies of another
11 state or of the United States as determined by the Director.
12 The Director may at any time inspect the locations served by an
13 ambulatory currency exchange, for the purpose of determining
14 whether such currency exchange is complying with the provisions
15 of this Act at each location served. The Director may require
16 by subpoena the attendance of and examine under oath all
17 persons whose testimony he may require relative to such
18 business, and in such cases the Director, or any qualified
19 representative of the Director whom the Director may designate,
20 may administer oaths to all such persons called as witnesses,
21 and the Director, or any such qualified representative of the
22 Director, may conduct such examinations, and there shall be
23 paid to the Director for each such examination a fee of \$150
24 ~~\$225~~ for each day or part thereof for each qualified
25 representative designated and required to conduct the
26 examination; provided, however, that in the case of an
27 ambulatory currency exchange, such fee shall be \$75 for each
28 day or part thereof and shall not be increased by reason of the
29 number of locations served by it.

30 (Source: P.A. 92-398, eff. 1-1-02; 93-32, eff. 7-1-03.)

31 Section 65. The Residential Mortgage License Act of 1987 is
32 amended by changing Sections 2-2 and 2-6 as follows:

1 (205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

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

3 (a) The Commissioner shall issue a license upon completion
4 of all of the following:

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

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

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

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

21 (5) The filing of proof satisfactory to the
22 Commissioner that the applicant, the members thereof if the
23 applicant is a partnership or association, the members or
24 managers thereof that retain any authority or
25 responsibility under the operating agreement if the
26 applicant is a limited liability company, or the officers
27 thereof if the applicant is a corporation have 3 years
28 experience preceding application in real estate finance.
29 Instead of this requirement, the applicant and the
30 applicant's officers or members, as applicable, may
31 satisfactorily complete a program of education in real
32 estate finance and fair lending, as approved by the
33 Commissioner, prior to receiving the initial license. The
34 Commissioner shall promulgate rules regarding proof of

1 experience requirements and educational requirements and
2 the satisfactory completion of those requirements. The
3 Commissioner may establish by rule a list of duly licensed
4 professionals and others who may be exempt from this
5 requirement.

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

22 The Commissioner may impose conditions on a license if the
23 Commissioner determines that the conditions are necessary or
24 appropriate. These conditions shall be imposed in writing and
25 shall continue in effect for the period prescribed by the
26 Commissioner.

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

30 Upon receipt of such license, a residential mortgage
31 licensee shall be authorized to engage in the business
32 regulated by this Act. Such license shall remain in full force
33 and effect until it expires without renewal, is surrendered by
34 the licensee or revoked or suspended as hereinafter provided.

1 (Source: P.A. 93-32, eff. 7-1-03; 93-1018, eff. 1-1-05.)

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

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

4 (a) Beginning July 1, 2003, licenses shall be renewed every
5 year on the anniversary of the date of issuance of the original
6 license. Properly completed renewal application forms and
7 filing fees must be received by the Commissioner 60 days prior
8 to the renewal 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 a
13 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 \$500 ~~\$750~~ will be assessed to the licensee
18 30 days after the proper renewal date and \$1,000 ~~\$1,500~~
19 each month thereafter, until the license is either renewed
20 or expires pursuant to Section 2-6, subsections (c) and
21 (d), of this Act.

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

27 (c) A license which is not renewed by the date required in
28 this Section shall automatically become inactive. No activity
29 regulated by this Act shall be conducted by the licensee when a
30 license becomes inactive. The Commissioner may require the
31 licensee to provide a plan for the disposition of any
32 residential mortgage loans not closed or funded when the
33 license becomes inactive. The Commissioner may allow a licensee

1 with an inactive license to conduct activities regulated by
2 this Act for the sole purpose of assisting borrowers in the
3 closing or funding of loans for which the loan application was
4 taken from a borrower while the license was active. An inactive
5 license may be reactivated by the Commissioner upon payment of
6 the renewal fee, and payment of a reactivation fee equal to the
7 renewal fee.

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

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

19 (Source: P.A. 93-32, eff. 7-1-03; 93-561, eff. 1-1-04; 93-1018,
20 eff. 1-1-05.)

21 Section 70. The Consumer Installment Loan Act is amended by
22 changing Section 2 as follows:

23 (205 ILCS 670/2) (from Ch. 17, par. 5402)

24 Sec. 2. Application; fees; positive net worth. Application
25 for such license shall be in writing, and in the form
26 prescribed by the Director. Such applicant at the time of
27 making such application shall pay to the Director the sum of
28 \$300 as an application fee and the additional sum of \$300 ~~\$450~~
29 as an annual license fee, for a period terminating on the last
30 day of the current calendar year; provided that if the
31 application is filed after June 30th in any year, such license
32 fee shall be 1/2 of the annual license fee for such year.

1 Before the license is granted, every applicant shall prove
2 in form satisfactory to the Director that the applicant has and
3 will maintain a positive net worth of a minimum of \$30,000.
4 Every applicant and licensee shall maintain a surety bond in
5 the principal sum of \$25,000 issued by a bonding company
6 authorized to do business in this State and which shall be
7 approved by the Director. Such bond shall run to the Director
8 and shall be for the benefit of any consumer who incurs damages
9 as a result of any violation of the Act or rules by a licensee.
10 If the Director finds at any time that a bond is of
11 insufficient size, is insecure, exhausted, or otherwise
12 doubtful, an additional bond in such amount as determined by
13 the Director shall be filed by the licensee within 30 days
14 after written demand therefor by the Director. "Net worth"
15 means total assets minus total liabilities.

16 (Source: P.A. 92-398, eff. 1-1-02; 93-32, eff. 7-1-03.)

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

19 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

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

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

24 (2) All applications, except those of homes for the aged,
25 shall be accompanied by an application fee of \$200 for an
26 annual license and \$400 for a 2-year license. The fee shall be
27 deposited with the State Treasurer into the Long Term Care
28 Monitor/Receiver Fund, which is hereby created as a special
29 fund in the State Treasury. ~~All license applications shall be~~
30 ~~accompanied with an application fee. The fee for an annual~~
31 ~~license shall be \$995. Facilities that pay a fee or assessment~~
32 ~~pursuant to Article V-C of the Illinois Public Aid Code shall~~

1 ~~be exempt from the license fee imposed under this item (2). The~~
2 ~~fee for a 2-year license shall be double the fee for the annual~~
3 ~~license set forth in the preceding sentence. The fees collected~~
4 ~~shall be deposited with the State Treasurer into the Long Term~~
5 ~~Care Monitor/Receiver Fund, which has been created as a special~~
6 ~~fund in the State treasury.~~ This special fund is to be used by
7 the Department for expenses related to the appointment of
8 monitors and receivers as contained in Sections 3-501 through
9 3-517. At the end of each fiscal year, any funds in excess of
10 \$1,000,000 held in the Long Term Care Monitor/Receiver Fund
11 shall be deposited in the State's General Revenue Fund. The
12 application shall be under oath and the submission of false or
13 misleading information shall be a Class A misdemeanor. The
14 application shall contain the following information:

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

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

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

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

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

34 (3) Each initial application shall be accompanied by a

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

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

15 (Source: P.A. 93-32, eff. 7-1-03; 93-841, eff. 7-30-04.)

16 Section 80. The Illinois Insurance Code is amended by
17 changing Sections 121-19, 123A-4, 123B-4, 123C-17, 131.24,
18 141a, 149, 310.1, 315.4, 325, 363a, 370, 403, 403A, 408, 412,
19 416, 431, 445, 500-70, 500-110, 500-120, 500-135, 511.103,
20 511.105, 511.110, 512.63, 513a3, 513a4, 513a7, 529.5, 1020,
21 1108, and 1204 as follows:

22 (215 ILCS 5/121-19) (from Ch. 73, par. 733-19)

23 Sec. 121-19. Fine for unauthorized insurance. Any
24 unauthorized insurer who transacts any unauthorized act of an
25 insurance business as set forth in this Act is guilty of a
26 business offense and may be fined not more than \$10,000
27 ~~\$20,000~~.

28 (Source: P.A. 93-32, eff. 7-1-03.)

29 (215 ILCS 5/123A-4) (from Ch. 73, par. 735A-4)

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

31 (1) An advisory organization must be licensed by the

1 Director before it is authorized to conduct activities in this
2 State.

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

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

9 (Source: P.A. 93-32, eff. 7-1-03.)

10 (215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)

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

16 A. Notice of operations and designation of the Director as
17 agent.

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

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

29 (2) a copy of its plan of operations or a feasibility
30 study and revisions of such plan or study submitted to its
31 state of domicile; provided, however, that the provision
32 relating to the submission of a plan of operation or a
33 feasibility study shall not apply with respect to any line

1 or classification of liability insurance which (a) was
2 defined in the Product Liability Risk Retention Act of 1981
3 before October 27, 1986, and (b) was offered before such
4 date by any risk retention group which had been organized
5 and operating for not less than 3 years before such date;
6 and

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

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

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

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

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

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

29 C. Taxation.

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

1 retention group shall be subject to taxation, and any
2 applicable fines and penalties related thereto, on the same
3 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 to
6 the Director the premiums for direct business for risks
7 resident or located within this State which such licensees
8 have placed with or on behalf of a risk retention group not
9 organized in this State.

10 (3) To the extent that licensed insurance producers are
11 utilized pursuant to Section 123B-11, each such producer
12 shall keep a complete and separate record of all policies
13 procured from each such risk retention group, which record
14 shall be open to examination by the Director, as provided
15 in Section 506.1 of this Code. These records shall, for
16 each policy and each kind of insurance provided thereunder,
17 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. Any
26 risk retention group, its agents and representatives shall be
27 subject to the unfair claims practices provisions of Sections
28 154.5 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 insolvency
19 guaranty fund protection is not available for your risk
20 retention group".

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

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

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

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

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

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

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

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

31 N. Operations prior to August 3, 1987. In addition to
32 complying with the requirements of this Section, any risk
33 retention group operating in this State prior to August 3,
34 1987, shall within 30 days after such effective date comply

1 with the provisions of subsection A of this Section.

2 (Source: P.A. 93-32, eff. 7-1-03.)

3 (215 ILCS 5/123C-17) (from Ch. 73, par. 735C-17)

4 Sec. 123C-17. Fees.

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

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

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

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

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

19 (Source: P.A. 93-32, eff. 7-1-03.)

20 (215 ILCS 5/131.24) (from Ch. 73, par. 743.24)

21 Sec. 131.24. Sanctions.

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

1 previous violations, and such other matters as justice may
2 require.

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

22 (3) Whenever it appears to the Director that any company or
23 any director, officer, employee or agent thereof has committed
24 a willful violation of this Article, the Director may cause
25 criminal proceedings to be instituted in the Circuit Court for
26 the county in which the principal office of the company is
27 located or in the Circuit Court of Sangamon or Cook County
28 against such company or the responsible director, officer,
29 employee or agent thereof. Any company which willfully violates
30 this Article commits a business offense and may be fined up to
31 \$250,000 ~~\$500,000~~. Any individual who willfully violates this
32 Article commits a Class 4 felony and may be fined in his
33 individual capacity not more than \$250,000 ~~\$500,000~~ or be
34 imprisoned for not less than one year nor more than 3 years, or

1 both.

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

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 (215 ILCS 5/141a) (from Ch. 73, par. 753a)

14 Sec. 141a. Managing general agents and retrospective
15 compensation agreements.

16 (a) As used in this Section, the following terms have the
17 following meanings:

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

20 "Gross direct written premium" means direct premium
21 including policy and membership fees, net of returns and
22 cancellations, and prior to any cessions.

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

26 "Managing general agent" means any person, firm,
27 association, or corporation, either separately or together
28 with affiliates, that:

29 (1) manages all or part of the insurance business of an
30 insurer (including the management of a separate division,
31 department, or underwriting office), and

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

1 (3) with or without the authority produces, directly or
2 indirectly, and underwrites:

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

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

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

13 (5) has the authority to negotiate reinsurance on
14 behalf of the insurer.

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

18 (1) An employee of the insurer;

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

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

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

33 "Retrospective compensation agreement" means any
34 arrangement, agreement, or contract having as its purpose the

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

9 "Underwrite" means to accept or reject risk on behalf of
10 the insurer.

11 (b) Licensure of managing general agents.

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

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

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

34 (4) The managing general agent must maintain an errors

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

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

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

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

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

24 (3) All funds collected for the account of an insurer
25 shall be held by the managing general agent in a fiduciary
26 capacity in a bank that is a federally or State chartered
27 bank and that is a member of the Federal Deposit Insurance
28 Corporation. This account shall be used for all payments on
29 behalf of the insurer; however, the managing general agent
30 shall not have authority to draw on any other accounts of
31 the insurer. The managing general agent may retain no more
32 than 3 months estimated claims payments and allocated loss
33 adjustment expenses.

34 (4) Separate records of business written by the

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

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

9 (6) The managing general agent shall provide to the
10 company audited financial statements required under
11 paragraph (1) of subsection (d).

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

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

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

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

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

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

34 (i) has the potential to exceed an amount

1 determined by the company;

2 (ii) involves a coverage dispute;

3 (iii) may exceed the managing general agent's
4 claims settlement authority;

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

6 (v) is closed by payment of an amount set by
7 the company.

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

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

22 (10) Where electronic claims files are in existence,
23 the contract must address the timely transmission of the
24 data.

25 (11) If the contract provides for a sharing of interim
26 profits by the managing general agent and the managing
27 general agent has the authority to determine the amount of
28 the interim profits by establishing loss reserves,
29 controlling claim payments, or by any other manner, interim
30 profits will not be paid to the managing general agent
31 until one year after they are earned for property insurance
32 business and until 5 years after they are earned on
33 casualty business and in either case, not until the profits
34 have been verified.

1 (12) The managing general agent shall not:

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

12 (B) Appoint any producer without assuring that the
13 producer is lawfully licensed to transact the type of
14 insurance for which he is appointed.

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

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

25 (E) Permit its subproducer to serve on its board of
26 directors.

27 (F) Employ an individual who is also employed by
28 the insurer.

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

31 (d) Insurers shall have the following duties:

32 (1) The insurer shall have on file the managing general
33 agent's audited financial statements as of the end of the
34 most recent fiscal year prepared in accordance with

1 Generally Accepted Accounting Principles. The insurer
2 shall notify the Director if the auditor's opinion on those
3 statements is other than an unqualified opinion. That
4 notice shall be given to the Director within 10 days of
5 receiving the audited financial statements or becoming
6 aware that such opinion has been given.

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

13 (3) The insurer shall periodically (at least
14 semiannually) conduct an on-site review of the
15 underwriting and claims processing operations of the
16 managing general agent.

17 (4) Binding authority for all reinsurance contracts or
18 participation in insurance or reinsurance syndicates shall
19 rest with an officer of the insurer, who shall not be
20 affiliated with the managing general agent.

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

30 (6) An insurer shall review its books and records each
31 quarter to determine if any producer has become a managing
32 general agent. If the insurer determines that a producer
33 has become a managing general agent, the insurer shall
34 promptly notify the producer and the Director of that

1 determination, and the insurer and producer must fully
2 comply with the provisions of this Section within 30 days
3 of the notification.

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

13 (8) An insurer shall not appoint to its board of
14 directors an officer, director, employee, or controlling
15 shareholder of its managing general agents. This provision
16 shall not apply to relationships governed by Article VIII
17 1/2 of this Code.

18 (e) The acts of a managing general agent are considered to
19 be the acts of the insurer on whose behalf it is acting. A
20 managing general agent may be examined in the same manner as an
21 insurer.

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

27 (g) Unless specifically required by the Director, the
28 provisions of this Section shall not apply to arrangements
29 between a managing general agent not underwriting any risks
30 located in Illinois and a foreign insurer domiciled in an NAIC
31 accredited state that has adopted legislation substantially
32 similar to the NAIC Managing General Agents Model Act. "NAIC
33 accredited state" means a state or territory of the United
34 States having an insurance regulatory agency that maintains an

1 accredited status granted by the National Association of
2 Insurance Commissioners.

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

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

26 Any decision, determination, or order of the Director under
27 this subsection shall be subject to judicial review under the
28 Administrative Review Law.

29 Nothing contained in this subsection shall affect the right
30 of the Director to impose any other penalties provided for in
31 this Code.

32 Nothing contained in this subsection is intended to or
33 shall in any manner limit or restrict the rights of
34 policyholders, claimants, and auditors.

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

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

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 (215 ILCS 5/149) (from Ch. 73, par. 761)

17 Sec. 149. Misrepresentation and defamation prohibited.

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

29 (2) No such company or officer, director, agent, clerk or
30 employee thereof, or broker shall make any misleading
31 representation or comparison of companies or policies, to any
32 person insured in any company for the purpose of inducing or
33 tending to induce a policyholder in any company to lapse,

1 forfeit, change or surrender his insurance, whether on a
2 temporary or permanent plan.

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

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

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

12 (6) No company shall be held guilty of having violated any
13 of the provisions of this Section by reason of the act of any
14 agent, solicitor or employee, not an officer, director or
15 department head thereof, unless an officer, director or
16 department head of such company shall have knowingly permitted
17 such act or shall have had prior knowledge thereof.

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

28 (a) the use of any form or document which provides
29 either generalized or specific information or
30 recommendations regardless of the insurance needs of the
31 recipient or the availability of any insurance policy or
32 plan; or

33 (b) any offer to provide such information or
34 recommendation upon subsequent contacts or solicitation

1 either by the entity generating the material or some other
2 person; or

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

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

7 (e) the use of any material which, regardless of the
8 form and content used or the information imparted, is
9 intended to result, in the generation of leads for further
10 solicitations or the preparation of a mailing list which
11 can be sold to others for such purpose.

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 (215 ILCS 5/310.1) (from Ch. 73, par. 922.1)

14 Sec. 310.1. Suspension, Revocation or Refusal to Renew
15 Certificate of Authority.

16 (a) Domestic Societies. When, upon investigation, the
17 Director is satisfied that any domestic society transacting
18 business under this amendatory Act has exceeded its powers or
19 has failed to comply with any provisions of this amendatory Act
20 or is conducting business fraudulently or in a way hazardous to
21 its members, creditors or the public or is not carrying out its
22 contracts in good faith, the Director shall notify the society
23 of his or her findings, stating in writing the grounds of his
24 or her dissatisfaction, and, after reasonable notice, require
25 the society on a date named to show cause why its certificate
26 of authority should not be revoked or suspended or why such
27 society should not be fined as hereinafter provided or why the
28 Director should not proceed against the society under Article
29 XIII of this Code. If, on the date named in said notice, such
30 objections have not been removed to the satisfaction of the
31 Director or if the society does not present good and sufficient
32 reasons why its authority to transact business in this State
33 should not at that time be revoked or suspended or why such

1 society should not be fined as hereinafter provided, the
2 Director may revoke the authority of the society to continue
3 business in this State and proceed against the society under
4 Article XIII of this Code or suspend such certificate of
5 authority for any period of time up to, but not to exceed, 2
6 years; or may by order require such society to pay to the
7 people of the State of Illinois a penalty in a sum not
8 exceeding \$5,000 ~~\$10,000~~, and, upon the failure of such society
9 to pay such penalty within 20 days after the mailing of such
10 order, postage prepaid, registered and addressed to the last
11 known place of business of such society, unless such order is
12 stayed by an order of a court of competent jurisdiction, the
13 Director may revoke or suspend the license of such society for
14 any period of time up to, but not exceeding, a period of 2
15 years.

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

19 (Source: P.A. 93-32, eff. 7-1-03.)

20 (215 ILCS 5/315.4) (from Ch. 73, par. 927.4)

21 Sec. 315.4. Penalties.

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

29 (b) Any person who willfully makes a false or fraudulent
30 statement in any verified report or declaration under oath
31 required or authorized by this amendatory Act, or of any
32 material fact or thing contained in a sworn statement
33 concerning the death or disability of an insured for the

1 purpose of procuring payment of a benefit named in the
2 certificate, shall be guilty of perjury and shall be subject to
3 the penalties therefor prescribed by law.

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

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

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 (215 ILCS 5/325) (from Ch. 73, par. 937)

14 Sec. 325. Officers bonds. The officer or officers of the
15 association entrusted with the custody of its funds shall
16 within thirty days after the effective date of this Code file
17 with the Director a bond in favor of the association in the
18 penalty of double the amount of its benefit account, as defined
19 in the act mentioned in section 316, as of the end of a
20 preceding calendar year, exclusive of such amount as the
21 association may maintain on deposit with the Director, (but in
22 no event a bond in a penalty of less than \$1,000 ~~\$2,000~~) with
23 such officer or officers as principal and a duly authorized
24 surety company as surety, conditioned upon the faithful
25 performance of his or their duties and the accounting of the
26 funds entrusted to his or their custody. If the penalty of any
27 bond filed pursuant to this section shall at any time be less
28 than twice the largest amount in the benefit fund of the
29 association not maintained on deposit with the Director during
30 the preceding calendar year, a new bond in the penalty of
31 double the largest amount in the benefit fund during said
32 preceding calendar year, with such officer or officers as
33 principal and a duly authorized surety company as surety,

1 conditioned as aforesaid, shall be filed with the Director
2 within sixty days after the end of such calendar year.

3 (Source: P.A. 93-32, eff. 7-1-03.)

4 (215 ILCS 5/363a) (from Ch. 73, par. 975a)

5 Sec. 363a. Medicare supplement policies; disclosure,
6 advertising, loss ratio standards.

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

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

22 (a) It may not include any reference to that program on
23 the envelope, the reply envelope, or the address side of
24 the reply postal card, if any, nor use any language to
25 imply that failure to respond to the advertisement might
26 result in loss of Medicare benefits.

27 (b) It must include a prominent statement to the effect
28 that in providing supplemental coverage the insurer and
29 agent involved in the solicitation are not in any manner
30 connected with that program.

31 (c) It must prominently disclose that it is an
32 advertisement for insurance or is intended to obtain
33 insurance prospects.

1 (d) It must prominently identify and set forth the
2 actual address of the insurer or insurers that issue the
3 coverage.

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

7 The Director may issue reasonable rules and regulations for
8 the purpose of establishing criteria and guidelines for the
9 advertising of Medicare supplement insurance.

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

20 (a) Identify himself as an insurance agent.

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

23 (c) Provide the purchaser with a clearly printed or
24 typed identification of his name, address, telephone
25 number, and the name of the insurer in which the insurance
26 is to be written.

27 (d) Determine what, if any, policy is appropriate,
28 suitable, and nonduplicative for the purchaser considering
29 existing coverage and be able to provide proof to the
30 company that such a determination has been made.

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

33 (f) Complete a Policy Check List in duplicate as
34 follows:

POLICY CHECK LIST

Applicant's Name:

Policy Number:

Name of Existing Insurer:

Expiration Date of Existing Insurance:

| Medicare | Existing | Supplement | Insured's |
|--------------|----------|------------|----------------|
| Pays | Coverage | Pays | Responsibility |
| Service | | | |
| Hospital | | | |
| Skilled | | | |
| Nursing | | | |
| Home Care | | | |
| Prescription | | | |
| Drugs | | | |

This policy does/does not (circle one) comply with the minimum standards for Medicare supplements set forth 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.

1 (4) Prohibited agent practices.

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

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

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

17 (iii) Is engaged in an advisory business in which
18 his compensation is unrelated to the sale of insurance
19 by the use of terms such as Medicare consultant,
20 Medicare advisor, Medicare Bureau, disability
21 insurance consultant, or similar expression in a
22 letter, envelope, reply card, or other.

23 (iv) Will provide a continuing service to the
24 purchaser of the policy unless he does provide services
25 to the purchaser beyond the sale and renewal of
26 policies.

27 (b) No agent engaged in a home solicitation sale of a
28 Medicare supplement policy or other policy of accident and
29 health insurance sold to individuals eligible for Medicare
30 shall misrepresent, directly or by implication, any of the
31 following:

32 (i) The identity of the insurance company or
33 companies he represents.

34 (ii) That the assistance programs of the State or

1 county or the federal Medicare programs for medical
2 insurance are to be discontinued or are increasing in
3 cost to the prospective buyer or are in any way
4 endangered.

5 (iii) That an insurance company in which the
6 prospective purchaser is insured is financially
7 unstable, cancelling its outstanding policies,
8 merging, or withdrawing from the State.

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

10 (v) The effective date of coverage under the
11 policy.

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

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

16 (5) Mandatory company practices. Any company involved in
17 the sale of Medicare supplement policies or any policies of
18 accident and health insurance (subject to subsection (1) of
19 this Section) sold to individuals eligible for Medicare shall
20 do the following:

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

24 (b) Make certain that policies of Medicare supplement
25 insurance are not issued, and any premium collected for
26 those policies is refunded, when they are deemed
27 duplicative, inappropriate, or not suitable considering
28 existing coverage with the company.

29 (c) Maintain copies of the Policy Check List as
30 completed by the agent at the point of sale of a Medicare
31 supplement policy or any policy of accident and health
32 insurance (subject to subsection (1) of this Section) sold
33 to individuals eligible for Medicare on file at the
34 company's regional or other administrative office.

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

4 (a) No Medicare supplement policy or certificate shall
5 be delivered in this State unless an outline of coverage is
6 delivered to the applicant at the time application is made
7 and, except for direct response policies, an
8 acknowledgement from the applicant of receipt of the
9 outline is obtained.

10 (b) Outline of coverage requirements for Medicare
11 supplement policies.

12 (i) Insurers issuing Medicare supplement policies
13 or certificates for delivery in this State shall
14 provide an outline of coverage to all applicants at the
15 time application is made and, except for direct
16 response policies, shall obtain an acknowledgement of
17 receipt of the outline from the applicant.

18 (ii) If an outline of coverage is provided at the
19 time of application and the Medicare supplement policy
20 or certificate is issued on a basis that would require
21 revision of the outline, a substitute outline of
22 coverage properly describing the policy or certificate
23 must accompany the policy or certificate when it is
24 delivered and shall contain immediately above the
25 company name, in no less than 12 point type, the
26 following statement:

27 "NOTICE: Read this outline of coverage carefully.
28 It is not identical to the outline of coverage provided
29 upon application and the coverage originally applied
30 for has not been issued.".

31 (iii) The outline of coverage provided to
32 applicants shall be in the form prescribed by rule by
33 the Department.

34 (c) Insurers issuing policies that provide hospital or

1 medical expense coverage on an expense incurred or
2 indemnity basis, other than incidentally, to a person or
3 persons eligible for Medicare shall provide to the
4 policyholder a buyer's guide approved by the Director.
5 Delivery of the buyer's guide shall be made whether or not
6 the policy qualifies as a "Medicare Supplement Coverage" in
7 accordance with Section 363 of this Code. Except in the
8 case of direct response insurers, delivery of the buyer's
9 guide shall be made at the time of application, and
10 acknowledgement of receipt of certification of delivery of
11 the buyer's guide shall be provided to the insurer. Direct
12 response insurers shall deliver the buyer's guide upon
13 request, but not later than at the time the policy is
14 delivered.

15 (d) Outlines of coverage delivered in connection with
16 policies defined in subsection (4) of Section 355a of this
17 Code as Hospital confinement Indemnity (Section 4c),
18 Accident Only Coverage (Section 4f), Specified Disease
19 (Section 4g) or Limited Benefit Health Insurance Coverage
20 to persons eligible for Medicare shall contain, in addition
21 to other requirements for those outlines, the following
22 language that shall be printed on or attached to the first
23 page of the outline of coverage:

24 "This policy, certificate or subscriber contract IS
25 NOT A MEDICARE SUPPLEMENT policy or certificate. It does
26 not fully supplement your federal Medicare health
27 insurance. If you are eligible for Medicare, review the
28 Guide to Health Insurance for People with Medicare
29 available from the company."

30 (e) In the case wherein a policy, as defined in
31 paragraph (a) of subsection (2) of Section 355a of this
32 Code, being sold to a person eligible for Medicare provides
33 one or more but not all of the minimum standards for
34 Medicare supplements set forth in Section 363 of this Code,

1 disclosure must be provided that the policy is not a
2 Medicare supplement and does not meet the minimum benefit
3 standards set for those policies in this State.

4 (7) Loss ratio standards.

5 (a) Every issuer of Medicare supplement policies or
6 certificates in this State, as defined in Section 363 of
7 this Code, shall file annually its rates, rating schedule,
8 and supporting documentation demonstrating that it is in
9 compliance with the applicable loss ratio standards of this
10 State. All filings of rates and rating schedules shall
11 demonstrate that the actual and anticipated losses in
12 relation to premiums comply with the requirements of this
13 Code.

14 (b) Medicare supplement policies shall, for the entire
15 period for which rates are computed to provide coverage, on
16 the basis of incurred claims experience and earned premiums
17 for the period and in accordance with accepted actuarial
18 principles and practices, return to policyholders in the
19 form of aggregate benefits the following:

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

22 (ii) In the case of individual policies, at least
23 60% of the aggregate amount of premiums earned; and
24 beginning November 5, 1991, at least 65% of the
25 aggregate amount of premiums earned.

26 (iii) In the case of sponsored group policies in
27 which coverage is marketed on an individual basis by
28 direct response to eligible individuals in that group
29 only, at least 65% of the aggregate amount of premiums
30 earned.

31 (c) For the purposes of this Section, the insurer shall
32 be deemed to comply with the loss ratio standards if: (i)
33 for the most recent year, the ratio of the incurred losses
34 to earned premiums for policies or certificates that have

1 been in force for 3 years or more is greater than or equal
2 to the applicable percentages contained in this Section;
3 and (ii) the anticipated losses in relation to premiums
4 over the entire period for which the policy is rated comply
5 with the requirements of this Section. An anticipated
6 third-year loss ratio that is greater than or equal to the
7 applicable percentage shall be demonstrated for policies
8 or certificates in force less than 3 years.

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

14 (9) Penalties.

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

22 (b) In addition to any other applicable penalties for
23 violations of this Code, the Director may require insurers
24 violating any provision of this Code or regulations
25 promulgated pursuant to this Code to cease marketing in
26 this State any Medicare supplement policy or certificate
27 that is related directly or indirectly to a violation and
28 may require the insurer to take actions as are necessary to
29 comply with the provisions of Sections 363 and 363a of this
30 Code.

31 (c) After June 30, 1991, no person may advertise,
32 solicit for the sale or purchase of, offer for sale, or
33 deliver a Medicare supplement policy that has not been
34 approved by the Director. A person who knowingly violates,

1 directly or through an agent, the provisions of this
2 paragraph commits a Class 3 felony. Any person who violates
3 the provisions of this paragraph may be subjected to a
4 civil penalty not to exceed \$5,000 ~~\$10,000~~. The civil
5 penalty authorized in this paragraph shall be enforced in
6 the manner provided in Section 403A of this Code.

7 (10) Replacement. Application forms shall include a
8 question designed to elicit information as to whether a
9 Medicare supplement policy or certificate is intended to
10 replace any similar accident and sickness policy or certificate
11 presently in force. A supplementary application or other form
12 to be signed by the applicant containing the question may be
13 used. Upon determining that a sale of Medicare supplement
14 coverage will involve replacement, an insurer, other than a
15 direct response insurer, or its agent, shall furnish the
16 applicant, prior to issuance or delivery of the Medicare
17 supplement policy or certificate, a notice regarding
18 replacement of Medicare supplement coverage. One copy of the
19 notice shall be provided to the applicant, and an additional
20 copy signed by the applicant shall be retained by the insurer.
21 A direct response insurer shall deliver to the applicant at the
22 time of the issuance of the policy the notice regarding
23 replacement of Medicare supplement coverage.

24 (Source: P.A. 93-32, eff. 7-1-03.)

25 (215 ILCS 5/370) (from Ch. 73, par. 982)

26 Sec. 370. Policies issued in violation of article-Penalty.

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

31 (2) The Director may revoke the license of any foreign or
32 alien company, or of the agent thereof wilfully violating any
33 provision of this article or suspend such license for any

1 period of time up to, but not to exceed, two years; or may by
2 order require such insurance company or agent to pay to the
3 people of the State of Illinois a penalty in a sum not
4 exceeding \$500 ~~\$1,000~~, and upon the failure of such insurance
5 company or agent to pay such penalty within twenty days after
6 the mailing of such order, postage prepaid, registered, and
7 addressed to the last known place of business of such insurance
8 company or agent, unless such order is stayed by an order of a
9 court of competent jurisdiction, the Director of Insurance may
10 revoke or suspend the license of such insurance company or
11 agent for any period of time up to, but not exceeding a period
12 of, two years.

13 (Source: P.A. 93-32, eff. 7-1-03.)

14 (215 ILCS 5/403) (from Ch. 73, par. 1015)

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

16 (1) In the conduct of any examination, investigation or
17 hearing provided for by this Code, the Director or other
18 officer designated by him or her to conduct the same, shall
19 have power to compel the attendance of any person by subpoena,
20 to administer oaths and to examine any person under oath
21 concerning the business, conduct or affairs of any company or
22 person subject to the provisions of this Code, and in
23 connection therewith to require the production of any books,
24 records or papers relevant to the inquiry.

25 (2) If a person subpoenaed to attend such inquiry fails to
26 obey the command of the subpoena without reasonable excuse, or
27 if a person in attendance upon such inquiry shall, without
28 reasonable cause, refuse to be sworn or to be examined or to
29 answer a question or to produce a book or paper when ordered to
30 do so by any officer conducting such inquiry, or if any person
31 fails to perform any act required hereunder to be performed, he
32 or she shall be required to pay a penalty of not more than
33 \$1,000 ~~\$2,000~~ to be recovered in the name of the People of the

1 State of Illinois by the State's Attorney of the county in
2 which the violation occurs, and the penalty so recovered shall
3 be paid into the county treasury.

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

29 (4) The fees of witnesses for attendance and travel shall
30 be the same as the fees of witnesses before the circuit courts
31 of this State. When a witness is subpoenaed by or testifies at
32 the instance of the Director or other officer designated by him
33 or her, such fees shall be paid in the same manner as other
34 expenses of the Department. When a witness is subpoenaed or

1 testifies at the instance of any other party to any such
2 proceeding, the cost of the subpoena or subpoenas duces tecum
3 and the fee of the witness shall be borne by the party at whose
4 instance a witness is summoned. In such case, the Department in
5 its discretion, may require a deposit to cover the cost of such
6 service and witness fees.

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 (215 ILCS 5/403A) (from Ch. 73, par. 1015A)

9 Sec. 403A. Violations; Notice of Apparent Liability;
10 Limitation of Forfeiture Liability.

11 (1) Any company or person, agent or broker, officer or
12 director and any other person subject to this Code and as may
13 be defined in Section 2 of this Code, who willfully or
14 repeatedly fails to observe or who otherwise violates any of
15 the provisions of this Code or any rule or regulation
16 promulgated by the Director under authority of this Code or any
17 final order of the Director entered under the authority of this
18 Code shall by civil penalty forfeit to the State of Illinois a
19 sum not to exceed \$1,000 ~~\$2,000~~. Each day during which a
20 violation occurs constitutes a separate offense. The civil
21 penalty provided for in this Section shall apply only to those
22 Sections of this Code or administrative regulations thereunder
23 that do not otherwise provide for a monetary civil penalty.

24 (2) No forfeiture liability under paragraph (1) of this
25 Section may attach unless a written notice of apparent
26 liability has been issued by the Director and received by the
27 respondent, or the Director sends written notice of apparent
28 liability by registered or certified mail, return receipt
29 requested, to the last known address of the respondent. Any
30 respondent so notified must be granted an opportunity to
31 request a hearing within 10 days from receipt of notice, or to
32 show in writing, why he should not be held liable. A notice
33 issued under this Section must set forth the date, facts and

1 nature of the act or omission with which the respondent is
2 charged and must specifically identify the particular
3 provision of the Code, rule, regulation or order of which a
4 violation is charged.

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

11 (4) The civil penalty forfeitures provided for in this
12 Section are payable to the General Revenue Fund of the State of
13 Illinois, and may be recovered in a civil suit in the name of
14 the State of Illinois brought in the Circuit Court in Sangamon
15 County, or in the Circuit Court of the county where the
16 respondent is domiciled or has its principal operating office.

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

25 (Source: P.A. 93-32, eff. 7-1-03.)

26 (215 ILCS 5/408) (from Ch. 73, par. 1020)

27 Sec. 408. Fees and charges.

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

30 (a) For filing all documents submitted for the
31 incorporation or organization or certification of a
32 domestic company, except for a fraternal benefit society,
33 \$1,000 ~~\$2,000~~.

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

4 (c) For filing amendments to articles of incorporation
5 and amendments to declaration of organization, except for a
6 fraternal benefit society, a mutual benefit association, a
7 burial society or a farm mutual, \$100 ~~\$200~~.

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

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

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

14 (g) For filing agreement of merger or consolidation:

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

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

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

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

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

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

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

34 (l) For filing annual statement, except a fraternal

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

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

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

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

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

11 (q) For issuing an amended certificate of authority,
12 \$25 ~~\$50~~.

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

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

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

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

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

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

29 (i) in connection with a public stock offering,
30 \$150 ~~\$300~~;

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

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

34 (y) For filing a plan of exchange of the stock of a

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

4 (z) For filing a statement of acquisition of a domestic
5 company as defined in Section 131.4 of this Code, \$1,000
6 ~~\$2,000~~.

7 (aa) For filing an agreement to purchase the business
8 of an organization authorized under the Dental Service Plan
9 Act or the Voluntary Health Services Plans Act or of a
10 health maintenance organization or a limited health
11 service organization, \$1,000 ~~\$2,000~~.

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

15 (cc) For filing a registration statement as required in
16 Sections 131.13 and 131.14, the notification as required by
17 Sections 131.16, 131.20a, or 141.4, or an agreement or
18 transaction required by Sections 124.2(2), 141, 141a, or
19 141.1, \$100 ~~\$200~~.

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

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

23 (ii) a workers' compensation service company, \$250
24 ~~\$500~~;

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

26 or

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

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

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

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

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

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

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

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

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

21 (iii) (Blank).

22 (iv) The Director may by rule exempt forms from
23 such fees.

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

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

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

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

25 (4) At the time of any service of process on the Director
26 as attorney for such service, the Director shall charge and
27 collect the sum of \$10 ~~\$20~~, which may be recovered as taxable
28 costs by the party to the suit or action causing such service
29 to be made if he prevails in such suit or action.

30 (5) (a) The costs incurred by the Department of Insurance
31 in conducting any hearing authorized by law shall be assessed
32 against the parties to the hearing in such proportion as the
33 Director of Insurance may determine upon consideration of all
34 relevant circumstances including: (1) the nature of the

1 hearing; (2) whether the hearing was instigated by, or for the
2 benefit of a particular party or parties; (3) whether there is
3 a successful party on the merits of the proceeding; and (4) the
4 relative levels of participation by the parties.

5 (b) For purposes of this subsection (5) costs incurred
6 shall mean the hearing officer fees, court reporter fees, and
7 travel expenses of Department of Insurance officers and
8 employees; provided however, that costs incurred shall not
9 include hearing officer fees or court reporter fees unless the
10 Department has retained the services of independent
11 contractors or outside experts to perform such functions.

12 (c) The Director shall make the assessment of costs
13 incurred as part of the final order or decision arising out of
14 the proceeding; provided, however, that such order or decision
15 shall include findings and conclusions in support of the
16 assessment of costs. This subsection (5) shall not be construed
17 as permitting the payment of travel expenses unless calculated
18 in accordance with the applicable travel regulations of the
19 Department of Central Management Services, as approved by the
20 Governor's Travel Control Board. The Director as part of such
21 order or decision shall require all assessments for hearing
22 officer fees and court reporter fees, if any, to be paid
23 directly to the hearing officer or court reporter by the
24 party(s) assessed for such costs. The assessments for travel
25 expenses of Department officers and employees shall be
26 reimbursable to the Director of Insurance for deposit to the
27 fund out of which those expenses had been paid.

28 (d) The provisions of this subsection (5) shall apply in
29 the case of any hearing conducted by the Director of Insurance
30 not otherwise specifically provided for by law.

31 (6) The Director shall charge and collect an annual
32 financial regulation fee from every domestic company for
33 examination and analysis of its financial condition and to fund
34 the internal costs and expenses of the Interstate Insurance

1 Receivership Commission as may be allocated to the State of
2 Illinois and companies doing an insurance business in this
3 State pursuant to Article X of the Interstate Insurance
4 Receivership Compact. The fee shall be the greater fixed amount
5 based upon the combination of nationwide direct premium income
6 and nationwide reinsurance assumed premium income or upon
7 admitted assets calculated under this subsection as follows:

8 (a) Combination of nationwide direct premium income
9 and nationwide reinsurance assumed premium.

10 (i) \$100 ~~\$150~~, if the premium is less than \$500,000
11 and there is no reinsurance assumed premium;

12 (ii) \$500 ~~\$750~~, if the premium is \$500,000 or more,
13 but less than \$5,000,000 and there is no reinsurance
14 assumed premium; or if the premium is less than
15 \$5,000,000 and the reinsurance assumed premium is less
16 than \$10,000,000;

17 (iii) \$2,500 ~~\$3,750~~, if the premium is less than
18 \$5,000,000 and the reinsurance assumed premium is
19 \$10,000,000 or more;

20 (iv) \$5,000 ~~\$7,500~~, if the premium is \$5,000,000 or
21 more, but less than \$10,000,000;

22 (v) \$12,000 ~~\$18,000~~, if the premium is \$10,000,000
23 or more, but less than \$25,000,000;

24 (vi) \$15,000 ~~\$22,500~~, if the premium is
25 \$25,000,000 or more, but less than \$50,000,000;

26 (vii) \$20,000 ~~\$30,000~~, if the premium is
27 \$50,000,000 or more, but less than \$100,000,000;

28 (viii) \$25,000 ~~\$37,500~~, if the premium is
29 \$100,000,000 or more.

30 (b) Admitted assets.

31 (i) \$100 ~~\$150~~, if admitted assets are less than
32 \$1,000,000;

33 (ii) \$500 ~~\$750~~, if admitted assets are \$1,000,000
34 or more, but less than \$5,000,000;

1 (iii) \$2,500 ~~\$3,750~~, if admitted assets are
2 \$5,000,000 or more, but less than \$25,000,000;

3 (iv) \$5,000 ~~\$7,500~~, if admitted assets are
4 \$25,000,000 or more, but less than \$50,000,000;

5 (v) \$12,000 ~~\$18,000~~, if admitted assets are
6 \$50,000,000 or more, but less than \$100,000,000;

7 (vi) \$15,000 ~~\$22,500~~, if admitted assets are
8 \$100,000,000 or more, but less than \$500,000,000;

9 (vii) \$20,000 ~~\$30,000~~, if admitted assets are
10 \$500,000,000 or more, but less than \$1,000,000,000;

11 (viii) \$25,000 ~~\$37,500~~, if admitted assets are
12 \$1,000,000,000 or more.

13 (c) The sum of financial regulation fees charged to the
14 domestic companies of the same affiliated group shall not
15 exceed \$100,000 ~~\$250,000~~ in the aggregate in any single
16 year and shall be billed by the Director to the member
17 company designated by the group.

18 (7) The Director shall charge and collect an annual
19 financial regulation fee from every foreign or alien company,
20 except fraternal benefit societies, for the examination and
21 analysis of its financial condition and to fund the internal
22 costs and expenses of the Interstate Insurance Receivership
23 Commission as may be allocated to the State of Illinois and
24 companies doing an insurance business in this State pursuant to
25 Article X of the Interstate Insurance Receivership Compact. The
26 fee shall be a fixed amount based upon Illinois direct premium
27 income and nationwide reinsurance assumed premium income in
28 accordance with the following schedule:

29 (a) \$100 ~~\$150~~, if the premium is less than \$500,000 and
30 there is no reinsurance assumed premium;

31 (b) \$500 ~~\$750~~, if the premium is \$500,000 or more, but
32 less than \$5,000,000 and there is no reinsurance assumed
33 premium; or if the premium is less than \$5,000,000 and the
34 reinsurance assumed premium is less than \$10,000,000;

1 (c) \$2,500 ~~\$3,750~~, if the premium is less than
2 \$5,000,000 and the reinsurance assumed premium is
3 \$10,000,000 or more;

4 (d) \$5,000 ~~\$7,500~~, if the premium is \$5,000,000 or
5 more, but less than \$10,000,000;

6 (e) \$12,000 ~~\$18,000~~, if the premium is \$10,000,000 or
7 more, but less than \$25,000,000;

8 (f) \$15,000 ~~\$22,500~~, if the premium is \$25,000,000 or
9 more, but less than \$50,000,000;

10 (g) \$20,000 ~~\$30,000~~, if the premium is \$50,000,000 or
11 more, but less than \$100,000,000;

12 (h) \$25,000 ~~\$37,500~~, if the premium is \$100,000,000 or
13 more.

14 The sum of financial regulation fees under this subsection
15 (7) charged to the foreign or alien companies within the same
16 affiliated group shall not exceed \$100,000 ~~\$250,000~~ in the
17 aggregate in any single year and shall be billed by the
18 Director to the member company designated by the group.

19 (8) Beginning January 1, 1992, the financial regulation
20 fees imposed under subsections (6) and (7) of this Section
21 shall be paid by each company or domestic affiliated group
22 annually. After January 1, 1994, the fee shall be billed by
23 Department invoice based upon the company's premium income or
24 admitted assets as shown in its annual statement for the
25 preceding calendar year. The invoice is due upon receipt and
26 must be paid no later than June 30 of each calendar year. All
27 financial regulation fees collected by the Department shall be
28 paid to the Insurance Financial Regulation Fund. The Department
29 may not collect financial examiner per diem charges from
30 companies subject to subsections (6) and (7) of this Section
31 undergoing financial examination after June 30, 1992.

32 (9) In addition to the financial regulation fee required by
33 this Section, a company undergoing any financial examination
34 authorized by law shall pay the following costs and expenses

1 incurred by the Department: electronic data processing costs,
2 the expenses authorized under Section 131.21 and subsection (d)
3 of Section 132.4 of this Code, and lodging and travel expenses.

4 Electronic data processing costs incurred by the
5 Department in the performance of any examination shall be
6 billed directly to the company undergoing examination for
7 payment to the Statistical Services Revolving Fund. Except for
8 direct reimbursements authorized by the Director or direct
9 payments made under Section 131.21 or subsection (d) of Section
10 132.4 of this Code, all financial regulation fees and all
11 financial examination charges collected by the Department
12 shall be paid to the Insurance Financial Regulation Fund.

13 All lodging and travel expenses shall be in accordance with
14 applicable travel regulations published by the Department of
15 Central Management Services and approved by the Governor's
16 Travel Control Board, except that out-of-state lodging and
17 travel expenses related to examinations authorized under
18 Sections 132.1 through 132.7 shall be in accordance with travel
19 rates prescribed under paragraph 301-7.2 of the Federal Travel
20 Regulations, 41 C.F.R. 301-7.2, for reimbursement of
21 subsistence expenses incurred during official travel. All
22 lodging and travel expenses may be reimbursed directly upon the
23 authorization of the Director.

24 In the case of an organization or person not subject to the
25 financial regulation fee, the expenses incurred in any
26 financial examination authorized by law shall be paid by the
27 organization or person being examined. The charge shall be
28 reasonably related to the cost of the examination including,
29 but not limited to, compensation of examiners and other costs
30 described in this subsection.

31 (10) Any company, person, or entity failing to make any
32 payment of \$100 ~~\$150~~ or more as required under this Section
33 shall be subject to the penalty and interest provisions
34 provided for in subsections (4) and (7) of Section 412.

1 (11) Unless otherwise specified, all of the fees collected
2 under this Section shall be paid into the Insurance Financial
3 Regulation Fund.

4 (12) For purposes of this Section:

5 (a) "Domestic company" means a company as defined in
6 Section 2 of this Code which is incorporated or organized
7 under the laws of this State, and in addition includes a
8 not-for-profit corporation authorized under the Dental
9 Service Plan Act or the Voluntary Health Services Plans
10 Act, a health maintenance organization, and a limited
11 health service organization.

12 (b) "Foreign company" means a company as defined in
13 Section 2 of this Code which is incorporated or organized
14 under the laws of any state of the United States other than
15 this State and in addition includes a health maintenance
16 organization and a limited health service organization
17 which is incorporated or organized under the laws of any
18 state of the United States other than this State.

19 (c) "Alien company" means a company as defined in
20 Section 2 of this Code which is incorporated or organized
21 under the laws of any country other than the United States.

22 (d) "Fraternal benefit society" means a corporation,
23 society, order, lodge or voluntary association as defined
24 in Section 282.1 of this Code.

25 (e) "Mutual benefit association" means a company,
26 association or corporation authorized by the Director to do
27 business in this State under the provisions of Article
28 XVIII of this Code.

29 (f) "Burial society" means a person, firm,
30 corporation, society or association of individuals
31 authorized by the Director to do business in this State
32 under the provisions of Article XIX of this Code.

33 (g) "Farm mutual" means a district, county and township
34 mutual insurance company authorized by the Director to do

1 business in this State under the provisions of the Farm
2 Mutual Insurance Company Act of 1986.

3 (Source: P.A. 93-32, eff. 7-1-03; 93-1083, eff. 2-7-05.)

4 (215 ILCS 5/412) (from Ch. 73, par. 1024)

5 Sec. 412. Refunds; penalties; collection.

6 (1) (a) Whenever it appears to the satisfaction of the
7 Director that because of some mistake of fact, error in
8 calculation, or erroneous interpretation of a statute of
9 this or any other state, any authorized company has paid to
10 him, pursuant to any provision of law, taxes, fees, or
11 other charges in excess of the amount legally chargeable
12 against it, during the 6 year period immediately preceding
13 the discovery of such overpayment, he shall have power to
14 refund to such company the amount of the excess or excesses
15 by applying the amount or amounts thereof toward the
16 payment of taxes, fees, or other charges already due, or
17 which may thereafter become due from that company until
18 such excess or excesses have been fully refunded, or upon a
19 written request from the authorized company, the Director
20 shall provide a cash refund within 120 days after receipt
21 of the written request if all necessary information has
22 been filed with the Department in order for it to perform
23 an audit of the annual return for the year in which the
24 overpayment occurred or within 120 days after the date the
25 Department receives all the necessary information to
26 perform such audit. The Director shall not provide a cash
27 refund if there are insufficient funds in the Insurance
28 Premium Tax Refund Fund to provide a cash refund, if the
29 amount of the overpayment is less than \$100, or if the
30 amount of the overpayment can be fully offset against the
31 taxpayer's estimated liability for the year following the
32 year of the cash refund request. Any cash refund shall be
33 paid from the Insurance Premium Tax Refund Fund, a special

1 fund hereby created in the State treasury.

2 (b) Beginning January 1, 2000 and thereafter, the
3 Department shall deposit a percentage of the amounts
4 collected under Sections 409, 444, and 444.1 of this Code
5 into the Insurance Premium Tax Refund Fund. The percentage
6 deposited into the Insurance Premium Tax Refund Fund shall
7 be the annual percentage. The annual percentage shall be
8 calculated as a fraction, the numerator of which shall be
9 the amount of cash refunds approved by the Director for
10 payment and paid during the preceding calendar year as a
11 result of overpayment of tax liability under Sections 409,
12 444, and 444.1 of this Code and the denominator of which
13 shall be the amounts collected pursuant to Sections 409,
14 444, and 444.1 of this Code during the preceding calendar
15 year. However, if there were no cash refunds paid in a
16 preceding calendar year, the Department shall deposit 5% of
17 the amount collected in that preceding calendar year
18 pursuant to Sections 409, 444, and 444.1 of this Code into
19 the Insurance Premium Tax Refund Fund instead of an amount
20 calculated by using the annual percentage.

21 (c) Beginning July 1, 1999, moneys in the Insurance
22 Premium Tax Refund Fund shall be expended exclusively for
23 the purpose of paying cash refunds resulting from
24 overpayment of tax liability under Sections 409, 444, and
25 444.1 of this Code as determined by the Director pursuant
26 to subsection 1(a) of this Section. Cash refunds made in
27 accordance with this Section may be made from the Insurance
28 Premium Tax Refund Fund only to the extent that amounts
29 have been deposited and retained in the Insurance Premium
30 Tax Refund Fund.

31 (d) This Section shall constitute an irrevocable and
32 continuing appropriation from the Insurance Premium Tax
33 Refund Fund for the purpose of paying cash refunds pursuant
34 to the provisions of this Section.

1 (2) When any insurance company or any surplus line producer
2 fails to file any tax return required under Sections 408.1,
3 409, 444, 444.1 and 445 of this Code or Section 12 of the Fire
4 Investigation Act on the date prescribed, including any
5 extensions, there shall be added as a penalty \$200 ~~\$400~~ or 5%
6 ~~10%~~ of the amount of such tax, whichever is greater, for each
7 month or part of a month of failure to file, the entire penalty
8 not to exceed \$1,000 or 25% ~~\$2,000 or 50%~~ of the tax due,
9 whichever is greater.

10 (3) (a) When any insurance company or any surplus line
11 producer fails to pay the full amount due under the
12 provisions of this Section, Sections 408.1, 409, 444, 444.1
13 or 445 of this Code, or Section 12 of the Fire
14 Investigation Act, there shall be added to the amount due
15 as a penalty an amount equal to 5% ~~10%~~ of the deficiency.

16 (b) If such failure to pay is determined by the
17 Director to be wilful, after a hearing under Sections 402
18 and 403, there shall be added to the tax as a penalty an
19 amount equal to the greater of 25% ~~50%~~ of the deficiency or
20 5% ~~10%~~ of the amount due and unpaid for each month or part
21 of a month that the deficiency remains unpaid commencing
22 with the date that the amount becomes due. Such amount
23 shall be in lieu of any determined under paragraph (a).

24 (4) Any insurance company or any surplus line producer
25 which fails to pay the full amount due under this Section or
26 Sections 408.1, 409, 444, 444.1 or 445 of this Code, or Section
27 12 of the Fire Investigation Act is liable, in addition to the
28 tax and any penalties, for interest on such deficiency at the
29 rate of 12% per annum, or at such higher adjusted rates as are
30 or may be established under subsection (b) of Section 6621 of
31 the Internal Revenue Code, from the date that payment of any
32 such tax was due, determined without regard to any extensions,
33 to the date of payment of such amount.

34 (5) The Director, through the Attorney General, may

1 institute an action in the name of the People of the State of
2 Illinois, in any court of competent jurisdiction, for the
3 recovery of the amount of such taxes, fees, and penalties due,
4 and prosecute the same to final judgment, and take such steps
5 as are necessary to collect the same.

6 (6) In the event that the certificate of authority of a
7 foreign or alien company is revoked for any cause or the
8 company withdraws from this State prior to the renewal date of
9 the certificate of authority as provided in Section 114, the
10 company may recover the amount of any such tax paid in advance.
11 Except as provided in this subsection, no revocation or
12 withdrawal excuses payment of or constitutes grounds for the
13 recovery of any taxes or penalties imposed by this Code.

14 (7) When an insurance company or domestic affiliated group
15 fails to pay the full amount of any fee of \$100 ~~\$200~~ or more due
16 under Section 408 of this Code, there shall be added to the
17 amount due as a penalty the greater of \$50 ~~\$100~~ or an amount
18 equal to 5% ~~10%~~ of the deficiency for each month or part of a
19 month that the deficiency remains unpaid.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (215 ILCS 5/416)

22 Sec. 416. Illinois Workers' Compensation Commission
23 Operations Fund Surcharge.

24 (a) As of July 30, 2004 (the effective date of Public Act
25 93-840) and until the effective date of this amendatory Act of
26 the 94th General Assembly ~~this amendatory Act of 2004~~, every
27 company licensed or authorized by the Illinois Department of
28 Insurance and insuring employers' liabilities arising under
29 the Workers' Compensation Act or the Workers' Occupational
30 Diseases Act shall remit to the Director a surcharge based upon
31 the annual direct written premium, as reported under Section
32 136 of this Act, of the company in the manner provided in this
33 Section. Such proceeds shall be deposited into the Illinois

1 Workers' Compensation Commission Operations Fund as
2 established in the Workers' Compensation Act. If a company
3 survives or was formed by a merger, consolidation,
4 reorganization, or reincorporation, the direct written
5 premiums of all companies party to the merger, consolidation,
6 reorganization, or reincorporation shall, for purposes of
7 determining the amount of the fee imposed by this Section, be
8 regarded as those of the surviving or new company.

9 (b) (1) Except as provided in subsection (b) (2) of this
10 Section, beginning on July 30, 2004 (the effective date of
11 Public Act 93-840) and until the effective date of this
12 amendatory Act of the 94th General Assembly ~~this amendatory Act~~
13 ~~of 2004~~ and on July 1 of each year thereafter, the Director
14 shall charge an annual Illinois Workers' Compensation
15 Commission Operations Fund Surcharge from every company
16 subject to subsection (a) of this Section equal to 1.01% of its
17 direct written premium for insuring employers' liabilities
18 arising under the Workers' Compensation Act or Workers'
19 Occupational Diseases Act as reported in each company's annual
20 statement filed for the previous year as required by Section
21 136. The Illinois Workers' Compensation Commission Operations
22 Fund Surcharge shall be collected by companies subject to
23 subsection (a) of this Section as a separately stated surcharge
24 on insured employers at the rate of 1.01% of direct written
25 premium. The Illinois Workers' Compensation ~~Industrial~~
26 Commission Operations Fund Surcharge shall not be collected by
27 companies subject to subsection (a) of this Section from any
28 employer that self-insures its liabilities arising under the
29 Workers' Compensation Act or Workers' Occupational Diseases
30 Act, provided that the employer has paid the Illinois Workers'
31 Compensation ~~Industrial~~ Commission Operations Fund Fee
32 pursuant to Section 4d of the Workers' Compensation Act. All
33 sums collected by the Department of Insurance under the
34 provisions of this Section shall be paid promptly after the

1 receipt of the same, accompanied by a detailed statement
2 thereof, into the Illinois Workers' Compensation Commission
3 Operations Fund in the State treasury.

4 (b) (2) The surcharge due pursuant to Public Act 93-840 ~~this~~
5 ~~amendatory Act of 2004~~ shall be collected instead of the
6 surcharge due on July 1, 2004 under Public Act 93-32. Payment
7 of the surcharge due under Public Act 93-840 ~~this amendatory~~
8 ~~Act of 2004~~ shall discharge the employer's obligations due on
9 July 1, 2004.

10 (c) In addition to the authority specifically granted under
11 Article XXV of this Code, the Director shall have such
12 authority to adopt rules or establish forms as may be
13 reasonably necessary for purposes of enforcing this Section.
14 The Director shall also have authority to defer, waive, or
15 abate the surcharge or any penalties imposed by this Section if
16 in the Director's opinion the company's solvency and ability to
17 meet its insured obligations would be immediately threatened by
18 payment of the surcharge due.

19 (d) When a company fails to pay the full amount of any
20 annual Illinois Workers' Compensation Commission Operations
21 Fund Surcharge of \$100 or more due under this Section, there
22 shall be added to the amount due as a penalty the greater of
23 \$1,000 or an amount equal to 5% of the deficiency for each
24 month or part of a month that the deficiency remains unpaid.

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

30 (f) Whenever it appears to the satisfaction of the Director
31 that a company has paid pursuant to this Act an Illinois
32 Workers' Compensation Commission Operations Fund Surcharge in
33 an amount in excess of the amount legally collectable from the
34 company, the Director shall issue a credit memorandum for an

1 amount equal to the amount of such overpayment. A credit
2 memorandum may be applied for the 2-year period from the date
3 of issuance, against the payment of any amount due during that
4 period under the surcharge imposed by this Section or, subject
5 to reasonable rule of the Department of Insurance including
6 requirement of notification, may be assigned to any other
7 company subject to regulation under this Act. Any application
8 of credit memoranda after the period provided for in this
9 Section is void.

10 (g) Annually, the Governor may direct a transfer of up to
11 2% of all moneys collected under this Section to the Insurance
12 Financial Regulation Fund.

13 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,
14 eff. 7-30-04; revised 12-29-04.)

15 (215 ILCS 5/431) (from Ch. 73, par. 1038)

16 Sec. 431. Penalty. Any person who violates a cease and
17 desist order of the Director under Section 427, after it has
18 become final, and while such order is in effect, or who
19 violates an order of the Circuit Court under Section 429,
20 shall, upon proof thereof to the satisfaction of the court,
21 forfeit and pay to the State of Illinois, a sum not to exceed
22 \$500 ~~\$1,000~~, which may be recovered in a civil action, for each
23 violation.

24 (Source: P.A. 93-32, eff. 7-1-03.)

25 (215 ILCS 5/445) (from Ch. 73, par. 1057)

26 Sec. 445. Surplus line.

27 (1) Surplus line defined; surplus line insurer
28 requirements. "Surplus line insurance" means insurance on an
29 Illinois risk of the kinds specified in Classes 2 and 3 of
30 Section 4 of this Code procured from an unauthorized insurer
31 after the insurance producer representing the insured or the
32 surplus line producer is unable, after diligent effort, to

1 procure said insurance from authorized insurers.

2 "Authorized insurer" means an insurer that holds a
3 certificate of authority issued by the Director but, for the
4 purposes of this Section, does not include a domestic surplus
5 line insurer as defined in Section 445a or any residual market
6 mechanism.

7 "Residual market mechanism" means an association,
8 organization, or other entity described in Article XXXIII of
9 this Code or Section 7-501 of the Illinois Vehicle Code or any
10 similar association, organization, or other entity.

11 "Unauthorized insurer" means an insurer that does not hold
12 a valid certificate of authority issued by the Director but,
13 for the purposes of this Section, shall also include a domestic
14 surplus line insurer as defined in Section 445a.

15 Insurance producers may procure surplus line insurance
16 only if licensed as a surplus line producer under this Section
17 and may procure that insurance only from an unauthorized
18 insurer:

19 (a) that based upon information available to the
20 surplus line producer has a policyholders surplus of not
21 less than \$15,000,000 determined in accordance with
22 accounting rules that are applicable to authorized
23 insurers; and

24 (b) that has standards of solvency and management that
25 are adequate for the protection of policyholders; and

26 (c) where an unauthorized insurer does not meet the
27 standards set forth in (a) and (b) above, a surplus line
28 producer may, if necessary, procure insurance from that
29 insurer only if prior written warning of such fact or
30 condition is given to the insured by the insurance producer
31 or surplus line producer.

32 Insurance producers shall not procure from an unauthorized
33 insurer an insurance policy:

34 (i) that is designed to satisfy the proof of financial

1 responsibility and insurance requirements in any Illinois
2 law where the law requires that the proof of insurance is
3 issued by an authorized insurer or residual market
4 mechanism;

5 (ii) that covers the risk of accidental injury to
6 employees arising out of and in the course of employment
7 according to the provisions of the Workers' Compensation
8 Act; or

9 (iii) that insures any Illinois personal lines risk, as
10 defined in subsection (a), (b), or (c) of Section 143.13 of
11 this Code, that is eligible for residual market mechanism
12 coverage, unless the insured or prospective insured
13 requests limits of liability greater than the limits
14 provided by the residual market mechanism. In the course of
15 making a diligent effort to procure insurance from
16 authorized insurers, an insurance producer shall not be
17 required to submit a risk to a residual market mechanism
18 when the risk is not eligible for coverage or exceeds the
19 limits available in the residual market mechanism.

20 Where there is an insurance policy issued by an authorized
21 insurer or residual market mechanism insuring a risk described
22 in item (i), (ii), or (iii) above, nothing in this paragraph
23 shall be construed to prohibit a surplus line producer from
24 procuring from an unauthorized insurer a policy insuring the
25 risk on an excess or umbrella basis where the excess or
26 umbrella policy is written over one or more underlying
27 policies.

28 (2) Surplus line producer; license. Any licensed producer
29 who is a resident of this State, or any nonresident who
30 qualifies under Section 500-40, may be licensed as a surplus
31 line producer upon:

32 (a) completing a prelicensing course of study. The
33 course provided for by this Section shall be conducted
34 under rules and regulations prescribed by the Director. The

1 Director may administer the course or may make
2 arrangements, including contracting with an outside
3 educational service, for administering the course and
4 collecting the non-refundable application fee provided for
5 in this subsection. Any charges assessed by the Director or
6 the educational service for administering the course shall
7 be paid directly by the individual applicants. Each
8 applicant required to take the course shall enclose with
9 the application a non-refundable \$10 ~~\$20~~ application fee
10 payable to the Director plus a separate course
11 administration fee. An applicant who fails to appear for
12 the course as scheduled, or appears but fails to complete
13 the course, shall not be entitled to any refund, and shall
14 be required to submit a new request to attend the course
15 together with all the requisite fees before being
16 rescheduled for another course at a later date; and

17 (b) payment of an annual license fee of \$200 ~~\$400~~; and

18 (c) procurement of the surety bond required in
19 subsection (4) of this Section.

20 A surplus line producer so licensed shall keep a separate
21 account of the business transacted thereunder which shall be
22 open at all times to the inspection of the Director or his
23 representative.

24 The prelicensing course of study requirement in (a) above
25 shall not apply to insurance producers who were licensed under
26 the Illinois surplus line law on or before January 1, 2002.

27 (3) Taxes and reports.

28 (a) Surplus line tax and penalty for late payment.

29 A surplus line producer shall file with the Director on
30 or before February 1 and August 1 of each year a report in
31 the form prescribed by the Director on all surplus line
32 insurance procured from unauthorized insurers during the
33 preceding 6 month period ending December 31 or June 30
34 respectively, and on the filing of such report shall pay to

1 the Director for the use and benefit of the State a sum
2 equal to 3% ~~3.5%~~ of the gross premiums less returned
3 premiums upon all surplus line insurance procured or
4 cancelled during the preceding 6 months.

5 Any surplus line producer who fails to pay the full
6 amount due under this subsection is liable, in addition to
7 the amount due, for such penalty and interest charges as
8 are provided for under Section 412 of this Code. The
9 Director, through the Attorney General, may institute an
10 action in the name of the People of the State of Illinois,
11 in any court of competent jurisdiction, for the recovery of
12 the amount of such taxes and penalties due, and prosecute
13 the same to final judgment, and take such steps as are
14 necessary to collect the same.

15 (b) Fire Marshal Tax.

16 Each surplus line producer shall file with the Director
17 on or before March 31 of each year a report in the form
18 prescribed by the Director on all fire insurance procured
19 from unauthorized insurers subject to tax under Section 12
20 of the Fire Investigation Act and shall pay to the Director
21 the fire marshal tax required thereunder.

22 (c) Taxes and fees charged to insured. The taxes
23 imposed under this subsection and the countersigning fees
24 charged by the Surplus Line Association of Illinois may be
25 charged to and collected from surplus line insureds.

26 (4) Bond. Each surplus line producer, as a condition to
27 receiving a surplus line producer's license, shall execute and
28 deliver to the Director a surety bond to the People of the
29 State in the penal sum of \$20,000, with a surety which is
30 authorized to transact business in this State, conditioned that
31 the surplus line producer will pay to the Director the tax,
32 interest and penalties levied under subsection (3) of this
33 Section.

34 (5) Submission of documents to Surplus Line Association of

1 Illinois. A surplus line producer shall submit every insurance
2 contract issued under his or her license to the Surplus Line
3 Association of Illinois for recording and countersignature.
4 The submission and countersignature may be effected through
5 electronic means. The submission shall set forth:

6 (a) the name of the insured;

7 (b) the description and location of the insured
8 property or risk;

9 (c) the amount insured;

10 (d) the gross premiums charged or returned;

11 (e) the name of the unauthorized insurer from whom
12 coverage has been procured;

13 (f) the kind or kinds of insurance procured; and

14 (g) amount of premium subject to tax required by
15 Section 12 of the Fire Investigation Act.

16 Proposals, endorsements, and other documents which are
17 incidental to the insurance but which do not affect the premium
18 charged are exempted from filing and countersignature.

19 The submission of insuring contracts to the Surplus Line
20 Association of Illinois constitutes a certification by the
21 surplus line producer or by the insurance producer who
22 presented the risk to the surplus line producer for placement
23 as a surplus line risk that after diligent effort the required
24 insurance could not be procured from authorized insurers and
25 that such procurement was otherwise in accordance with the
26 surplus line law.

27 (6) Countersignature required. It shall be unlawful for an
28 insurance producer to deliver any unauthorized insurer
29 contract unless such insurance contract is countersigned by the
30 Surplus Line Association of Illinois.

31 (7) Inspection of records. A surplus line producer shall
32 maintain separate records of the business transacted under his
33 or her license, including complete copies of surplus line
34 insurance contracts maintained on paper or by electronic means,

1 which records shall be open at all times for inspection by the
2 Director and by the Surplus Line Association of Illinois.

3 (8) Violations and penalties. The Director may suspend or
4 revoke or refuse to renew a surplus line producer license for
5 any violation of this Code. In addition to or in lieu of
6 suspension or revocation, the Director may subject a surplus
7 line producer to a civil penalty of up to \$1,000 ~~\$2,000~~ for
8 each cause for suspension or revocation. Such penalty is
9 enforceable under subsection (5) of Section 403A of this Code.

10 (9) Director may declare insurer ineligible. If the
11 Director determines that the further assumption of risks might
12 be hazardous to the policyholders of an unauthorized insurer,
13 the Director may order the Surplus Line Association of Illinois
14 not to countersign insurance contracts evidencing insurance in
15 such insurer and order surplus line producers to cease
16 procuring insurance from such insurer.

17 (10) Service of process upon Director. Insurance contracts
18 delivered under this Section from unauthorized insurers, other
19 than domestic surplus line insurers as defined in Section 445a,
20 shall contain a provision designating the Director and his
21 successors in office the true and lawful attorney of the
22 insurer upon whom may be served all lawful process in any
23 action, suit or proceeding arising out of such insurance.
24 Service of process made upon the Director to be valid hereunder
25 must state the name of the insured, the name of the
26 unauthorized insurer and identify the contract of insurance.
27 The Director at his option is authorized to forward a copy of
28 the process to the Surplus Line Association of Illinois for
29 delivery to the unauthorized insurer or the Director may
30 deliver the process to the unauthorized insurer by other means
31 which he considers to be reasonably prompt and certain.

32 (10.5) Insurance contracts delivered under this Section
33 from unauthorized insurers, other than domestic surplus line
34 insurers as defined in Section 445a, shall have stamped or

1 imprinted on the first page thereof in not less than 12-pt.
2 bold face type the following legend: "Notice to Policyholder:
3 This contract is issued, pursuant to Section 445 of the
4 Illinois Insurance Code, by a company not authorized and
5 licensed to transact business in Illinois and as such is not
6 covered by the Illinois Insurance Guaranty Fund." Insurance
7 contracts delivered under this Section from domestic surplus
8 line insurers as defined in Section 445a shall have stamped or
9 imprinted on the first page thereof in not less than 12-pt.
10 bold face type the following legend: "Notice to Policyholder:
11 This contract is issued by a domestic surplus line insurer, as
12 defined in Section 445a of the Illinois Insurance Code,
13 pursuant to Section 445, and as such is not covered by the
14 Illinois Insurance Guaranty Fund."

15 (11) The Illinois Surplus Line law does not apply to
16 insurance of property and operations of railroads or aircraft
17 engaged in interstate or foreign commerce, insurance of
18 vessels, crafts or hulls, cargoes, marine builder's risks,
19 marine protection and indemnity, or other risks including
20 strikes and war risks insured under ocean or wet marine forms
21 of policies.

22 (12) Surplus line insurance procured under this Section,
23 including insurance procured from a domestic surplus line
24 insurer, is not subject to the provisions of the Illinois
25 Insurance Code other than Sections 123, 123.1, 401, 401.1, 402,
26 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all
27 of the provisions of Article XXXI to the extent that the
28 provisions of Article XXXI are not inconsistent with the terms
29 of this Act.

30 (Source: P.A. 92-386, eff. 1-1-02; 93-29, eff. 6-20-03; 93-32,
31 eff. 7-1-03; 93-876, eff. 8-6-04.)

32 (215 ILCS 5/500-70)

33 Sec. 500-70. License denial, nonrenewal, or revocation.

1 (a) The Director may place on probation, suspend, revoke,
2 or refuse to issue or renew an insurance producer's license or
3 may levy a civil penalty in accordance with this Section or
4 take any combination of actions, for any one or more of the
5 following causes:

6 (1) providing incorrect, misleading, incomplete, or
7 materially untrue information in the license application;

8 (2) violating any insurance laws, or violating any
9 rule, subpoena, or order of the Director or of another
10 state's insurance commissioner;

11 (3) obtaining or attempting to obtain a license through
12 misrepresentation or fraud;

13 (4) improperly withholding, misappropriating or
14 converting any moneys or properties received in the course
15 of doing insurance business;

16 (5) intentionally misrepresenting the terms of an
17 actual or proposed insurance contract or application for
18 insurance;

19 (6) having been convicted of a felony;

20 (7) having admitted or been found to have committed any
21 insurance unfair trade practice or fraud;

22 (8) using fraudulent, coercive, or dishonest
23 practices, or demonstrating incompetence,
24 untrustworthiness or financial irresponsibility in the
25 conduct of business in this State or elsewhere;

26 (9) having an insurance producer license, or its
27 equivalent, denied, suspended, or revoked in any other
28 state, province, district or territory;

29 (10) forging a name to an application for insurance or
30 to a document related to an insurance transaction;

31 (11) improperly using notes or any other reference
32 material to complete an examination for an insurance
33 license;

34 (12) knowingly accepting insurance business from an

1 individual who is not licensed;

2 (13) failing to comply with an administrative or court
3 order imposing a child support obligation;

4 (14) failing to pay state income tax or penalty or
5 interest or comply with any administrative or court order
6 directing payment of state income tax or failed to file a
7 return or to pay any final assessment of any tax due to the
8 Department of Revenue; or

9 (15) failing to make satisfactory repayment to the
10 Illinois Student Assistance Commission for a delinquent or
11 defaulted student loan.

12 (b) If the action by the Director is to nonrenew, suspend,
13 or revoke a license or to deny an application for a license,
14 the Director shall notify the applicant or licensee and advise,
15 in writing, the applicant or licensee of the reason for the
16 suspension, revocation, denial or nonrenewal of the
17 applicant's or licensee's license. The applicant or licensee
18 may make written demand upon the Director within 30 days after
19 the date of mailing for a hearing before the Director to
20 determine the reasonableness of the Director's action. The
21 hearing must be held within not fewer than 20 days nor more
22 than 30 days after the mailing of the notice of hearing and
23 shall be held pursuant to 50 Ill. Adm. Code 2402.

24 (c) The license of a business entity may be suspended,
25 revoked, or refused if the Director finds, after hearing, that
26 an individual licensee's violation was known or should have
27 been known by one or more of the partners, officers, or
28 managers acting on behalf of the partnership, corporation,
29 limited liability company, or limited liability partnership
30 and the violation was neither reported to the Director nor
31 corrective action taken.

32 (d) In addition to or instead of any applicable denial,
33 suspension, or revocation of a license, a person may, after
34 hearing, be subject to a civil penalty of up to \$5,000 ~~\$10,000~~

1 for each cause for denial, suspension, or revocation, however,
2 the civil penalty may total no more than \$20,000 ~~\$100,000~~.

3 (e) The Director has the authority to enforce the
4 provisions of and impose any penalty or remedy authorized by
5 this Article against any person who is under investigation for
6 or charged with a violation of this Code or rules even if the
7 person's license or registration has been surrendered or has
8 lapsed by operation of law.

9 (f) Upon the suspension, denial, or revocation of a
10 license, the licensee or other person having possession or
11 custody of the license shall promptly deliver it to the
12 Director in person or by mail. The Director shall publish all
13 suspensions, denials, or revocations after the suspensions,
14 denials, or revocations become final in a manner designed to
15 notify interested insurance companies and other persons.

16 (g) A person whose license is revoked or whose application
17 is denied pursuant to this Section is ineligible to apply for
18 any license for 3 years after the revocation or denial. A
19 person whose license as an insurance producer has been revoked,
20 suspended, or denied may not be employed, contracted, or
21 engaged in any insurance related capacity during the time the
22 revocation, suspension, or denial is in effect.

23 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

24 (215 ILCS 5/500-110)

25 Sec. 500-110. Regulatory examinations.

26 (a) The Director may examine any applicant for or holder of
27 an insurance producer license, limited line producer license or
28 temporary insurance producer license or any business entity.

29 (b) All persons being examined, as well as their officers,
30 directors, insurance producers, limited lines producers, and
31 temporary insurance producers must provide to the Director
32 convenient and free access, at all reasonable hours at their
33 offices, to all books, records, documents, and other papers

1 relating to the persons' insurance business affairs. The
2 officers, directors, insurance producers, limited lines
3 producers, temporary insurance producers, and employees must
4 facilitate and aid the Director in the examinations as much as
5 it is in their power to do so.

6 (c) The Director may designate an examiner or examiners to
7 conduct any examination under this Section. The Director or his
8 or her designee may administer oaths and examine under oath any
9 individual relative to the business of the person being
10 examined.

11 (d) The examiners designated by the Director under this
12 Section may make reports to the Director. A report alleging
13 substantive violations of this Article or any rules prescribed
14 by the Director must be in writing and be based upon facts
15 ascertained from the books, records, documents, papers, and
16 other evidence obtained by the examiners or from sworn or
17 affirmed testimony of or written affidavits from the person's
18 officers, directors, insurance producers, limited lines
19 producer, temporary insurance producers, or employees or other
20 individuals, as given to the examiners. The report of an
21 examination must be verified by the examiners.

22 (e) If a report is made, the Director must either deliver a
23 duplicate of the report to the person being examined or send
24 the duplicate by certified or registered mail to the person's
25 address of record. The Director shall afford the person an
26 opportunity to demand a hearing with reference to the facts and
27 other evidence contained in the report. The person may request
28 a hearing within 14 calendar days after he or she receives the
29 duplicate of the examination report by giving the Director
30 written notice of that request, together with a written
31 statement of the person's objections to the report. The
32 Director must, if requested to do so, conduct a hearing in
33 accordance with Sections 402 and 403 of this Code. The Director
34 must issue a written order based upon the examination report

1 and upon the hearing, if a hearing is held, within 90 days
2 after the report is filed, or within 90 days after the hearing
3 if a hearing is held. If the report is refused or otherwise
4 undeliverable, or a hearing is not requested in a timely
5 fashion, the right to a hearing is waived. After the hearing or
6 the expiration of the time period in which a person may request
7 a hearing, if the examination reveals that the person is
8 operating in violation of any law, rule, or prior order, the
9 Director in the written order may require the person to take
10 any action the Director considers necessary or appropriate in
11 accordance with the report or examination hearing. The order is
12 subject to review under the Administrative Review Law.

13 (f) The Director may adopt reasonable rules to further the
14 purposes of this Section.

15 (g) A person who violates or aids and abets any violation
16 of a written order issued under this Section shall be guilty of
17 a business offense and his or her license may be revoked or
18 suspended pursuant to Section 500-70 of this Article and he or
19 she may be subjected to a civil penalty of not more than
20 \$10,000 ~~\$20,000~~.

21 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

22 (215 ILCS 5/500-120)

23 Sec. 500-120. Conflicts of interest; inactive status.

24 (a) A person, partnership, association, or corporation
25 licensed by the Department who, due to employment with any unit
26 of government that would cause a conflict of interest with the
27 holding of that license, notifies the Director in writing on
28 forms prescribed by the Department and, subject to rules of the
29 Department, makes payment of applicable licensing renewal
30 fees, may elect to place the license on an inactive status.

31 (b) A licensee whose license is on inactive status may have
32 the license restored by making application to the Department on
33 such form as may be prescribed by the Department. The

1 application must be accompanied with a fee of \$50 ~~\$100~~ plus the
2 current applicable license fee.

3 (c) A license may be placed on inactive status for a 2-year
4 period, and upon request, the inactive status may be extended
5 for a successive 2-year period not to exceed a cumulative
6 4-year inactive period. After a license has been on inactive
7 status for 4 years or more, the licensee must meet all of the
8 standards required of a new applicant before the license may be
9 restored to active status.

10 (d) If requests for inactive status are not renewed as set
11 forth in subsection (c), the license will be taken off the
12 inactive status and the license will lapse immediately.

13 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03.)

14 (215 ILCS 5/500-135)

15 Sec. 500-135. Fees.

16 (a) The fees required by this Article are as follows:

17 (1) a fee of \$150 ~~\$180~~ ~~for a person who is a resident~~
18 ~~of Illinois, and \$250 for a person who is not a resident of~~
19 ~~Illinois~~, payable once every 2 years for an insurance
20 producer license;

21 (2) a fee of \$25 ~~\$50~~ for the issuance of a temporary
22 insurance producer license;

23 (3) a fee of \$50 ~~\$150~~ payable once every 2 years for a
24 business entity;

25 (4) an annual \$25 ~~\$50~~ fee for a limited line producer
26 license issued under items (1) through (7) of subsection
27 (a) of Section 500-100;

28 (5) a \$25 ~~\$50~~ application fee for the processing of a
29 request to take the written examination for an insurance
30 producer license;

31 (6) an annual registration fee of \$500 ~~\$1,000~~ for
32 registration of an education provider;

33 (7) a certification fee of \$25 ~~\$50~~ for each certified

1 pre-licensing or continuing education course and an annual
2 fee of \$20 for renewing the certification of each such
3 course;

4 (8) a fee of \$50 ~~\$180~~ for a person who is a resident of
5 ~~Illinois~~, and ~~\$250~~ for a person who is not a resident of
6 ~~Illinois~~, payable once every 2 years for a car rental
7 limited line license;

8 (9) a fee of \$150 ~~\$200~~ payable once every 2 years for a
9 limited lines license other than the licenses issued under
10 items (1) through (7) of subsection (a) of Section 500-100,
11 a car rental limited line license, or a self-service
12 storage facility limited line license;

13 (10) a fee of \$50 payable once every 2 years for a
14 self-service storage facility limited line license.

15 (b) Except as otherwise provided, all fees paid to and
16 collected by the Director under this Section shall be paid
17 promptly after receipt thereof, together with a detailed
18 statement of such fees, into a special fund in the State
19 Treasury to be known as the Insurance Producer Administration
20 Fund. The moneys deposited into the Insurance Producer
21 Administration Fund may be used only for payment of the
22 expenses of the Department in the execution, administration,
23 and enforcement of the insurance laws of this State, and shall
24 be appropriated as otherwise provided by law for the payment of
25 those expenses with first priority being any expenses incident
26 to or associated with the administration and enforcement of
27 this Article.

28 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03; 93-288,
29 eff. 1-1-04; revised 9-12-03.)

30 (215 ILCS 5/511.103) (from Ch. 73, par. 1065.58-103)

31 Sec. 511.103. Application. The applicant for a license
32 shall file with the Director an application upon a form
33 prescribed by the Director, which shall include or have

1 attached the following:

2 (1) The names, addresses and official positions of the
3 individuals who are responsible for the conduct of the affairs
4 of the administrator, including but not limited to all members
5 of the board of directors, board of trustees, executive
6 committee, or other governing board or committee, the principal
7 officers in the case of a corporation or the partners in the
8 case of a partnership; and

9 (2) A non-refundable filing fee of \$100 ~~\$200~~ which shall
10 become the initial administrator license fee should the
11 Director issue an administrator license.

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 (215 ILCS 5/511.105) (from Ch. 73, par. 1065.58-105)

14 Sec. 511.105. License.

15 (a) The Director shall cause a license to be issued to each
16 applicant that has demonstrated to the Director's satisfaction
17 compliance with the requirements of this Article.

18 (b) Each administrator license shall remain in effect as
19 long as the holder of the license maintains in force and effect
20 the bond required by Section 511.104 and pays the annual fee of
21 \$100 ~~\$200~~ prior to the anniversary date of the license, unless
22 the license is revoked or suspended pursuant to Section
23 511.107.

24 (c) Each license shall contain the name, business address
25 and identification number of the licensee, the date the license
26 was issued and any other information the Director considers
27 proper.

28 (Source: P.A. 93-32, eff. 7-1-03.)

29 (215 ILCS 5/511.110) (from Ch. 73, par. 1065.58-110)

30 Sec. 511.110. Administrative Fine.

31 (a) If the Director finds that one or more grounds exist
32 for the revocation or suspension of a license issued under this

1 Article, the Director may, in lieu of or in addition to such
2 suspension or revocation, impose a fine upon the administrator.

3 (b) With respect to any knowing and wilful violation of a
4 lawful order of the Director, any applicable portion of the
5 Illinois Insurance Code or Part of Title 50 of the Illinois
6 Administrative Code, or a provision of this Article, the
7 Director may impose a fine upon the administrator in an amount
8 not to exceed \$5,000 ~~\$10,000~~ for each such violation. In no
9 event shall such fine exceed an aggregate amount of \$25,000
10 ~~\$50,000~~ for all knowing and wilful violations arising out of
11 the same action.

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 (215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

14 Sec. 512.63. Fees.

15 (a) The fees required by this Article are as follows:

16 (1) Public Insurance Adjuster license annual fee, \$30
17 ~~\$100~~;

18 (2) Registration of Firms, \$20 ~~\$100~~;

19 (3) Application Fee for processing each request to take
20 the written examination for a Public Adjuster license, \$10
21 ~~\$20~~.

22 (Source: P.A. 93-32, eff. 7-1-03.)

23 (215 ILCS 5/513a3) (from Ch. 73, par. 1065.60a3)

24 Sec. 513a3. License required.

25 (a) No person may act as a premium finance company or hold
26 himself out to be engaged in the business of financing
27 insurance premiums, either directly or indirectly, without
28 first having obtained a license as a premium finance company
29 from the Director.

30 (b) An insurance producer shall be deemed to be engaged in
31 the business of financing insurance premiums if 10% or more of
32 the producer's total premium accounts receivable are more than

1 90 days past due.

2 (c) In addition to any other penalty set forth in this
3 Article, any person violating subsection (a) of this Section
4 may, after hearing as set forth in Article XXIV of this Code,
5 be required to pay a civil penalty of not more than \$1,000
6 ~~\$2,000~~ for each offense.

7 (d) In addition to any other penalty set forth in this
8 Article, any person violating subsection (a) of this Section is
9 guilty of a Class A misdemeanor. Any individual violating
10 subsection (a) of this Section, and misappropriating or
11 converting any monies collected in conjunction with the
12 violation, is guilty of a Class 4 felony.

13 (Source: P.A. 93-32, eff. 7-1-03.)

14 (215 ILCS 5/513a4) (from Ch. 73, par. 1065.60a4)

15 Sec. 513a4. Application and license.

16 (a) Each application for a premium finance license shall be
17 made on a form specified by the Director and shall be signed by
18 the applicant declaring under penalty of refusal, suspension,
19 or revocation of the license that the statements made in the
20 application are true, correct, and complete to the best of the
21 applicant's knowledge and belief. The Director shall cause to
22 be issued a license to each applicant that has demonstrated to
23 the Director that the applicant:

24 (1) is competent and trustworthy and of a good business
25 reputation;

26 (2) has a minimum net worth of \$50,000; and

27 (3) has paid the fees required by this Article.

28 (b) Each applicant at the time of request for a license or
29 renewal of a license shall:

30 (1) certify that no charge for financing premiums shall
31 exceed the rates permitted by this Article;

32 (2) certify that the premium finance agreement or other
33 forms being used are in compliance with the requirements of

1 this Article;

2 (3) certify that he or she has a minimum net worth of
3 \$50,000; and

4 (4) attach with the application a non-refundable
5 annual fee of \$200 ~~\$400~~.

6 (c) An applicant who has met the requirements of subsection
7 (a) and subsection (b) shall be issued a premium finance
8 license.

9 (d) Each premium finance license shall remain in effect as
10 long as the holder of the license annually continues to meet
11 the requirements of subsections (a) and (b) by the due date
12 unless the license is revoked or suspended by the Director.

13 (e) The individual holder of a premium finance license
14 shall inform the Director in writing of a change in residence
15 address within 30 days of the change, and a corporation,
16 partnership, or association holder of a premium finance license
17 shall inform the Director in writing of a change in business
18 address within 30 days of the change.

19 (f) Every partnership or corporation holding a license as a
20 premium finance company shall appoint one or more partners or
21 officers to be responsible for the firm's compliance with the
22 Illinois Insurance Code and applicable rules and regulations.
23 Any change in the appointed person or persons shall be reported
24 to the Director in writing within 30 days of the change.

25 (Source: P.A. 93-32, eff. 7-1-03.)

26 (215 ILCS 5/513a7) (from Ch. 73, par. 1065.60a7)

27 Sec. 513a7. License suspension; revocation or denial.

28 (a) Any license issued under this Article may be suspended,
29 revoked, or denied if the Director finds that the licensee or
30 applicant:

31 (1) has wilfully violated any provisions of this Code
32 or the rules and regulations thereunder;

33 (2) has intentionally made a material misstatement in

1 the application for a license;

2 (3) has obtained or attempted to obtain a license
3 through misrepresentation or fraud;

4 (4) has misappropriated or converted to his own use or
5 improperly withheld monies;

6 (5) has used fraudulent, coercive, or dishonest
7 practices or has demonstrated incompetence,
8 untrustworthiness, or financial irresponsibility;

9 (6) has been, within the past 3 years, convicted of a
10 felony, unless the individual demonstrates to the Director
11 sufficient rehabilitation to warrant public trust;

12 (7) has failed to appear without reasonable cause or
13 excuse in response to a subpoena issued by the Director;

14 (8) has had a license suspended, revoked, or denied in
15 any other state on grounds similar to those stated in this
16 Section; or

17 (9) has failed to report a felony conviction as
18 required by Section 513a6.

19 (b) Suspension, revocation, or denial of a license under
20 this Section shall be by written order sent to the licensee or
21 applicant by certified or registered mail at the address
22 specified in the records of the Department. The licensee or
23 applicant may in writing request a hearing within 30 days from
24 the date of mailing. If no written request is made the order
25 shall be final upon the expiration of that 30 day period.

26 (c) If the licensee or applicant requests a hearing under
27 this Section, the Director shall issue a written notice of
28 hearing sent to the licensee or applicant by certified or
29 registered mail at his address, as specified in the records of
30 the Department, and stating:

31 (1) the grounds, charges, or conduct that justifies
32 suspension, revocation, or denial under this Section;

33 (2) the specific time for the hearing, which may not be
34 fewer than 20 nor more than 30 days after the mailing of

1 the notice of hearing; and

2 (3) a specific place for the hearing, which may be
3 either in the City of Springfield or in the county where
4 the licensee's principal place of business is located.

5 (d) Upon the suspension or revocation of a license, the
6 licensee or other person having possession or custody of the
7 license shall promptly deliver it to the Director in person or
8 by mail. The Director shall publish all suspensions and
9 revocations after they become final in a manner designed to
10 notify interested insurance companies and other persons.

11 (e) Any person whose license is revoked or denied under
12 this Section shall be ineligible to apply for any license for 2
13 years. A suspension under this Section may be for a period of
14 up to 2 years.

15 (f) In addition to or instead of a denial, suspension, or
16 revocation of a license under this Section, the licensee may be
17 subjected to a civil penalty of up to \$1,000 ~~\$2,000~~ for each
18 cause for denial, suspension, or revocation. The penalty is
19 enforceable under subsection (5) of Section 403A of this Code.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (215 ILCS 5/529.5) (from Ch. 73, par. 1065.76-5)

22 Sec. 529.5. The Industry Placement Facility shall compile
23 an annual operating report, and publish such report in at least
24 2 newspapers having widespread circulation in the State, which
25 report shall include:

26 (1) a description of the origin and purpose of the Illinois
27 Fair Plan and its relationship to the property and casualty
28 insurance industry in Illinois;

29 (2) a financial statement specifying the amount of profit
30 or loss incurred by the Facility for its financial year; and

31 (3) a disclosure as to the amount of subsidization per type
32 of policy written by the Facility, which is provided by the
33 property and casualty insurance companies operating in

1 Illinois, if any.

2 This annual report shall be a matter of public record to be
3 made available to any person requesting a copy from the
4 Facility at a fee not to exceed \$5 ~~\$10~~ per copy. A copy shall be
5 available for inspection at the Department of Insurance.

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 (215 ILCS 5/1020) (from Ch. 73, par. 1065.720)

8 Sec. 1020. Penalties.

9 (A) In any case where a hearing pursuant to Section 1016
10 results in the finding of a knowing violation of this Article,
11 the Director may, in addition to the issuance of a cease and
12 desist order as prescribed in Section 1018, order payment of a
13 monetary penalty of not more than \$500 ~~\$1,000~~ for each
14 violation but not to exceed \$10,000 ~~\$20,000~~ in the aggregate
15 for multiple violations.

16 (B) Any person who violates a cease and desist order of the
17 Director under Section 1018 of this Article may, after notice
18 and hearing and upon order of the Director, be subject to one
19 or more of the following penalties, at the discretion of the
20 Director:

21 (1) a monetary fine of not more than \$10,000 ~~\$20,000~~
22 for each violation,

23 (2) a monetary fine of not more than \$50,000 ~~\$100,000~~
24 if the Director finds that violations have occurred with
25 such frequency as to constitute a general business
26 practice, or

27 (3) suspension or revocation of an insurance
28 institution's or agent's license.

29 (Source: P.A. 93-32, eff. 7-1-03.)

30 (215 ILCS 5/1108) (from Ch. 73, par. 1065.808)

31 Sec. 1108. Trust; filing requirements; records.

32 (1) Any risk retention trust created under this Article

1 shall file with the Director:

2 (a) A statement of intent to provide named coverages.

3 (b) The trust agreement between the trust sponsor and
4 the trustees, detailing the organization and
5 administration of the trust and fiduciary
6 responsibilities.

7 (c) Signed risk pooling agreements from each trust
8 member describing their intent to participate in the trust
9 and maintain the contingency reserve fund.

10 (d) By April 1 of each year a financial statement for
11 the preceding calendar year ending December 31, and a list
12 of all beneficiaries during the year. The financial
13 statement and report shall be in such form as the Director
14 of Insurance may prescribe. The truth and accuracy of the
15 financial statement shall be attested to by each trustee.
16 Each Risk Retention Trust shall file with the Director by
17 June 1 an opinion of an independent certified public
18 accountant on the financial condition of the Risk Retention
19 Trust for the most recent calendar year and the results of
20 its operations, changes in financial position and changes
21 in capital and surplus for the year then ended in
22 conformity with accounting practices permitted or
23 prescribed by the Illinois Department of Insurance.

24 (e) The name of a bank or trust company with whom the
25 trust will enter into an escrow agreement which shall state
26 that the contingency reserve fund will be maintained at the
27 levels prescribed in this Article.

28 (f) Copies of coverage grants it will issue.

29 (2) The Director of Insurance shall charge, collect and
30 give proper acquittances for the payment of the following fees
31 and charges:

32 (a) For filing trust instruments, amendments thereto
33 and financial statement and report of the trustees, \$25
34 ~~\$50~~.

1 (b) For copies of papers or records per page, \$1 ~~\$2~~.

2 (c) For certificate to copy of paper, \$5 ~~\$10~~.

3 (d) For filing an application for the licensing of a
4 risk retention trust, \$500 ~~\$1,000~~.

5 (3) The trust shall keep its books and records in
6 accordance with the provisions of Section 133 of this Code. The
7 Director may examine such books and records from time to time
8 as provided in Sections 132 through 132.7 of this Code and may
9 charge the expense of such examination to the trust as provided
10 in subsection (3) of Section 408 of this Code.

11 (4) Trust funds established under this Section and all
12 persons interest therein or dealing therewith shall be subject
13 to the provisions of Sections 133, 144.1, 149, 401, 401.1, 402,
14 403, 403A, 412, and all of the provisions of Articles VII,
15 VIII, XII 1/2 and XIII of the Code, as amended. Except as
16 otherwise provided in this Section, trust funds established
17 under and which fully comply with this Section, shall not be
18 subjected to any other provision of the Code.

19 (5) The Director of Insurance may make reasonable rules and
20 regulations pertaining to the standards of coverage and
21 administration of the trust authorized by this Section. Such
22 rules may include but need not be limited to reasonable
23 standards for fiduciary duties of the trustees, standards for
24 the investment of funds, limitation of risks assumed, minimum
25 size, capital, surplus, reserves, and contingency reserves.

26 (Source: P.A. 93-32, eff. 7-1-03.)

27 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

28 Sec. 1204. (A) The Secretary shall promulgate rules and
29 regulations which shall require each insurer licensed to write
30 property or casualty insurance in the State and each syndicate
31 doing business on the Illinois Insurance Exchange to record and
32 report its loss and expense experience and other data as may be
33 necessary to assess the relationship of insurance premiums and

1 related income as compared to insurance costs and expenses. The
2 Secretary may designate one or more rate service organizations
3 or advisory organizations to gather and compile such experience
4 and data. The Secretary shall require each insurer licensed to
5 write property or casualty insurance in this State and each
6 syndicate doing business on the Illinois Insurance Exchange to
7 submit a report, on a form furnished by the Secretary, showing
8 its direct writings in this State and companywide.

9 (B) Such report required by subsection (A) of this Section
10 may include, but not be limited to, the following specific
11 types of insurance written by such insurer:

12 (1) Political subdivision liability insurance reported
13 separately in the following categories:

- 14 (a) municipalities;
- 15 (b) school districts;
- 16 (c) other political subdivisions;

17 (2) Public official liability insurance;

18 (3) Dram shop liability insurance;

19 (4) Day care center liability insurance;

20 (5) Labor, fraternal or religious organizations
21 liability insurance;

22 (6) Errors and omissions liability insurance;

23 (7) Officers and directors liability insurance
24 reported separately as follows:

- 25 (a) non-profit entities;
- 26 (b) for-profit entities;
- 27 (8) Products liability insurance;

28 (9) Medical malpractice insurance;

29 (10) Attorney malpractice insurance;

30 (11) Architects and engineers malpractice insurance;

31 and

32 (12) Motor vehicle insurance reported separately for
33 commercial and private passenger vehicles as follows:

- 34 (a) motor vehicle physical damage insurance;

1 (b) motor vehicle liability insurance.

2 (C) Such report may include, but need not be limited to the
3 following data, both specific to this State and companywide, in
4 the aggregate or by type of insurance for the previous year on
5 a calendar year basis:

6 (1) Direct premiums written;

7 (2) Direct premiums earned;

8 (3) Number of policies;

9 (4) Net investment income, using appropriate estimates
10 where necessary;

11 (5) Losses paid;

12 (6) Losses incurred;

13 (7) Loss reserves:

14 (a) Losses unpaid on reported claims;

15 (b) Losses unpaid on incurred but not reported
16 claims;

17 (8) Number of claims:

18 (a) Paid claims;

19 (b) Arising claims;

20 (9) Loss adjustment expenses:

21 (a) Allocated loss adjustment expenses;

22 (b) Unallocated loss adjustment expenses;

23 (10) Net underwriting gain or loss;

24 (11) Net operation gain or loss, including net
25 investment income;

26 (12) Any other information requested by the Secretary.

27 (C-3) ~~(C-5)~~ Additional information by an advisory
28 organization as defined in Section 463 of this Code.

29 (1) An advisory organization as defined in Section 463
30 of this Code shall report annually the following
31 information in such format as may be prescribed by the
32 Secretary:

33 (a) paid and incurred losses for each of the past
34 10 years;

1 (b) medical payments and medical charges, if
2 collected, for each of the past 10 years;

3 (c) the following indemnity payment information:
4 cumulative payments by accident year by calendar year
5 of development. This array will show payments made and
6 frequency of claims in the following categories:
7 medical only, permanent partial disability (PPD),
8 permanent total disability (PTD), temporary total
9 disability (TTD), and fatalities;

10 (d) injuries by frequency and severity;

11 (e) by class of employee.

12 (2) The report filed with the Secretary of Financial
13 and Professional Regulation under paragraph (1) of this
14 subsection (C-3) ~~(C-5)~~ shall be made available, on an
15 aggregate basis, to the General Assembly and to the general
16 public. The identity of the petitioner, the respondent, the
17 attorneys, and the insurers shall not be disclosed.

18 (3) Reports required under this subsection (C-3) ~~(C-5)~~
19 shall be filed with the Secretary no later than September 1
20 in 2006 and no later than September 1 of each year
21 thereafter.

22 (C-5) Additional information required from medical
23 malpractice insurers.

24 (1) In addition to the other requirements of this
25 Section, the following information shall be included in the
26 report required by subsection (A) of this Section in such
27 form and under such terms and conditions as may be
28 prescribed by the Secretary:

29 (a) paid and incurred losses by county for each of
30 the past 10 policy years;

31 (b) earned exposures by ISO code, policy type, and
32 policy year by county for each of the past 10 years;
33 and

34 (c) the following actuarial information:

1 (i) Base class and territory equivalent
2 exposures by report year by relative accident
3 year.

4 (ii) Cumulative loss array by accident year by
5 calendar year of development. This array will show
6 frequency of claims in the following categories:
7 open, closed with indemnity (CWI), closed with
8 expense (CWE), and closed no pay (CNP); paid
9 severity in the following categories: indemnity
10 and allocated loss adjustment expenses (ALAE) on
11 closed claims; and indemnity and expense reserves
12 on pending claims.

13 (iii) Cumulative loss array by report year by
14 calendar year of development. This array will show
15 frequency of claims in the following categories:
16 open, closed with indemnity (CWI), closed with
17 expense (CWE), and closed no pay (CNP); paid
18 severity in the following categories: indemnity
19 and allocated loss adjustment expenses (ALAE) on
20 closed claims; and indemnity and expense reserves
21 on pending claims.

22 (iv) Maturity year and tail factors.

23 (v) Any expense, contingency ddr (death,
24 disability, and retirement), commission, tax,
25 and/or off-balance factors.

26 (2) The following information must also be annually
27 provided to the Department:

28 (a) copies of the company's reserve and surplus
29 studies; and

30 (b) consulting actuarial report and data
31 supporting the company's rate filing.

32 (3) All information collected by the Secretary under
33 paragraphs (1) and (2) shall be made available, on a
34 company-by-company basis, to the General Assembly and the

1 general public. This provision shall supersede any other
2 provision of State law that may otherwise protect such
3 information from public disclosure as confidential.

4 (D) In addition to the information which may be requested
5 under subsection (C), the Secretary may also request on a
6 companywide, aggregate basis, Federal Income Tax recoverable,
7 net realized capital gain or loss, net unrealized capital gain
8 or loss, and all other expenses not requested in subsection (C)
9 above.

10 (E) Violations - Suspensions - Revocations.

11 (1) Any company or person subject to this Article, who
12 willfully or repeatedly fails to observe or who otherwise
13 violates any of the provisions of this Article or any rule
14 or regulation promulgated by the Secretary under authority
15 of this Article or any final order of the Secretary entered
16 under the authority of this Article shall by civil penalty
17 forfeit to the State of Illinois a sum not to exceed \$1,000
18 ~~\$2,000~~. Each day during which a violation occurs
19 constitutes a separate offense.

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

34 (3) No forfeiture liability under paragraph (1) of this

1 subsection may attach for any violation occurring more than
2 2 years prior to the date of issuance of the notice of
3 apparent liability and in no event may the total civil
4 penalty forfeiture imposed for the acts or omissions set
5 forth in any one notice of apparent liability exceed
6 \$50,000 ~~\$100,000~~.

7 (4) All administrative hearings conducted pursuant to
8 this Article are subject to 50 Ill. Adm. Code 2402 and all
9 administrative hearings are subject to the Administrative
10 Review Law.

11 (5) The civil penalty forfeitures provided for in this
12 Section are payable to the General Revenue Fund of the
13 State of Illinois, and may be recovered in a civil suit in
14 the name of the State of Illinois brought in the Circuit
15 Court in Sangamon County or in the Circuit Court of the
16 county where the respondent is domiciled or has its
17 principal operating office.

18 (6) In any case where the Secretary issues a notice of
19 apparent liability looking toward the imposition of a civil
20 penalty forfeiture under this Section that fact may not be
21 used in any other proceeding before the Secretary to the
22 prejudice of the respondent to whom the notice was issued,
23 unless (a) the civil penalty forfeiture has been paid, or
24 (b) a court has ordered payment of the civil penalty
25 forfeiture and that order has become final.

26 (7) When any person or company has a license or
27 certificate of authority under this Code and knowingly
28 fails or refuses to comply with a lawful order of the
29 Secretary requiring compliance with this Article, entered
30 after notice and hearing, within the period of time
31 specified in the order, the Secretary may, in addition to
32 any other penalty or authority provided, revoke or refuse
33 to renew the license or certificate of authority of such
34 person or company, or may suspend the license or

1 certificate of authority of such person or company until
2 compliance with such order has been obtained.

3 (8) When any person or company has a license or
4 certificate of authority under this Code and knowingly
5 fails or refuses to comply with any provisions of this
6 Article, the Secretary may, after notice and hearing, in
7 addition to any other penalty provided, revoke or refuse to
8 renew the license or certificate of authority of such
9 person or company, or may suspend the license or
10 certificate of authority of such person or company, until
11 compliance with such provision of this Article has been
12 obtained.

13 (9) No suspension or revocation under this Section may
14 become effective until 5 days from the date that the notice
15 of suspension or revocation has been personally delivered
16 or delivered by registered or certified mail to the company
17 or person. A suspension or revocation under this Section is
18 stayed upon the filing, by the company or person, of a
19 petition for judicial review under the Administrative
20 Review Law.

21 (Source: P.A. 93-32, eff. 7-1-03; 94-277, eff. 7-20-05; 94-677,
22 eff. 8-25-05; revised 8-29-05.)

23 Section 85. The Reinsurance Intermediary Act is amended by
24 changing Section 55 as follows:

25 (215 ILCS 100/55) (from Ch. 73, par. 1655)

26 Sec. 55. Penalties and liabilities.

27 (a) If the Director determines that a reinsurance
28 intermediary has not materially complied with this Act or any
29 regulation or Order promulgated hereunder, after notice and
30 opportunity to be heard, the Director may order a penalty in an
31 amount not exceeding \$50,000 ~~\$100,000~~ for each separate
32 violation and may order the revocation or suspension of the

1 reinsurance intermediary's license. If it is found that because
2 of the material noncompliance the insurer or reinsurer has
3 suffered any loss or damage, the Director may maintain a civil
4 action brought by or on behalf of the reinsurer or insurer and
5 its policyholders and creditors for recovery of compensatory
6 damages for the benefit of the reinsurer or insurer and its
7 policyholders and creditors or seek other appropriate relief.

8 This subsection (a) shall not be construed to prevent any other
9 person from taking civil action against a reinsurance
10 intermediary.

11 (b) If an Order of Rehabilitation or Liquidation of the
12 insurer is entered under Article XIII of the Illinois Insurance
13 Code and the receiver appointed under that Order determines
14 that the reinsurance intermediary or any other person has not
15 materially complied with this Act or any regulation or Order
16 promulgated hereunder and the insurer has suffered any loss or
17 damage therefrom, the receiver may maintain a civil action for
18 recovery of damages or other appropriate sanctions for the
19 benefit of the insurer.

20 (c) The decision, determination, or order of the Director
21 under subsection (a) of this Section shall be subject to
22 judicial review under the Administrative Review Law.

23 (d) Nothing contained in this Act shall affect the right of
24 the Director to impose any other penalties provided in the
25 Illinois Insurance Code.

26 (e) Nothing contained in this Act is intended to or shall
27 in any manner limit or restrict the rights of policyholders,
28 claimants, creditors, or other third parties or confer any
29 rights to those persons.

30 (Source: P.A. 93-32, eff. 7-1-03.)

31 Section 90. The Employee Leasing Company Act is amended by
32 changing Section 20 as follows:

1 (215 ILCS 113/20)

2 Sec. 20. Registration.

3 (a) A lessor shall register with the Department prior to
4 becoming a qualified self-insured for workers' compensation or
5 becoming eligible to be issued a workers' compensation and
6 employers' liability insurance policy. The registration 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 every
13 name that the lessor has operated under in the preceding 5
14 years including any alternative names and names of
15 predecessors;

16 (5) include a list of the officers and directors of the
17 lessor and its predecessors, successors, or alter egos in
18 the preceding 5 years; and

19 (6) include a \$500 ~~\$1,000~~ fee for the registration and
20 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 lessors
28 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 prior
33 to enactment of this Act shall register with the Department
34 within 60 days of the effective date of this Act.

1 (Source: P.A. 93-32, eff. 7-1-03.)

2 Section 95. The Health Care Purchasing Group Act is amended
3 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 sponsor
8 one or more HPGs with no more than 100,000 covered individuals
9 by negotiating, soliciting, or servicing health insurance
10 contracts for HPGs and their members. Such a corporation may
11 assert and maintain authority to act as an HPG sponsor by
12 complying with all of the following requirements:

13 (1) The principal officers and directors responsible
14 for the conduct of the HPG sponsor must perform their HPG
15 sponsor related functions in Illinois.

16 (2) No insurance risk may be borne or retained by the
17 HPG sponsor; all health insurance contracts issued to HPGs
18 through the HPG sponsor must be delivered in Illinois.

19 (3) No HPG sponsor may collect premium in its name or
20 hold or manage premium or claim fund accounts unless duly
21 qualified and licensed as a managing general agent pursuant
22 to Section 141a of the Illinois Insurance Code or as a
23 third party administrator pursuant to Section 511.105 of
24 the Illinois Insurance Code.

25 (4) If the HPG gives an offer, application, notice, or
26 proposal of insurance to an employer, it must disclose the
27 total cost of the insurance. Dues, fees, or charges to be
28 paid to the HPG, HPG sponsor, or any other entity as a
29 condition to purchasing the insurance must be itemized. The
30 HPG shall also disclose to its members the amount of any
31 dividends, experience refunds, or other such payments it
32 receives from the risk-bearer.

1 (5) An HPG sponsor must register with the Director
2 before negotiating or soliciting any group or master health
3 insurance contract for any HPG and must renew the
4 registration annually on forms and at times prescribed by
5 the Director in rules specifying, at minimum, (i) the
6 identity of the officers and directors of the HPG sponsor
7 corporation; (ii) a certification that those persons have
8 not been convicted of any felony offense involving a breach
9 of fiduciary duty or improper manipulation of accounts;
10 (iii) the number of employer members then enrolled in each
11 HPG sponsored; (iv) the date on which each HPG was issued a
12 group or master health insurance contract, if any; and (v)
13 the date on which each such contract, if any, was
14 terminated.

15 (6) At the time of initial registration and each
16 renewal thereof an HPG sponsor shall pay a fee of \$100 ~~\$200~~
17 to the Director.

18 (Source: P.A. 93-32, eff. 7-1-03.)

19 Section 100. The Service Contract Act is amended by
20 changing Section 25 as follows:

21 (215 ILCS 152/25)

22 Sec. 25. Registration requirements for service contract
23 providers.

24 (a) No service contract shall be issued or sold in this
25 State until the following information has been submitted to the
26 Department:

27 (1) the name of the service contract provider;

28 (2) a list identifying the service contract provider's
29 executive officer or officers directly responsible for the
30 service contract provider's service contract business;

31 (3) the name and address of the service contract
32 provider's agent for service of process in this State, if

1 other than the service contract provider;

2 (4) a true and accurate copy of all service contracts
3 to be sold in this State; and

4 (5) a statement indicating under which provision of
5 Section 15 the service contract provider qualifies to do
6 business in this State as a service contract provider.

7 (b) The service contract provider shall pay an initial
8 registration fee of \$500 ~~\$1,000~~ and a renewal fee of \$75 ~~\$150~~
9 each year thereafter. All fees and penalties collected under
10 this Act shall be paid to the Director and deposited in the
11 Insurance Financial Regulation Fund.

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 Section 105. The Title Insurance Act is amended by changing
14 Section 14 as follows:

15 (215 ILCS 155/14) (from Ch. 73, par. 1414)

16 Sec. 14. (a) Every title insurance company and every
17 independent escrowee subject to this Act shall pay the
18 following fees:

19 (1) for filing the original application for a
20 certificate of authority and receiving the deposit
21 required under this Act, \$500;

22 (2) for the certificate of authority, \$10;

23 (3) for every copy of a paper filed in the Department
24 under this Act, \$1 per folio;

25 (4) for affixing the seal of the Department and
26 certifying a copy, \$2;

27 (5) for filing the annual statement, \$50.

28 (b) Each title insurance company shall pay, for all of its
29 title insurance agents subject to this Act for filing an annual
30 registration of its agents, an amount equal to \$1 ~~\$3~~ for each
31 policy issued by all of its agents in the immediately preceding
32 calendar year, provided such sum shall not exceed \$20,000 per

1 annum.

2 (Source: P.A. 93-32, eff. 7-1-03.)

3 Section 110. The Viatical Settlements Act is amended by
4 changing Section 10 as follows:

5 (215 ILCS 158/10)

6 Sec. 10. License requirements.

7 (a) No individual, partnership, corporation, or other
8 entity may act as a viatical settlement provider without first
9 having obtained a license from the Director.

10 (b) Application for a viatical settlement provider license
11 shall be made to the Director by the applicant on a form
12 prescribed by the Director. The application shall be
13 accompanied by a fee of \$1,500 ~~\$3,000~~, which shall be deposited
14 into the Insurance Producer Administration Fund.

15 (c) Viatical settlement providers' licenses may be renewed
16 from year to year on the anniversary date upon (1) submission
17 of renewal forms prescribed by the Director and (2) payment of
18 the annual renewal fee of \$750 ~~\$1,500~~, which shall be deposited
19 into the Insurance Producer Administration Fund. Failure to pay
20 the fee within the terms prescribed by the Director shall
21 result in the expiration of the license.

22 (d) Applicants for a viatical settlement provider's
23 license shall provide such information as the Director may
24 require. The Director shall have authority, at any time, to
25 require the applicant to fully disclose the identity of all
26 stockholders, partners, officers, and employees. The Director
27 may, in the exercise of discretion, refuse to issue a license
28 in the name of any firm, partnership, or corporation if not
29 satisfied that an officer, employee, stockholder, or partner
30 thereof who may materially influence the applicant's conduct
31 meets the standards of this Act.

32 (e) A viatical settlement provider's license issued to a

1 partnership, corporation, or other entity authorizes all
2 members, officers, and designated employees to act as viatical
3 settlement providers under the license. All those persons must
4 be named in the application and any supplements thereto.

5 (f) Upon the filing of an application for a viatical
6 settlement provider's license and the payment of the license
7 fee, the Director shall make an investigation of the applicant
8 and may issue a license if the Director finds that the
9 applicant:

10 (1) has provided a detailed plan of operation;

11 (2) is competent and trustworthy and intends to act in
12 good faith in the capacity authorized by the license
13 applied for;

14 (3) has a good business reputation and has had
15 experience, training, or education so as to be qualified in
16 the business for which the license is applied for; and

17 (4) if a corporation, is a corporation incorporated
18 under the laws of this State or a foreign corporation
19 authorized to transact business in this State.

20 (g) The Director may not issue a license to a nonresident
21 applicant, unless a written designation of an agent for service
22 of process is filed and maintained with the Director or the
23 applicant has filed with the Director the applicant's written
24 irrevocable consent that any action against the applicant may
25 be commenced against the applicant by service of process on the
26 Director.

27 (h) A viatical settlement provider must assume
28 responsibility for all actions of its appointed viatical
29 settlement agents associated with a viatical settlement.

30 (Source: P.A. 93-32, eff. 7-1-03.)

31 Section 115. The Public Utilities Act is amended by
32 changing Section 6-108 as follows:

1 (220 ILCS 5/6-108) (from Ch. 111 2/3, par. 6-108)

2 Sec. 6-108. The Commission shall charge every public
3 utility receiving permission under this Act for the issue of
4 stocks, bonds, notes and other evidences of indebtedness an
5 amount equal to 10 ~~12~~ cents for every \$100 of the par or stated
6 value of stocks, and 20 ~~24~~ cents for every \$100 of the
7 principal amount of bonds, notes or other evidences of
8 indebtedness, authorized by the Commission, which shall be paid
9 to the Commission no later than 30 days after service of the
10 Commission order authorizing the issuance of those stocks,
11 bonds, notes or other evidences of indebtedness. Provided, that
12 if any such stock, bonds, notes or other evidences of
13 indebtedness constitutes or creates a lien or charge on, or
14 right to profits from, any property not situated in this State,
15 this fee shall be paid only on the amount of any such issue
16 which is the same proportion of the whole issue as the property
17 situated in this State is of the total property on which such
18 securities issue creates a lien or charge, or from which a
19 right to profits is established; and provided further, that no
20 public utility shall be required to pay any fee for permission
21 granted to it by the Commission in any of the following cases:

22 (1) To guarantee bonds or other securities.

23 (2) To issue bonds, notes or other evidences of
24 indebtedness issued for the purpose of converting, exchanging,
25 taking over, refunding, discharging or retiring any bonds,
26 notes or other evidences of indebtedness except:

27 (a) When issued for an aggregate period of longer than
28 2 years for the purpose of converting, exchanging, taking
29 over, refunding, discharging or retiring any note, or
30 renewals thereof, issued without the consent of the State
31 Public Utilities Commission of Illinois or the Public
32 Utilities Commission or the Illinois Commerce Commission;
33 or

34 (b) When issued for the purpose of converting,

1 exchanging, taking over, refunding, discharging or
2 retiring bonds, notes or other evidences of indebtedness
3 issued prior to January 1, 1914, and upon which no fee has
4 been previously paid.

5 (3) To issue shares of stock upon the conversion of
6 convertible bonds, notes or other evidences of indebtedness or
7 upon the conversion of convertible stock of another class in
8 accordance with a conversion privilege contained in such
9 convertible bonds, notes or other evidences of indebtedness or
10 contained in such convertible stock, as the case may be, where
11 a fee (in the amount payable under this Section in the case of
12 evidences of indebtedness) has been previously paid for the
13 issuance of such convertible bonds, notes or other evidences of
14 indebtedness, or where a fee (in the amount payable under this
15 Section in the case of stocks) has been previously paid for the
16 issuance of such convertible stock, or where such convertible
17 stock was issued prior to July 1, 1951 and upon which no fee
18 has been previously paid, as the case may be.

19 (4) To issue shares of stocks for the purpose of redeeming
20 or otherwise retiring, or in exchange for, other stocks, where
21 the fee for the issuance of such other stocks has been
22 previously paid, or where such other stocks were issued prior
23 to July 1, 1951 and upon which no fee has been previously paid,
24 as the case may be, but only to the extent that the par or
25 stated value of the shares of stock so issued does not exceed
26 the par or stated value of the other stocks redeemed or
27 otherwise retired or exchanged.

28 All fees collected by the Commission under this Section
29 shall be paid within 10 days after the receipt of the same,
30 accompanied by a detailed statement of the same, into the
31 Public Utility Fund in the State treasury.

32 (Source: P.A. 93-32, eff. 7-1-03.)

33 Section 120. The Professional Boxing Act is amended by

1 changing Section 23 as follows:

2 (225 ILCS 105/23) (from Ch. 111, par. 5023)

3 (Section scheduled to be repealed on January 1, 2012)

4 Sec. 23. Fees. The fees for the administration and
5 enforcement of this Act including, but not limited to, original
6 licensure, renewal, and restoration shall be set by rule. The
7 fees shall not be refundable. Beginning July 1, 2003 and until
8 the effective date of this amendatory Act of the 94th General
9 Assembly, all of the fees, taxes, and fines collected under
10 this Act shall be deposited into the General Professions
11 Dedicated Fund.

12 (Source: P.A. 92-16, eff. 6-28-01; 92-499, eff. 1-1-02; 93-32,
13 eff. 7-1-03.)

14 Section 125. The Illinois Certified Shorthand Reporters
15 Act of 1984 is amended by changing Section 17 as follows:

16 (225 ILCS 415/17) (from Ch. 111, par. 6217)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 17. Fees; returned checks; expiration while in
19 military.

20 (a) The fees for the administration and enforcement of this
21 Act, including but not limited to, original certification,
22 renewal and restoration, shall be set by rule.

23 (b) Beginning July 1, 2003 and until the effective date of
24 this amendatory Act of the 94th General Assembly, all of the
25 fees and fines collected under this Act shall be deposited into
26 the General Professions Dedicated Fund.

27 (c) Any person who delivers a check or other payment to the
28 Department that is returned to the Department unpaid by the
29 financial institution upon which it is drawn shall pay to the
30 Department, in addition to the amount already owed to the
31 Department, a fine of \$50. The fines imposed by this Section

1 are in addition to any other discipline provided under this Act
2 prohibiting unlicensed practice or practice on a nonrenewed
3 license. The Department shall notify the person that payment of
4 fees and fines shall be paid to the Department by certified
5 check or money order within 30 calendar days of the
6 notification. If, after the expiration of 30 days from the date
7 of the notification, the person has failed to submit the
8 necessary remittance, the Department shall automatically
9 terminate the license or certificate or deny the application,
10 without hearing. If, after termination or denial, the person
11 seeks a license or certificate, he or she shall apply to the
12 Department for restoration or issuance of the license or
13 certificate and pay all fees and fines due to the Department.
14 The Department may establish a fee for the processing of an
15 application for restoration of a license or certificate to pay
16 all expenses of processing this application. The Director may
17 waive the fines due under this Section in individual cases
18 where the Director finds that the fines would be unreasonable
19 or unnecessarily burdensome.

20 However, any person whose license has expired while he has
21 been engaged (1) in federal or state service active duty, or
22 (2) in training or education under the supervision of the
23 United States preliminary to induction into the military
24 service, may have his license renewed, reinstated or restored
25 without paying any lapsed renewal and restoration fees, if
26 within 2 years after termination of such service, training or
27 education other than by dishonorable discharge, he furnishes
28 the Department with satisfactory proof that he has been so
29 engaged and that his service, training or education has been so
30 terminated.

31 (Source: P.A. 92-146, eff. 1-1-02; 93-32, eff. 7-1-03; 93-460,
32 eff. 8-8-03.)

33 Section 130. The Weights and Measures Act is amended by

1 changing Section 8.1 as follows:

2 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

3 Sec. 8.1. Registration of servicepersons, service agents,
4 and special sealers. No person, firm, or corporation shall
5 sell, install, service, recondition or repair a weighing or
6 measuring device used in trade or commerce without first
7 obtaining a certificate of registration. Applications by
8 individuals for a certificate of registration shall be made to
9 the Department, shall be in writing on forms prescribed by the
10 Department, and shall be accompanied by the required fee.

11 Each application shall provide such information that will
12 enable the Department to pass on the qualifications of the
13 applicant for the certificate of registration. The information
14 requests shall include present residence, location of the
15 business to be licensed under this Act, whether the applicant
16 has had any previous registration under this Act or any
17 federal, state, county, or local law, ordinance, or regulation
18 relating to servicepersons and service Agencies, whether the
19 applicant has ever had a registration suspended or revoked,
20 whether the applicant has been convicted of a felony, and such
21 other information as the Department deems necessary to
22 determine if the applicant is qualified to receive a
23 certificate of registration.

24 Before any certificate of registration is issued, the
25 Department shall require the registrant to meet the following
26 qualifications:

27 (1) Has possession of or available for use weights and
28 measures, standards, and testing equipment appropriate in
29 design and adequate in amount to provide the services for
30 which the person is requesting registration.

31 (2) Passes a qualifying examination for each type of
32 weighing or measuring device he intends to install,
33 service, recondition, or repair.

1 (3) Demonstrates a working knowledge of weighing and
2 measuring devices for which he intends to be registered.

3 (4) Has a working knowledge of all appropriate weights
4 and measures laws and their rules and regulations.

5 (5) Has available a current copy of National Institute
6 of Standards and Technology Handbook 44.

7 (6) Pays the prescribed registration fee for the type
8 of registration:

9 (A) The annual fee for a Serviceperson Certificate
10 of Registration shall be \$5 ~~\$25~~.

11 (B) The annual fee for a Special Sealer Certificate
12 of Registration shall be \$25 ~~\$50~~.

13 (C) The annual fee for a Service Agency Certificate
14 of Registration shall be \$25 ~~\$50~~.

15 "Registrant" means any individual, partnership,
16 corporation, agency, firm, or company registered by the
17 Department who installs, services, repairs, or reconditions,
18 for hire, award, commission, or any other payment of any kind,
19 any commercial weighing or measuring device.

20 "Commercial weighing and measuring device" means any
21 weight or measure or weighing or measuring device commercially
22 used or employed (i) in establishing size, quantity, extent,
23 area, or measurement of quantities, things, produce, or
24 articles for distribution or consumption which are purchased,
25 offered, or submitted for sale, hire, or award, or (ii) in
26 computing any basic charge or payment for services rendered,
27 except as otherwise excluded by Section 2 of this Act, and
28 shall also include any accessory attached to or used in
29 connection with a commercial weighing or measuring device when
30 the accessory is so designed or installed that its operation
31 affects, or may affect, the accuracy of the device.

32 "Serviceperson" means any individual who sells, installs,
33 services, repairs, or reconditions, for hire, award,
34 commission, or any other payment of kind, a commercial weighing

1 or measuring device.

2 "Service agency" means any individual, agency, firm,
3 company, or corporation that, for hire, award, commission, or
4 any other payment of any kind, sells, installs, services,
5 repairs, or reconditions a commercial weighing or measuring
6 device.

7 "Special sealer" means any serviceperson who is allowed to
8 service only one service agency's liquid petroleum meters or
9 liquid petroleum measuring devices.

10 Each registered service agency and serviceperson shall
11 have report forms, known as "Placed in Service Reports". These
12 forms shall be executed in triplicate, shall include the
13 assigned registration number (in the case where a registered
14 serviceperson is representing a registered service agency both
15 assigned registration numbers shall be included), and shall be
16 signed by a registered serviceperson or by a registered
17 serviceperson representing a registered service agency for
18 each rejected or repaired device restored to service and for
19 each newly installed device placed in service. Whenever a
20 registered serviceperson or special sealer places into service
21 a weighing or measuring device, there shall be affixed to the
22 device indicator a decal provided by the Department that
23 indicates the device accuracy.

24 Within 5 days after a device is restored to service or
25 placed in service, the original of a properly executed "Placed
26 in Service Report", together with any official rejection tag or
27 seal removed from the device, shall be mailed to the
28 Department. The duplicate copy of the report shall be handed to
29 the owner or operator of the device and the triplicate copy of
30 the report shall be retained by the service agency or
31 serviceperson.

32 A registered service agency and a registered serviceperson
33 shall submit, at least once every 2 years to the Department for
34 examination and certification, any standards and testing

1 equipment that are used, or are to be used, in the performance
2 of the service and testing functions with respect to weighing
3 and measuring devices for which competence is registered. A
4 registered serviceperson or agency shall not use in servicing
5 commercial weighing and measuring devices any standards or
6 testing equipment that have not been certified by the
7 Department.

8 When a serviceperson's or service agency's weights and
9 measures are carried to a National Institute of Standards and
10 Technology approved out-of-state weights and measures
11 laboratory for inspection and testing, the serviceperson or
12 service agency shall be responsible for providing the
13 Department a copy of the current certification of all weights
14 and measures used in the repair, service, or testing of
15 weighing or measuring devices within the State of Illinois.

16 All registered servicepersons placing into service scales
17 in excess of 30,000 pounds shall have a minimum of 10,000
18 pounds of State approved certified test weights to accurately
19 test a scale.

20 Persons working as apprentices are not subject to
21 registration if they work with and under the supervision of a
22 registered serviceperson.

23 The Director is authorized to promulgate, after public
24 hearing, rules and regulations necessary to enforce the
25 provisions of this Section.

26 For good cause and after a hearing upon reasonable notice,
27 the Director may deny any application for registration or any
28 application for renewal of registration, or may revoke or
29 suspend the registration of any registrant.

30 The Director may publish from time to time as he deems
31 appropriate, and may supply upon request, lists of registered
32 servicepersons and registered service agencies.

33 All final administrative decisions of the Director under
34 this Section shall be subject to judicial review under the

1 Administrative Review Law. The term "administrative decision"
 2 is defined as in Section 1 of the Administrative Review Law.
 3 (Source: P.A. 93-32, eff. 7-1-03.)

4 Section 135. The Liquor Control Act of 1934 is amended by
 5 changing Section 5-3 as follows:

6 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

7 Sec. 5-3. License fees. Except as otherwise provided
 8 herein, at the time application is made to the State Commission
 9 for a license of any class, the applicant shall pay to the
 10 State Commission the fee hereinafter provided for the kind of
 11 license applied for.

12 The fee for licenses issued by the State Commission shall
 13 be as follows:

14 For a manufacturer's license:

| | |
|---|---------|
| 15 Class 1. Distiller | \$3,600 |
| 16 Class 2. Rectifier | 3,600 |
| 17 Class 3. Brewer | 900 |
| 18 Class 4. First-class Wine Manufacturer | 600 |
| 19 Class 5. Second-class | |
| 20 Wine Manufacturer | 1,200 |
| 21 Class 6. First-class wine-maker | 600 |
| 22 Class 7. Second-class wine-maker | 1200 |
| 23 Class 8. Limited Wine Manufacturer | 120 |
| 24 For a Brew Pub License | 1,050 |
| 25 For a caterer retailer's license | 200 |
| 26 For a foreign importer's license | 25 |
| 27 For an importing distributor's license | 25 |
| 28 For a distributor's license | 270 |
| 29 For a non-resident dealer's license | |
| 30 (500,000 gallons or over) | 270 |
| 31 For a non-resident dealer's license | |
| 32 (under 500,000 gallons) | 90 |

| | | |
|----|---|---------------------------|
| 1 | For a wine-maker's premises license | 100 |
| 2 | For a wine-maker's premises license, | |
| 3 | second location | 350 |
| 4 | For a wine-maker's premises license, | |
| 5 | third location | 350 |
| 6 | For a retailer's license | <u>175</u> 500 |
| 7 | For a special event retailer's license, | |
| 8 | (not-for-profit) | 25 |
| 9 | For a special use permit license, | |
| 10 | one day only | 50 |
| 11 | 2 days or more | 100 |
| 12 | For a railroad license | 60 |
| 13 | For a boat license | 180 |
| 14 | For an airplane license, times the | |
| 15 | licensee's maximum number of aircraft | |
| 16 | in flight, serving liquor over the | |
| 17 | State at any given time, which either | |
| 18 | originate, terminate, or make | |
| 19 | an intermediate stop in the State | 60 |
| 20 | For a non-beverage user's license: | |
| 21 | Class 1 | 24 |
| 22 | Class 2 | 60 |
| 23 | Class 3 | 120 |
| 24 | Class 4 | 240 |
| 25 | Class 5 | 600 |
| 26 | For a broker's license | 600 |
| 27 | For an auction liquor license | 50 |

28 Fees collected under this Section shall be paid into the
29 Dram Shop Fund. On and after July 1, 2003 and until the
30 effective date of this amendatory Act of the 94th General
31 Assembly, of the funds received for a retailer's license, in
32 addition to the first \$175, an additional \$75 shall be paid
33 into the Dram Shop Fund, and \$250 shall be paid into the
34 General Revenue Fund. Beginning June 30, 1990 and beginning

1 again on the effective date of this amendatory Act of the 94th
2 General Assembly and on June 30 of each subsequent year
3 thereafter ~~through June 29, 2003~~, any balance over \$5,000,000
4 remaining in the Dram Shop Fund shall be credited to State
5 liquor licensees and applied against their fees for State
6 liquor licenses for the following year. The amount credited to
7 each licensee shall be a proportion of the balance in the Dram
8 Fund that is the same as the proportion of the license fee paid
9 by the licensee under this Section for the period in which the
10 balance was accumulated to the aggregate fees paid by all
11 licensees during that period.

12 No fee shall be paid for licenses issued by the State
13 Commission to the following non-beverage users:

14 (a) Hospitals, sanitariums, or clinics when their use
15 of alcoholic liquor is exclusively medicinal, mechanical
16 or scientific.

17 (b) Universities, colleges of learning or schools when
18 their use of alcoholic liquor is exclusively medicinal,
19 mechanical or scientific.

20 (c) Laboratories when their use is exclusively for the
21 purpose of scientific research.

22 (Source: P.A. 92-378, eff. 8-16-01; 93-22, eff. 6-20-03.)

23 Section 140. The Environmental Protection Act is amended by
24 changing Sections 9.6, 12.2, 16.1, 22.8, 22.15, 22.44, 39.5,
25 55.8, 56.4, 56.5, and 56.6 as follows:

26 (415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

27 Sec. 9.6. Air pollution operating permit fee.

28 (a) For any site for which an air pollution operating
29 permit is required, other than a site permitted solely as a
30 retail liquid dispensing facility that has air pollution
31 control equipment or an agrichemical facility with an endorsed
32 permit pursuant to Section 39.4, the owner or operator of that

1 site shall pay an initial annual fee to the Agency within 30
2 days of receipt of the permit and an annual fee each year
3 thereafter for as long as a permit is in effect. The owner or
4 operator of a portable emission unit, as defined in 35 Ill.
5 Adm. Code 201.170, may change the site of any unit previously
6 permitted without paying an additional fee under this Section
7 for each site change, provided that no further change to the
8 permit is otherwise necessary or requested.

9 (b) ~~The Notwithstanding any rules to the contrary, the~~
10 following fee amounts shall apply:

11 (1) The fee for a site permitted to emit less than 25
12 tons per year of any combination of regulated air
13 pollutants, as defined in Section 39.5 of this Act, is \$100
14 per year beginning July 1, 1993 and on and after the
15 effective date of this amendatory Act of the 94th General
16 Assembly, and increases to \$200 per year beginning on July
17 1, 2003, except as provided in subsection (c) of this
18 Section.

19 (2) The fee for a site permitted to emit at least 25
20 tons per year but less than 100 tons per year of any
21 combination of regulated air pollutants, as defined in
22 Section 39.5 of this Act, is \$1,000 per year beginning July
23 1, 1993 and on and after the effective date of this
24 amendatory Act of the 94th General Assembly, and increases
25 to \$1,800 per year beginning on July 1, 2003 and until the
26 effective date of this amendatory Act of the 94th General
27 Assembly, except as provided in subsection (c) of this
28 Section.

29 (3) The fee for a site permitted to emit at least 100
30 tons per year of any combination of regulated air
31 pollutants is \$2,500 per year beginning July 1, 1993, and
32 increases to \$3,500 per year beginning on July 1, 2003,
33 except as provided in subsection (c) of this Section;
34 provided, however, that the fee shall not exceed the amount

1 that would be required for the site if it were subject to
2 the fee requirements of Section 39.5 of this Act.

3 (c) The owner or operator of any source subject to
4 paragraphs (b)(1), (b)(2), or (b)(3) of this Section that
5 becomes subject to Section 39.5 of this Act shall continue to
6 pay the fee set forth in this Section until the source becomes
7 subject to the fee set forth within subsection 18 of Section
8 39.5 of this Act. In the event a site has paid a fee under this
9 Section during the 12 month period following the effective date
10 of the CAAPP ~~for that site~~, the fee amount shall be deducted
11 from any amount due under subsection 18 of Section 39.5 of this
12 Act. Owners or operators that are subject to paragraph (b)(1),
13 (b)(2), or (b)(3) of this Section, but that are not also
14 subject to Section 39.5, or excluded pursuant to subsection 1.1
15 or subsection 3(c) of Section 39.5 shall continue to pay the
16 fee amounts set forth within paragraphs (b)(1), (b)(2), or
17 (b)(3), whichever is applicable.

18 (d) Only one air pollution site fee may be collected from
19 any site, even if such site receives more than one air
20 pollution control permit.

21 (e) The Agency shall establish procedures for the
22 collection of air pollution site fees. Air pollution site fees
23 may be paid annually, or in advance for the number of years for
24 which the permit is issued, at the option of the owner or
25 operator. ~~Payment in advance does not exempt the owner or~~
26 ~~operator from paying any increase in the fee that may occur~~
27 ~~during the term of the permit; the owner or operator must pay~~
28 ~~the amount of the increase upon and from the effective date of~~
29 ~~the increase.~~

30 (f) The Agency may deny an application for the issuance,
31 ~~transfer,~~ or renewal of an air pollution operating permit if
32 any air pollution site fee owed by the applicant has not been
33 paid within 60 days of the due date, unless the applicant, at
34 the time of application, pays to the Agency in advance the air

1 pollution site fee for the site that is the subject of the
2 operating permit, plus any other air pollution site fees then
3 owed by the applicant. The denial of an air pollution operating
4 permit for failure to pay an air pollution site fee shall be
5 subject to review by the Board pursuant to the provisions of
6 subsection (a) of Section 40 of this Act.

7 (g) (Blank). ~~If the Agency determines that an owner or~~
8 ~~operator of a site was required, but failed, to timely obtain~~
9 ~~an air pollution operating permit, and as a result avoided the~~
10 ~~payment of permit fees, the Agency may collect the avoided~~
11 ~~permit fees with or without pursuing enforcement under Section~~
12 ~~31 of this Act. The avoided permit fees shall be calculated as~~
13 ~~double the amount that would have been owed had a permit been~~
14 ~~timely obtained. Fees collected pursuant to this subsection (g)~~
15 ~~shall be deposited into the Environmental Protection Permit and~~
16 ~~Inspection Fund.~~

17 (h) (Blank). ~~If the Agency determines that an owner or~~
18 ~~operator of a site was required, but failed, to timely obtain~~
19 ~~an air pollution operating permit and as a result avoided the~~
20 ~~payment of permit fees, an enforcement action may be brought~~
21 ~~under Section 31 of this Act. In addition to any other relief~~
22 ~~that may be obtained as part of this action, the Agency may~~
23 ~~seek to recover the avoided permit fees. The avoided permit~~
24 ~~fees shall be calculated as double the amount that would have~~
25 ~~been owed had a permit been timely obtained. Fees collected~~
26 ~~pursuant to this subsection (h) shall be deposited into the~~
27 ~~Environmental Protection Permit and Inspection Fund.~~

28 (i) (Blank). ~~If a permittee subject to a fee under this~~
29 ~~Section fails to pay the fee within 90 days of its due date, or~~
30 ~~makes the fee payment from an account with insufficient funds~~
31 ~~to cover the amount of the fee payment, the Agency shall notify~~
32 ~~the permittee of the failure to pay the fee. If the permittee~~
33 ~~fails to pay the fee within 60 days after such notification,~~
34 ~~the Agency may, by written notice, immediately revoke the air~~

1 ~~pollution operating permit. Failure of the Agency to notify the~~
2 ~~permittee of failure to pay a fee due under this Section, or~~
3 ~~the payment of the fee from an account with insufficient funds~~
4 ~~to cover the amount of the fee payment, does not excuse or~~
5 ~~alter the duty of the permittee to comply with the provisions~~
6 ~~of this Section.~~

7 (Source: P.A. 93-32, eff. 7-1-03.)

8 (415 ILCS 5/12.2) (from Ch. 111 1/2, par. 1012.2)

9 Sec. 12.2. Water pollution construction permit fees.

10 (a) Beginning July 1, 2003, the Agency shall collect a fee
11 in the amount set forth in this Section for any sewer which
12 requires a construction permit under paragraph (b) of Section
13 12, from each applicant for a sewer construction permit under
14 paragraph (b) of Section 12 or regulations adopted hereunder.+

15 ~~(1) for any sewer which requires a construction permit~~
16 ~~under paragraph (b) of Section 12, from each applicant for~~
17 ~~a sewer construction permit under paragraph (b) of Section~~
18 ~~12 or regulations adopted hereunder; and~~

19 ~~(2) for any treatment works, industrial pretreatment~~
20 ~~works, or industrial wastewater source that requires a~~
21 ~~construction permit under paragraph (b) of Section 12, from~~
22 ~~the applicant for the construction permit. However, no fee~~
23 ~~shall be required for a treatment works or wastewater~~
24 ~~source directly covered and authorized under an NPDES~~
25 ~~permit issued by the Agency, nor for any treatment works,~~
26 ~~industrial pretreatment works, or industrial wastewater~~
27 ~~source (i) that is under or pending construction authorized~~
28 ~~by a valid construction permit issued by the Agency prior~~
29 ~~to July 1, 2003, during the term of that construction~~
30 ~~permit, or (ii) for which a completed construction permit~~
31 ~~application has been received by the Agency prior to July~~
32 ~~1, 2003, with respect to the permit issued under that~~
33 ~~application.~~

1 (b) Each applicant or person required to pay a fee under
2 this Section shall submit the fee to the Agency along with the
3 permit application. The Agency shall deny any construction
4 permit application for which a fee is required under this
5 Section that does not contain the appropriate fee.

6 (c) The amount of the fee is as follows:

7 (1) A \$50 ~~\$100~~ fee shall be required for any sewer
8 constructed with a design population of 1.

9 (2) A \$200 ~~\$400~~ fee shall be required for any sewer
10 constructed with a design population of 2 to 20.

11 (3) A \$400 ~~\$800~~ fee shall be required for any sewer
12 constructed with a design population greater than 20 but
13 less than 101.

14 (4) A \$600 ~~\$1200~~ fee shall be required for any sewer
15 constructed with a design population greater than 100 but
16 less than 500.

17 (5) A \$1,200 ~~\$2400~~ fee shall be required for any sewer
18 constructed with a design population of 500 or more.

19 ~~(6) A \$1,000 fee shall be required for any industrial~~
20 ~~wastewater source that does not require pretreatment of the~~
21 ~~wastewater prior to discharge to the publicly owned~~
22 ~~treatment works or publicly regulated treatment works.~~

23 ~~(7) A \$3,000 fee shall be required for any industrial~~
24 ~~wastewater source that requires pretreatment of the~~
25 ~~wastewater for non toxic pollutants prior to discharge to~~
26 ~~the publicly owned treatment works or publicly regulated~~
27 ~~treatment works.~~

28 ~~(8) A \$6,000 fee shall be required for any industrial~~
29 ~~wastewater source that requires pretreatment of the~~
30 ~~wastewater for toxic pollutants prior to discharge to the~~
31 ~~publicly owned treatment works or publicly regulated~~
32 ~~treatment works.~~

33 ~~(9) A \$2,500 fee shall be required for construction~~
34 ~~relating to land application of industrial sludge or spray~~

1 ~~irrigation of industrial wastewater.~~

2 All fees collected by the Agency under this Section shall
3 be deposited into the Environmental Protection Permit and
4 Inspection Fund in accordance with Section 22.8.

5 (d) Prior to a final Agency decision on a permit
6 application for which a fee has been paid under this Section,
7 the applicant may propose modification to the application in
8 accordance with this Act and regulations adopted hereunder
9 without any additional fee becoming due, unless the proposed
10 modifications cause an increase in the design population served
11 by the sewer specified in the permit application before the
12 modifications ~~or the modifications cause a change in the~~
13 ~~applicable fee category stated in subsection (c).~~ If the
14 modifications cause such an increase ~~or change the fee category~~
15 and the increase results in additional fees being due under
16 subsection (c), the applicant shall submit the additional fee
17 to the Agency with the proposed modifications.

18 (e) No fee shall be due under this Section from:

19 (1) any department, agency or unit of State government
20 for installing or extending a sewer;

21 (2) any unit of local government with which the Agency
22 has entered into a written delegation agreement under
23 Section 4 which allows such unit to issue construction
24 permits under this Title, or regulations adopted
25 hereunder, for installing or extending a sewer; or

26 (3) any unit of local government or school district for
27 installing or extending a sewer where both of the following
28 conditions are met:

29 (i) the cost of the installation or extension is
30 paid wholly from monies of the unit of local government
31 or school district, State grants or loans, federal
32 grants or loans, or any combination thereof; and

33 (ii) the unit of local government or school
34 district is not given monies, reimbursed or paid,

1 either in whole or in part, by another person (except
2 for State grants or loans or federal grants or loans)
3 for the installation or extension.

4 (f) The Agency may establish procedures relating to the
5 collection of fees under this Section. The Agency shall not
6 refund any fee paid to it under this Section. ~~Notwithstanding~~
7 ~~the provisions of any rule adopted before July 1, 2003~~
8 ~~concerning fees under this Section, the Agency shall assess and~~
9 ~~collect the fees imposed under subdivision (a) (2) of this~~
10 ~~Section and the increases in the fees imposed under subdivision~~
11 ~~(a) (1) of this Section beginning on July 1, 2003, for all~~
12 ~~completed applications received on or after that date.~~

13 (g) 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 disapproval
19 of the application and denial of a permit. If the Agency takes
20 no final action within 45 days after the filing of the
21 application for a permit, the applicant may deem the permit
22 issued.

23 (h) (Blank). ~~For purposes of this Section:~~

24 ~~"Toxic pollutants" means those pollutants defined in~~
25 ~~Section 502(13) of the federal Clean Water Act and regulations~~
26 ~~adopted pursuant to that Act.~~

27 ~~"Industrial" refers to those industrial users referenced~~
28 ~~in Section 502(13) of the federal Clean Water Act and~~
29 ~~regulations adopted pursuant to that Act.~~

30 ~~"Pretreatment" means the reduction of the amount of~~
31 ~~pollutants, the elimination of pollutants, or the alteration of~~
32 ~~the nature of pollutant properties in wastewater prior to or in~~
33 ~~lieu of discharging or otherwise introducing those pollutants~~
34 ~~into a publicly owned treatment works or publicly regulated~~

1 ~~treatment works.~~

2 (Source: P.A. 93-32, eff. 7-1-03.)

3 (415 ILCS 5/16.1) (from Ch. 111 1/2, par. 1016.1)

4 Sec. 16.1. Permit fees.

5 (a) Except as provided in subsection (f), the Agency shall
6 collect a fee in the amount set forth in subsection (d) from:

7 (1) each applicant for a construction permit under this Title,
8 or regulations adopted hereunder, to install or extend water
9 main; and (2) each person who submits as-built plans under this
10 Title, or regulations adopted hereunder, to install or extend
11 water main.

12 (b) Except as provided in subsection (c), each applicant or
13 person required to pay a fee under this Section shall submit
14 the fee to the Agency along with the permit application or
15 as-built plans. The Agency shall deny any construction permit
16 application for which a fee is required under this Section that
17 does not contain the appropriate fee. The Agency shall not
18 approve any as-built plans for which a fee is required under
19 this Section that do not contain the appropriate fee.

20 (c) Each applicant for an emergency construction permit
21 under this Title, or regulations adopted hereunder, to install
22 or extend a water main shall submit the appropriate fee to the
23 Agency within 10 calendar days from the date of issuance of the
24 emergency construction permit.

25 (d) The amount of the fee is as follows:

26 (1) \$120 ~~\$240~~ if the construction permit application is
27 to install or extend water main that is more than 200 feet,
28 but not more than 1,000 feet in length;

29 (2) \$360 ~~\$720~~ if the construction permit application is
30 to install or extend water main that is more than 1,000
31 feet but not more than 5,000 feet in length;

32 (3) 600 ~~\$1200~~ if the construction permit application is
33 to install or extend water main that is more than 5,000

1 feet in length.

2 (e) Prior to a final Agency decision on a permit
3 application for which a fee has been paid under this Section,
4 the applicant may propose modifications to the application in
5 accordance with this Act and regulations adopted hereunder
6 without any additional fee becoming due unless the proposed
7 modifications cause the length of water main to increase beyond
8 the length specified in the permit application before the
9 modifications. If the modifications cause such an increase and
10 the increase results in additional fees being due under
11 subsection (d), the applicant shall submit the additional fee
12 to the Agency with the proposed modifications.

13 (f) No fee shall be due under this Section from (1) any
14 department, agency or unit of State government for installing
15 or extending a water main; (2) any unit of local government
16 with which the Agency has entered into a written delegation
17 agreement under Section 4 of this Act which allows such unit to
18 issue construction permits under this Title, or regulations
19 adopted hereunder, for installing or extending a water main; or
20 (3) any unit of local government or school district for
21 installing or extending a water main where both of the
22 following conditions are met: (i) the cost of the installation
23 or extension is paid wholly from monies of the unit of local
24 government or school district, State grants or loans, federal
25 grants or loans, or any combination thereof; and (ii) the unit
26 of local government or school district is not given monies,
27 reimbursed or paid, either in whole or in part, by another
28 person (except for State grants or loans or federal grants or
29 loans) for the installation or extension.

30 (g) The Agency may establish procedures relating to the
31 collection of fees under this Section. The Agency shall not
32 refund any fee paid to it under this Section.

33 (h) For the purposes of this Section, the term "water main"
34 means any pipe that is to be used for the purpose of

1 distributing potable water which serves or is accessible to
2 more than one property, dwelling or rental unit, and that is
3 exterior to buildings.

4 (i) Notwithstanding any other provision of this Act, the
5 Agency shall, not later than 45 days following the receipt of
6 both an application for a construction permit and the fee
7 required by this Section, either approve that application and
8 issue a permit or tender to the applicant a written statement
9 setting forth with specificity the reasons for the disapproval
10 of the application and denial of a permit. If there is no final
11 action by the Agency within 45 days after the filing of the
12 application for a permit, the applicant may deem the permit
13 issued.

14 (Source: P.A. 93-32, eff. 7-1-03.)

15 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

16 Sec. 22.8. Environmental Protection Permit and Inspection
17 Fund.

18 (a) There is hereby created in the State Treasury a special
19 fund to be known as the Environmental Protection Permit and
20 Inspection Fund. All fees collected by the Agency pursuant to
21 this Section, Section 9.6, 12.2, 16.1, 22.2 (j) (6) (E) (v) (IV),
22 56.4, 56.5, 56.6, and subsection (f) of Section 5 of this Act
23 or pursuant to Section 22 of the Public Water Supply Operations
24 Act and funds collected under subsection (b.5) of Section 42 of
25 this Act shall be deposited into the Fund. In addition to any
26 monies appropriated from the General Revenue Fund, monies in
27 the Fund shall be appropriated by the General Assembly to the
28 Agency in amounts deemed necessary for manifest, permit, and
29 inspection activities and for processing requests under
30 Section 22.2 (j) (6) (E) (v) (IV).

31 The General Assembly may appropriate monies in the Fund
32 deemed necessary for Board regulatory and adjudicatory
33 proceedings.

1 (b) The Agency shall collect from the owner or operator of
2 any of the following types of hazardous waste disposal sites or
3 management facilities which require a RCRA permit under
4 subsection (f) of Section 21 of this Act, or a UIC permit under
5 subsection (g) of Section 12 of this Act, an annual fee in the
6 amount of:

7 (1) \$35,000 (\$70,000 beginning in 2004 and until the
8 effective date of this amendatory Act of the 94th General
9 Assembly) for a hazardous waste disposal site receiving
10 hazardous waste if the hazardous waste disposal site is
11 located off the site where such waste was produced;

12 (2) \$9,000 (\$18,000 beginning in 2004 and until the
13 effective date of this amendatory Act of the 94th General
14 Assembly) for a hazardous waste disposal site receiving
15 hazardous waste if the hazardous waste disposal site is
16 located on the site where such waste was produced;

17 (3) \$7,000 (\$14,000 beginning in 2004 and until the
18 effective date of this amendatory Act of the 94th General
19 Assembly) for a hazardous waste disposal site receiving
20 hazardous waste if the hazardous waste disposal site is an
21 underground injection well;

22 (4) \$2,000 (\$4,000 beginning in 2004 and until the
23 effective date of this amendatory Act of the 94th General
24 Assembly) for a hazardous waste management facility
25 treating hazardous waste by incineration;

26 (5) \$1,000 (\$2,000 beginning in 2004 and until the
27 effective date of this amendatory Act of the 94th General
28 Assembly) for a hazardous waste management facility
29 treating hazardous waste by a method, technique or process
30 other than incineration;

31 (6) \$1,000 (\$2,000 beginning in 2004 and until the
32 effective date of this amendatory Act of the 94th General
33 Assembly) for a hazardous waste management facility
34 storing hazardous waste in a surface impoundment or pile;

1 (7) \$250 (\$500 beginning in 2004 and until the
2 effective date of this amendatory Act of the 94th General
3 Assembly) for a hazardous waste management facility
4 storing hazardous waste other than in a surface impoundment
5 or pile; and

6 (8) (Blank). ~~Beginning in 2004, \$500 for a large~~
7 ~~quantity hazardous waste generator required to submit an~~
8 ~~annual or biennial report for hazardous waste generation.~~

9 (c) Where two or more operational units are located within
10 a single hazardous waste disposal site, the Agency shall
11 collect from the owner or operator of such site an annual fee
12 equal to the highest fee imposed by subsection (b) of this
13 Section upon any single operational unit within the site.

14 (d) The fee imposed upon a hazardous waste disposal site
15 under this Section shall be the exclusive permit and inspection
16 fee applicable to hazardous waste disposal at such site,
17 provided that nothing in this Section shall be construed to
18 diminish or otherwise affect any fee imposed upon the owner or
19 operator of a hazardous waste disposal site by Section 22.2.

20 (e) The Agency shall establish procedures, no later than
21 December 1, 1984, relating to the collection of the hazardous
22 waste disposal site fees authorized by this Section. Such
23 procedures shall include, but not be limited to the time and
24 manner of payment of fees to the Agency, which shall be
25 quarterly, payable at the beginning of each quarter for
26 hazardous waste disposal site fees. Annual fees required under
27 paragraph (7) of subsection (b) of this Section shall accompany
28 the annual report required by Board regulations for the
29 calendar year for which the report applies.

30 (f) For purposes of this Section, a hazardous waste
31 disposal site consists of one or more of the following
32 operational units:

33 (1) a landfill receiving hazardous waste for disposal;

34 (2) a waste pile or surface impoundment, receiving

1 hazardous waste, in which residues which exhibit any of the
2 characteristics of hazardous waste pursuant to Board
3 regulations are reasonably expected to remain after
4 closure;

5 (3) a land treatment facility receiving hazardous
6 waste; or

7 (4) a well injecting hazardous waste.

8 (g) On and after the effective date of this amendatory Act
9 of the 94th General Assembly, the Agency shall assess a fee of
10 \$1 for each manifest provided by the Agency, except that the
11 Agency shall furnish up to 20 manifests requested by any
12 generator at no charge and no generator shall be required to
13 pay more than \$500 per year in such manifest fees. ~~The Agency~~
14 ~~shall assess a fee for each manifest provided by the Agency.~~
15 ~~For manifests provided on or after January 1, 1989 but before~~
16 ~~July 1, 2003, the fee shall be \$1 per manifest. For manifests~~
17 ~~provided on or after July 1, 2003, the fee shall be \$3 per~~
18 ~~manifest.~~

19 (Source: P.A. 93-32, eff. 7-1-03.)

20 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

21 Sec. 22.15. Solid Waste Management Fund; fees.

22 (a) There is hereby created within the State Treasury a
23 special fund to be known as the "Solid Waste Management Fund",
24 to be constituted from the fees collected by the State pursuant
25 to this Section and from repayments of loans made from the Fund
26 for solid waste projects. Moneys received by the Department of
27 Commerce and Economic Opportunity in repayment of loans made
28 pursuant to the Illinois Solid Waste Management Act shall be
29 deposited into the General Revenue Fund.

30 (b) The Agency shall assess and collect a fee in the amount
31 set forth herein from the owner or operator of each sanitary
32 landfill permitted or required to be permitted by the Agency to
33 dispose of solid waste if the sanitary landfill is located off

1 the site where such waste was produced and if such sanitary
2 landfill is owned, controlled, and operated by a person other
3 than the generator of such waste. The Agency shall deposit all
4 fees collected into the Solid Waste Management Fund. If a site
5 is contiguous to one or more landfills owned or operated by the
6 same person, the volumes permanently disposed of by each
7 landfill shall be combined for purposes of determining the fee
8 under this subsection.

9 (1) If more than 150,000 cubic yards of non-hazardous
10 solid waste is permanently disposed of at a site in a
11 calendar year, the owner or operator shall either pay a fee
12 of \$0.45 ~~95 cents~~ per cubic yard or, alternatively, the
13 owner or operator may weigh the quantity of the solid waste
14 permanently disposed of with a device for which
15 certification has been obtained under the Weights and
16 Measures Act and pay a fee of \$0.95 ~~\$2.00~~ per ton of solid
17 waste permanently disposed of. In no case shall the fee
18 collected or paid by the owner or operator under this
19 paragraph exceed \$1.05 ~~\$1.55~~ per cubic yard or \$2.22 ~~\$3.27~~
20 per ton.

21 (2) If more than 100,000 cubic yards but not more than
22 150,000 cubic yards of non-hazardous waste is permanently
23 disposed of at a site in a calendar year, the owner or
24 operator shall pay a fee of \$25,000 ~~\$52,630~~.

25 (3) If more than 50,000 cubic yards but not more than
26 100,000 cubic yards of non-hazardous solid waste is
27 permanently disposed of at a site in a calendar year, the
28 owner or operator shall pay a fee of \$11,300 ~~\$23,790~~.

29 (4) If more than 10,000 cubic yards but not more than
30 50,000 cubic yards of non-hazardous solid waste is
31 permanently disposed of at a site in a calendar year, the
32 owner or operator shall pay a fee of \$3,450 ~~\$7,260~~.

33 (5) If not more than 10,000 cubic yards of
34 non-hazardous solid waste is permanently disposed of at a

1 site in a calendar year, the owner or operator shall pay a
2 fee of \$500 ~~\$1050~~.

3 (c) (Blank.)

4 (d) The Agency shall establish rules relating to the
5 collection of the fees authorized by this Section. Such rules
6 shall include, but not be limited to:

7 (1) necessary records identifying the quantities of
8 solid waste received or disposed;

9 (2) the form and submission of reports to accompany the
10 payment of fees to the Agency;

11 (3) the time and manner of payment of fees to the
12 Agency, which payments shall not be more often than
13 quarterly; and

14 (4) procedures setting forth criteria establishing
15 when an owner or operator may measure by weight or volume
16 during any given quarter or other fee payment period.

17 (e) Pursuant to appropriation, all monies in the Solid
18 Waste Management Fund shall be used by the Agency and the
19 Department of Commerce and Economic Opportunity for the
20 purposes set forth in this Section and in the Illinois Solid
21 Waste Management Act, including for the costs of fee collection
22 and administration.

23 (f) The Agency is authorized to enter into such agreements
24 and to promulgate such rules as are necessary to carry out its
25 duties under this Section and the Illinois Solid Waste
26 Management Act.

27 (g) On the first day of January, April, July, and October
28 of each year, beginning on July 1, 1996, the State Comptroller
29 and Treasurer shall transfer \$500,000 from the Solid Waste
30 Management Fund to the Hazardous Waste Fund. Moneys transferred
31 under this subsection (g) shall be used only for the purposes
32 set forth in item (1) of subsection (d) of Section 22.2.

33 (h) The Agency is authorized to provide financial
34 assistance to units of local government for the performance of

1 inspecting, investigating and enforcement activities pursuant
2 to Section 4(r) at nonhazardous solid waste disposal sites.

3 (i) The Agency is authorized to support the operations of
4 an industrial materials exchange service, and to conduct
5 household waste collection and disposal programs.

6 (j) A unit of local government, as defined in the Local
7 Solid Waste Disposal Act, in which a solid waste disposal
8 facility is located may establish a fee, tax, or surcharge with
9 regard to the permanent disposal of solid waste. All fees,
10 taxes, and surcharges collected under this subsection shall be
11 utilized for solid waste management purposes, including
12 long-term monitoring and maintenance of landfills, planning,
13 implementation, inspection, enforcement and other activities
14 consistent with the Solid Waste Management Act and the Local
15 Solid Waste Disposal Act, or for any other environment-related
16 purpose, including but not limited to an environment-related
17 public works project, but not for the construction of a new
18 pollution control facility other than a household hazardous
19 waste facility. However, the total fee, tax or surcharge
20 imposed by all units of local government under this subsection

21 (j) upon the solid waste disposal facility shall not exceed:

22 (1) 60¢ per cubic yard if more than 150,000 cubic yards
23 of non-hazardous solid waste is permanently disposed of at
24 the site in a calendar year, unless the owner or operator
25 weighs the quantity of the solid waste received with a
26 device for which certification has been obtained under the
27 Weights and Measures Act, in which case the fee shall not
28 exceed \$1.27 per ton of solid waste permanently disposed
29 of.

30 (2) \$33,350 if more than 100,000 cubic yards, but not
31 more than 150,000 cubic yards, of non-hazardous waste is
32 permanently disposed of at the site in a calendar year.

33 (3) \$15,500 if more than 50,000 cubic yards, but not
34 more than 100,000 cubic yards, of non-hazardous solid waste

1 is permanently disposed of at the site in a calendar year.

2 (4) \$4,650 if more than 10,000 cubic yards, but not
3 more than 50,000 cubic yards, of non-hazardous solid waste
4 is permanently disposed of at the site in a calendar year.

5 (5) \$650 if not more than 10,000 cubic yards of
6 non-hazardous solid waste is permanently disposed of at the
7 site in a calendar year.

8 The corporate authorities of the unit of local government
9 may use proceeds from the fee, tax, or surcharge to reimburse a
10 highway commissioner whose road district lies wholly or
11 partially within the corporate limits of the unit of local
12 government for expenses incurred in the removal of
13 nonhazardous, nonfluid municipal waste that has been dumped on
14 public property in violation of a State law or local ordinance.

15 A county or Municipal Joint Action Agency that imposes a
16 fee, tax, or surcharge under this subsection may use the
17 proceeds thereof to reimburse a municipality that lies wholly
18 or partially within its boundaries for expenses incurred in the
19 removal of nonhazardous, nonfluid municipal waste that has been
20 dumped on public property in violation of a State law or local
21 ordinance.

22 If the fees are to be used to conduct a local sanitary
23 landfill inspection or enforcement program, the unit of local
24 government must enter into a written delegation agreement with
25 the Agency pursuant to subsection (r) of Section 4. The unit of
26 local government and the Agency shall enter into such a written
27 delegation agreement within 60 days after the establishment of
28 such fees. At least annually, the Agency shall conduct an audit
29 of the expenditures made by units of local government from the
30 funds granted by the Agency to the units of local government
31 for purposes of local sanitary landfill inspection and
32 enforcement programs, to ensure that the funds have been
33 expended for the prescribed purposes under the grant.

34 The fees, taxes or surcharges collected under this

1 subsection (j) shall be placed by the unit of local government
2 in a separate fund, and the interest received on the moneys in
3 the fund shall be credited to the fund. The monies in the fund
4 may be accumulated over a period of years to be expended in
5 accordance with this subsection.

6 A unit of local government, as defined in the Local Solid
7 Waste Disposal Act, shall prepare and distribute to the Agency,
8 in April of each year, a report that details spending plans for
9 monies collected in accordance with this subsection. The report
10 will at a minimum include the following:

11 (1) The total monies collected pursuant to this
12 subsection.

13 (2) The most current balance of monies collected
14 pursuant to this subsection.

15 (3) An itemized accounting of all monies expended for
16 the previous year pursuant to this subsection.

17 (4) An estimation of monies to be collected for the
18 following 3 years pursuant to this subsection.

19 (5) A narrative detailing the general direction and
20 scope of future expenditures for one, 2 and 3 years.

21 The exemptions granted under Sections 22.16 and 22.16a, and
22 under subsections (c) and (k) of this Section, shall be
23 applicable to any fee, tax or surcharge imposed under this
24 subsection (j); except that the fee, tax or surcharge
25 authorized to be imposed under this subsection (j) may be made
26 applicable by a unit of local government to the permanent
27 disposal of solid waste after December 31, 1986, under any
28 contract lawfully executed before June 1, 1986 under which more
29 than 150,000 cubic yards (or 50,000 tons) of solid waste is to
30 be permanently disposed of, even though the waste is exempt
31 from the fee imposed by the State under subsection (b) of this
32 Section pursuant to an exemption granted under Section 22.16.

33 (k) In accordance with the findings and purposes of the
34 Illinois Solid Waste Management Act, beginning January 1, 1989

1 the fee under subsection (b) and the fee, tax or surcharge
2 under subsection (j) shall not apply to:

3 (1) Waste which is hazardous waste; or

4 (2) Waste which is pollution control waste; or

5 (3) Waste from recycling, reclamation or reuse
6 processes which have been approved by the Agency as being
7 designed to remove any contaminant from wastes so as to
8 render such wastes reusable, provided that the process
9 renders at least 50% of the waste reusable; or

10 (4) Non-hazardous solid waste that is received at a
11 sanitary landfill and composted or recycled through a
12 process permitted by the Agency; or

13 (5) Any landfill which is permitted by the Agency to
14 receive only demolition or construction debris or
15 landscape waste.

16 (Source: P.A. 93-32, eff. 7-1-03; 94-91, eff. 7-1-05.)

17 (415 ILCS 5/22.44)

18 Sec. 22.44. Subtitle D management fees.

19 (a) There is created within the State treasury a special
20 fund to be known as the "Subtitle D Management Fund"
21 constituted from the fees collected by the State under this
22 Section.

23 (b) The Agency shall assess and collect a fee in the amount
24 set forth in this subsection from the owner or operator of each
25 sanitary landfill permitted or required to be permitted by the
26 Agency to dispose of solid waste if the sanitary landfill is
27 located off the site where the waste was produced and if the
28 sanitary landfill is owned, controlled, and operated by a
29 person other than the generator of the waste. The Agency shall
30 deposit all fees collected under this subsection into the
31 Subtitle D Management Fund. If a site is contiguous to one or
32 more landfills owned or operated by the same person, the
33 volumes permanently disposed of by each landfill shall be

1 combined for purposes of determining the fee under this
2 subsection.

3 (1) If more than 150,000 cubic yards of non-hazardous
4 solid waste is permanently disposed of at a site in a
5 calendar year, the owner or operator shall either pay a fee
6 of \$0.055 ~~10.1 cents~~ per cubic yard or, alternatively, the
7 owner or operator may weigh the quantity of the solid waste
8 permanently disposed of with a device for which
9 certification has been obtained under the Weights and
10 Measures Act and pay a fee of \$0.12 ~~22~~ cents per ton of
11 waste permanently disposed of.

12 (2) If more than 100,000 cubic yards, but not more than
13 150,000 cubic yards, of non-hazardous waste is permanently
14 disposed of at a site in a calendar year, the owner or
15 operator shall pay a fee of \$3,825 ~~\$7,020~~.

16 (3) If more than 50,000 cubic yards, but not more than
17 100,000 cubic yards, of non-hazardous solid waste is
18 permanently disposed of at a site in a calendar year, the
19 owner or operator shall pay a fee of \$1,700 ~~\$3,120~~.

20 (4) If more than 10,000 cubic yards, but not more than
21 50,000 cubic yards, of non-hazardous solid waste is
22 permanently disposed of at a site in a calendar year, the
23 owner or operator shall pay a fee of \$530 ~~\$975~~.

24 (5) If not more than 10,000 cubic yards of
25 non-hazardous solid waste is permanently disposed of at a
26 site in a calendar year, the owner or operator shall pay a
27 fee of \$110 ~~\$210~~.

28 (c) The fee under subsection (b) shall not apply to any of
29 the following:

30 (1) Hazardous waste.

31 (2) Pollution control waste.

32 (3) Waste from recycling, reclamation, or reuse
33 processes that have been approved by the Agency as being
34 designed to remove any contaminant from wastes so as to

1 render the wastes reusable, provided that the process
2 renders at least 50% of the waste reusable.

3 (4) Non-hazardous solid waste that is received at a
4 sanitary landfill and composted or recycled through a
5 process permitted by the Agency.

6 (5) Any landfill that is permitted by the Agency to
7 receive only demolition or construction debris or
8 landscape waste.

9 (d) The Agency shall establish rules relating to the
10 collection of the fees authorized by this Section. These rules
11 shall include, but not be limited to the following:

12 (1) Necessary records identifying the quantities of
13 solid waste received or disposed.

14 (2) The form and submission of reports to accompany the
15 payment of fees to the Agency.

16 (3) The time and manner of payment of fees to the
17 Agency, which payments shall not be more often than
18 quarterly.

19 (4) Procedures setting forth criteria establishing
20 when an owner or operator may measure by weight or volume
21 during any given quarter or other fee payment period.

22 (e) Fees collected under this Section shall be in addition
23 to any other fees collected under any other Section.

24 (f) The Agency shall not refund any fee paid to it under
25 this Section.

26 (g) Pursuant to appropriation, all moneys in the Subtitle D
27 Management Fund shall be used by the Agency to administer the
28 United States Environmental Protection Agency's Subtitle D
29 Program provided in Sections 4004 and 4010 of the Resource
30 Conservation and Recovery Act of 1976 (P.L. 94-580) as it
31 relates to a municipal solid waste landfill program in Illinois
32 and to fund a delegation of inspecting, investigating, and
33 enforcement functions, within the municipality only, pursuant
34 to subsection (r) of Section 4 of this Act to a municipality

1 having a population of more than 1,000,000 inhabitants. The
2 Agency shall execute a delegation agreement pursuant to
3 subsection (r) of Section 4 of this Act with a municipality
4 having a population of more than 1,000,000 inhabitants within
5 90 days of September 13, 1993 and shall on an annual basis
6 distribute from the Subtitle D Management Fund to that
7 municipality no less than \$150,000. Pursuant to appropriation,
8 moneys in the Subtitle D Management Fund may also be used by
9 the Agency for activities conducted under Section 22.15a of
10 this Act.

11 (Source: P.A. 93-32, eff. 7-1-03; 94-272, eff. 7-19-05.)

12 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

13 Sec. 39.5. Clean Air Act Permit Program.

14 1. Definitions.

15 For purposes of this Section:

16 "Administrative permit amendment" means a permit revision
17 subject to subsection 13 of this Section.

18 "Affected source for acid deposition" means a source that
19 includes one or more affected units under Title IV of the Clean
20 Air Act.

21 "Affected States" for purposes of formal distribution of a
22 draft CAAPP permit to other States for comments prior to
23 issuance, means all States:

24 (1) Whose air quality may be affected by the source
25 covered by the draft permit and that are contiguous to
26 Illinois; or

27 (2) That are within 50 miles of the source.

28 "Affected unit for acid deposition" shall have the meaning
29 given to the term "affected unit" in the regulations
30 promulgated under Title IV of the Clean Air Act.

31 "Applicable Clean Air Act requirement" means all of the
32 following as they apply to emissions units in a source
33 (including regulations that have been promulgated or approved

1 by USEPA pursuant to the Clean Air Act which directly impose
2 requirements upon a source and other such federal requirements
3 which have been adopted by the Board. These may include
4 requirements and regulations which have future effective
5 compliance dates. Requirements and regulations will be exempt
6 if USEPA determines that such requirements need not be
7 contained in a Title V permit):

8 (1) Any standard or other requirement provided for in
9 the applicable state implementation plan approved or
10 promulgated by USEPA under Title I of the Clean Air Act
11 that implement the relevant requirements of the Clean Air
12 Act, including any revisions to the state Implementation
13 Plan promulgated in 40 CFR Part 52, Subparts A and O and
14 other subparts applicable to Illinois. For purposes of this
15 subsection (1) of this definition, "any standard or other
16 requirement" shall mean only such standards or
17 requirements directly enforceable against an individual
18 source under the Clean Air Act.

19 (2)(i) Any term or condition of any preconstruction
20 permits issued pursuant to regulations approved or
21 promulgated by USEPA under Title I of the Clean Air
22 Act, including Part C or D of the Clean Air Act.

23 (ii) Any term or condition as required pursuant to
24 Section 39.5 of any federally enforceable State
25 operating permit issued pursuant to regulations
26 approved or promulgated by USEPA under Title I of the
27 Clean Air Act, including Part C or D of the Clean Air
28 Act.

29 (3) Any standard or other requirement under Section 111
30 of the Clean Air Act, including Section 111(d).

31 (4) Any standard or other requirement under Section 112
32 of the Clean Air Act, including any requirement concerning
33 accident prevention under Section 112(r)(7) of the Clean
34 Air Act.

1 (5) Any standard or other requirement of the acid rain
2 program under Title IV of the Clean Air Act or the
3 regulations promulgated thereunder.

4 (6) Any requirements established pursuant to Section
5 504(b) or Section 114(a) (3) of the Clean Air Act.

6 (7) Any standard or other requirement governing solid
7 waste incineration, under Section 129 of the Clean Air Act.

8 (8) Any standard or other requirement for consumer and
9 commercial products, under Section 183(e) of the Clean Air
10 Act.

11 (9) Any standard or other requirement for tank vessels,
12 under Section 183(f) of the Clean Air Act.

13 (10) Any standard or other requirement of the program
14 to control air pollution from Outer Continental Shelf
15 sources, under Section 328 of the Clean Air Act.

16 (11) Any standard or other requirement of the
17 regulations promulgated to protect stratospheric ozone
18 under Title VI of the Clean Air Act, unless USEPA has
19 determined that such requirements need not be contained in
20 a Title V permit.

21 (12) Any national ambient air quality standard or
22 increment or visibility requirement under Part C of Title I
23 of the Clean Air Act, but only as it would apply to
24 temporary sources permitted pursuant to Section 504(e) of
25 the Clean Air Act.

26 "Applicable requirement" means all applicable Clean Air
27 Act requirements and any other standard, limitation, or other
28 requirement contained in this Act or regulations promulgated
29 under this Act as applicable to sources of air contaminants
30 (including requirements that have future effective compliance
31 dates).

32 "CAAPP" means the Clean Air Act Permit Program, developed
33 pursuant to Title V of the Clean Air Act.

34 "CAAPP application" means an application for a CAAPP

1 permit.

2 "CAAPP Permit" or "permit" (unless the context suggests
3 otherwise) means any permit issued, renewed, amended, modified
4 or revised pursuant to Title V of the Clean Air Act.

5 "CAAPP source" means any source for which the owner or
6 operator is required to obtain a CAAPP permit pursuant to
7 subsection 2 of this Section.

8 "Clean Air Act" means the Clean Air Act, as now and
9 hereafter amended, 42 U.S.C. 7401, et seq.

10 "Designated representative" shall have the meaning given
11 to it in Section 402(26) of the Clean Air Act and the
12 regulations promulgated thereunder which states that the term
13 'designated representative' shall mean a responsible person or
14 official authorized by the owner or operator of a unit to
15 represent the owner or operator in all matters pertaining to
16 the holding, transfer, or disposition of allowances allocated
17 to a unit, and the submission of and compliance with permits,
18 permit applications, and compliance plans for the unit.

19 "Draft CAAPP permit" means the version of a CAAPP permit
20 for which public notice and an opportunity for public comment
21 and hearing is offered by the Agency.

22 "Effective date of the CAAPP" means the date that USEPA
23 approves Illinois' CAAPP.

24 "Emission unit" means any part or activity of a stationary
25 source that emits or has the potential to emit any air
26 pollutant. This term is not meant to alter or affect the
27 definition of the term "unit" for purposes of Title IV of the
28 Clean Air Act.

29 "Federally enforceable" means enforceable by USEPA.

30 "Final permit action" means the Agency's granting with
31 conditions, refusal to grant, renewal of, or revision of a
32 CAAPP permit, the Agency's determination of incompleteness of a
33 submitted CAAPP application, or the Agency's failure to act on
34 an application for a permit, permit renewal, or permit revision

1 within the time specified in paragraph 5(j), subsection 13, or
2 subsection 14 of this Section.

3 "General permit" means a permit issued to cover numerous
4 similar sources in accordance with subsection 11 of this
5 Section.

6 "Major source" means a source for which emissions of one or
7 more air pollutants meet the criteria for major status pursuant
8 to paragraph 2(c) of this Section.

9 "Maximum achievable control technology" or "MACT" means
10 the maximum degree of reductions in emissions deemed achievable
11 under Section 112 of the Clean Air Act.

12 "Owner or operator" means any person who owns, leases,
13 operates, controls, or supervises a stationary source.

14 "Permit modification" means a revision to a CAAPP permit
15 that cannot be accomplished under the provisions for
16 administrative permit amendments under subsection 13 of this
17 Section.

18 "Permit revision" means a permit modification or
19 administrative permit amendment.

20 "Phase II" means the period of the national acid rain
21 program, established under Title IV of the Clean Air Act,
22 beginning January 1, 2000, and continuing thereafter.

23 "Phase II acid rain permit" means the portion of a CAAPP
24 permit issued, renewed, modified, or revised by the Agency
25 during Phase II for an affected source for acid deposition.

26 "Potential to emit" means the maximum capacity of a
27 stationary source to emit any air pollutant under its physical
28 and operational design. Any physical or operational limitation
29 on the capacity of a source to emit an air pollutant, including
30 air pollution control equipment and restrictions on hours of
31 operation or on the type or amount of material combusted,
32 stored, or processed, shall be treated as part of its design if
33 the limitation is enforceable by USEPA. This definition does
34 not alter or affect the use of this term for any other purposes

1 under the Clean Air Act, or the term "capacity factor" as used
2 in Title IV of the Clean Air Act or the regulations promulgated
3 thereunder.

4 "Preconstruction Permit" or "Construction Permit" means a
5 permit which is to be obtained prior to commencing or beginning
6 actual construction or modification of a source or emissions
7 unit.

8 "Proposed CAAPP permit" means the version of a CAAPP permit
9 that the Agency proposes to issue and forwards to USEPA for
10 review in compliance with applicable requirements of the Act
11 and regulations promulgated thereunder.

12 "Regulated air pollutant" means the following:

13 (1) Nitrogen oxides (NOx) or any volatile organic
14 compound.

15 (2) Any pollutant for which a national ambient air
16 quality standard has been promulgated.

17 (3) Any pollutant that is subject to any standard
18 promulgated under Section 111 of the Clean Air Act.

19 (4) Any Class I or II substance subject to a standard
20 promulgated under or established by Title VI of the Clean
21 Air Act.

22 (5) Any pollutant subject to a standard promulgated
23 under Section 112 or other requirements established under
24 Section 112 of the Clean Air Act, including Sections
25 112(g), (j) and (r).

26 (i) Any pollutant subject to requirements under
27 Section 112(j) of the Clean Air Act. Any pollutant
28 listed under Section 112(b) for which the subject
29 source would be major shall be considered to be
30 regulated 18 months after the date on which USEPA was
31 required to promulgate an applicable standard pursuant
32 to Section 112(e) of the Clean Air Act, if USEPA fails
33 to promulgate such standard.

34 (ii) Any pollutant for which the requirements of

1 Section 112(g) (2) of the Clean Air Act have been met,
2 but only with respect to the individual source subject
3 to Section 112(g) (2) requirement.

4 "Renewal" means the process by which a permit is reissued
5 at the end of its term.

6 "Responsible official" means one of the following:

7 (1) For a corporation: a president, secretary,
8 treasurer, or vice-president of the corporation in charge
9 of a principal business function, or any other person who
10 performs similar policy or decision-making functions for
11 the corporation, or a duly authorized representative of
12 such person if the representative is responsible for the
13 overall operation of one or more manufacturing,
14 production, or operating facilities applying for or
15 subject to a permit and either (i) the facilities employ
16 more than 250 persons or have gross annual sales or
17 expenditures exceeding \$25 million (in second quarter 1980
18 dollars), or (ii) the delegation of authority to such
19 representative is approved in advance by the Agency.

20 (2) For a partnership or sole proprietorship: a general
21 partner or the proprietor, respectively, or in the case of
22 a partnership in which all of the partners are
23 corporations, a duly authorized representative of the
24 partnership if the representative is responsible for the
25 overall operation of one or more manufacturing,
26 production, or operating facilities applying for or
27 subject to a permit and either (i) the facilities employ
28 more than 250 persons or have gross annual sales or
29 expenditures exceeding \$25 million (in second quarter 1980
30 dollars), or (ii) the delegation of authority to such
31 representative is approved in advance by the Agency.

32 (3) For a municipality, State, Federal, or other public
33 agency: either a principal executive officer or ranking
34 elected official. For the purposes of this part, a

1 principal executive officer of a Federal agency includes
2 the chief executive officer having responsibility for the
3 overall operations of a principal geographic unit of the
4 agency (e.g., a Regional Administrator of USEPA).

5 (4) For affected sources for acid deposition:

6 (i) The designated representative shall be the
7 "responsible official" in so far as actions,
8 standards, requirements, or prohibitions under Title
9 IV of the Clean Air Act or the regulations promulgated
10 thereunder are concerned.

11 (ii) The designated representative may also be the
12 "responsible official" for any other purposes with
13 respect to air pollution control.

14 "Section 502(b)(10) changes" means changes that contravene
15 express permit terms. "Section 502(b)(10) changes" do not
16 include changes that would violate applicable requirements or
17 contravene federally enforceable permit terms or conditions
18 that are monitoring (including test methods), recordkeeping,
19 reporting, or compliance certification requirements.

20 "Solid waste incineration unit" means a distinct operating
21 unit of any facility which combusts any solid waste material
22 from commercial or industrial establishments or the general
23 public (including single and multiple residences, hotels, and
24 motels). The term does not include incinerators or other units
25 required to have a permit under Section 3005 of the Solid Waste
26 Disposal Act. The term also does not include (A) materials
27 recovery facilities (including primary or secondary smelters)
28 which combust waste for the primary purpose of recovering
29 metals, (B) qualifying small power production facilities, as
30 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.
31 769(17)(C)), or qualifying cogeneration facilities, as defined
32 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.
33 796(18)(B)), which burn homogeneous waste (such as units which
34 burn tires or used oil, but not including refuse-derived fuel)

1 for the production of electric energy or in the case of
2 qualifying cogeneration facilities which burn homogeneous
3 waste for the production of electric energy and steam or forms
4 of useful energy (such as heat) which are used for industrial,
5 commercial, heating or cooling purposes, or (C) air curtain
6 incinerators provided that such incinerators only burn wood
7 wastes, yard waste and clean lumber and that such air curtain
8 incinerators comply with opacity limitations to be established
9 by the USEPA by rule.

10 "Source" means any stationary source (or any group of
11 stationary sources) that are located on one or more contiguous
12 or adjacent properties that are under common control of the
13 same person (or persons under common control) and that belongs
14 to a single major industrial grouping. For the purposes of
15 defining "source," a stationary source or group of stationary
16 sources shall be considered part of a single major industrial
17 grouping if all of the pollutant emitting activities at such
18 source or group of sources located on contiguous or adjacent
19 properties and under common control belong to the same Major
20 Group (i.e., all have the same two-digit code) as described in
21 the Standard Industrial Classification Manual, 1987, or such
22 pollutant emitting activities at a stationary source (or group
23 of stationary sources) located on contiguous or adjacent
24 properties and under common control constitute a support
25 facility. The determination as to whether any group of
26 stationary sources are located on contiguous or adjacent
27 properties, and/or are under common control, and/or whether the
28 pollutant emitting activities at such group of stationary
29 sources constitute a support facility shall be made on a case
30 by case basis.

31 "Stationary source" means any building, structure,
32 facility, or installation that emits or may emit any regulated
33 air pollutant or any pollutant listed under Section 112(b) of
34 the Clean Air Act.

1 "Support facility" means any stationary source (or group of
2 stationary sources) that conveys, stores, or otherwise assists
3 to a significant extent in the production of a principal
4 product at another stationary source (or group of stationary
5 sources). A support facility shall be considered to be part of
6 the same source as the stationary source (or group of
7 stationary sources) that it supports regardless of the 2-digit
8 Standard Industrial Classification code for the support
9 facility.

10 "USEPA" means the Administrator of the United States
11 Environmental Protection Agency (USEPA) or a person designated
12 by the Administrator.

13 1.1. Exclusion From the CAAPP.

14 a. An owner or operator of a source which determines
15 that the source could be excluded from the CAAPP may seek
16 such exclusion prior to the date that the CAAPP application
17 for the source is due but in no case later than 9 months
18 after the effective date of the CAAPP through the
19 imposition of federally enforceable conditions limiting
20 the "potential to emit" of the source to a level below the
21 major source threshold for that source as described in
22 paragraph 2(c) of this Section, within a State operating
23 permit issued pursuant to Section 39(a) of this Act. After
24 such date, an exclusion from the CAAPP may be sought under
25 paragraph 3(c) of this Section.

26 b. An owner or operator of a source seeking exclusion
27 from the CAAPP pursuant to paragraph (a) of this subsection
28 must submit a permit application consistent with the
29 existing State permit program which specifically requests
30 such exclusion through the imposition of such federally
31 enforceable conditions.

32 c. Upon such request, if the Agency determines that the
33 owner or operator of a source has met the requirements for

1 exclusion pursuant to paragraph (a) of this subsection and
2 other applicable requirements for permit issuance under
3 Section 39(a) of this Act, the Agency shall issue a State
4 operating permit for such source under Section 39(a) of
5 this Act, as amended, and regulations promulgated
6 thereunder with federally enforceable conditions limiting
7 the "potential to emit" of the source to a level below the
8 major source threshold for that source as described in
9 paragraph 2(c) of this Section.

10 d. The Agency shall provide an owner or operator of a
11 source which may be excluded from the CAAPP pursuant to
12 this subsection with reasonable notice that the owner or
13 operator may seek such exclusion.

14 e. The Agency shall provide such sources with the
15 necessary permit application forms.

16 2. Applicability.

17 a. Sources subject to this Section shall include:

18 i. Any major source as defined in paragraph (c) of
19 this subsection.

20 ii. Any source subject to a standard or other
21 requirements promulgated under Section 111 (New Source
22 Performance Standards) or Section 112 (Hazardous Air
23 Pollutants) of the Clean Air Act, except that a source
24 is not required to obtain a permit solely because it is
25 subject to regulations or requirements under Section
26 112(r) of the Clean Air Act.

27 iii. Any affected source for acid deposition, as
28 defined in subsection 1 of this Section.

29 iv. Any other source subject to this Section under
30 the Clean Air Act or regulations promulgated
31 thereunder, or applicable Board regulations.

32 b. Sources exempted from this Section shall include:

33 i. All sources listed in paragraph (a) of this

1 subsection which are not major sources, affected
2 sources for acid deposition or solid waste
3 incineration units required to obtain a permit
4 pursuant to Section 129(e) of the Clean Air Act, until
5 the source is required to obtain a CAAPP permit
6 pursuant to the Clean Air Act or regulations
7 promulgated thereunder.

8 ii. Nonmajor sources subject to a standard or other
9 requirements subsequently promulgated by USEPA under
10 Section 111 or 112 of the Clean Air Act which are
11 determined by USEPA to be exempt at the time a new
12 standard is promulgated.

13 iii. All sources and source categories that would
14 be required to obtain a permit solely because they are
15 subject to Part 60, Subpart AAA - Standards of
16 Performance for New Residential Wood Heaters (40 CFR
17 Part 60).

18 iv. All sources and source categories that would be
19 required to obtain a permit solely because they are
20 subject to Part 61, Subpart M - National Emission
21 Standard for Hazardous Air Pollutants for Asbestos,
22 Section 61.145 (40 CFR Part 61).

23 v. Any other source categories exempted by USEPA
24 regulations pursuant to Section 502(a) of the Clean Air
25 Act.

26 c. For purposes of this Section the term "major source"
27 means any source that is:

28 i. A major source under Section 112 of the Clean
29 Air Act, which is defined as:

30 A. For pollutants other than radionuclides,
31 any stationary source or group of stationary
32 sources located within a contiguous area and under
33 common control that emits or has the potential to
34 emit, in the aggregate, 10 tons per year (tpy) or

1 more of any hazardous air pollutant which has been
2 listed pursuant to Section 112(b) of the Clean Air
3 Act, 25 tpy or more of any combination of such
4 hazardous air pollutants, or such lesser quantity
5 as USEPA may establish by rule. Notwithstanding
6 the preceding sentence, emissions from any oil or
7 gas exploration or production well (with its
8 associated equipment) and emissions from any
9 pipeline compressor or pump station shall not be
10 aggregated with emissions from other similar
11 units, whether or not such units are in a
12 contiguous area or under common control, to
13 determine whether such stations are major sources.

14 B. For radionuclides, "major source" shall
15 have the meaning specified by the USEPA by rule.

16 ii. A major stationary source of air pollutants, as
17 defined in Section 302 of the Clean Air Act, that
18 directly emits or has the potential to emit, 100 tpy or
19 more of any air pollutant (including any major source
20 of fugitive emissions of any such pollutant, as
21 determined by rule by USEPA). For purposes of this
22 subsection, "fugitive emissions" means those emissions
23 which could not reasonably pass through a stack,
24 chimney, vent, or other functionally-equivalent
25 opening. The fugitive emissions of a stationary source
26 shall not be considered in determining whether it is a
27 major stationary source for the purposes of Section
28 302(j) of the Clean Air Act, unless the source belongs
29 to one of the following categories of stationary
30 source:

- 31 A. Coal cleaning plants (with thermal dryers).
32 B. Kraft pulp mills.
33 C. Portland cement plants.
34 D. Primary zinc smelters.

- 1 E. Iron and steel mills.
- 2 F. Primary aluminum ore reduction plants.
- 3 G. Primary copper smelters.
- 4 H. Municipal incinerators capable of charging
5 more than 250 tons of refuse per day.
- 6 I. Hydrofluoric, sulfuric, or nitric acid
7 plants.
- 8 J. Petroleum refineries.
- 9 K. Lime plants.
- 10 L. Phosphate rock processing plants.
- 11 M. Coke oven batteries.
- 12 N. Sulfur recovery plants.
- 13 O. Carbon black plants (furnace process).
- 14 P. Primary lead smelters.
- 15 Q. Fuel conversion plants.
- 16 R. Sintering plants.
- 17 S. Secondary metal production plants.
- 18 T. Chemical process plants.
- 19 U. Fossil-fuel boilers (or combination
20 thereof) totaling more than 250 million British
21 thermal units per hour heat input.
- 22 V. Petroleum storage and transfer units with a
23 total storage capacity exceeding 300,000 barrels.
- 24 W. Taconite ore processing plants.
- 25 X. Glass fiber processing plants.
- 26 Y. Charcoal production plants.
- 27 Z. Fossil fuel-fired steam electric plants of
28 more than 250 million British thermal units per
29 hour heat input.
- 30 AA. All other stationary source categories,
31 which as of August 7, 1980 are being regulated by a
32 standard promulgated under Section 111 or 112 of
33 the Clean Air Act.
- 34 BB. Any other stationary source category

1 designated by USEPA by rule.

2 iii. A major stationary source as defined in part D
3 of Title I of the Clean Air Act including:

4 A. For ozone nonattainment areas, sources with
5 the potential to emit 100 tons or more per year of
6 volatile organic compounds or oxides of nitrogen
7 in areas classified as "marginal" or "moderate",
8 50 tons or more per year in areas classified as
9 "serious", 25 tons or more per year in areas
10 classified as "severe", and 10 tons or more per
11 year in areas classified as "extreme"; except that
12 the references in this clause to 100, 50, 25, and
13 10 tons per year of nitrogen oxides shall not apply
14 with respect to any source for which USEPA has made
15 a finding, under Section 182(f)(1) or (2) of the
16 Clean Air Act, that requirements otherwise
17 applicable to such source under Section 182(f) of
18 the Clean Air Act do not apply. Such sources shall
19 remain subject to the major source criteria of
20 paragraph 2(c)(ii) of this subsection.

21 B. For ozone transport regions established
22 pursuant to Section 184 of the Clean Air Act,
23 sources with the potential to emit 50 tons or more
24 per year of volatile organic compounds (VOCs).

25 C. For carbon monoxide nonattainment areas (1)
26 that are classified as "serious", and (2) in which
27 stationary sources contribute significantly to
28 carbon monoxide levels as determined under rules
29 issued by USEPA, sources with the potential to emit
30 50 tons or more per year of carbon monoxide.

31 D. For particulate matter (PM-10)
32 nonattainment areas classified as "serious",
33 sources with the potential to emit 70 tons or more
34 per year of PM-10.

1 3. Agency Authority To Issue CAAPP Permits and Federally
2 Enforceable State Operating Permits.

3 a. The Agency shall issue CAAPP permits under this
4 Section consistent with the Clean Air Act and regulations
5 promulgated thereunder and this Act and regulations
6 promulgated thereunder.

7 b. The Agency shall issue CAAPP permits for fixed terms
8 of 5 years, except CAAPP permits issued for solid waste
9 incineration units combusting municipal waste which shall
10 be issued for fixed terms of 12 years and except CAAPP
11 permits for affected sources for acid deposition which
12 shall be issued for initial terms to expire on December 31,
13 1999, and for fixed terms of 5 years thereafter.

14 c. The Agency shall have the authority to issue a State
15 operating permit for a source under Section 39(a) of this
16 Act, as amended, and regulations promulgated thereunder,
17 which includes federally enforceable conditions limiting
18 the "potential to emit" of the source to a level below the
19 major source threshold for that source as described in
20 paragraph 2(c) of this Section, thereby excluding the
21 source from the CAAPP, when requested by the applicant
22 pursuant to paragraph 5(u) of this Section. The public
23 notice requirements of this Section applicable to CAAPP
24 permits shall also apply to the initial issuance of permits
25 under this paragraph.

26 d. For purposes of this Act, a permit issued by USEPA
27 under Section 505 of the Clean Air Act, as now and
28 hereafter amended, shall be deemed to be a permit issued by
29 the Agency pursuant to Section 39.5 of this Act.

30 4. Transition.

31 a. An owner or operator of a CAAPP source shall not be
32 required to renew an existing State operating permit for

1 any emission unit at such CAAPP source once a CAAPP
2 application timely submitted prior to expiration of the
3 State operating permit has been deemed complete. For
4 purposes other than permit renewal, the obligation upon the
5 owner or operator of a CAAPP source to obtain a State
6 operating permit is not removed upon submittal of the
7 complete CAAPP permit application. An owner or operator of
8 a CAAPP source seeking to make a modification to a source
9 prior to the issuance of its CAAPP permit shall be required
10 to obtain a construction and/or operating permit as
11 required for such modification in accordance with the State
12 permit program under Section 39(a) of this Act, as amended,
13 and regulations promulgated thereunder. The application
14 for such construction and/or operating permit shall be
15 considered an amendment to the CAAPP application submitted
16 for such source.

17 b. An owner or operator of a CAAPP source shall
18 continue to operate in accordance with the terms and
19 conditions of its applicable State operating permit
20 notwithstanding the expiration of the State operating
21 permit until the source's CAAPP permit has been issued.

22 c. An owner or operator of a CAAPP source shall submit
23 its initial CAAPP application to the Agency no later than
24 12 months after the effective date of the CAAPP. The Agency
25 may request submittal of initial CAAPP applications during
26 this 12 month period according to a schedule set forth
27 within Agency procedures, however, in no event shall the
28 Agency require such submittal earlier than 3 months after
29 such effective date of the CAAPP. An owner or operator may
30 voluntarily submit its initial CAAPP application prior to
31 the date required within this paragraph or applicable
32 procedures, if any, subsequent to the date the Agency
33 submits the CAAPP to USEPA for approval.

34 d. The Agency shall act on initial CAAPP applications

1 in accordance with subsection 5(j) of this Section.

2 e. For purposes of this Section, the term "initial
3 CAAPP application" shall mean the first CAAPP application
4 submitted for a source existing as of the effective date of
5 the CAAPP.

6 f. The Agency shall provide owners or operators of
7 CAAPP sources with at least three months advance notice of
8 the date on which their applications are required to be
9 submitted. In determining which sources shall be subject to
10 early submittal, the Agency shall include among its
11 considerations the complexity of the permit application,
12 and the burden that such early submittal will have on the
13 source.

14 g. The CAAPP permit shall upon becoming effective
15 supersede the State operating permit.

16 h. 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 5. Applications and Completeness.

21 a. An owner or operator of a CAAPP source shall submit
22 its complete CAAPP application consistent with the Act and
23 applicable regulations.

24 b. An owner or operator of a CAAPP source shall submit
25 a single complete CAAPP application covering all emission
26 units at that source.

27 c. To be deemed complete, a CAAPP application must
28 provide all information, as requested in Agency
29 application forms, sufficient to evaluate the subject
30 source and its application and to determine all applicable
31 requirements, pursuant to the Clean Air Act, and
32 regulations thereunder, this Act and regulations
33 thereunder. Such Agency application forms shall be

1 finalized and made available prior to the date on which any
2 CAAPP application is required.

3 d. An owner or operator of a CAAPP source shall submit,
4 as part of its complete CAAPP application, a compliance
5 plan, including a schedule of compliance, describing how
6 each emission unit will comply with all applicable
7 requirements. Any such schedule of compliance shall be
8 supplemental to, and shall not sanction noncompliance
9 with, the applicable requirements on which it is based.

10 e. Each submitted CAAPP application shall be certified
11 for truth, accuracy, and completeness by a responsible
12 official in accordance with applicable regulations.

13 f. The Agency shall provide notice to a CAAPP applicant
14 as to whether a submitted CAAPP application is complete.
15 Unless the Agency notifies the applicant of
16 incompleteness, within 60 days of receipt of the CAAPP
17 application, the application shall be deemed complete. The
18 Agency may request additional information as needed to make
19 the completeness determination. The Agency may to the
20 extent practicable provide the applicant with a reasonable
21 opportunity to correct deficiencies prior to a final
22 determination of completeness.

23 g. If after the determination of completeness the
24 Agency finds that additional information is necessary to
25 evaluate or take final action on the CAAPP application, the
26 Agency may request in writing such information from the
27 source with a reasonable deadline for response.

28 h. If the owner or operator of a CAAPP source submits a
29 timely and complete CAAPP application, the source's
30 failure to have a CAAPP permit shall not be a violation of
31 this Section until the Agency takes final action on the
32 submitted CAAPP application, provided, however, where the
33 applicant fails to submit the requested information under
34 paragraph 5(g) within the time frame specified by the

1 Agency, this protection shall cease to apply.

2 i. Any applicant who fails to submit any relevant facts
3 necessary to evaluate the subject source and its CAAPP
4 application or who has submitted incorrect information in a
5 CAAPP application shall, upon becoming aware of such
6 failure or incorrect submittal, submit supplementary facts
7 or correct information to the Agency. In addition, an
8 applicant shall provide to the Agency additional
9 information as necessary to address any requirements which
10 become applicable to the source subsequent to the date the
11 applicant submitted its complete CAAPP application but
12 prior to release of the draft CAAPP permit.

13 j. The Agency shall issue or deny the CAAPP permit
14 within 18 months after the date of receipt of the complete
15 CAAPP application, with the following exceptions: (i)
16 permits for affected sources for acid deposition shall be
17 issued or denied within 6 months after receipt of a
18 complete application in accordance with subsection 17 of
19 this Section; (ii) the Agency shall act on initial CAAPP
20 applications within 24 months after the date of receipt of
21 the complete CAAPP application; (iii) the Agency shall act
22 on complete applications containing early reduction
23 demonstrations under Section 112(i) (5) of the Clean Air Act
24 within 9 months of receipt of the complete CAAPP
25 application.

26 Where the Agency does not take final action on the
27 permit within the required time period, the permit shall
28 not be deemed issued; rather, the failure to act shall be
29 treated as a final permit action for purposes of judicial
30 review pursuant to Sections 40.2 and 41 of this Act.

31 k. The submittal of a complete CAAPP application shall
32 not affect the requirement that any source have a
33 preconstruction permit under Title I of the Clean Air Act.

34 l. Unless a timely and complete renewal application has

1 been submitted consistent with this subsection, a CAAPP
2 source operating upon the expiration of its CAAPP permit
3 shall be deemed to be operating without a CAAPP permit.
4 Such operation is prohibited under this Act.

5 m. Permits being renewed shall be subject to the same
6 procedural requirements, including those for public
7 participation and federal review and objection, that apply
8 to original permit issuance.

9 n. For purposes of permit renewal, a timely application
10 is one that is submitted no less than 9 months prior to the
11 date of permit expiration.

12 o. The terms and conditions of a CAAPP permit shall
13 remain in effect until the issuance of a CAAPP renewal
14 permit provided a timely and complete CAAPP application has
15 been submitted.

16 p. The owner or operator of a CAAPP source seeking a
17 permit shield pursuant to paragraph 7(j) of this Section
18 shall request such permit shield in the CAAPP application
19 regarding that source.

20 q. The Agency shall make available to the public all
21 documents submitted by the applicant to the Agency,
22 including each CAAPP application, compliance plan
23 (including the schedule of compliance), and emissions or
24 compliance monitoring report, with the exception of
25 information entitled to confidential treatment pursuant to
26 Section 7 of this Act.

27 r. The Agency shall use the standardized forms required
28 under Title IV of the Clean Air Act and regulations
29 promulgated thereunder for affected sources for acid
30 deposition.

31 s. An owner or operator of a CAAPP source may include
32 within its CAAPP application a request for permission to
33 operate during a startup, malfunction, or breakdown
34 consistent with applicable Board regulations.

1 t. An owner or operator of a CAAPP source, in order to
2 utilize the operational flexibility provided under
3 paragraph 7(1) of this Section, must request such use and
4 provide the necessary information within its CAAPP
5 application.

6 u. An owner or operator of a CAAPP source which seeks
7 exclusion from the CAAPP through the imposition of
8 federally enforceable conditions, pursuant to paragraph
9 3(c) of this Section, must request such exclusion within a
10 CAAPP application submitted consistent with this
11 subsection on or after the date that the CAAPP application
12 for the source is due. Prior to such date, but in no case
13 later than 9 months after the effective date of the CAAPP,
14 such owner or operator may request the imposition of
15 federally enforceable conditions pursuant to paragraph
16 1.1(b) of this Section.

17 v. CAAPP applications shall contain accurate
18 information on allowable emissions to implement the fee
19 provisions of subsection 18 of this Section.

20 w. An owner or operator of a CAAPP source shall submit
21 within its CAAPP application emissions information
22 regarding all regulated air pollutants emitted at that
23 source consistent with applicable Agency procedures.
24 Emissions information regarding insignificant activities
25 or emission levels, as determined by the Agency pursuant to
26 Board regulations, may be submitted as a list within the
27 CAAPP application. The Agency shall propose regulations to
28 the Board defining insignificant activities or emission
29 levels, consistent with federal regulations, if any, no
30 later than 18 months after the effective date of this
31 amendatory Act of 1992, consistent with Section 112(n) (1)
32 of the Clean Air Act. The Board shall adopt final
33 regulations defining insignificant activities or emission
34 levels no later than 9 months after the date of the

1 Agency's proposal.

2 x. The owner or operator of a new CAAPP source shall
3 submit its complete CAAPP application consistent with this
4 subsection within 12 months after commencing operation of
5 such source. The owner or operator of an existing source
6 that has been excluded from the provisions of this Section
7 under subsection 1.1 or subsection 3(c) of this Section and
8 that becomes subject to the CAAPP solely due to a change in
9 operation at the source shall submit its complete CAAPP
10 application consistent with this subsection at least 180
11 days before commencing operation in accordance with the
12 change in operation.

13 y. The Agency shall have the authority to adopt
14 procedural rules, in accordance with the Illinois
15 Administrative Procedure Act, as the Agency deems
16 necessary to implement this subsection.

17 6. Prohibitions.

18 a. It shall be unlawful for any person to violate any
19 terms or conditions of a permit issued under this Section,
20 to operate any CAAPP source except in compliance with a
21 permit issued by the Agency under this Section or to
22 violate any other applicable requirements. All terms and
23 conditions of a permit issued under this Section are
24 enforceable by USEPA and citizens under the Clean Air Act,
25 except those, if any, that are specifically designated as
26 not being federally enforceable in the permit pursuant to
27 paragraph 7(m) of this Section.

28 b. After the applicable CAAPP permit or renewal
29 application submittal date, as specified in subsection 5 of
30 this Section, no person shall operate a CAAPP source
31 without a CAAPP permit unless the complete CAAPP permit or
32 renewal application for such source has been timely
33 submitted to the Agency.

1 c. No owner or operator of a CAAPP source shall cause
2 or threaten or allow the continued operation of an emission
3 source during malfunction or breakdown of the emission
4 source or related air pollution control equipment if such
5 operation would cause a violation of the standards or
6 limitations applicable to the source, unless the CAAPP
7 permit granted to the source provides for such operation
8 consistent with this Act and applicable Board regulations.

9 7. Permit Content.

10 a. All CAAPP permits shall contain emission
11 limitations and standards and other enforceable terms and
12 conditions, including but not limited to operational
13 requirements, and schedules for achieving compliance at
14 the earliest reasonable date, which are or will be required
15 to accomplish the purposes and provisions of this Act and
16 to assure compliance with all applicable requirements.

17 b. The Agency shall include among such conditions
18 applicable monitoring, reporting, record keeping and
19 compliance certification requirements, as authorized by
20 paragraphs d, e, and f of this subsection, that the Agency
21 deems necessary to assure compliance with the Clean Air
22 Act, the regulations promulgated thereunder, this Act, and
23 applicable Board regulations. When monitoring, reporting,
24 record keeping, and compliance certification requirements
25 are specified within the Clean Air Act, regulations
26 promulgated thereunder, this Act, or applicable
27 regulations, such requirements shall be included within
28 the CAAPP permit. The Board shall have authority to
29 promulgate additional regulations where necessary to
30 accomplish the purposes of the Clean Air Act, this Act, and
31 regulations promulgated thereunder.

32 c. The Agency shall assure, within such conditions, the
33 use of terms, test methods, units, averaging periods, and

1 other statistical conventions consistent with the
2 applicable emission limitations, standards, and other
3 requirements contained in the permit.

4 d. To meet the requirements of this subsection with
5 respect to monitoring, the permit shall:

6 i. Incorporate and identify all applicable
7 emissions monitoring and analysis procedures or test
8 methods required under the Clean Air Act, regulations
9 promulgated thereunder, this Act, and applicable Board
10 regulations, including any procedures and methods
11 promulgated by USEPA pursuant to Section 504(b) or
12 Section 114 (a) (3) of the Clean Air Act.

13 ii. Where the applicable requirement does not
14 require periodic testing or instrumental or
15 noninstrumental monitoring (which may consist of
16 recordkeeping designed to serve as monitoring),
17 require periodic monitoring sufficient to yield
18 reliable data from the relevant time period that is
19 representative of the source's compliance with the
20 permit, as reported pursuant to paragraph (f) of this
21 subsection. The Agency may determine that
22 recordkeeping requirements are sufficient to meet the
23 requirements of this subparagraph.

24 iii. As necessary, specify requirements concerning
25 the use, maintenance, and when appropriate,
26 installation of monitoring equipment or methods.

27 e. To meet the requirements of this subsection with
28 respect to record keeping, the permit shall incorporate and
29 identify all applicable recordkeeping requirements and
30 require, where applicable, the following:

31 i. Records of required monitoring information that
32 include the following:

33 A. The date, place and time of sampling or
34 measurements.

1 B. The date(s) analyses were performed.

2 C. The company or entity that performed the
3 analyses.

4 D. The analytical techniques or methods used.

5 E. The results of such analyses.

6 F. The operating conditions as existing at the
7 time of sampling or measurement.

8 ii. Retention of records of all monitoring data
9 and support information for a period of at least 5
10 years from the date of the monitoring sample,
11 measurement, report, or application. Support
12 information includes all calibration and maintenance
13 records, original strip-chart recordings for
14 continuous monitoring instrumentation, and copies of
15 all reports required by the permit.

16 f. To meet the requirements of this subsection with
17 respect to reporting, the permit shall incorporate and
18 identify all applicable reporting requirements and require
19 the following:

20 i. Submittal of reports of any required monitoring
21 every 6 months. More frequent submittals may be
22 requested by the Agency if such submittals are
23 necessary to assure compliance with this Act or
24 regulations promulgated by the Board thereunder. All
25 instances of deviations from permit requirements must
26 be clearly identified in such reports. All required
27 reports must be certified by a responsible official
28 consistent with subsection 5 of this Section.

29 ii. Prompt reporting of deviations from permit
30 requirements, including those attributable to upset
31 conditions as defined in the permit, the probable cause
32 of such deviations, and any corrective actions or
33 preventive measures taken.

34 g. Each CAAPP permit issued under subsection 10 of this

1 Section shall include a condition prohibiting emissions
2 exceeding any allowances that the source lawfully holds
3 under Title IV of the Clean Air Act or the regulations
4 promulgated thereunder, consistent with subsection 17 of
5 this Section and applicable regulations, if any.

6 h. All CAAPP permits shall state that, where another
7 applicable requirement of the Clean Air Act is more
8 stringent than any applicable requirement of regulations
9 promulgated under Title IV of the Clean Air Act, both
10 provisions shall be incorporated into the permit and shall
11 be State and federally enforceable.

12 i. Each CAAPP permit issued under subsection 10 of this
13 Section shall include a severability clause to ensure the
14 continued validity of the various permit requirements in
15 the event of a challenge to any portions of the permit.

16 j. The following shall apply with respect to owners or
17 operators requesting a permit shield:

18 i. The Agency shall include in a CAAPP permit, when
19 requested by an applicant pursuant to paragraph 5(p) of
20 this Section, a provision stating that compliance with
21 the conditions of the permit shall be deemed compliance
22 with applicable requirements which are applicable as
23 of the date of release of the proposed permit, provided
24 that:

25 A. The applicable requirement is specifically
26 identified within the permit; or

27 B. The Agency in acting on the CAAPP
28 application or revision determines in writing that
29 other requirements specifically identified are not
30 applicable to the source, and the permit includes
31 that determination or a concise summary thereof.

32 ii. The permit shall identify the requirements for
33 which the source is shielded. The shield shall not
34 extend to applicable requirements which are

1 promulgated after the date of release of the proposed
2 permit unless the permit has been modified to reflect
3 such new requirements.

4 iii. A CAAPP permit which does not expressly
5 indicate the existence of a permit shield shall not
6 provide such a shield.

7 iv. Nothing in this paragraph or in a CAAPP permit
8 shall alter or affect the following:

9 A. The provisions of Section 303 (emergency
10 powers) of the Clean Air Act, including USEPA's
11 authority under that section.

12 B. The liability of an owner or operator of a
13 source for any violation of applicable
14 requirements prior to or at the time of permit
15 issuance.

16 C. The applicable requirements of the acid
17 rain program consistent with Section 408(a) of the
18 Clean Air Act.

19 D. The ability of USEPA to obtain information
20 from a source pursuant to Section 114
21 (inspections, monitoring, and entry) of the Clean
22 Air Act.

23 k. Each CAAPP permit shall include an emergency
24 provision providing an affirmative defense of emergency to
25 an action brought for noncompliance with technology-based
26 emission limitations under a CAAPP permit if the following
27 conditions are met through properly signed,
28 contemporaneous operating logs, or other relevant
29 evidence:

30 i. An emergency occurred and the permittee can
31 identify the cause(s) of the emergency.

32 ii. The permitted facility was at the time being
33 properly operated.

34 iii. The permittee submitted notice of the

1 emergency to the Agency within 2 working days of the
2 time when emission limitations were exceeded due to the
3 emergency. This notice must contain a detailed
4 description of the emergency, any steps taken to
5 mitigate emissions, and corrective actions taken.

6 iv. During the period of the emergency the
7 permittee took all reasonable steps to minimize levels
8 of emissions that exceeded the emission limitations,
9 standards, or requirements in the permit.

10 For purposes of this subsection, "emergency" means any
11 situation arising from sudden and reasonably unforeseeable
12 events beyond the control of the source, such as an act of
13 God, that requires immediate corrective action to restore
14 normal operation, and that causes the source to exceed a
15 technology-based emission limitation under the permit, due
16 to unavoidable increases in emissions attributable to the
17 emergency. An emergency shall not include noncompliance to
18 the extent caused by improperly designed equipment, lack of
19 preventative maintenance, careless or improper operation,
20 or operation error.

21 In any enforcement proceeding, the permittee seeking
22 to establish the occurrence of an emergency has the burden
23 of proof. This provision is in addition to any emergency or
24 upset provision contained in any applicable requirement.
25 This provision does not relieve a permittee of any
26 reporting obligations under existing federal or state laws
27 or regulations.

28 1. The Agency shall include in each permit issued under
29 subsection 10 of this Section:

30 i. Terms and conditions for reasonably anticipated
31 operating scenarios identified by the source in its
32 application. The permit terms and conditions for each
33 such operating scenario shall meet all applicable
34 requirements and the requirements of this Section.

1 A. Under this subparagraph, the source must
2 record in a log at the permitted facility a record
3 of the scenario under which it is operating
4 contemporaneously with making a change from one
5 operating scenario to another.

6 B. The permit shield described in paragraph
7 7(j) of this Section shall extend to all terms and
8 conditions under each such operating scenario.

9 ii. Where requested by an applicant, all terms and
10 conditions allowing for trading of emissions increases
11 and decreases between different emission units at the
12 CAAPP source, to the extent that the applicable
13 requirements provide for trading of such emissions
14 increases and decreases without a case-by-case
15 approval of each emissions trade. Such terms and
16 conditions:

17 A. Shall include all terms required under this
18 subsection to determine compliance;

19 B. Must meet all applicable requirements;

20 C. Shall extend the permit shield described in
21 paragraph 7(j) of this Section to all terms and
22 conditions that allow such increases and decreases
23 in emissions.

24 m. The Agency shall specifically designate as not being
25 federally enforceable under the Clean Air Act any terms and
26 conditions included in the permit that are not specifically
27 required under the Clean Air Act or federal regulations
28 promulgated thereunder. Terms or conditions so designated
29 shall be subject to all applicable state requirements,
30 except the requirements of subsection 7 (other than this
31 paragraph, paragraph q of subsection 7, subsections 8
32 through 11, and subsections 13 through 16 of this Section.
33 The Agency shall, however, include such terms and
34 conditions in the CAAPP permit issued to the source.

1 n. Each CAAPP permit issued under subsection 10 of this
2 Section shall specify and reference the origin of and
3 authority for each term or condition, and identify any
4 difference in form as compared to the applicable
5 requirement upon which the term or condition is based.

6 o. Each CAAPP permit issued under subsection 10 of this
7 Section shall include provisions stating the following:

8 i. Duty to comply. The permittee must comply with
9 all terms and conditions of the CAAPP permit. Any
10 permit noncompliance constitutes a violation of the
11 Clean Air Act and the Act, and is grounds for any or
12 all of the following: enforcement action; permit
13 termination, revocation and reissuance, or
14 modification; or denial of a permit renewal
15 application.

16 ii. Need to halt or reduce activity not a defense.
17 It shall not be a defense for a permittee in an
18 enforcement action that it would have been necessary to
19 halt or reduce the permitted activity in order to
20 maintain compliance with the conditions of this
21 permit.

22 iii. Permit actions. The permit may be modified,
23 revoked, reopened, and reissued, or terminated for
24 cause in accordance with the applicable subsections of
25 Section 39.5 of this Act. The filing of a request by
26 the permittee for a permit modification, revocation
27 and reissuance, or termination, or of a notification of
28 planned changes or anticipated noncompliance does not
29 stay any permit condition.

30 iv. Property rights. The permit does not convey any
31 property rights of any sort, or any exclusive
32 privilege.

33 v. Duty to provide information. The permittee
34 shall furnish to the Agency within a reasonable time

1 specified by the Agency any information that the Agency
2 may request in writing to determine whether cause
3 exists for modifying, revoking and reissuing, or
4 terminating the permit or to determine compliance with
5 the permit. Upon request, the permittee shall also
6 furnish to the Agency copies of records required to be
7 kept by the permit or, for information claimed to be
8 confidential, the permittee may furnish such records
9 directly to USEPA along with a claim of
10 confidentiality.

11 vi. Duty to pay fees. The permittee must pay fees
12 to the Agency consistent with the fee schedule approved
13 pursuant to subsection 18 of this Section, and submit
14 any information relevant thereto.

15 vii. Emissions trading. No permit revision shall
16 be required for increases in emissions allowed under
17 any approved economic incentives, marketable permits,
18 emissions trading, and other similar programs or
19 processes for changes that are provided for in the
20 permit and that are authorized by the applicable
21 requirement.

22 p. Each CAAPP permit issued under subsection 10 of this
23 Section shall contain the following elements with respect
24 to compliance:

25 i. Compliance certification, testing, monitoring,
26 reporting, and record keeping requirements sufficient
27 to assure compliance with the terms and conditions of
28 the permit. Any document (including reports) required
29 by a CAAPP permit shall contain a certification by a
30 responsible official that meets the requirements of
31 subsection 5 of this Section and applicable
32 regulations.

33 ii. Inspection and entry requirements that
34 necessitate that, upon presentation of credentials and

1 other documents as may be required by law and in
2 accordance with constitutional limitations, the
3 permittee shall allow the Agency, or an authorized
4 representative to perform the following:

5 A. Enter upon the permittee's premises where a
6 CAAPP source is located or emissions-related
7 activity is conducted, or where records must be
8 kept under the conditions of the permit.

9 B. Have access to and copy, at reasonable
10 times, any records that must be kept under the
11 conditions of the permit.

12 C. Inspect at reasonable times any facilities,
13 equipment (including monitoring and air pollution
14 control equipment), practices, or operations
15 regulated or required under the permit.

16 D. Sample or monitor any substances or
17 parameters at any location:

18 1. As authorized by the Clean Air Act, at
19 reasonable times, for the purposes of assuring
20 compliance with the CAAPP permit or applicable
21 requirements; or

22 2. As otherwise authorized by this Act.

23 iii. A schedule of compliance consistent with
24 subsection 5 of this Section and applicable
25 regulations.

26 iv. Progress reports consistent with an applicable
27 schedule of compliance pursuant to paragraph 5(d) of
28 this Section and applicable regulations to be
29 submitted semiannually, or more frequently if the
30 Agency determines that such more frequent submittals
31 are necessary for compliance with the Act or
32 regulations promulgated by the Board thereunder. Such
33 progress reports shall contain the following:

34 A. Required dates for achieving the

1 activities, milestones, or compliance required by
2 the schedule of compliance and dates when such
3 activities, milestones or compliance were
4 achieved.

5 B. An explanation of why any dates in the
6 schedule of compliance were not or will not be met,
7 and any preventive or corrective measures adopted.

8 v. Requirements for compliance certification with
9 terms and conditions contained in the permit,
10 including emission limitations, standards, or work
11 practices. Permits shall include each of the
12 following:

13 A. The frequency (annually or more frequently
14 as specified in any applicable requirement or by
15 the Agency pursuant to written procedures) of
16 submissions of compliance certifications.

17 B. A means for assessing or monitoring the
18 compliance of the source with its emissions
19 limitations, standards, and work practices.

20 C. A requirement that the compliance
21 certification include the following:

22 1. The identification of each term or
23 condition contained in the permit that is the
24 basis of the certification.

25 2. The compliance status.

26 3. Whether compliance was continuous or
27 intermittent.

28 4. The method(s) used for determining the
29 compliance status of the source, both
30 currently and over the reporting period
31 consistent with subsection 7 of Section 39.5 of
32 the Act.

33 D. A requirement that all compliance
34 certifications be submitted to USEPA as well as to

1 the Agency.

2 E. Additional requirements as may be specified
3 pursuant to Sections 114(a)(3) and 504(b) of the
4 Clean Air Act.

5 F. Other provisions as the Agency may require.

6 q. If the owner or operator of CAAPP source can
7 demonstrate in its CAAPP application, including an
8 application for a significant modification, that an
9 alternative emission limit would be equivalent to that
10 contained in the applicable Board regulations, the Agency
11 shall include the alternative emission limit in the CAAPP
12 permit, which shall supersede the emission limit set forth
13 in the applicable Board regulations, and shall include
14 conditions that insure that the resulting emission limit is
15 quantifiable, accountable, enforceable, and based on
16 replicable procedures.

17 8. Public Notice; Affected State Review.

18 a. The Agency shall provide notice to the public,
19 including an opportunity for public comment and a hearing,
20 on each draft CAAPP permit for issuance, renewal or
21 significant modification, subject to Sections 7(a) and 7.1
22 of this Act.

23 b. The Agency shall prepare a draft CAAPP permit and a
24 statement that sets forth the legal and factual basis for
25 the draft CAAPP permit conditions, including references to
26 the applicable statutory or regulatory provisions. The
27 Agency shall provide this statement to any person who
28 requests it.

29 c. The Agency shall give notice of each draft CAAPP
30 permit to the applicant and to any affected State on or
31 before the time that the Agency has provided notice to the
32 public, except as otherwise provided in this Act.

33 d. The Agency, as part of its submittal of a proposed
34 permit to USEPA (or as soon as possible after the submittal

1 for minor permit modification procedures allowed under
2 subsection 14 of this Section), shall notify USEPA and any
3 affected State in writing of any refusal of the Agency to
4 accept all of the recommendations for the proposed permit
5 that an affected State submitted during the public or
6 affected State review period. The notice shall include the
7 Agency's reasons for not accepting the recommendations.
8 The Agency is not required to accept recommendations that
9 are not based on applicable requirements or the
10 requirements of this Section.

11 e. The Agency shall make available to the public any
12 CAAPP permit application, compliance plan (including the
13 schedule of compliance), CAAPP permit, and emissions or
14 compliance monitoring report. If an owner or operator of a
15 CAAPP source is required to submit information entitled to
16 protection from disclosure under Section 7(a) or Section
17 7.1 of this Act, the owner or operator shall submit such
18 information separately. The requirements of Section 7(a)
19 or Section 7.1 of this Act shall apply to such information,
20 which shall not be included in a CAAPP permit unless
21 required by law. The contents of a CAAPP permit shall not
22 be entitled to protection under Section 7(a) or Section 7.1
23 of this Act.

24 f. The Agency shall have the authority to adopt
25 procedural rules, in accordance with the Illinois
26 Administrative Procedure Act, as the Agency deems
27 necessary, to implement this subsection.

28 9. USEPA Notice and Objection.

29 a. The Agency shall provide to USEPA for its review a
30 copy of each CAAPP application (including any application
31 for permit modification), statement of basis as provided in
32 paragraph 8(b) of this Section, proposed CAAPP permit,
33 CAAPP permit, and, if the Agency does not incorporate any

1 affected State's recommendations on a proposed CAAPP
2 permit, a written statement of this decision and its
3 reasons for not accepting the recommendations, except as
4 otherwise provided in this Act or by agreement with USEPA.
5 To the extent practicable, the preceding information shall
6 be provided in computer readable format compatible with
7 USEPA's national database management system.

8 b. The Agency shall not issue the proposed CAAPP permit
9 if USEPA objects in writing within 45 days of receipt of
10 the proposed CAAPP permit and all necessary supporting
11 information.

12 c. If USEPA objects in writing to the issuance of the
13 proposed CAAPP permit within the 45-day period, the Agency
14 shall respond in writing and may revise and resubmit the
15 proposed CAAPP permit in response to the stated objection,
16 to the extent supported by the record, within 90 days after
17 the date of the objection. Prior to submitting a revised
18 permit to USEPA, the Agency shall provide the applicant and
19 any person who participated in the public comment process,
20 pursuant to subsection 8 of this Section, with a 10-day
21 period to comment on any revision which the Agency is
22 proposing to make to the permit in response to USEPA's
23 objection in accordance with Agency procedures.

24 d. Any USEPA objection under this subsection,
25 according to the Clean Air Act, will include a statement of
26 reasons for the objection and a description of the terms
27 and conditions that must be in the permit, in order to
28 adequately respond to the objections. Grounds for a USEPA
29 objection include the failure of the Agency to: (1) submit
30 the items and notices required under this subsection; (2)
31 submit any other information necessary to adequately
32 review the proposed CAAPP permit; or (3) process the permit
33 under subsection 8 of this Section except for minor permit
34 modifications.

1 e. If USEPA does not object in writing to issuance of a
2 permit under this subsection, any person may petition USEPA
3 within 60 days after expiration of the 45-day review period
4 to make such objection.

5 f. If the permit has not yet been issued and USEPA
6 objects to the permit as a result of a petition, the Agency
7 shall not issue the permit until USEPA's objection has been
8 resolved. The Agency shall provide a 10-day comment period
9 in accordance with paragraph c of this subsection. A
10 petition does not, however, stay the effectiveness of a
11 permit or its requirements if the permit was issued after
12 expiration of the 45-day review period and prior to a USEPA
13 objection.

14 g. If the Agency has issued a permit after expiration
15 of the 45-day review period and prior to receipt of a USEPA
16 objection under this subsection in response to a petition
17 submitted pursuant to paragraph e of this subsection, the
18 Agency may, upon receipt of an objection from USEPA, revise
19 and resubmit the permit to USEPA pursuant to this
20 subsection after providing a 10-day comment period in
21 accordance with paragraph c of this subsection. If the
22 Agency fails to submit a revised permit in response to the
23 objection, USEPA shall modify, terminate or revoke the
24 permit. In any case, the source will not be in violation of
25 the requirement to have submitted a timely and complete
26 application.

27 h. The Agency shall have the authority to adopt
28 procedural rules, in accordance with the Illinois
29 Administrative Procedure Act, as the Agency deems
30 necessary, to implement this subsection.

31 10. Final Agency Action.

32 a. The Agency shall issue a CAAPP permit, permit
33 modification, or permit renewal if all of the following

1 conditions are met:

2 i. The applicant has submitted a complete and
3 certified application for a permit, permit
4 modification, or permit renewal consistent with
5 subsections 5 and 14 of this Section, as applicable,
6 and applicable regulations.

7 ii. The applicant has submitted with its complete
8 application an approvable compliance plan, including a
9 schedule for achieving compliance, consistent with
10 subsection 5 of this Section and applicable
11 regulations.

12 iii. The applicant has timely paid the fees
13 required pursuant to subsection 18 of this Section and
14 applicable regulations.

15 iv. The Agency has received a complete CAAPP
16 application and, if necessary, has requested and
17 received additional information from the applicant
18 consistent with subsection 5 of this Section and
19 applicable regulations.

20 v. The Agency has complied with all applicable
21 provisions regarding public notice and affected State
22 review consistent with subsection 8 of this Section and
23 applicable regulations.

24 vi. The Agency has provided a copy of each CAAPP
25 application, or summary thereof, pursuant to agreement
26 with USEPA and proposed CAAPP permit required under
27 subsection 9 of this Section to USEPA, and USEPA has
28 not objected to the issuance of the permit in
29 accordance with the Clean Air Act and 40 CFR Part 70.

30 b. The Agency shall have the authority to deny a CAAPP
31 permit, permit modification, or permit renewal if the
32 applicant has not complied with the requirements of
33 paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA
34 objects to its issuance.

1 c. i. Prior to denial of a CAAPP permit, permit
2 modification, or permit renewal under this Section,
3 the Agency shall notify the applicant of the possible
4 denial and the reasons for the denial.

5 ii. Within such notice, the Agency shall specify an
6 appropriate date by which the applicant shall
7 adequately respond to the Agency's notice. Such date
8 shall not exceed 15 days from the date the notification
9 is received by the applicant. The Agency may grant a
10 reasonable extension for good cause shown.

11 iii. Failure by the applicant to adequately
12 respond by the date specified in the notification or by
13 any granted extension date shall be grounds for denial
14 of the permit.

15 For purposes of obtaining judicial review under
16 Sections 40.2 and 41 of this Act, the Agency shall
17 provide to USEPA and each applicant, and, upon request,
18 to affected States, any person who participated in the
19 public comment process, and any other person who could
20 obtain judicial review under Sections 40.2 and 41 of
21 this Act, a copy of each CAAPP permit or notification
22 of denial pertaining to that party.

23 d. The Agency shall have the authority to adopt
24 procedural rules, in accordance with the Illinois
25 Administrative Procedure Act, as the Agency deems
26 necessary, to implement this subsection.

27 11. General Permits.

28 a. The Agency may issue a general permit covering
29 numerous similar sources, except for affected sources for
30 acid deposition unless otherwise provided in regulations
31 promulgated under Title IV of the Clean Air Act.

32 b. The Agency shall identify, in any general permit,
33 criteria by which sources may qualify for the general

1 permit.

2 c. CAAPP sources that would qualify for a general
3 permit must apply for coverage under the terms of the
4 general permit or must apply for a CAAPP permit consistent
5 with subsection 5 of this Section and applicable
6 regulations.

7 d. The Agency shall comply with the public comment and
8 hearing provisions of this Section as well as the USEPA and
9 affected State review procedures prior to issuance of a
10 general permit.

11 e. When granting a subsequent request by a qualifying
12 CAAPP source for coverage under the terms of a general
13 permit, the Agency shall not be required to repeat the
14 public notice and comment procedures. The granting of such
15 request shall not be considered a final permit action for
16 purposes of judicial review.

17 f. The Agency may not issue a general permit to cover
18 any discrete emission unit at a CAAPP source if another
19 CAAPP permit covers emission units at the source.

20 g. 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 12. Operational Flexibility.

25 a. An owner or operator of a CAAPP source may make
26 changes at the CAAPP source without requiring a prior
27 permit revision, consistent with subparagraphs (a) (i)
28 through (a) (iii) of this subsection, so long as the
29 changes are not modifications under any provision of Title
30 I of the Clean Air Act and they do not exceed the emissions
31 allowable under the permit (whether expressed therein as a
32 rate of emissions or in terms of total emissions), provided
33 that the owner or operator of the CAAPP source provides

1 USEPA and the Agency with written notification as required
2 below in advance of the proposed changes, which shall be a
3 minimum of 7 days, unless otherwise provided by the Agency
4 in applicable regulations regarding emergencies. The owner
5 or operator of a CAAPP source and the Agency shall each
6 attach such notice to their copy of the relevant permit.

7 i. An owner or operator of a CAAPP source may make
8 Section 502 (b) (10) changes without a permit revision,
9 if the changes are not modifications under any
10 provision of Title I of the Clean Air Act and the
11 changes do not exceed the emissions allowable under the
12 permit (whether expressed therein as a rate of
13 emissions or in terms of total emissions).

14 A. For each such change, the written
15 notification required above shall include a brief
16 description of the change within the source, the
17 date on which the change will occur, any change in
18 emissions, and any permit term or condition that is
19 no longer applicable as a result of the change.

20 B. The permit shield described in paragraph
21 7(j) of this Section shall not apply to any change
22 made pursuant to this subparagraph.

23 ii. An owner or operator of a CAAPP source may
24 trade increases and decreases in emissions in the CAAPP
25 source, where the applicable implementation plan
26 provides for such emission trades without requiring a
27 permit revision. This provision is available in those
28 cases where the permit does not already provide for
29 such emissions trading.

30 A. Under this subparagraph (a)(ii), the
31 written notification required above shall include
32 such information as may be required by the
33 provision in the applicable implementation plan
34 authorizing the emissions trade, including at a

1 minimum, when the proposed changes will occur, a
2 description of each such change, any change in
3 emissions, the permit requirements with which the
4 source will comply using the emissions trading
5 provisions of the applicable implementation plan,
6 and the pollutants emitted subject to the
7 emissions trade. The notice shall also refer to the
8 provisions in the applicable implementation plan
9 with which the source will comply and provide for
10 the emissions trade.

11 B. The permit shield described in paragraph
12 7(j) of this Section shall not apply to any change
13 made pursuant to this subparagraph (a) (ii).
14 Compliance with the permit requirements that the
15 source will meet using the emissions trade shall be
16 determined according to the requirements of the
17 applicable implementation plan authorizing the
18 emissions trade.

19 iii. If requested within a CAAPP application, the
20 Agency shall issue a CAAPP permit which contains terms
21 and conditions, including all terms required under
22 subsection 7 of this Section to determine compliance,
23 allowing for the trading of emissions increases and
24 decreases at the CAAPP source solely for the purpose of
25 complying with a federally-enforceable emissions cap
26 that is established in the permit independent of
27 otherwise applicable requirements. The owner or
28 operator of a CAAPP source shall include in its CAAPP
29 application proposed replicable procedures and permit
30 terms that ensure the emissions trades are
31 quantifiable and enforceable. The permit shall also
32 require compliance with all applicable requirements.

33 A. Under this subparagraph (a)(iii), the
34 written notification required above shall state

1 when the change will occur and shall describe the
2 changes in emissions that will result and how these
3 increases and decreases in emissions will comply
4 with the terms and conditions of the permit.

5 B. The permit shield described in paragraph
6 7(j) of this Section shall extend to terms and
7 conditions that allow such increases and decreases
8 in emissions.

9 b. An owner or operator of a CAAPP source may make
10 changes that are not addressed or prohibited by the permit,
11 other than those which are subject to any requirements
12 under Title IV of the Clean Air Act or are modifications
13 under any provisions of Title I of the Clean Air Act,
14 without a permit revision, in accordance with the following
15 requirements:

16 (i) Each such change shall meet all applicable
17 requirements and shall not violate any existing permit
18 term or condition;

19 (ii) Sources must provide contemporaneous written
20 notice to the Agency and USEPA of each such change,
21 except for changes that qualify as insignificant under
22 provisions adopted by the Agency or the Board. Such
23 written notice shall describe each such change,
24 including the date, any change in emissions,
25 pollutants emitted, and any applicable requirement
26 that would apply as a result of the change;

27 (iii) The change shall not qualify for the shield
28 described in paragraph 7(j) of this Section; and

29 (iv) The permittee shall keep a record describing
30 changes made at the source that result in emissions of
31 a regulated air pollutant subject to an applicable
32 Clean Air Act requirement, but not otherwise regulated
33 under the permit, and the emissions resulting from
34 those changes.

1 c. The Agency shall have the authority to adopt
2 procedural rules, in accordance with the Illinois
3 Administrative Procedure Act, as the Agency deems
4 necessary to implement this subsection.

5 13. Administrative Permit Amendments.

6 a. The Agency shall take final action on a request for
7 an administrative permit amendment within 60 days of
8 receipt of the request. Neither notice nor an opportunity
9 for public and affected State comment shall be required for
10 the Agency to incorporate such revisions, provided it
11 designates the permit revisions as having been made
12 pursuant to this subsection.

13 b. The Agency shall submit a copy of the revised permit
14 to USEPA.

15 c. For purposes of this Section the term
16 "administrative permit amendment" shall be defined as a
17 permit revision that can accomplish one or more of the
18 changes described below:

19 i. Corrects typographical errors;

20 ii. Identifies a change in the name, address, or
21 phone number of any person identified in the permit, or
22 provides a similar minor administrative change at the
23 source;

24 iii. Requires more frequent monitoring or
25 reporting by the permittee;

26 iv. Allows for a change in ownership or operational
27 control of a source where the Agency determines that no
28 other change in the permit is necessary, provided that
29 a written agreement containing a specific date for
30 transfer of permit responsibility, coverage, and
31 liability between the current and new permittees has
32 been submitted to the Agency;

33 v. Incorporates into the CAAPP permit the

1 requirements from preconstruction review permits
2 authorized under a USEPA-approved program, provided
3 the program meets procedural and compliance
4 requirements substantially equivalent to those
5 contained in this Section;

6 vi. (Blank); or

7 vii. Any other type of change which USEPA has
8 determined as part of the approved CAAPP permit program
9 to be similar to those included in this subsection.

10 d. The Agency shall, upon taking final action granting
11 a request for an administrative permit amendment, allow
12 coverage by the permit shield in paragraph 7(j) of this
13 Section for administrative permit amendments made pursuant
14 to subparagraph (c)(v) of this subsection which meet the
15 relevant requirements for significant permit
16 modifications.

17 e. Permit revisions and modifications, including
18 administrative amendments and automatic amendments
19 (pursuant to Sections 408(b) and 403(d) of the Clean Air
20 Act or regulations promulgated thereunder), for purposes
21 of the acid rain portion of the permit shall be governed by
22 the regulations promulgated under Title IV of the Clean Air
23 Act. Owners or operators of affected sources for acid
24 deposition shall have the flexibility to amend their
25 compliance plans as provided in the regulations
26 promulgated under Title IV of the Clean Air Act.

27 f. The CAAPP source may implement the changes addressed
28 in the request for an administrative permit amendment
29 immediately upon submittal of the request.

30 g. 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.

1 14. Permit Modifications.

2 a. Minor permit modification procedures.

3 i. The Agency shall review a permit modification
4 using the "minor permit" modification procedures only
5 for those permit modifications that:

6 A. Do not violate any applicable requirement;

7 B. Do not involve significant changes to
8 existing monitoring, reporting, or recordkeeping
9 requirements in the permit;

10 C. Do not require a case-by-case determination
11 of an emission limitation or other standard, or a
12 source-specific determination of ambient impacts,
13 or a visibility or increment analysis;

14 D. Do not seek to establish or change a permit
15 term or condition for which there is no
16 corresponding underlying requirement and which
17 avoids an applicable requirement to which the
18 source would otherwise be subject. Such terms and
19 conditions include:

20 1. A federally enforceable emissions cap
21 assumed to avoid classification as a
22 modification under any provision of Title I of
23 the Clean Air Act; and

24 2. An alternative emissions limit approved
25 pursuant to regulations promulgated under
26 Section 112(i)(5) of the Clean Air Act;

27 E. Are not modifications under any provision
28 of Title I of the Clean Air Act; and

29 F. Are not required to be processed as a
30 significant modification.

31 ii. Notwithstanding subparagraphs (a)(i) and
32 (b)(ii) of this subsection, minor permit modification
33 procedures may be used for permit modifications
34 involving the use of economic incentives, marketable

1 permits, emissions trading, and other similar
2 approaches, to the extent that such minor permit
3 modification procedures are explicitly provided for in
4 an applicable implementation plan or in applicable
5 requirements promulgated by USEPA.

6 iii. An applicant requesting the use of minor
7 permit modification procedures shall meet the
8 requirements of subsection 5 of this Section and shall
9 include the following in its application:

10 A. A description of the change, the emissions
11 resulting from the change, and any new applicable
12 requirements that will apply if the change occurs;

13 B. The source's suggested draft permit;

14 C. Certification by a responsible official,
15 consistent with paragraph 5(e) of this Section and
16 applicable regulations, that the proposed
17 modification meets the criteria for use of minor
18 permit modification procedures and a request that
19 such procedures be used; and

20 D. Completed forms for the Agency to use to
21 notify USEPA and affected States as required under
22 subsections 8 and 9 of this Section.

23 iv. Within 5 working days of receipt of a complete
24 permit modification application, the Agency shall
25 notify USEPA and affected States of the requested
26 permit modification in accordance with subsections 8
27 and 9 of this Section. The Agency promptly shall send
28 any notice required under paragraph 8(d) of this
29 Section to USEPA.

30 v. The Agency may not issue a final permit
31 modification until after the 45-day review period for
32 USEPA or until USEPA has notified the Agency that USEPA
33 will not object to the issuance of the permit
34 modification, whichever comes first, although the

1 Agency can approve the permit modification prior to
2 that time. Within 90 days of the Agency's receipt of an
3 application under the minor permit modification
4 procedures or 15 days after the end of USEPA's 45-day
5 review period under subsection 9 of this Section,
6 whichever is later, the Agency shall:

7 A. Issue the permit modification as proposed;

8 B. Deny the permit modification application;

9 C. Determine that the requested modification
10 does not meet the minor permit modification
11 criteria and should be reviewed under the
12 significant modification procedures; or

13 D. Revise the draft permit modification and
14 transmit to USEPA the new proposed permit
15 modification as required by subsection 9 of this
16 Section.

17 vi. Any CAAPP source may make the change proposed
18 in its minor permit modification application
19 immediately after it files such application. After the
20 CAAPP source makes the change allowed by the preceding
21 sentence, and until the Agency takes any of the actions
22 specified in subparagraphs (a) (v) (A) through (a) (v) (C)
23 of this subsection, the source must comply with both
24 the applicable requirements governing the change and
25 the proposed permit terms and conditions. During this
26 time period, the source need not comply with the
27 existing permit terms and conditions it seeks to
28 modify. If the source fails to comply with its proposed
29 permit terms and conditions during this time period,
30 the existing permit terms and conditions which it seeks
31 to modify may be enforced against it.

32 vii. The permit shield under subparagraph 7(j) of
33 this Section may not extend to minor permit
34 modifications.

1 viii. If a construction permit is required,
2 pursuant to Section 39(a) of this Act and regulations
3 thereunder, for a change for which the minor permit
4 modification procedures are applicable, the source may
5 request that the processing of the construction permit
6 application be consolidated with the processing of the
7 application for the minor permit modification. In such
8 cases, the provisions of this Section, including those
9 within subsections 5, 8, and 9, shall apply and the
10 Agency shall act on such applications pursuant to
11 subparagraph 14(a)(v). The source may make the
12 proposed change immediately after filing its
13 application for the minor permit modification. Nothing
14 in this subparagraph shall otherwise affect the
15 requirements and procedures applicable to construction
16 permits.

17 b. Group Processing of Minor Permit Modifications.

18 i. Where requested by an applicant within its
19 application, the Agency shall process groups of a
20 source's applications for certain modifications
21 eligible for minor permit modification processing in
22 accordance with the provisions of this paragraph (b).

23 ii. Permit modifications may be processed in
24 accordance with the procedures for group processing,
25 for those modifications:

26 A. Which meet the criteria for minor permit
27 modification procedures under subparagraph
28 14(a)(i) of this Section; and

29 B. That collectively are below 10 percent of
30 the emissions allowed by the permit for the
31 emissions unit for which change is requested, 20
32 percent of the applicable definition of major
33 source set forth in subsection 2 of this Section,
34 or 5 tons per year, whichever is least.

1 iii. An applicant requesting the use of group
2 processing procedures shall meet the requirements of
3 subsection 5 of this Section and shall include the
4 following in its application:

5 A. A description of the change, the emissions
6 resulting from the change, and any new applicable
7 requirements that will apply if the change occurs.

8 B. The source's suggested draft permit.

9 C. Certification by a responsible official
10 consistent with paragraph 5(e) of this Section,
11 that the proposed modification meets the criteria
12 for use of group processing procedures and a
13 request that such procedures be used.

14 D. A list of the source's other pending
15 applications awaiting group processing, and a
16 determination of whether the requested
17 modification, aggregated with these other
18 applications, equals or exceeds the threshold set
19 under subparagraph (b)(ii)(B) of this subsection.

20 E. Certification, consistent with paragraph
21 5(e), that the source has notified USEPA of the
22 proposed modification. Such notification need only
23 contain a brief description of the requested
24 modification.

25 F. Completed forms for the Agency to use to
26 notify USEPA and affected states as required under
27 subsections 8 and 9 of this Section.

28 iv. On a quarterly basis or within 5 business days
29 of receipt of an application demonstrating that the
30 aggregate of a source's pending applications equals or
31 exceeds the threshold level set forth within
32 subparagraph (b)(ii)(B) of this subsection, whichever
33 is earlier, the Agency shall promptly notify USEPA and
34 affected States of the requested permit modifications

1 in accordance with subsections 8 and 9 of this Section.
2 The Agency shall send any notice required under
3 paragraph 8(d) of this Section to USEPA.

4 v. The provisions of subparagraph (a)(v) of this
5 subsection shall apply to modifications eligible for
6 group processing, except that the Agency shall take one
7 of the actions specified in subparagraphs (a)(v)(A)
8 through (a)(v)(D) of this subsection within 180 days of
9 receipt of the application or 15 days after the end of
10 USEPA's 45-day review period under subsection 9 of this
11 Section, whichever is later.

12 vi. The provisions of subparagraph (a)(vi) of this
13 subsection shall apply to modifications for group
14 processing.

15 vii. The provisions of paragraph 7(j) of this
16 Section shall not apply to modifications eligible for
17 group processing.

18 c. Significant Permit Modifications.

19 i. Significant modification procedures shall be
20 used for applications requesting significant permit
21 modifications and for those applications that do not
22 qualify as either minor permit modifications or as
23 administrative permit amendments.

24 ii. Every significant change in existing
25 monitoring permit terms or conditions and every
26 relaxation of reporting or recordkeeping requirements
27 shall be considered significant. A modification shall
28 also be considered significant if in the judgment of
29 the Agency action on an application for modification
30 would require decisions to be made on technically
31 complex issues. Nothing herein shall be construed to
32 preclude the permittee from making changes consistent
33 with this Section that would render existing permit
34 compliance terms and conditions irrelevant.

1 iii. Significant permit modifications must meet
2 all the requirements of this Section, including those
3 for applications (including completeness review),
4 public participation, review by affected States, and
5 review by USEPA applicable to initial permit issuance
6 and permit renewal. The Agency shall take final action
7 on significant permit modifications within 9 months
8 after receipt of a complete application.

9 d. 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 15. Reopenings for Cause by the Agency.

14 a. Each issued CAAPP permit shall include provisions
15 specifying the conditions under which the permit will be
16 reopened prior to the expiration of the permit. Such
17 revisions shall be made as expeditiously as practicable. A
18 CAAPP permit shall be reopened and revised under any of the
19 following circumstances, in accordance with procedures
20 adopted by the Agency:

21 i. Additional requirements under the Clean Air Act
22 become applicable to a major CAAPP source for which 3
23 or more years remain on the original term of the
24 permit. Such a reopening shall be completed not later
25 than 18 months after the promulgation of the applicable
26 requirement. No such revision is required if the
27 effective date of the requirement is later than the
28 date on which the permit is due to expire.

29 ii. Additional requirements (including excess
30 emissions requirements) become applicable to an
31 affected source for acid deposition under the acid rain
32 program. Excess emissions offset plans shall be deemed
33 to be incorporated into the permit upon approval by

1 USEPA.

2 iii. The Agency or USEPA determines that the permit
3 contains a material mistake or that inaccurate
4 statements were made in establishing the emissions
5 standards, limitations, or other terms or conditions
6 of the permit.

7 iv. The Agency or USEPA determines that the permit
8 must be revised or revoked to assure compliance with
9 the applicable requirements.

10 b. In the event that the Agency determines that there
11 are grounds for revoking a CAAPP permit, for cause,
12 consistent with paragraph a of this subsection, it shall
13 file a petition before the Board setting forth the basis
14 for such revocation. In any such proceeding, the Agency
15 shall have the burden of establishing that the permit
16 should be revoked under the standards set forth in this Act
17 and the Clean Air Act. Any such proceeding shall be
18 conducted pursuant to the Board's procedures for
19 adjudicatory hearings and the Board shall render its
20 decision within 120 days of the filing of the petition. The
21 Agency shall take final action to revoke and reissue a
22 CAAPP permit consistent with the Board's order.

23 c. Proceedings regarding a reopened CAAPP permit shall
24 follow the same procedures as apply to initial permit
25 issuance and shall affect only those parts of the permit
26 for which cause to reopen exists.

27 d. Reopenings under paragraph (a) of this subsection
28 shall not be initiated before a notice of such intent is
29 provided to the CAAPP source by the Agency at least 30 days
30 in advance of the date that the permit is to be reopened,
31 except that the Agency may provide a shorter time period in
32 the case of an emergency.

33 e. 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 16. Reopenings for Cause by USEPA.

4 a. When USEPA finds that cause exists to terminate,
5 modify, or revoke and reissue a CAAPP permit pursuant to
6 subsection 15 of this Section, and thereafter notifies the
7 Agency and the permittee of such finding in writing, the
8 Agency shall forward to USEPA and the permittee a proposed
9 determination of termination, modification, or revocation
10 and reissuance as appropriate, in accordance with
11 paragraph b of this subsection. The Agency's proposed
12 determination shall be in accordance with the record, the
13 Clean Air Act, regulations promulgated thereunder, this
14 Act and regulations promulgated thereunder. Such proposed
15 determination shall not affect the permit or constitute a
16 final permit action for purposes of this Act or the
17 Administrative Review Law. The Agency shall forward to
18 USEPA such proposed determination within 90 days after
19 receipt of the notification from USEPA. If additional time
20 is necessary to submit the proposed determination, the
21 Agency shall request a 90-day extension from USEPA and
22 shall submit the proposed determination within 180 days of
23 receipt of notification from USEPA.

24 b. i. Prior to the Agency's submittal to USEPA of a
25 proposed determination to terminate or revoke and
26 reissue the permit, the Agency shall file a petition
27 before the Board setting forth USEPA's objection, the
28 permit record, the Agency's proposed determination,
29 and the justification for its proposed determination.
30 The Board shall conduct a hearing pursuant to the rules
31 prescribed by Section 32 of this Act, and the burden of
32 proof shall be on the Agency.

33 ii. After due consideration of the written and oral

1 statements, the testimony and arguments that shall be
2 submitted at hearing, the Board shall issue and enter
3 an interim order for the proposed determination, which
4 shall set forth all changes, if any, required in the
5 Agency's proposed determination. The interim order
6 shall comply with the requirements for final orders as
7 set forth in Section 33 of this Act. Issuance of an
8 interim order by the Board under this paragraph,
9 however, shall not affect the permit status and does
10 not constitute a final action for purposes of this Act
11 or the Administrative Review Law.

12 iii. The Board shall cause a copy of its interim
13 order to be served upon all parties to the proceeding
14 as well as upon USEPA. The Agency shall submit the
15 proposed determination to USEPA in accordance with the
16 Board's Interim Order within 180 days after receipt of
17 the notification from USEPA.

18 c. USEPA shall review the proposed determination to
19 terminate, modify, or revoke and reissue the permit within
20 90 days of receipt.

21 i. When USEPA reviews the proposed determination
22 to terminate or revoke and reissue and does not object,
23 the Board shall, within 7 days of receipt of USEPA's
24 final approval, enter the interim order as a final
25 order. The final order may be appealed as provided by
26 Title XI of this Act. The Agency shall take final
27 action in accordance with the Board's final order.

28 ii. When USEPA reviews such proposed determination
29 to terminate or revoke and reissue and objects, the
30 Agency shall submit USEPA's objection and the Agency's
31 comments and recommendation on the objection to the
32 Board and permittee. The Board shall review its interim
33 order in response to USEPA's objection and the Agency's
34 comments and recommendation and issue a final order in

1 accordance with Sections 32 and 33 of this Act. The
2 Agency shall, within 90 days after receipt of such
3 objection, respond to USEPA's objection in accordance
4 with the Board's final order.

5 iii. When USEPA reviews such proposed
6 determination to modify and objects, the Agency shall,
7 within 90 days after receipt of the objection, resolve
8 the objection and modify the permit in accordance with
9 USEPA's objection, based upon the record, the Clean Air
10 Act, regulations promulgated thereunder, this Act, and
11 regulations promulgated thereunder.

12 d. If the Agency fails to submit the proposed
13 determination pursuant to paragraph a of this subsection or
14 fails to resolve any USEPA objection pursuant to paragraph
15 c of this subsection, USEPA will terminate, modify, or
16 revoke and reissue the permit.

17 e. The Agency shall have the authority to adopt
18 procedural rules, in accordance with the Illinois
19 Administrative Procedure Act, as the Agency deems
20 necessary, to implement this subsection.

21 17. Title IV; Acid Rain Provisions.

22 a. The Agency shall act on initial CAAPP applications
23 for affected sources for acid deposition in accordance with
24 this Section and Title V of the Clean Air Act and
25 regulations promulgated thereunder, except as modified by
26 Title IV of the Clean Air Act and regulations promulgated
27 thereunder. The Agency shall issue initial CAAPP permits to
28 the affected sources for acid deposition which shall become
29 effective no earlier than January 1, 1995, and which shall
30 terminate on December 31, 1999, in accordance with this
31 Section. Subsequent CAAPP permits issued to affected
32 sources for acid deposition shall be issued for a fixed
33 term of 5 years. Title IV of the Clean Air Act and

1 regulations promulgated thereunder, including but not
2 limited to 40 C.F.R. Part 72, as now or hereafter amended,
3 are applicable to and enforceable under this Act.

4 b. A designated representative of an affected source
5 for acid deposition shall submit a timely and complete
6 Phase II acid rain permit application and compliance plan
7 to the Agency, not later than January 1, 1996, that meets
8 the requirements of Titles IV and V of the Clean Air Act
9 and regulations. The Agency shall act on the Phase II acid
10 rain permit application and compliance plan in accordance
11 with this Section and Title V of the Clean Air Act and
12 regulations promulgated thereunder, except as modified by
13 Title IV of the Clean Air Act and regulations promulgated
14 thereunder. The Agency shall issue the Phase II acid rain
15 permit to an affected source for acid deposition no later
16 than December 31, 1997, which shall become effective on
17 January 1, 2000, in accordance with this Section, except as
18 modified by Title IV and regulations promulgated
19 thereunder; provided that the designated representative of
20 the source submitted a timely and complete Phase II permit
21 application and compliance plan to the Agency that meets
22 the requirements of Title IV and V of the Clean Air Act and
23 regulations.

24 c. Each Phase II acid rain permit issued in accordance
25 with this subsection shall have a fixed term of 5 years.
26 Except as provided in paragraph b above, the Agency shall
27 issue or deny a Phase II acid rain permit within 18 months
28 of receiving a complete Phase II permit application and
29 compliance plan.

30 d. A designated representative of a new unit, as
31 defined in Section 402 of the Clean Air Act, shall submit a
32 timely and complete Phase II acid rain permit application
33 and compliance plan that meets the requirements of Titles
34 IV and V of the Clean Air Act and its regulations. The

1 Agency shall act on the new unit's Phase II acid rain
2 permit application and compliance plan in accordance with
3 this Section and Title V of the Clean Air Act and its
4 regulations, except as modified by Title IV of the Clean
5 Air Act and its regulations. The Agency shall reopen the
6 new unit's CAAPP permit for cause to incorporate the
7 approved Phase II acid rain permit in accordance with this
8 Section. The Phase II acid rain permit for the new unit
9 shall become effective no later than the date required
10 under Title IV of the Clean Air Act and its regulations.

11 e. A designated representative of an affected source
12 for acid deposition shall submit a timely and complete
13 Title IV NOx permit application to the Agency, not later
14 than January 1, 1998, that meets the requirements of Titles
15 IV and V of the Clean Air Act and its regulations. The
16 Agency shall reopen the Phase II acid rain permit for cause
17 and incorporate the approved NOx provisions into the Phase
18 II acid rain permit not later than January 1, 1999, in
19 accordance with this Section, except as modified by Title
20 IV of the Clean Air Act and regulations promulgated
21 thereunder. Such reopening shall not affect the term of the
22 Phase II acid rain permit.

23 f. The designated representative of the affected
24 source for acid deposition shall renew the initial CAAPP
25 permit and Phase II acid rain permit in accordance with
26 this Section and Title V of the Clean Air Act and
27 regulations promulgated thereunder, except as modified by
28 Title IV of the Clean Air Act and regulations promulgated
29 thereunder.

30 g. In the case of an affected source for acid
31 deposition for which a complete Phase II acid rain permit
32 application and compliance plan are timely received under
33 this subsection, the complete permit application and
34 compliance plan, including amendments thereto, shall be

1 binding on the owner, operator and designated
2 representative, all affected units for acid deposition at
3 the affected source, and any other unit, as defined in
4 Section 402 of the Clean Air Act, governed by the Phase II
5 acid rain permit application and shall be enforceable as an
6 acid rain permit for purposes of Titles IV and V of the
7 Clean Air Act, from the date of submission of the acid rain
8 permit application until a Phase II acid rain permit is
9 issued or denied by the Agency.

10 h. The Agency shall not include or implement any
11 measure which would interfere with or modify the
12 requirements of Title IV of the Clean Air Act or
13 regulations promulgated thereunder.

14 i. Nothing in this Section shall be construed as
15 affecting allowances or USEPA's decision regarding an
16 excess emissions offset plan, as set forth in Title IV of
17 the Clean Air Act or regulations promulgated thereunder.

18 i. No permit revision shall be required for
19 increases in emissions that are authorized by
20 allowances acquired pursuant to the acid rain program,
21 provided that such increases do not require a permit
22 revision under any other applicable requirement.

23 ii. No limit shall be placed on the number of
24 allowances held by the source. The source may not,
25 however, use allowances as a defense to noncompliance
26 with any other applicable requirement.

27 iii. Any such allowance shall be accounted for
28 according to the procedures established in regulations
29 promulgated under Title IV of the Clean Air Act.

30 j. To the extent that the federal regulations
31 promulgated under Title IV, including but not limited to 40
32 C.F.R. Part 72, as now or hereafter amended, are
33 inconsistent with the federal regulations promulgated
34 under Title V, the federal regulations promulgated under

1 Title IV shall take precedence.

2 k. The USEPA may intervene as a matter of right in any
3 permit appeal involving a Phase II acid rain permit
4 provision or denial of a Phase II acid rain permit.

5 l. It is unlawful for any owner or operator to violate
6 any terms or conditions of a Phase II acid rain permit
7 issued under this subsection, to operate any affected
8 source for acid deposition except in compliance with a
9 Phase II acid rain permit issued by the Agency under this
10 subsection, or to violate any other applicable
11 requirements.

12 m. The designated representative of an affected source
13 for acid deposition shall submit to the Agency the data and
14 information submitted quarterly to USEPA, pursuant to 40
15 CFR 75.64, concurrently with the submission to USEPA. The
16 submission shall be in the same electronic format as
17 specified by USEPA.

18 n. The Agency shall act on any petition for exemption
19 of a new unit or retired unit, as those terms are defined
20 in Section 402 of the Clean Air Act, from the requirements
21 of the acid rain program in accordance with Title IV of the
22 Clean Air Act and its regulations.

23 o. The Agency shall have the authority to adopt
24 procedural rules, in accordance with the Illinois
25 Administrative Procedure Act, as the Agency deems
26 necessary to implement this subsection.

27 18. Fee Provisions.

28 a. For each 12 month period after the date on which the
29 USEPA approves or conditionally approves the CAAPP, but in
30 no event prior to January 1, 1994, a source subject to this
31 Section or excluded under subsection 1.1 or paragraph 3(c)
32 of this Section, shall pay a fee as provided in this part
33 (a) of this subsection 18. However, a source that has been

1 excluded from the provisions of this Section under
2 subsection 1.1 or paragraph 3(c) of this Section because
3 the source emits less than 25 tons per year of any
4 combination of regulated air pollutants shall pay fees in
5 accordance with paragraph (1) of subsection (b) of Section
6 9.6.

7 i. The fee for a source allowed to emit less than
8 100 tons per year of any combination of regulated air
9 pollutants shall be \$1,000 ~~\$1,800~~ per year.

10 ii. The fee for a source allowed to emit 100 tons
11 or more per year of any combination of regulated air
12 pollutants, except for those regulated air pollutants
13 excluded in paragraph 18(f) of this subsection, shall
14 be as follows:

15 A. The Agency shall assess an annual fee of
16 \$13.50 ~~\$18.00~~ per ton for the allowable emissions
17 of all regulated air pollutants at that source
18 during the term of the permit. These fees shall be
19 used by the Agency and the Board to fund the
20 activities required by Title V of the Clean Air Act
21 including such activities as may be carried out by
22 other State or local agencies pursuant to
23 paragraph (d) of this subsection. The amount of
24 such fee shall be based on the information supplied
25 by the applicant in its complete CAAPP permit
26 application or in the CAAPP permit if the permit
27 has been granted and shall be determined by the
28 amount of emissions that the source is allowed to
29 emit annually, provided however, that no source
30 shall be required to pay an annual fee in excess of
31 \$100,000 ~~\$250,000~~. The Agency shall provide as
32 part of the permit application form required under
33 subsection 5 of this Section a separate fee
34 calculation form which will allow the applicant to

1 identify the allowable emissions and calculate the
2 fee for the term of the permit. In no event shall
3 the Agency raise the amount of allowable emissions
4 requested by the applicant unless such increases
5 are required to demonstrate compliance with terms
6 of a CAAPP permit.

7 Notwithstanding the above, any applicant may
8 seek a change in its permit which would result in
9 increases in allowable emissions due to an
10 increase in the hours of operation or production
11 rates of an emission unit or units and such a
12 change shall be consistent with the construction
13 permit requirements of the existing State permit
14 program, under Section 39(a) of this Act and
15 applicable provisions of this Section. Where a
16 construction permit is required, the Agency shall
17 expeditiously grant such construction permit and
18 shall, if necessary, modify the CAAPP permit based
19 on the same application.

20 B. The applicant or permittee may pay the fee
21 annually or semiannually for those fees greater
22 than \$5,000. However, any applicant paying a fee
23 equal to or greater than \$100,000 shall pay the
24 full amount on July 1, for the subsequent fiscal
25 year, or pay 50% of the fee on July 1 and the
26 remaining 50% by the next January 1. The Agency may
27 change any annual billing date upon reasonable
28 notice, but shall prorate the new bill so that the
29 permittee or applicant does not pay more than its
30 required fees for the fee period for which payment
31 is made.

32 b. (Blank).

33 c. (Blank).

34 d. There is hereby created in the State Treasury a

1 special fund to be known as the "CAA Permit Fund". All
2 Funds collected by the Agency pursuant to this subsection
3 shall be deposited into the Fund. The General Assembly
4 shall appropriate monies from this Fund to the Agency and
5 to the Board to carry out their obligations under this
6 Section. The General Assembly may also authorize monies to
7 be granted by the Agency from this Fund to other State and
8 local agencies which perform duties related to the CAAPP.
9 Interest generated on the monies deposited in this Fund
10 shall be returned to the Fund.

11 e. The Agency shall have the authority to adopt
12 procedural rules, in accordance with the Illinois
13 Administrative Procedure Act, as the Agency deems
14 necessary to implement this subsection.

15 f. For purposes of this subsection, the term "regulated
16 air pollutant" shall have the meaning given to it under
17 subsection 1 of this Section but shall exclude the
18 following:

19 i. carbon monoxide;

20 ii. any Class I or II substance which is a
21 regulated air pollutant solely because it is listed
22 pursuant to Section 602 of the Clean Air Act; and

23 iii. any pollutant that is a regulated air
24 pollutant solely because it is subject to a standard or
25 regulation under Section 112(r) of the Clean Air Act
26 based on the emissions allowed in the permit effective
27 in that calendar year, at the time the applicable bill
28 is generated.

29 19. Air Toxics Provisions.

30 a. In the event that the USEPA fails to promulgate in a
31 timely manner a standard pursuant to Section 112(d) of the
32 Clean Air Act, the Agency shall have the authority to issue
33 permits, pursuant to Section 112(j) of the Clean Air Act

1 and regulations promulgated thereunder, which contain
2 emission limitations which are equivalent to the emission
3 limitations that would apply to a source if an emission
4 standard had been promulgated in a timely manner by USEPA
5 pursuant to Section 112(d). Provided, however, that the
6 owner or operator of a source shall have the opportunity to
7 submit to the Agency a proposed emission limitation which
8 it determines to be equivalent to the emission limitations
9 that would apply to such source if an emission standard had
10 been promulgated in a timely manner by USEPA. If the Agency
11 refuses to include the emission limitation proposed by the
12 owner or operator in a CAAPP permit, the owner or operator
13 may petition the Board to establish whether the emission
14 limitation proposal submitted by the owner or operator
15 provides for emission limitations which are equivalent to
16 the emission limitations that would apply to the source if
17 the emission standard had been promulgated by USEPA in a
18 timely manner. The Board shall determine whether the
19 emission limitation proposed by the owner or operator or an
20 alternative emission limitation proposed by the Agency
21 provides for the level of control required under Section
22 112 of the Clean Air Act, or shall otherwise establish an
23 appropriate emission limitation, pursuant to Section 112
24 of the Clean Air Act.

25 b. Any Board proceeding brought under paragraph (a) or
26 (e) of this subsection shall be conducted according to the
27 Board's procedures for adjudicatory hearings and the Board
28 shall render its decision within 120 days of the filing of
29 the petition. Any such decision shall be subject to review
30 pursuant to Section 41 of this Act. Where USEPA promulgates
31 an applicable emission standard prior to the issuance of
32 the CAAPP permit, the Agency shall include in the permit
33 the promulgated standard, provided that the source shall
34 have the compliance period provided under Section 112(i) of

1 the Clean Air Act. Where USEPA promulgates an applicable
2 standard subsequent to the issuance of the CAAPP permit,
3 the Agency shall revise such permit upon the next renewal
4 to reflect the promulgated standard, providing a
5 reasonable time for the applicable source to comply with
6 the standard, but no longer than 8 years after the date on
7 which the source is first required to comply with the
8 emissions limitation established under this subsection.

9 c. The Agency shall have the authority to implement and
10 enforce complete or partial emission standards promulgated
11 by USEPA pursuant to Section 112(d), and standards
12 promulgated by USEPA pursuant to Sections 112(f), 112(h),
13 112(m), and 112(n), and may accept delegation of authority
14 from USEPA to implement and enforce Section 112(l) and
15 requirements for the prevention and detection of
16 accidental releases pursuant to Section 112(r) of the Clean
17 Air Act.

18 d. The Agency shall have the authority to issue permits
19 pursuant to Section 112(i)(5) of the Clean Air Act.

20 e. The Agency has the authority to implement Section
21 112(g) of the Clean Air Act consistent with the Clean Air
22 Act and federal regulations promulgated thereunder. If the
23 Agency refuses to include the emission limitations
24 proposed in an application submitted by an owner or
25 operator for a case-by-case maximum achievable control
26 technology (MACT) determination, the owner or operator may
27 petition the Board to determine whether the emission
28 limitation proposed by the owner or operator or an
29 alternative emission limitation proposed by the Agency
30 provides for a level of control required by Section 112 of
31 the Clean Air Act, or to otherwise establish an appropriate
32 emission limitation under Section 112 of the Clean Air Act.

33 20. Small Business.

1 a. For purposes of this subsection:

2 "Program" is the Small Business Stationary Source
3 Technical and Environmental Compliance Assistance Program
4 created within this State pursuant to Section 507 of the
5 Clean Air Act and guidance promulgated thereunder, to
6 provide technical assistance and compliance information to
7 small business stationary sources;

8 "Small Business Assistance Program" is a component of
9 the Program responsible for providing sufficient
10 communications with small businesses through the
11 collection and dissemination of information to small
12 business stationary sources; and

13 "Small Business Stationary Source" means a stationary
14 source that:

15 1. is owned or operated by a person that employs
16 100 or fewer individuals;

17 2. is a small business concern as defined in the
18 "Small Business Act";

19 3. is not a major source as that term is defined in
20 subsection 2 of this Section;

21 4. does not emit 50 tons or more per year of any
22 regulated air pollutant; and

23 5. emits less than 75 tons per year of all
24 regulated pollutants.

25 b. The Agency shall adopt and submit to USEPA, after
26 reasonable notice and opportunity for public comment, as a
27 revision to the Illinois state implementation plan, plans
28 for establishing the Program.

29 c. The Agency shall have the authority to enter into
30 such contracts and agreements as the Agency deems necessary
31 to carry out the purposes of this subsection.

32 d. The Agency may establish such procedures as it may
33 deem necessary for the purposes of implementing and
34 executing its responsibilities under this subsection.

1 e. There shall be appointed a Small Business Ombudsman
2 (hereinafter in this subsection referred to as
3 "Ombudsman") to monitor the Small Business Assistance
4 Program. The Ombudsman shall be a nonpartisan designated
5 official, with the ability to independently assess whether
6 the goals of the Program are being met.

7 f. The State Ombudsman Office shall be located in an
8 existing Ombudsman office within the State or in any State
9 Department.

10 g. There is hereby created a State Compliance Advisory
11 Panel (hereinafter in this subsection referred to as
12 "Panel") for determining the overall effectiveness of the
13 Small Business Assistance Program within this State.

14 h. The selection of Panel members shall be by the
15 following method:

16 1. The Governor shall select two members who are
17 not owners or representatives of owners of small
18 business stationary sources to represent the general
19 public;

20 2. The Director of the Agency shall select one
21 member to represent the Agency; and

22 3. The State Legislature shall select four members
23 who are owners or representatives of owners of small
24 business stationary sources. Both the majority and
25 minority leadership in both Houses of the Legislature
26 shall appoint one member of the panel.

27 i. Panel members should serve without compensation but
28 will receive full reimbursement for expenses including
29 travel and per diem as authorized within this State.

30 j. The Panel shall select its own Chair by a majority
31 vote. The Chair may meet and consult with the Ombudsman and
32 the head of the Small Business Assistance Program in
33 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 owner
4 or operator at multiple temporary locations, except for
5 sources which are affected sources for acid deposition
6 under Title IV of the Clean Air Act.

7 b. The applicant must demonstrate that the operation is
8 temporary and will involve at least one change of location
9 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 unit
18 combusting municipal waste subject to standards
19 promulgated under Section 129(e) of the Clean Air Act shall
20 be issued for a period of 12 years and shall be reviewed
21 every 5 years, unless the Agency requires more frequent
22 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 in
29 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

1 necessary, to implement this subsection.

2 (Source: P.A. 93-32, eff. 7-1-03; 94-580, eff. 8-12-05.)

3 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

4 Sec. 55.8. Tire retailers.

5 (a) ~~Beginning July 1, 1992,~~ Any person selling new or used
6 tires at retail or offering new or used tires for retail sale
7 in this State shall:

8 (1) beginning on the effective date of this amendatory
9 Act of the 94th General Assembly, collect from retail
10 customers a fee of \$1 ~~\$2~~ per new or ~~and~~ used tire sold and
11 delivered in this State, to be paid to the Department of
12 Revenue and deposited into the Used Tire Management Fund,
13 less a collection allowance of 10 cents per tire to be
14 retained by the retail seller and a collection allowance of
15 10 cents per tire to be retained by the Department of
16 Revenue and paid into the General Revenue Fund;

17 (1.5) (blank) ~~beginning on July 1, 2003, collect from~~
18 ~~retail customers an additional 50 cents per new or used~~
19 ~~tire sold and delivered in this State. The money collected~~
20 ~~from this fee shall be deposited into the Emergency Public~~
21 ~~Health Fund. This fee shall no longer be collected~~
22 ~~beginning on January 1, 2008;.~~

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

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

32 (b) A person who accepts used tires for recycling under
33 subsection (a) shall not allow the tires to accumulate for

1 periods of more than 90 days.

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

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

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

31 (e) The requirements of paragraph (1) of subsection (a) do
32 not apply to the sale of reprocessed tires. For purposes of
33 this Section, "reprocessed tire" means a used tire that has
34 been recapped, retreaded, or regrooved and that has not been

1 placed on a vehicle wheel rim.

2 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised
3 10-13-03.)

4 (415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)
5 Sec. 56.4. Medical waste manifests.

6 (a) Manifests for potentially infectious medical waste
7 shall consist of an original (the first page of the form) and 3
8 copies. Upon delivery of potentially infectious medical waste
9 by a generator to a transporter, the transporter shall deliver
10 one copy of the completed manifest to the generator. Upon
11 delivery of potentially infectious medical waste by a
12 transporter to a treatment or disposal facility, the
13 transporter shall keep one copy of the completed manifest, and
14 the transporter shall deliver the original and one copy of the
15 completed manifest to the treatment or disposal facility. The
16 treatment or disposal facility shall keep one copy of the
17 completed manifest and return the original to the generator
18 within 35 days. The manifest, as provided for in this Section,
19 shall not terminate while being transferred between the
20 generator, transporter, transfer station, or storage facility,
21 unless transfer activities are conducted at the treatment or
22 disposal facility. The manifest shall terminate at the
23 treatment or disposal facility.

24 (b) Potentially infectious medical waste manifests shall
25 be in a form prescribed and provided by the Agency. Generators
26 and transporters of potentially infectious medical waste and
27 facilities accepting potentially infectious medical waste are
28 not required to submit copies of such manifests to the Agency.
29 The manifest described in this Section shall be used for the
30 transportation of potentially infectious medical waste instead
31 of the manifest described in Section 22.01 of this Act. Copies
32 of each manifest shall be retained for 3 years by generators,
33 transporters, and facilities, and shall be available for

1 inspection and copying by the Agency.

2 (c) The Agency shall assess a fee of \$2 ~~\$4.00~~ for each
3 potentially infectious medical waste manifest provided by the
4 Agency.

5 (d) All fees collected by the Agency under this Section
6 shall be deposited into the Environmental Protection Permit and
7 Inspection Fund. The Agency may establish procedures relating
8 to the collection of fees under this Section. The Agency shall
9 not refund any fee paid to it under this Section.

10 (Source: P.A. 93-32, eff. 7-1-03.)

11 (415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

12 Sec. 56.5. Medical waste hauling fees.

13 (a) The Agency shall annually collect a \$1,000 ~~\$2000~~ fee
14 for each potentially infectious medical waste hauling permit
15 application and, in addition, shall collect a fee of \$250 for
16 each potentially infectious medical waste hauling vehicle
17 identified in the annual permit application and for each
18 vehicle that is added to the permit during the annual period.
19 Each applicant required to pay a fee under this Section shall
20 submit the fee along with the permit application. The Agency
21 shall deny any permit application for which a fee is required
22 under this Section that does not contain the appropriate fee.

23 (b) All fees collected by the Agency under this Section
24 shall be deposited into the Environmental Protection Permit and
25 Inspection Fund. The Agency may establish procedures relating
26 to the collection of fees under this Section. The Agency shall
27 not refund any fee paid to it under this Section.

28 (c) The Agency shall not collect a fee under this Section
29 from any hospital that transports only potentially infectious
30 medical waste generated by its own activities or by members of
31 its medical staff.

32 (Source: P.A. 93-32, eff. 7-1-03.)

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 permit
5 under Section 56.1(f) of this Act a fee in the amount of 1.5 ~~3~~
6 cents per pound of potentially infectious medical waste
7 transported. The Agency shall collect from each transporter of
8 potentially infectious medical waste not required to have a
9 permit under Section 56.1(f) (1) (A) of this Act a fee in the
10 amount of 1.5 ~~3~~ cents per pound of potentially infectious
11 medical waste transported to a site or facility not owned,
12 controlled, or operated by the transporter. The Agency shall
13 deny any permit required under Section 56.1(f) of this Act from
14 any applicant who has not paid to the Agency all fees due under
15 this Section.

16 A fee in the amount of 1.5 ~~3~~ cents per pound of potentially
17 infectious medical waste shall be collected by the Agency from
18 a potentially infectious medical waste storage site or
19 treatment facility receiving potentially infectious medical
20 waste, unless the fee has been previously paid by a
21 transporter.

22 (b) The Agency shall establish procedures, not later than
23 January 1, 1992, relating to the collection of the fees
24 authorized by this Section. These procedures shall include, but
25 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 time
29 and manner of payment of fees to the Agency, which payments
30 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 and
33 Inspection Fund. The Agency may establish procedures relating
34 to the collection of fees under this Section. The Agency shall

1 not refund any fee paid to it under this Section.

2 (d) The Agency shall not collect a fee under this Section
3 from a person transporting potentially infectious medical
4 waste to a hospital when the person is a member of the
5 hospital's medical staff.

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 (415 ILCS 5/9.12 rep.)

8 (415 ILCS 5/9.13 rep.)

9 (415 ILCS 5/12.5 rep.)

10 (415 ILCS 5/12.6 rep.)

11 Section 145. The Environmental Protection Act is amended by
12 repealing Sections 9.12, 9.13, 12.5, and 12.6.

13 Section 150. The Illinois Pesticide Act is amended by
14 changing Sections 6 and 22.1 as follows:

15 (415 ILCS 60/6) (from Ch. 5, par. 806)

16 Sec. 6. Registration.

17 1. Every pesticide which is distributed, sold, offered for
18 sale within this State, delivered for transportation or
19 transported in interstate commerce or between points within the
20 State through any point outside the State, shall be registered
21 with the Director or his designated agent, subject to
22 provisions of this Act. Such registration shall be renewed
23 annually with registrations expiring December 31 each year.
24 Registration is not required if a pesticide is shipped from one
25 plant or warehouse to another plant or warehouse by the same
26 person and is used solely at such plant or warehouse as a
27 constituent part to make a pesticide which is registered under
28 provisions of this Act and FIFRA.

29 2. Registration applicant shall file a statement with the
30 Director which shall include:

31 A. The name and address of the applicant and the name

1 and address of the person whose name will appear on the
2 label if different from the applicant's.

3 B. The name of the pesticide.

4 C. A copy of the labeling accompanying the pesticide
5 under customary conditions of distribution, sale and use,
6 including ingredient statement, direction for use, use
7 classification, and precautionary or warning statements.

8 3. The Director may require the submission of complete
9 formula data.

10 4. The Director may require a full description of tests
11 made and the results thereof, upon which the claims are based,
12 for any pesticide not registered pursuant to FIFRA, or on any
13 pesticide under consideration to be classified for restricted
14 use.

15 A. The Director will not consider data he required of
16 the initial registrant of a pesticide in support of another
17 applicants' registration unless the subsequent applicant
18 has obtained written permission to use such data.

19 B. In the case of renewal registration, the Director
20 may accept a statement only with respect to information
21 which is different from that furnished previously.

22 5. The Director may prescribe other requirements to support
23 a pesticide registration by regulation.

24 6. For the years preceding the year 2004, any registrant
25 desiring to register a pesticide product at any time during one
26 year shall pay the annual registration fee of \$100 per product
27 registered for that applicant. For the years 2004 through 2006
28 ~~and thereafter~~, the annual product registration fee is \$200 per
29 product. For the years 2007 and thereafter, the annual product
30 registration fee is \$130.

31 In addition, for the years preceding the year 2004 any
32 business registering a pesticide product at any time during one
33 year shall pay the annual business registration fee of \$250.
34 For the years 2004 through 2006 ~~and thereafter~~, the annual

1 business registration fee shall be \$400. For the years 2007 and
2 thereafter, the annual business registration fee is \$300. Each
3 legal entity of the business shall pay the annual business
4 registration fee.

5 For the years preceding the year 2004, any applicant
6 requesting an experimental use permit shall pay the annual fee
7 of \$100 per permit and all special local need pesticide
8 registration applicants shall pay an annual fee of \$100 per
9 product. For the years 2004 through 2006 ~~and thereafter~~, the
10 annual experimental use permit fee and special local need
11 pesticide registration fee is \$200 per permit. For the annual
12 experimental use permit fee and special local need pesticide
13 registration fee is \$130. Subsequent SLN registrations for a
14 pesticide already registered shall be exempted from the
15 registration fee.

16 A. All registration accepted and approved by the
17 Director shall expire on the 31st day of December in any
18 one year unless cancelled. Registration for a special local
19 need may be granted for a specific period of time with the
20 approval date and expiration date specified.

21 B. If a registration for special local need granted by
22 the Director does not receive approval of the Administrator
23 of USEPA, the registration shall expire on the date of the
24 Administrator's disapproval.

25 7. Registrations approved and accepted by the Director and
26 in effect on the 31st day of December, for which renewal
27 application is made, shall continue in full force and effect
28 until the Director notifies the registrant that the renewal has
29 been approved and accepted or the registration is denied under
30 this Act. Renewal registration forms will be provided to
31 applicants by the Director.

32 8. If the renewal of a pesticide registration is not filed
33 within 30 days of the date of expiration, a penalty late
34 registration assessment of \$200 ~~\$300~~ per product shall apply in

1 lieu of the normal annual product registration fee. The late
2 registration assessment shall not apply if the applicant
3 furnishes an affidavit certifying that no unregulated
4 pesticide was distributed or sold during the period of
5 registration. The late assessment is not a bar to prosecution
6 for doing business without proper registry.

7 9. The Director may prescribe by regulation to allow
8 pesticide use for a special local need, pursuant to FIFRA.

9 10. The Director may prescribe by regulation the provisions
10 for and requirements of registering a pesticide intended for
11 experimental use.

12 11. The Director shall not make any lack of essentiality a
13 criterion for denial of registration of any pesticide. Where 2
14 pesticides meet the requirements, one should not be registered
15 in preference to the other.

16 12. It shall be the duty of the pesticide registrant to
17 properly dispose of any pesticide the registration of which has
18 been suspended, revoked or cancelled or which is otherwise not
19 properly registered in the State.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (415 ILCS 60/22.1) (from Ch. 5, par. 822.1)

22 Sec. 22.1. Pesticide Control Fund. There is hereby created
23 in the State Treasury a special fund to be known as the
24 Pesticide Control Fund. All registration, penalty and license
25 fees collected by the Department pursuant to this Act shall be
26 deposited into the Fund. The amount annually collected as fees
27 shall be appropriated by the General Assembly to the Department
28 for the purposes of conducting a public educational program on
29 the proper use of pesticides, for other activities related to
30 the enforcement of this Act, and for administration of the
31 Insect Pest and Plant Disease Act. However, the increase in
32 fees in Sections 6, 10, and 13 of this Act resulting from this
33 amendatory Act of 1990 shall be used by the Department for the

1 purpose of carrying out the Department's powers and duties as
2 set forth in paragraph 8 of Section 19 of this Act. The monies
3 collected under Section 13.1 of this Act shall be deposited in
4 the Agrichemical Incident Response Fund. In addition, for the
5 years 2004 through 2006 ~~and thereafter~~, \$125 of each pesticide
6 annual business registration fee and \$50 of each pesticide
7 product annual registration fee collected by the Department
8 pursuant to Section 6, paragraph 6 of this Act shall be
9 deposited by the Department directly into the State's General
10 Revenue Fund.

11 (Source: P.A. 93-32, eff. 7-1-03.)

12 (415 ILCS 120/35 rep.)

13 Section 155. The Alternate Fuels Act is amended by
14 repealing Section 35 .

15 Section 160. The Alternate Fuels Act is amended by changing
16 Section 40 as follows:

17 (415 ILCS 120/40)

18 Sec. 40. Appropriations from the Alternate Fuels Fund.

19 (a) (Blank). ~~User Fees Funds. The Agency shall estimate the~~
20 ~~amount of user fees expected to be collected under Section 35~~
21 ~~of this Act for each fiscal year. User fee funds shall be~~
22 ~~deposited into and distributed from the Alternate Fuels Fund in~~
23 ~~the following manner:~~

24 ~~(1) In each of fiscal years 1999, 2000, 2001, 2002, and~~
25 ~~2003, an amount not to exceed \$200,000, and beginning in~~
26 ~~fiscal year 2004 an annual amount not to exceed \$225,000,~~
27 ~~may be appropriated to the Agency from the Alternate Fuels~~
28 ~~Fund to pay its costs of administering the programs~~
29 ~~authorized by Section 30 of this Act. Up to \$200,000 may be~~
30 ~~appropriated to the Office of the Secretary of State in~~
31 ~~each of fiscal years 1999, 2000, 2001, 2002, and 2003 from~~

1 ~~the Alternate Fuels Fund to pay the Secretary of State's~~
2 ~~costs of administering the programs authorized under this~~
3 ~~Act. Beginning in fiscal year 2004 and in each fiscal year~~
4 ~~thereafter, an amount not to exceed \$225,000 may be~~
5 ~~appropriated to the Secretary of State from the Alternate~~
6 ~~Fuels Fund to pay the Secretary of State's costs of~~
7 ~~administering the programs authorized under this Act.~~

8 ~~(2) In fiscal years 1999, 2000, 2001, and 2002, after~~
9 ~~appropriation of the amounts authorized by item (1) of~~
10 ~~subsection (a) of this Section, the remaining moneys~~
11 ~~estimated to be collected during each fiscal year shall be~~
12 ~~appropriated as follows: 80% of the remaining moneys shall~~
13 ~~be appropriated to fund the programs authorized by Section~~
14 ~~30, and 20% shall be appropriated to fund the programs~~
15 ~~authorized by Section 25. In fiscal year 2004 and each~~
16 ~~fiscal year thereafter, after appropriation of the amounts~~
17 ~~authorized by item (1) of subsection (a) of this Section,~~
18 ~~the remaining moneys estimated to be collected during each~~
19 ~~fiscal year shall be appropriated as follows: 70% of the~~
20 ~~remaining moneys shall be appropriated to fund the programs~~
21 ~~authorized by Section 30 and 30% shall be appropriated to~~
22 ~~fund the programs authorized by Section 31.~~

23 ~~(3) (Blank).~~

24 ~~(4) Moneys appropriated to fund the programs~~
25 ~~authorized in Sections 25 and 30 shall be expended only~~
26 ~~after they have been collected and deposited into the~~
27 ~~Alternate Fuels Fund.~~

28 (b) General Revenue Fund Appropriations. General Revenue
29 Fund amounts appropriated to and deposited into the Alternate
30 Fuels Fund shall be distributed from the Alternate Fuels Fund
31 in the following manner:

32 (1) In each of fiscal years 2003 and 2004, an amount
33 not to exceed \$50,000 may be appropriated to the Department
34 of Commerce and Community Affairs (now Department of

1 Commerce and Economic Opportunity) from the Alternate
2 Fuels Fund to pay its costs of administering the programs
3 authorized by Sections 31 and 32.

4 (2) In each of fiscal years 2003 and 2004, an amount
5 not to exceed \$50,000 may be appropriated to the Department
6 of Commerce and Community Affairs (now Department of
7 Commerce and Economic Opportunity) to fund the programs
8 authorized by Section 32.

9 (3) In each of fiscal years 2003 and 2004, after
10 appropriation of the amounts authorized in items (1) and
11 (2) of subsection (b) of this Section, the remaining moneys
12 received from the General Revenue Fund shall be
13 appropriated as follows: 52.632% of the remaining moneys
14 shall be appropriated to fund the programs authorized by
15 Sections 25 and 30 and 47.368% of the remaining moneys
16 shall be appropriated to fund the programs authorized by
17 Section 31. The moneys appropriated to fund the programs
18 authorized by Sections 25 and 30 shall be used as follows:
19 20% shall be used to fund the programs authorized by
20 Section 25, and 80% shall be used to fund the programs
21 authorized by Section 30.

22 Moneys appropriated to fund the programs authorized in
23 Section 31 shall be expended only after they have been
24 deposited into the Alternate Fuels Fund.

25 (Source: P.A. 92-858, eff. 1-3-03; 93-32, eff. 7-1-03; revised
26 12-6-03.)

27 Section 165. The Environmental Impact Fee Law is amended by
28 changing Section 315 as follows:

29 (415 ILCS 125/315)

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

31 Sec. 315. Fee on receivers of fuel for sale or use;
32 collection and reporting. A person that is required to pay the

1 fee imposed by this Law shall pay the fee to the Department by
2 return showing all fuel purchased, acquired, or received and
3 sold, distributed or used during the preceding calendar month,
4 including losses of fuel as the result of evaporation or
5 shrinkage due to temperature variations, and such other
6 reasonable information as the Department may require. Losses of
7 fuel as the result of evaporation or shrinkage due to
8 temperature variations may not exceed 1% of the total gallons
9 in storage at the beginning of the month, plus the receipts of
10 gallonage during the month, minus the gallonage remaining in
11 storage at the end of the month. Any loss reported that is in
12 excess of this amount shall be subject to the fee imposed by
13 Section 310 of this Law. On and after July 1, 2001, for each
14 6-month period January through June, net losses of fuel (for
15 each category of fuel that is required to be reported on a
16 return) as the result of evaporation or shrinkage due to
17 temperature variations may not exceed 1% of the total gallons
18 in storage at the beginning of each January, plus the receipts
19 of gallonage each January through June, minus the gallonage
20 remaining in storage at the end of each June. On and after July
21 1, 2001, for each 6-month period July through December, net
22 losses of fuel (for each category of fuel that is required to
23 be reported on a return) as the result of evaporation or
24 shrinkage due to temperature variations may not exceed 1% of
25 the total gallons in storage at the beginning of each July,
26 plus the receipts of gallonage each July through December,
27 minus the gallonage remaining in storage at the end of each
28 December. Any net loss reported that is in excess of this
29 amount shall be subject to the fee imposed by Section 310 of
30 this Law. For purposes of this Section, "net loss" means the
31 number of gallons gained through temperature variations minus
32 the number of gallons lost through temperature variations or
33 evaporation for each of the respective 6-month periods.

34 The return shall be prescribed by the Department and shall

1 be filed between the 1st and 20th days of each calendar month.
2 The Department may, in its discretion, combine the return filed
3 under this Law with the return filed under Section 2b of the
4 Motor Fuel Tax Law. If the return is timely filed, the receiver
5 may take a discount of 2% through June 30, 2003, ~~and~~ 1.75%
6 through the effective date of this amendatory Act of the 94th
7 General Assembly, and 2% thereafter to reimburse himself for
8 the expenses incurred in keeping records, preparing and filing
9 returns, collecting and remitting the fee, and supplying data
10 to the Department on request. However, the discount applies
11 only to the amount of the fee payment that accompanies a return
12 that is timely filed in accordance with this Section.

13 (Source: P.A. 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

14 Section 170. The Boiler and Pressure Vessel Safety Act is
15 amended by changing Section 13 as follows:

16 (430 ILCS 75/13) (from Ch. 111 1/2, par. 3214)

17 Sec. 13. Inspection fees. The owner or user of a boiler or
18 pressure vessel required by this Act to be inspected by the
19 Chief Inspector or his Deputy Inspector shall pay directly to
20 the Office of the State Fire Marshal, upon completion of
21 inspection, fees established by the Board.

22 ~~Fees On and after October 1, 2003, 50% of the fees for~~
23 ~~certification of boilers and pressure vessels as described in~~
24 ~~Section 11 shall be deposited into the General Revenue Fund and~~
25 ~~the remaining fees~~ received under this Act shall be deposited
26 in the Fire Prevention Fund.

27 (Source: P.A. 93-32, eff. 7-1-03.)

28 Section 175. The Illinois Commercial Feed Act of 1961 is
29 amended by changing Sections 6 and 14.3 as follows:

30 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

1 Sec. 6. Inspection fees and reports.

2 (a) An inspection fee at the rate of \$0.16 ~~20 cents~~ per ton
3 shall be paid to the Director on commercial feed distributed in
4 this State by the person who first distributes the commercial
5 feed subject to the following:

6 (1) The inspection fee is not required on the first
7 distribution, if made to an Exempt Buyer, who with approval
8 from the Director, will become responsible for the fee.

9 (2) Customer-formula feeds are hereby exempted if the
10 inspection fee is paid on the commercial feeds which they
11 contain.

12 (3) A fee shall not be paid on a commercial feed if the
13 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 pounds
16 or less, an annual fee of \$50 ~~\$75~~ shall be paid in lieu of
17 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 fees
20 collected pursuant to this Section shall be paid into the
21 Feed Control Fund in the State Treasury.

22 (b) The minimum inspection fee shall be \$25 every 6 months.

23 (c) Each person who is liable for the payment of the
24 inspection fee shall:

25 (1) File, not later than the last day of January and
26 July of each year, a statement setting forth the number of
27 net tons of commercial feeds distributed in this State
28 during the preceding calendar 6 months period; and upon
29 filing such statement shall pay the inspection fee at the
30 rate stated in paragraph (a) of this Section. This report
31 shall be made on a summary form provided by the Director or
32 on other forms as approved by the Director. If the tonnage
33 report is not filed and the inspection fee is not paid
34 within 15 days after the end of the filing date a

1 collection fee amounting to 10% of the inspection fee that
2 is due or \$50 whichever is greater, shall be assessed
3 against the person who is liable for the payment of the
4 inspection fee in addition to the inspection fee that is
5 due.

6 (2) Keep such records as may be necessary or required
7 by the Director to indicate accurately the tonnage of
8 commercial feed distributed in this State, and the Director
9 shall have the right to examine such records to verify
10 statements of tonnage. Failure to make an accurate
11 statement of tonnage or to pay the inspection fee or comply
12 as provided herein shall constitute sufficient cause for
13 the cancellation of all registrations or firm licenses on
14 file for the manufacturer or distributor.

15 (Source: P.A. 93-32, eff. 7-1-03.)

16 (505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

17 Sec. 14.3. Feed Control Fund. There is created in the State
18 Treasury a special fund to be known as the Feed Control Fund.
19 All firm license, inspection, and penalty fees collected by the
20 Department under this Act shall be deposited in the Feed
21 Control Fund. ~~In addition, for the years 2004 and thereafter,~~
22 ~~\$22 of each annual fee collected by the Department pursuant to~~
23 ~~Section 6, paragraph 4 of this Act shall be deposited by the~~
24 ~~Department directly into the State's General Revenue Fund.~~ The
25 amount annually collected as fees shall be appropriated by the
26 General Assembly to the Department for activities related to
27 the enforcement of this Act.

28 (Source: P.A. 93-32, eff. 7-1-03.)

29 Section 180. The Illinois Fertilizer Act of 1961 is amended
30 by changing Sections 4 and 6 as follows:

31 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

1 Sec. 4. Registration.

2 (a) Each brand and grade of commercial fertilizer shall be
3 registered before being distributed in this State. The
4 application for registration shall be submitted with a label or
5 facsimile of same to the Director on form furnished by the
6 Director, and shall be accompanied by a fee of \$10 per grade
7 within a brand. Upon approval by the Director a copy of the
8 registration shall be furnished to the applicant. All
9 registrations expire on December 31 of each year.

10 The application shall include the following information:

- 11 (1) The net weight
12 (2) The brand and grade
13 (3) The guaranteed analysis
14 (4) The name and address of the registrant.

15 (b) A distributor shall not be required to register any
16 brand of commercial fertilizer or custom mix which is already
17 registered under this Act by another person.

18 (c) The plant nutrient content of each and every commercial
19 fertilizer must remain uniform for the period of registration
20 and, in no case, shall the percentage of any guaranteed plant
21 nutrient element be changed in such a manner that the
22 crop-producing quality of the commercial fertilizer is
23 lowered.

24 (d) Each custom mixer shall register annually with the
25 Director on forms furnished by the Director. The application
26 for registration shall be accompanied by a fee of \$25 ~~\$50~~,
27 unless the custom mixer elects to register each mixture, paying
28 a fee of \$5 ~~\$10~~ per mixture. Upon approval by the Director, a
29 copy of the registration shall be furnished to the applicant.
30 All registrations expire on December 31 of each year.

31 (e) A custom mix as defined in section 3(f), prepared for
32 one consumer shall not be co-mingled with the custom mixed
33 fertilizer prepared for another consumer.

34 (f) All fees collected pursuant to this Section shall be

1 paid into the State treasury.

2 (Source: P.A. 93-32, eff. 7-1-03.)

3 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

4 Sec. 6. Inspection fees.

5 (a) There shall be paid to the Director for all commercial
6 fertilizers or custom mix distributed in this State an
7 inspection fee at the rate of \$0.20 ~~25¢~~ per ton. Sales to
8 manufacturers or exchanges between them are hereby exempted
9 from the inspection fee.

10 On individual packages of commercial or custom mix or
11 specialty fertilizers containing 5 pounds or less, or if in
12 liquid form containers of 4,000 cubic centimeters or less,
13 there shall be paid instead of the \$0.20 ~~25¢~~ per ton inspection
14 fee, an annual inspection fee of \$25 for each grade within a
15 brand sold or distributed. Where a person sells commercial or
16 custom mix or specialty fertilizers in packages of 5 pounds or
17 less, or 4,000 cubic centimeters or less if in liquid form, and
18 also sells in larger packages than 5 pounds or liquid
19 containers larger than 4,000 cubic centimeters, this annual
20 inspection fee of \$25 applies only to that portion sold in
21 packages of 5 pounds or less or 4,000 cubic centimeters or
22 less, and that portion sold in larger packages or containers
23 shall be subject to the same inspection fee of \$0.20 ~~25¢~~ per
24 ton as provided in this Act. The increased fees shall be
25 effective after June 30, 1989.

26 (b) Every person who distributes a commercial fertilizer or
27 custom mix in this State shall file with the Director, on forms
28 furnished by the Director, a semi-annual statement for the
29 periods ending June 30 and December 31, setting forth the
30 number of net tons of each grade of commercial fertilizers
31 within a brand or the net tons of custom mix distributed. The
32 report shall be due on or before the 15th day of the month
33 following the close of each semi-annual period and upon the

1 statement shall pay the inspection fee at the rate stated in
2 paragraph (a) of this Section.

3 One half of the \$0.20 ~~25¢~~ per ton inspection fee shall be
4 paid into the Fertilizer Control Fund and all other fees
5 collected under this Section shall be paid into the State
6 treasury.

7 If the tonnage report is not filed and the payment of
8 inspection fee is not made within 30 days after the end of the
9 semi-annual period, a collection fee amounting to 10% (minimum
10 \$10) of the amount shall be assessed against the registrant.
11 The amount of fees due shall constitute a debt and become the
12 basis of a judgment against the registrant. Upon the written
13 request to the Director additional time may be granted past the
14 normal date of filing the semi-annual statement.

15 When more than one person is involved in the distribution
16 of a commercial fertilizer, the last registrant who distributes
17 to the non-registrant (dealer or consumer) is responsible for
18 reporting the tonnage and paying the inspection fee.

19 (Source: P.A. 93-32, eff. 7-1-03.)

20 Section 190. The Illinois Vehicle Code is amended by
21 changing Sections 2-119, 2-123, 2-124, 3-403, 3-405.1, 3-811,
22 5-101, 5-102, 6-118, 7-707, 18c-1501, 18c-1502.05, and
23 18c-1502.10 as follows:

24 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

25 Sec. 2-119. Disposition of fees and taxes.

26 (a) All moneys received from Salvage Certificates shall be
27 deposited in the Common School Fund in the State Treasury.

28 (b) Beginning January 1, 1990 and concluding December 31,
29 1994, of the money collected for each certificate of title,
30 duplicate certificate of title and corrected certificate of
31 title, \$0.50 shall be deposited into the Used Tire Management
32 Fund. Beginning January 1, 1990 and concluding December 31,

1 1994, of the money collected for each certificate of title,
2 duplicate certificate of title and corrected certificate of
3 title, \$1.50 shall be deposited in the Park and Conservation
4 Fund.

5 Beginning January 1, 1995, of the money collected for each
6 certificate of title, duplicate certificate of title and
7 corrected certificate of title, \$2 shall be deposited in the
8 Park and Conservation Fund. The moneys deposited in the Park
9 and Conservation Fund pursuant to this Section shall be used
10 for the acquisition and development of bike paths as provided
11 for in Section 805-420 of the Department of Natural Resources
12 (Conservation) Law (20 ILCS 805/805-420).

13 Beginning January 1, 2000, of the moneys collected for each
14 certificate of title, duplicate certificate of title, and
15 corrected certificate of title, \$48 shall be deposited into the
16 Road Fund and \$4 shall be deposited into the Motor Vehicle
17 License Plate Fund, except that if the balance in the Motor
18 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
19 of a calendar month, then during the next calendar month the \$4
20 shall instead be deposited into the Road Fund.

21 Beginning January 1, 2005, of the moneys collected for each
22 delinquent vehicle registration renewal fee, \$20 shall be
23 deposited into the General Revenue Fund.

24 Except as otherwise provided in this Code, all remaining
25 moneys collected for certificates of title, and all moneys
26 collected for filing of security interests, shall be placed in
27 the General Revenue Fund in the State Treasury.

28 (c) All moneys collected for that portion of a driver's
29 license fee designated for driver education under Section 6-118
30 shall be placed in the Driver Education Fund in the State
31 Treasury.

32 (d) Beginning January 1, 1999, of the monies collected as a
33 registration fee for each motorcycle, motor driven cycle and
34 motorized pedalcycle, 27% of each annual registration fee for

1 such vehicle and 27% of each semiannual registration fee for
2 such vehicle is deposited in the Cycle Rider Safety Training
3 Fund.

4 (e) Of the monies received by the Secretary of State as
5 registration fees or taxes or as payment of any other fee, as
6 provided in this Act, except fees received by the Secretary
7 under paragraph (7) of subsection (b) of Section 5-101 and
8 Section 5-109 of this Code, 37% shall be deposited into the
9 State Construction Fund.

10 (f) Of the total money collected for a CDL instruction
11 permit or original or renewal issuance of a commercial driver's
12 license (CDL) pursuant to the Uniform Commercial Driver's
13 License Act (UCDLA): (i) \$6 of the total fee for an original or
14 renewal CDL, and \$6 of the total CDL instruction permit fee
15 when such permit is issued to any person holding a valid
16 Illinois driver's license, shall be paid into the
17 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
18 Information System/American Association of Motor Vehicle
19 Administrators network Trust Fund) and shall be used for the
20 purposes provided in Section 6z-23 of the State Finance Act and
21 (ii) \$20 of the total fee for an original or renewal CDL or
22 commercial driver instruction permit shall be paid into the
23 Motor Carrier Safety Inspection Fund, which is hereby created
24 as a special fund in the State Treasury, to be used by the
25 Department of State Police, subject to appropriation, to hire
26 additional officers to conduct motor carrier safety
27 inspections pursuant to Chapter 18b of this Code.

28 (g) All remaining moneys received by the Secretary of State
29 as registration fees or taxes or as payment of any other fee,
30 as provided in this Act, except fees received by the Secretary
31 under paragraph (7)(A) of subsection (b) of Section 5-101 and
32 Section 5-109 of this Code, shall be deposited in the Road Fund
33 in the State Treasury. Moneys in the Road Fund shall be used
34 for the purposes provided in Section 8.3 of the State Finance

1 Act.

2 (h) (Blank).

3 (i) (Blank).

4 (j) (Blank).

5 (k) There is created in the State Treasury a special fund
6 to be known as the Secretary of State Special License Plate
7 Fund. Money deposited into the Fund shall, subject to
8 appropriation, be used by the Office of the Secretary of State
9 (i) to help defray plate manufacturing and plate processing
10 costs for the issuance and, when applicable, renewal of any new
11 or existing special registration plates authorized under this
12 Code and (ii) for grants made by the Secretary of State to
13 benefit Illinois Veterans Home libraries.

14 On or before October 1, 1995, the Secretary of State shall
15 direct the State Comptroller and State Treasurer to transfer
16 any unexpended balance in the Special Environmental License
17 Plate Fund, the Special Korean War Veteran License Plate Fund,
18 and the Retired Congressional License Plate Fund to the
19 Secretary of State Special License Plate Fund.

20 (l) The Motor Vehicle Review Board Fund is created as a
21 special fund in the State Treasury. Moneys deposited into the
22 Fund under paragraph (7) of subsection (b) of Section 5-101 and
23 Section 5-109 shall, subject to appropriation, be used by the
24 Office of the Secretary of State to administer the Motor
25 Vehicle Review Board, including without limitation payment of
26 compensation and all necessary expenses incurred in
27 administering the Motor Vehicle Review Board under the Motor
28 Vehicle Franchise Act.

29 (m) Effective July 1, 1996, there is created in the State
30 Treasury a special fund to be known as the Family
31 Responsibility Fund. Moneys deposited into the Fund shall,
32 subject to appropriation, be used by the Office of the
33 Secretary of State for the purpose of enforcing the Family
34 Financial Responsibility Law.

1 (n) The Illinois Fire Fighters' Memorial Fund is created as
2 a special fund in the State Treasury. Moneys deposited into the
3 Fund shall, subject to appropriation, be used by the Office of
4 the State Fire Marshal for construction of the Illinois Fire
5 Fighters' Memorial to be located at the State Capitol grounds
6 in Springfield, Illinois. Upon the completion of the Memorial,
7 moneys in the Fund shall be used in accordance with Section
8 3-634.

9 (o) Of the money collected for each certificate of title
10 for all-terrain vehicles and off-highway motorcycles, \$17
11 shall be deposited into the Off-Highway Vehicle Trails Fund.

12 (p) (Blank). ~~For audits conducted on or after July 1, 2003~~
13 ~~pursuant to Section 2-124(d) of this Code, 50% of the money~~
14 ~~collected as audit fees shall be deposited into the General~~
15 ~~Revenue Fund.~~

16 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840,
17 eff. 7-30-04.)

18 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

19 Sec. 2-123. Sale and Distribution of Information.

20 (a) Except as otherwise provided in this Section, the
21 Secretary may make the driver's license, vehicle and title
22 registration lists, in part or in whole, and any statistical
23 information derived from these lists available to local
24 governments, elected state officials, state educational
25 institutions, and all other governmental units of the State and
26 Federal Government requesting them for governmental purposes.
27 The Secretary shall require any such applicant for services to
28 pay for the costs of furnishing such services and the use of
29 the equipment involved, and in addition is empowered to
30 establish prices and charges for the services so furnished and
31 for the use of the electronic equipment utilized.

32 (b) The Secretary is further empowered to and he may, in
33 his discretion, furnish to any applicant, other than listed in

1 subsection (a) of this Section, vehicle or driver data on a
2 computer tape, disk, other electronic format or computer
3 processable medium, or printout at a fixed fee of \$250 for
4 orders received before October 1, 2003 and for orders received
5 on and after the effective date of this amendatory Act of the
6 94th General Assembly and \$500 for orders received on or after
7 October 1, 2003 until the effective date of this amendatory Act
8 of the 94th General Assembly, in advance, and require in
9 addition a further sufficient deposit based upon the Secretary
10 of State's estimate of the total cost of the information
11 requested and a charge of \$25 for orders received before
12 October 1, 2003 and for orders received on and after the
13 effective date of this amendatory Act of the 94th General
14 Assembly and \$50 for orders received on or after October 1,
15 2003 until the effective date of this amendatory Act of the
16 94th General Assembly, per 1,000 units or part thereof
17 identified or the actual cost, whichever is greater. The
18 Secretary is authorized to refund any difference between the
19 additional deposit and the actual cost of the request. This
20 service shall not be in lieu of an abstract of a driver's
21 record nor of a title or registration search. This service may
22 be limited to entities purchasing a minimum number of records
23 as required by administrative rule. The information sold
24 pursuant to this subsection shall be the entire vehicle or
25 driver data list, or part thereof. The information sold
26 pursuant to this subsection shall not contain personally
27 identifying information unless the information is to be used
28 for one of the purposes identified in subsection (f-5) of this
29 Section. Commercial purchasers of driver and vehicle record
30 databases shall enter into a written agreement with the
31 Secretary of State that includes disclosure of the commercial
32 use of the information to be purchased.

33 (b-1) The Secretary is further empowered to and may, in his
34 or her discretion, furnish vehicle or driver data on a computer

1 tape, disk, or other electronic format or computer processible
2 medium, at no fee, to any State or local governmental agency
3 that uses the information provided by the Secretary to transmit
4 data back to the Secretary that enables the Secretary to
5 maintain accurate driving records, including dispositions of
6 traffic cases. This information may be provided without fee not
7 more often than once every 6 months.

8 (c) Secretary of State may issue registration lists. The
9 Secretary of State shall compile and publish, at least
10 annually, a list of all registered vehicles. Each list of
11 registered vehicles shall be arranged serially according to the
12 registration numbers assigned to registered vehicles and shall
13 contain in addition the names and addresses of registered
14 owners and a brief description of each vehicle including the
15 serial or other identifying number thereof. Such compilation
16 may be in such form as in the discretion of the Secretary of
17 State may seem best for the purposes intended.

18 (d) The Secretary of State shall furnish no more than 2
19 current available lists of such registrations to the sheriffs
20 of all counties and to the chiefs of police of all cities and
21 villages and towns of 2,000 population and over in this State
22 at no cost. Additional copies may be purchased by the sheriffs
23 or chiefs of police at the fee of \$500 each or at the cost of
24 producing the list as determined by the Secretary of State.
25 Such lists are to be used for governmental purposes only.

26 (e) (Blank).

27 (e-1) (Blank).

28 (f) The Secretary of State shall make a title or
29 registration search of the records of his office and a written
30 report on the same for any person, upon written application of
31 such person, accompanied by a fee of \$5 for each registration
32 or title search. The written application shall set forth the
33 intended use of the requested information. No fee shall be
34 charged for a title or registration search, or for the

1 certification thereof requested by a government agency. The
2 report of the title or registration search shall not contain
3 personally identifying information unless the request for a
4 search was made for one of the purposes identified in
5 subsection (f-5) of this Section. The report of the title or
6 registration search shall not contain highly restricted
7 personal information unless specifically authorized by this
8 Code.

9 The Secretary of State shall certify a title or
10 registration record upon written request. The fee for
11 certification shall be \$5 in addition to the fee required for a
12 title or registration search. Certification shall be made under
13 the signature of the Secretary of State and shall be
14 authenticated by Seal of the Secretary of State.

15 The Secretary of State may notify the vehicle owner or
16 registrant of the request for purchase of his title or
17 registration information as the Secretary deems appropriate.

18 No information shall be released to the requestor until
19 expiration of a 10 day period. This 10 day period shall not
20 apply to requests for information made by law enforcement
21 officials, government agencies, financial institutions,
22 attorneys, insurers, employers, automobile associated
23 businesses, persons licensed as a private detective or firms
24 licensed as a private detective agency under the Private
25 Detective, Private Alarm, Private Security, and Locksmith Act
26 of 2004, who are employed by or are acting on behalf of law
27 enforcement officials, government agencies, financial
28 institutions, attorneys, insurers, employers, automobile
29 associated businesses, and other business entities for
30 purposes consistent with the Illinois Vehicle Code, the vehicle
31 owner or registrant or other entities as the Secretary may
32 exempt by rule and regulation.

33 Any misrepresentation made by a requestor of title or
34 vehicle information shall be punishable as a petty offense,

1 except in the case of persons licensed as a private detective
2 or firms licensed as a private detective agency which shall be
3 subject to disciplinary sanctions under Section 40-10 of the
4 Private Detective, Private Alarm, Private Security, and
5 Locksmith Act of 2004.

6 (f-5) The Secretary of State shall not disclose or
7 otherwise make available to any person or entity any personally
8 identifying information obtained by the Secretary of State in
9 connection with a driver's license, vehicle, or title
10 registration record unless the information is disclosed for one
11 of the following purposes:

12 (1) For use by any government agency, including any
13 court or law enforcement agency, in carrying out its
14 functions, or any private person or entity acting on behalf
15 of a federal, State, or local agency in carrying out its
16 functions.

17 (2) For use in connection with matters of motor vehicle
18 or driver safety and theft; motor vehicle emissions; motor
19 vehicle product alterations, recalls, or advisories;
20 performance monitoring of motor vehicles, motor vehicle
21 parts, and dealers; and removal of non-owner records from
22 the original owner records of motor vehicle manufacturers.

23 (3) For use in the normal course of business by a
24 legitimate business or its agents, employees, or
25 contractors, but only:

26 (A) to verify the accuracy of personal information
27 submitted by an individual to the business or its
28 agents, employees, or contractors; and

29 (B) if such information as so submitted is not
30 correct or is no longer correct, to obtain the correct
31 information, but only for the purposes of preventing
32 fraud by, pursuing legal remedies against, or
33 recovering on a debt or security interest against, the
34 individual.

1 (4) For use in research activities and for use in
2 producing statistical reports, if the personally
3 identifying information is not published, redisclosed, or
4 used to contact individuals.

5 (5) For use in connection with any civil, criminal,
6 administrative, or arbitral proceeding in any federal,
7 State, or local court or agency or before any
8 self-regulatory body, including the service of process,
9 investigation in anticipation of litigation, and the
10 execution or enforcement of judgments and orders, or
11 pursuant to an order of a federal, State, or local court.

12 (6) For use by any insurer or insurance support
13 organization or by a self-insured entity or its agents,
14 employees, or contractors in connection with claims
15 investigation activities, antifraud activities, rating, or
16 underwriting.

17 (7) For use in providing notice to the owners of towed
18 or impounded vehicles.

19 (8) For use by any person licensed as a private
20 detective or firm licensed as a private detective agency
21 under the Private Detective, Private Alarm, Private
22 Security, and Locksmith Act of 1993, private investigative
23 agency or security service licensed in Illinois for any
24 purpose permitted under this subsection.

25 (9) For use by an employer or its agent or insurer to
26 obtain or verify information relating to a holder of a
27 commercial driver's license that is required under chapter
28 313 of title 49 of the United States Code.

29 (10) For use in connection with the operation of
30 private toll transportation facilities.

31 (11) For use by any requester, if the requester
32 demonstrates it has obtained the written consent of the
33 individual to whom the information pertains.

34 (12) For use by members of the news media, as defined

1 in Section 1-148.5, for the purpose of newsgathering when
2 the request relates to the operation of a motor vehicle or
3 public safety.

4 (13) For any other use specifically authorized by law,
5 if that use is related to the operation of a motor vehicle
6 or public safety.

7 (f-6) The Secretary of State shall not disclose or
8 otherwise make available to any person or entity any highly
9 restricted personal information obtained by the Secretary of
10 State in connection with a driver's license, vehicle, or title
11 registration record unless specifically authorized by this
12 Code.

13 (g) 1. The Secretary of State may, upon receipt of a
14 written request and a fee of \$6 before October 1, 2003 and
15 on and after the effective date of this amendatory Act of
16 the 94th General Assembly and a fee of \$12 on and after
17 October 1, 2003 until the effective date of this amendatory
18 Act of the 94th General Assembly, furnish to the person or
19 agency so requesting a driver's record. Such document may
20 include a record of: current driver's license issuance
21 information, except that the information on judicial
22 driving permits shall be available only as otherwise
23 provided by this Code; convictions; orders entered
24 revoking, suspending or cancelling a driver's license or
25 privilege; and notations of accident involvement. All
26 other information, unless otherwise permitted by this
27 Code, shall remain confidential. Information released
28 pursuant to a request for a driver's record shall not
29 contain personally identifying information, unless the
30 request for the driver's record was made for one of the
31 purposes set forth in subsection (f-5) of this Section.

32 2. The Secretary of State shall not disclose or
33 otherwise make available to any person or entity any highly
34 restricted personal information obtained by the Secretary

1 of State in connection with a driver's license, vehicle, or
2 title registration record unless specifically authorized
3 by this Code. The Secretary of State may certify an
4 abstract of a driver's record upon written request
5 therefor. Such certification shall be made under the
6 signature of the Secretary of State and shall be
7 authenticated by the Seal of his office.

8 3. All requests for driving record information shall be
9 made in a manner prescribed by the Secretary and shall set
10 forth the intended use of the requested information.

11 The Secretary of State may notify the affected driver
12 of the request for purchase of his driver's record as the
13 Secretary deems appropriate.

14 No information shall be released to the requester 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
20 firms licensed as a private detective agency under the
21 Private Detective, Private Alarm, Private Security, and
22 Locksmith Act of 2004, who are employed by or are acting on
23 behalf of law enforcement officials, government agencies,
24 financial institutions, attorneys, insurers, employers,
25 automobile associated businesses, and other business
26 entities for purposes consistent with the Illinois Vehicle
27 Code, the affected driver or other entities as the
28 Secretary may exempt by rule and regulation.

29 Any misrepresentation made by a requestor of driver
30 information shall be punishable as a petty offense, except
31 in the case of persons licensed as a private detective or
32 firms licensed as a private detective agency which shall be
33 subject to disciplinary sanctions under Section 40-10 of
34 the Private Detective, Private Alarm, Private Security,

1 and Locksmith Act of 2004.

2 4. The Secretary of State may furnish without fee, upon
3 the written request of a law enforcement agency, any
4 information from a driver's record on file with the
5 Secretary of State when such information is required in the
6 enforcement of this Code or any other law relating to the
7 operation of motor vehicles, including records of
8 dispositions; documented information involving the use of
9 a motor vehicle; whether such individual has, or previously
10 had, a driver's license; and the address and personal
11 description as reflected on said driver's record.

12 5. Except as otherwise provided in this Section, the
13 Secretary of State may furnish, without fee, information
14 from an individual driver's record on file, if a written
15 request therefor is submitted by any public transit system
16 or authority, public defender, law enforcement agency, a
17 state or federal agency, or an Illinois local
18 intergovernmental association, if the request is for the
19 purpose of a background check of applicants for employment
20 with the requesting agency, or for the purpose of an
21 official investigation conducted by the agency, or to
22 determine a current address for the driver so public funds
23 can be recovered or paid to the driver, or for any other
24 purpose set forth in subsection (f-5) of this Section.

25 The Secretary may also furnish the courts a copy of an
26 abstract of a driver's record, without fee, subsequent to
27 an arrest for a violation of Section 11-501 or a similar
28 provision of a local ordinance. Such abstract may include
29 records of dispositions; documented information involving
30 the use of a motor vehicle as contained in the current
31 file; whether such individual has, or previously had, a
32 driver's license; and the address and personal description
33 as reflected on said driver's record.

34 6. Any certified abstract issued by the Secretary of

1 State or transmitted electronically by the Secretary of
2 State pursuant to this Section, to a court or on request of
3 a law enforcement agency, for the record of a named person
4 as to the status of the person's driver's license shall be
5 prima facie evidence of the facts therein stated and if the
6 name appearing in such abstract is the same as that of a
7 person named in an information or warrant, such abstract
8 shall be prima facie evidence that the person named in such
9 information or warrant is the same person as the person
10 named in such abstract and shall be admissible for any
11 prosecution under this Code and be admitted as proof of any
12 prior conviction or proof of records, notices, or orders
13 recorded on individual driving records maintained by the
14 Secretary of State.

15 7. Subject to any restrictions contained in the
16 Juvenile Court Act of 1987, and upon receipt of a proper
17 request and a fee of \$6 before October 1, 2003 and on and
18 after the effective date of this amendatory Act of the 94th
19 General Assembly and a fee of \$12 on or after October 1,
20 2003 until the effective date of this amendatory Act of the
21 94th General Assembly, the Secretary of State shall provide
22 a driver's record to the affected driver, or the affected
23 driver's attorney, upon verification. Such record shall
24 contain all the information referred to in paragraph 1 of
25 this subsection (g) plus: any recorded accident
26 involvement as a driver; information recorded pursuant to
27 subsection (e) of Section 6-117 and paragraph (4) of
28 subsection (a) of Section 6-204 of this Code. All other
29 information, unless otherwise permitted by this Code,
30 shall remain confidential.

31 (h) The Secretary shall not disclose social security
32 numbers or any associated information obtained from the Social
33 Security Administration except pursuant to a written request
34 by, or with the prior written consent of, the individual

1 except: (1) to officers and employees of the Secretary who have
2 a need to know the social security numbers in performance of
3 their official duties, (2) to law enforcement officials for a
4 lawful, civil or criminal law enforcement investigation, and if
5 the head of the law enforcement agency has made a written
6 request to the Secretary specifying the law enforcement
7 investigation for which the social security numbers are being
8 sought, (3) to the United States Department of Transportation,
9 or any other State, pursuant to the administration and
10 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
11 (4) pursuant to the order of a court of competent jurisdiction,
12 or (5) to the Department of Healthcare and Family Services
13 (formerly Department of Public Aid) for utilization in the
14 child support enforcement duties assigned to that Department
15 under provisions of the Illinois Public Aid Code after the
16 individual has received advanced meaningful notification of
17 what redisclosure is sought by the Secretary in accordance with
18 the federal Privacy Act.

19 (i) (Blank).

20 (j) Medical statements or medical reports received in the
21 Secretary of State's Office shall be confidential. No
22 confidential information may be open to public inspection or
23 the contents disclosed to anyone, except officers and employees
24 of the Secretary who have a need to know the information
25 contained in the medical reports and the Driver License Medical
26 Advisory Board, unless so directed by an order of a court of
27 competent jurisdiction.

28 (k) All fees collected under this Section shall be paid
29 into the Road Fund of the State Treasury, except that (i) for
30 fees collected before October 1, 2003, \$3 of the \$6 fee for a
31 driver's record shall be paid into the Secretary of State
32 Special Services Fund, (ii) for fees collected on and after
33 October 1, 2003 until the effective date of this amendatory Act
34 of the 94th General Assembly, of the \$12 fee for a driver's

1 record, \$3 shall be paid into the Secretary of State Special
2 Services Fund and \$6 shall be paid into the General Revenue
3 Fund, and (iii) for fees collected on and after October 1, 2003
4 until the effective date of this amendatory Act of the 94th
5 General Assembly, 50% of the amounts collected pursuant to
6 subsection (b) shall be paid into the General Revenue Fund.

7 (l) (Blank).

8 (m) Notations of accident involvement that may be disclosed
9 under this Section shall not include notations relating to
10 damage to a vehicle or other property being transported by a
11 tow truck. This information shall remain confidential,
12 provided that nothing in this subsection (m) shall limit
13 disclosure of any notification of accident involvement to any
14 law enforcement agency or official.

15 (n) Requests made by the news media for driver's license,
16 vehicle, or title registration information may be furnished
17 without charge or at a reduced charge, as determined by the
18 Secretary, when the specific purpose for requesting the
19 documents is deemed to be in the public interest. Waiver or
20 reduction of the fee is in the public interest if the principal
21 purpose of the request is to access and disseminate information
22 regarding the health, safety, and welfare or the legal rights
23 of the general public and is not for the principal purpose of
24 gaining a personal or commercial benefit. The information
25 provided pursuant to this subsection shall not contain
26 personally identifying information unless the information is
27 to be used for one of the purposes identified in subsection
28 (f-5) of this Section.

29 (o) The redisclosure of personally identifying information
30 obtained pursuant to this Section is prohibited, except to the
31 extent necessary to effectuate the purpose for which the
32 original disclosure of the information was permitted.

33 (p) The Secretary of State is empowered to adopt rules to
34 effectuate this Section.

1 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
2 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

3 (625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)

4 Sec. 2-124. Audits, interest and penalties.

5 (a) Audits. The Secretary of State or employees and agents
6 designated by him, may audit the books, records, tax returns,
7 reports, and any and all other pertinent records or documents
8 of any person licensed or registered, or required to be
9 licensed or registered, under any provisions of this Act, for
10 the purpose of determining whether such person has not paid any
11 fees or taxes required to be paid to the Secretary of State and
12 due to the State of Illinois. For purposes of this Section,
13 "person" means an individual, corporation, or partnership, or
14 an officer or an employee of any corporation, including a
15 dissolved corporation, or a member or an employee of any
16 partnership, who as an officer, employee, or member under a
17 duty to perform the act in respect to which the violation
18 occurs.

19 (b) Joint Audits. The Secretary of State may enter into
20 reciprocal audit agreements with officers, agents or agencies
21 of another State or States, for joint audits of any person
22 subject to audit under this Act.

23 (c) Special Audits. If the Secretary of State is not
24 satisfied with the books, records and documents made available
25 for an audit, or if the Secretary of State is unable to
26 determine therefrom whether any fees or taxes are due to the
27 State of Illinois, or if there is cause to believe that the
28 person audited has declined or refused to supply the books,
29 records and documents necessary to determine whether a
30 deficiency exists, the Secretary of State may either seek a
31 court order for production of any and all books, records and
32 documents he deems relevant and material, or, in his
33 discretion, the Secretary of State may instead give written

1 notice to such person requiring him to produce any and all
2 books, records and documents necessary to properly audit and
3 determine whether any fees or taxes are due to the State of
4 Illinois. If such person fails, refuses or declines to comply
5 with either the court order or written notice within the time
6 specified, the Secretary of State shall then order a special
7 audit at the expense of the person affected. Upon completion of
8 the special audit, the Secretary of State shall determine if
9 any fees or taxes required to be paid under this Act have not
10 been paid, and make an assessment of any deficiency based upon
11 the books, records and documents available to him, and in an
12 assessment, he may rely upon records of other persons having an
13 operation similar to that of the person audited specially. A
14 person audited specially and subject to a court order and in
15 default thereof, shall in addition, be subject to any penalty
16 or punishment imposed by the court entering the order.

17 (d) Deficiency; Audit Costs. When a deficiency is found and
18 any fees or taxes required to be paid under this Act have not
19 been paid to the State of Illinois, the Secretary of State may
20 impose an audit fee of \$50 ~~\$100~~ per day, or \$25 ~~\$50~~ per
21 half-day, per auditor, plus in the case of out-of-state travel,
22 transportation expenses incurred by the auditor or auditors.
23 Where more than one person is audited on the same out-of-state
24 trip, the additional transportation expenses may be
25 apportioned. The actual costs of a special audit shall be
26 imposed upon the person audited.

27 (e) Interest. When a deficiency is found and any fees or
28 taxes required to be paid under this Act have not been paid to
29 the State of Illinois, the amount of the deficiency, if greater
30 than \$100 for all registration years examined, shall also bear
31 interest at the rate of 1/2 of 1% per month or fraction
32 thereof, from the date when the fee or tax due should have been
33 paid under the provisions of this Act, subject to a maximum of
34 6% per annum.

1 (f) Willful Negligence. When a deficiency is determined by
2 the Secretary to be caused by the willful neglect or negligence
3 of the person audited, an additional 10% penalty, that is 10%
4 of the amount of the deficiency or assessment, shall be
5 imposed, and the 10% penalty shall bear interest at the rate of
6 1/2 of 1% on and after the 30th day after the penalty is
7 imposed until paid in full.

8 (g) Fraud or Evasion. When a deficiency is determined by
9 the Secretary to be caused by fraud or willful evasion of the
10 provisions of this Act, an additional penalty, that is 20% of
11 the amount of the deficiency or assessment, shall be imposed,
12 and the 20% penalty shall bear interest at the rate of 1/2 of
13 1% on and after the 30th day after the penalty is imposed until
14 paid in full.

15 (h) Notice. The Secretary of State shall give written
16 notice to any person audited, of the amount of any deficiency
17 found or assessment made, of the costs of an audit or special
18 audit, and of the penalty imposed, and payment shall be made
19 within 30 days of the date of the notice unless such person
20 petitions for a hearing.

21 However, except in the case of fraud or willful evasion, or
22 the inaccessibility of books and records for audit or with the
23 express consent of the person audited, no notice of a
24 deficiency or assessment shall be issued by the Secretary for
25 more than 3 registration years. This limitation shall commence
26 on any January 1 as to calendar year registrations and on any
27 July 1 as to fiscal year registrations. This limitation shall
28 not apply for any period during which the person affected has
29 declined or refuses to make his books and records available for
30 audit, nor during any period of time in which an Order of any
31 Court has the effect of enjoining or restraining the Secretary
32 from making an audit or issuing a notice. Notwithstanding, each
33 person licensed under the International Registration Plan and
34 audited by this State or any member jurisdiction shall follow

1 the assessment and refund procedures as adopted and amended by
2 the International Registration Plan members. The Secretary of
3 State shall have the final decision as to which registrants may
4 be subject to the netting of audit fees as outlined in the
5 International Registration Plan. Persons audited may be
6 subject to a review process to determine the final outcome of
7 the audit finding. This process shall follow the adopted
8 procedure as outlined in the International Registration Plan.
9 All decisions by the IRP designated tribunal shall be binding.

10 (i) Every person subject to licensing or registration and
11 audit under the provisions of this Chapter shall retain all
12 pertinent licensing and registration documents, books,
13 records, tax returns, reports and all supporting records and
14 documents for a period of 4 years.

15 (j) Hearings. Any person receiving written notice of a
16 deficiency or assessment may, within 30 days after the date of
17 the notice, petition for a hearing before the Secretary of
18 State or his duly appointed hearing officer to contest the
19 audit in whole or in part, and the petitioner shall
20 simultaneously file a certified check or money order, or
21 certificate of deposit, or a surety bond approved by the
22 Secretary in the amount of the deficiency or assessment.
23 Hearings shall be held pursuant to the provisions of Section
24 2-118 of this Act.

25 (k) Judgments. The Secretary of State may enforce any
26 notice of deficiency or assessment pursuant to the provisions
27 of Section 3-831 of this Act.

28 (Source: P.A. 92-69, eff. 7-12-01; 93-32, eff. 7-1-03.)

29 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

30 Sec. 3-403. Trip and Short-term permits.

31 (a) The Secretary of State may issue a short-term permit to
32 operate a nonregistered first or second division vehicle within
33 the State of Illinois for a period of not more than 7 days. Any

1 second division vehicle operating on such permit may operate
2 only on empty weight. The fee for the short-term permit shall
3 be \$6 for permits purchased on or before June 30, 2003 and on
4 or after the effective date of this amendatory Act of the 94th
5 General Assembly and \$10 for permits purchased on or after July
6 1, 2003 until the effective date of this amendatory Act of the
7 94th General Assembly. For short-term permits purchased on or
8 after July 1, 2003 until the effective date of this amendatory
9 Act of the 94th General Assembly, \$4 of the fee collected for
10 the purchase of each permit shall be deposited into the General
11 Revenue Fund.

12 This permit may also be issued to operate an unladen
13 registered vehicle which is suspended under the Vehicle
14 Emissions Inspection Law and allow it to be driven on the roads
15 and highways of the State in order to be repaired or when
16 travelling to and from an emissions inspection station.

17 (b) The Secretary of State may, subject to reciprocal
18 agreements, arrangements or declarations made or entered into
19 pursuant to Section 3-402, 3-402.4 or by rule, provide for and
20 issue registration permits for the use of Illinois highways by
21 vehicles of the second division on an occasional basis or for a
22 specific and special short-term use, in compliance with rules
23 and regulations promulgated by the Secretary of State, and upon
24 payment of the prescribed fee as follows:

25 One-trip permits. A registration permit for one trip, or
26 one round-trip into and out of Illinois, for a period not to
27 exceed 72 consecutive hours or 3 calendar days may be provided,
28 for a fee as prescribed in Section 3-811.

29 One-Month permits. A registration permit for 30 days may be
30 provided for a fee of \$13 for registration plus 1/10 of the
31 flat weight tax. The minimum fee for such permit shall be \$31.

32 In-transit permits. A registration permit for one trip may
33 be provided for vehicles in transit by the driveaway or towaway
34 method and operated by a transporter in compliance with the

1 Illinois Motor Carrier of Property Law, for a fee as prescribed
2 in Section 3-811.

3 Illinois Temporary Apportionment Authorization Permits. An
4 apportionment authorization permit for forty-five days for the
5 immediate operation of a vehicle upon application for and prior
6 to receiving apportioned credentials or interstate credentials
7 from the State of Illinois. The fee for such permit shall be
8 \$3.

9 Illinois Temporary Prorate Authorization Permit. A prorate
10 authorization permit for forty-five days for the immediate
11 operation of a vehicle upon application for and prior to
12 receiving prorate credentials or interstate credentials from
13 the State of Illinois. The fee for such permit shall be \$3.

14 (c) The Secretary of State shall promulgate by such rule or
15 regulation, schedules of fees and taxes for such permits and in
16 computing the amount or amounts due, may round off such amount
17 to the nearest full dollar amount.

18 (d) The Secretary of State shall further prescribe the form
19 of application and permit and may require such information and
20 data as necessary and proper, including confirming the status
21 or identity of the applicant and the vehicle in question.

22 (e) Rules or regulations promulgated by the Secretary of
23 State under this Section shall provide for reasonable and
24 proper limitations and restrictions governing the application
25 for and issuance and use of permits, and shall provide for the
26 number of permits per vehicle or per applicant, so as to
27 preclude evasion of annual registration requirements as may be
28 required by this Act.

29 (f) Any permit under this Section is subject to suspension
30 or revocation under this Act, and in addition, any such permit
31 is subject to suspension or revocation should the Secretary of
32 State determine that the vehicle identified in any permit
33 should be properly registered in Illinois. In the event any
34 such permit is suspended or revoked, the permit is then null

1 and void, may not be re-instated, nor is a refund therefor
 2 available. The vehicle identified in such permit may not
 3 thereafter be operated in Illinois without being properly
 4 registered as provided in this Chapter.

5 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

6 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

7 Sec. 3-405.1. Application for vanity and personalized
 8 license plates.

9 (a) Vanity license plates mean any license plates, assigned
 10 to a passenger motor vehicle of the first division, to a motor
 11 vehicle of the second division registered at not more than
 12 8,000 pounds or to a recreational vehicle, which display a
 13 registration number containing 4 ~~±~~ to 7 letters ~~and no numbers~~
 14 ~~or 1, 2, or 3 numbers and no letters~~ as requested by the owner
 15 of the vehicle and license plates issued to retired members of
 16 Congress under Section 3-610.1 or to retired members of the
 17 General Assembly as provided in Section 3-606.1. A license
 18 plate consisting of 3 letters and no numbers or of 1, 2, or 3
 19 numbers, upon its becoming available, is a vanity license
 20 plate. Personalized license plates mean any license plates,
 21 assigned to a passenger motor vehicle of the first division, to
 22 a motor vehicle of the second division ~~registered at not more~~
 23 ~~than 8,000 pounds~~, or to a recreational vehicle, which display
 24 a registration number containing a combination ~~one of the~~
 25 ~~following combinations~~ of letters and numbers as prescribed by
 26 rule, as requested by the owner of the vehicle. ~~±~~

27 ~~Standard Passenger Plates~~

28 ~~First Division Vehicles~~

29 ~~1 letter plus 0-99~~

30 ~~2 letters plus 0-99~~

31 ~~3 letters plus 0-99~~

1 ~~4 letters plus 0-99~~

2 ~~5 letters plus 0-99~~

3 ~~6 letters plus 0-9~~

4 ~~Second Division Vehicles~~

5 ~~8,000 pounds or less and Recreation Vehicles~~

6 ~~0-999 plus 1 letter~~

7 ~~0-999 plus 2 letters~~

8 ~~0-999 plus 3 letters~~

9 ~~0-99 plus 4 letters~~

10 ~~0-9 plus 5 letters~~

11 (b) For any registration period commencing after the
 12 effective date of this amendatory Act of the 94th General
 13 Assembly December 31, 2003, any person who is the registered
 14 owner of a passenger motor vehicle of the first division, of a
 15 motor vehicle of the second division registered at not more
 16 than 8,000 pounds or of a recreational vehicle registered with
 17 the Secretary of State or who makes application for an original
 18 registration of such a motor vehicle or renewal registration of
 19 such a motor vehicle may, upon payment of a fee prescribed in
 20 Section 3-806.1 ~~or Section 3-806.5~~, apply to the Secretary of
 21 State for ~~vanity or~~ personalized license plates.

22 (c) Except as otherwise provided in this Chapter 3, vanity
 23 and personalized license plates as issued under this Section
 24 shall be the same color and design as other passenger vehicle
 25 license plates and shall not in any manner conflict with any
 26 other existing passenger, commercial, trailer, motorcycle, or
 27 special license plate series. However, special registration
 28 plates issued under Sections 3-611 and 3-616 for vehicles
 29 operated by or for persons with disabilities may also be vanity
 30 or personalized license plates.

31 (d) Vanity and personalized license plates shall be issued

1 only to the registered owner of the vehicle on which they are
2 to be displayed, except as provided in Sections 3-611 and 3-616
3 for special registration plates for vehicles operated by or for
4 persons with disabilities.

5 (e) An applicant for the issuance of vanity or personalized
6 license plates or subsequent renewal thereof shall file an
7 application in such form and manner and by such date as the
8 Secretary of State may, in his discretion, require.

9 No vanity nor personalized license plates shall be
10 approved, manufactured, or distributed that contain any
11 characters, symbols other than the international accessibility
12 symbol for vehicles operated by or for persons with
13 disabilities, foreign words, or letters of punctuation.

14 (f) Vanity and personalized license plates as issued
15 pursuant to this Act may be subject to the Staggered
16 Registration System as prescribed by the Secretary of State.

17 (Source: P.A. 92-651, eff. 7-11-02; 93-32, eff. 7-1-03.)

18 (625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)

19 Sec. 3-811. Drive-away and other permits - Fees.

20 (a) Dealers may obtain drive-away permits for use as
21 provided in this Code, for a fee of \$6 per permit for permits
22 purchased on or before June 30, 2003 and on and after the
23 effective date of this amendatory Act of the 94th General
24 Assembly and \$10 for permits purchased on or after July 1, 2003
25 until the effective date of this amendatory Act of the 94th
26 General Assembly. For drive-away permits purchased on or after
27 July 1, 2003 until the effective date of this amendatory Act of
28 the 94th General Assembly, \$4 of the fee collected for the
29 purchase of each permit shall be deposited into the General
30 Revenue Fund.

31 (b) Transporters may obtain one-trip permits for vehicles
32 in transit for use as provided in this Code, for a fee of \$6 per
33 permit for permits purchased on or before June 30, 2003 and on

1 and after the effective date of this amendatory Act of the 94th
2 General Assembly and \$10 for permits purchased on or after July
3 1, 2003 until the effective date of this amendatory Act of the
4 94th General Assembly. For one-trip permits purchased on or
5 after July 1, 2003 until the effective date of this amendatory
6 Act of the 94th General Assembly, \$4 of the fee collected from
7 the purchase of each permit shall be deposited into the General
8 Revenue Fund.

9 (c) Non-residents may likewise obtain a drive-away permit
10 from the Secretary of State to export a motor vehicle purchased
11 in Illinois, for a fee of \$6 per permit for permits purchased
12 on or before June 30, 2003 and on and after the effective date
13 of this amendatory Act of the 94th General Assembly and \$10 for
14 permits purchased on or after July 1, 2003 until the effective
15 date of this amendatory Act of the 94th General Assembly. For
16 drive-away permits purchased on or after July 1, 2003 until the
17 effective date of this amendatory Act of the 94th General
18 Assembly, \$4 of the fee collected for the purchase of each
19 permit shall be deposited into the General Revenue Fund.

20 (d) One-trip permits may be obtained for an occasional
21 single trip by a vehicle as provided in this Code, upon payment
22 of a fee of \$19.

23 (e) One month permits may likewise be obtained for the fees
24 and taxes prescribed in this Code and as promulgated by the
25 Secretary of State.

26 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

27 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

28 Sec. 5-101. New vehicle dealers must be licensed.

29 (a) No person shall engage in this State in the business of
30 selling or dealing in, on consignment or otherwise, new
31 vehicles of any make, or act as an intermediary or agent or
32 broker for any licensed dealer or vehicle purchaser other than
33 as a salesperson, or represent or advertise that he is so

1 engaged or intends to so engage in such business unless
2 licensed to do so in writing by the Secretary of State under
3 the provisions of this Section.

4 (b) An application for a new vehicle dealer's license shall
5 be filed with the Secretary of State, duly verified by oath, on
6 such form as the Secretary of State may by rule or regulation
7 prescribe and shall contain:

8 1. The name and type of business organization of the
9 applicant and his established and additional places of
10 business, if any, in this State.

11 2. If the applicant is a corporation, a list of its
12 officers, directors, and shareholders having a ten percent
13 or greater ownership interest in the corporation, setting
14 forth the residence address of each; if the applicant is a
15 sole proprietorship, a partnership, an unincorporated
16 association, a trust, or any similar form of business
17 organization, the name and residence address of the
18 proprietor or of each partner, member, officer, director,
19 trustee, or manager.

20 3. The make or makes of new vehicles which the
21 applicant will offer for sale at retail in this State.

22 4. The name of each manufacturer or franchised
23 distributor, if any, of new vehicles with whom the
24 applicant has contracted for the sale of such new vehicles.
25 As evidence of this fact, the application shall be
26 accompanied by a signed statement from each such
27 manufacturer or franchised distributor. If the applicant
28 is in the business of offering for sale new conversion
29 vehicles, trucks or vans, except for trucks modified to
30 serve a special purpose which includes but is not limited
31 to the following vehicles: street sweepers, fertilizer
32 spreaders, emergency vehicles, implements of husbandry or
33 maintenance type vehicles, he must furnish evidence of a
34 sales and service agreement from both the chassis

1 manufacturer and second stage manufacturer.

2 5. A statement that the applicant has been approved for
3 registration under the Retailers' Occupation Tax Act by the
4 Department of Revenue: Provided that this requirement does
5 not apply to a dealer who is already licensed hereunder
6 with the Secretary of State, and who is merely applying for
7 a renewal of his license. As evidence of this fact, the
8 application shall be accompanied by a certification from
9 the Department of Revenue showing that that Department has
10 approved the applicant for registration under the
11 Retailers' Occupation Tax Act.

12 6. A statement that the applicant has complied with the
13 appropriate liability insurance requirement. A Certificate
14 of Insurance in a solvent company authorized to do business
15 in the State of Illinois shall be included with each
16 application covering each location at which he proposes to
17 act as a new vehicle dealer. The policy must provide
18 liability coverage in the minimum amounts of \$100,000 for
19 bodily injury to, or death of, any person, \$300,000 for
20 bodily injury to, or death of, two or more persons in any
21 one accident, and \$50,000 for damage to property. Such
22 policy shall expire not sooner than December 31 of the year
23 for which the license was issued or renewed. The expiration
24 of the insurance policy shall not terminate the liability
25 under the policy arising during the period for which the
26 policy was filed. Trailer and mobile home dealers are
27 exempt from this requirement.

28 If the permitted user has a liability insurance policy
29 that provides automobile liability insurance coverage of
30 at least \$100,000 for bodily injury to or the death of any
31 person, \$300,000 for bodily injury to or the death of any 2
32 or more persons in any one accident, and \$50,000 for damage
33 to property, then the permitted user's insurer shall be the
34 primary insurer and the dealer's insurer shall be the

1 secondary insurer. If the permitted user does not have a
2 liability insurance policy that provides automobile
3 liability insurance coverage of at least \$100,000 for
4 bodily injury to or the death of any person, \$300,000 for
5 bodily injury to or the death of any 2 or more persons in
6 any one accident, and \$50,000 for damage to property, or
7 does not have any insurance at all, then the dealer's
8 insurer shall be the primary insurer and the permitted
9 user's insurer shall be the secondary insurer.

10 When a permitted user is "test driving" a new vehicle
11 dealer's automobile, the new vehicle dealer's insurance
12 shall be primary and the permitted user's insurance shall
13 be secondary.

14 As used in this paragraph 6, a "permitted user" is a
15 person who, with the permission of the new vehicle dealer
16 or an employee of the new vehicle dealer, drives a vehicle
17 owned and held for sale or lease by the new vehicle dealer
18 which the person is considering to purchase or lease, in
19 order to evaluate the performance, reliability, or
20 condition of the vehicle. The term "permitted user" also
21 includes a person who, with the permission of the new
22 vehicle dealer, drives a vehicle owned or held for sale or
23 lease by the new vehicle dealer for loaner purposes while
24 the user's vehicle is being repaired or evaluated.

25 As used in this paragraph 6, "test driving" occurs when
26 a permitted user who, with the permission of the new
27 vehicle dealer or an employee of the new vehicle dealer,
28 drives a vehicle owned and held for sale or lease by a new
29 vehicle dealer that the person is considering to purchase
30 or lease, in order to evaluate the performance,
31 reliability, or condition of the vehicle.

32 As used in this paragraph 6, "loaner purposes" means
33 when a person who, with the permission of the new vehicle
34 dealer, drives a vehicle owned or held for sale or lease by

1 the new vehicle dealer while the user's vehicle is being
2 repaired or evaluated.

3 7. (A) An application for a new motor vehicle dealer's
4 license shall be accompanied by the following license fees:

5 \$100 ~~\$1,000~~ for applicant's established place of
6 business, and \$50 ~~\$100~~ for each additional place of
7 business, if any, to which the application pertains;
8 but if the application is made after June 15 of any
9 year, the license fee shall be \$50 ~~\$500~~ for applicant's
10 established place of business plus \$25 ~~\$50~~ for each
11 additional place of business, if any, to which the
12 application pertains. License fees shall be returnable
13 only in the event that the application is denied by the
14 Secretary of State. All moneys received by the
15 Secretary of State as license fees under paragraph
16 (7) (A) of subsection (b) of this Section prior to
17 applications for the 2004 licensing year and received
18 on or after the effective date of this amendatory Act
19 of the 94th General Assembly shall be deposited into
20 the Motor Vehicle Review Board Fund and shall be used
21 to administer the Motor Vehicle Review Board under the
22 Motor Vehicle Franchise Act. Of the money received by
23 the Secretary of State as license fees under paragraph
24 (7) (A) of subsection (b) of this Section for the 2004
25 licensing year and until the effective date of this
26 amendatory Act of the 94th General Assembly
27 ~~thereafter~~, 10% shall be deposited into the Motor
28 Vehicle Review Board Fund and shall be used to
29 administer the Motor Vehicle Review Board under the
30 Motor Vehicle Franchise Act and 90% shall be deposited
31 into the General Revenue Fund.

32 (B) An application for a new vehicle dealer's
33 license, other than for a new motor vehicle dealer's
34 license, shall be accompanied by the following license

1 fees:

2 \$50 ~~\$1,000~~ for applicant's established place of
3 business, and \$50 for each additional place of
4 business, if any, to which the application pertains;
5 but if the application is made after June 15 of any
6 year, the license fee shall be \$25 ~~\$500~~ for applicant's
7 established place of business plus \$12.50 ~~\$25~~ for each
8 additional place of business, if any, to which the
9 application pertains. License fees shall be returnable
10 only in the event that the application is denied by the
11 Secretary of State. Of the money received by the
12 Secretary of State as license fees under this
13 subsection for the 2004 licensing year and until the
14 effective date of this amendatory Act of the 94th
15 General Assembly thereafter, 95% shall be deposited
16 into the General Revenue Fund.

17 8. A statement that the applicant's officers,
18 directors, shareholders having a 10% or greater ownership
19 interest therein, proprietor, a partner, member, officer,
20 director, trustee, manager or other principals in the
21 business have not committed in the past 3 years any one
22 violation as determined in any civil, criminal or
23 administrative proceedings of any one of the following
24 Acts:

25 (A) The Anti Theft Laws of the Illinois Vehicle
26 Code;

27 (B) The Certificate of Title Laws of the Illinois
28 Vehicle Code;

29 (C) The Offenses against Registration and
30 Certificates of Title Laws of the Illinois Vehicle
31 Code;

32 (D) The Dealers, Transporters, Wreckers and
33 Rebuilders Laws of the Illinois Vehicle Code;

34 (E) Section 21-2 of the Criminal Code of 1961,

1 Criminal Trespass to Vehicles; or

2 (F) The Retailers' Occupation Tax Act.

3 9. A statement that the applicant's officers,
4 directors, shareholders having a 10% or greater ownership
5 interest therein, proprietor, partner, member, officer,
6 director, trustee, manager or other principals in the
7 business have not committed in any calendar year 3 or more
8 violations, as determined in any civil, criminal or
9 administrative proceedings, of any one or more of the
10 following Acts:

11 (A) The Consumer Finance Act;

12 (B) The Consumer Installment Loan Act;

13 (C) The Retail Installment Sales Act;

14 (D) The Motor Vehicle Retail Installment Sales
15 Act;

16 (E) The Interest Act;

17 (F) The Illinois Wage Assignment Act;

18 (G) Part 8 of Article XII of the Code of Civil
19 Procedure; or

20 (H) The Consumer Fraud Act.

21 10. A bond or certificate of deposit in the amount of
22 \$20,000 for each location at which the applicant intends to
23 act as a new vehicle dealer. The bond shall be for the term
24 of the license, or its renewal, for which application is
25 made, and shall expire not sooner than December 31 of the
26 year for which the license was issued or renewed. The bond
27 shall run to the People of the State of Illinois, with
28 surety by a bonding or insurance company authorized to do
29 business in this State. It shall be conditioned upon the
30 proper transmittal of all title and registration fees and
31 taxes (excluding taxes under the Retailers' Occupation Tax
32 Act) accepted by the applicant as a new vehicle dealer.

33 11. Such other information concerning the business of
34 the applicant as the Secretary of State may by rule or

1 regulation prescribe.

2 12. A statement that the applicant understands Chapter
3 One through Chapter Five of this Code.

4 (c) Any change which renders no longer accurate any
5 information contained in any application for a new vehicle
6 dealer's license shall be amended within 30 days after the
7 occurrence of such change on such form as the Secretary of
8 State may prescribe by rule or regulation, accompanied by an
9 amendatory fee of \$2.

10 (d) Anything in this Chapter 5 to the contrary
11 notwithstanding no person shall be licensed as a new vehicle
12 dealer unless:

13 1. He is authorized by contract in writing between
14 himself and the manufacturer or franchised distributor of
15 such make of vehicle to so sell the same in this State, and

16 2. Such person shall maintain an established place of
17 business as defined in this Act.

18 (e) The Secretary of State shall, within a reasonable time
19 after receipt, examine an application submitted to him under
20 this Section and unless he makes a determination that the
21 application submitted to him does not conform with the
22 requirements of this Section or that grounds exist for a denial
23 of the application, under Section 5-501 of this Chapter, grant
24 the applicant an original new vehicle dealer's license in
25 writing for his established place of business and a
26 supplemental license in writing for each additional place of
27 business in such form as he may prescribe by rule or regulation
28 which shall include the following:

29 1. The name of the person licensed;

30 2. If a corporation, the name and address of its
31 officers or if a sole proprietorship, a partnership, an
32 unincorporated association or any similar form of business
33 organization, the name and address of the proprietor or of
34 each partner, member, officer, director, trustee or

1 manager;

2 3. In the case of an original license, the established
3 place of business of the licensee;

4 4. In the case of a supplemental license, the
5 established place of business of the licensee and the
6 additional place of business to which such supplemental
7 license pertains;

8 5. The make or makes of new vehicles which the licensee
9 is licensed to sell.

10 (f) The appropriate instrument evidencing the license or a
11 certified copy thereof, provided by the Secretary of State,
12 shall be kept posted conspicuously in the established place of
13 business of the licensee and in each additional place of
14 business, if any, maintained by such licensee.

15 (g) Except as provided in subsection (h) hereof, all new
16 vehicle dealer's licenses granted under this Section shall
17 expire by operation of law on December 31 of the calendar year
18 for which they are granted unless sooner revoked or cancelled
19 under the provisions of Section 5-501 of this Chapter.

20 (h) A new vehicle dealer's license may be renewed upon
21 application and payment of the fee required herein, and
22 submission of proof of coverage under an approved bond under
23 the "Retailers' Occupation Tax Act" or proof that applicant is
24 not subject to such bonding requirements, as in the case of an
25 original license, but in case an application for the renewal of
26 an effective license is made during the month of December, the
27 effective license shall remain in force until the application
28 is granted or denied by the Secretary of State.

29 (i) All persons licensed as a new vehicle dealer are
30 required to furnish each purchaser of a motor vehicle:

31 1. In the case of a new vehicle a manufacturer's
32 statement of origin and in the case of a used motor vehicle
33 a certificate of title, in either case properly assigned to
34 the purchaser;

1 2. A statement verified under oath that all identifying
2 numbers on the vehicle agree with those on the certificate
3 of title or manufacturer's statement of origin;

4 3. A bill of sale properly executed on behalf of such
5 person;

6 4. A copy of the Uniform Invoice-transaction reporting
7 return referred to in Section 5-402 hereof;

8 5. In the case of a rebuilt vehicle, a copy of the
9 Disclosure of Rebuilt Vehicle Status; and

10 6. In the case of a vehicle for which the warranty has
11 been reinstated, a copy of the warranty.

12 (j) Except at the time of sale or repossession of the
13 vehicle, no person licensed as a new vehicle dealer may issue
14 any other person a newly created key to a vehicle unless the
15 new vehicle dealer makes a copy of the driver's license or
16 State identification card of the person requesting or obtaining
17 the newly created key. The new vehicle dealer must retain the
18 copy for 30 days.

19 A new vehicle dealer who violates this subsection (j) is
20 guilty of a petty offense. Violation of this subsection (j) is
21 not cause to suspend, revoke, cancel, or deny renewal of the
22 new vehicle dealer's license.

23 This amendatory Act of 1983 shall be applicable to the 1984
24 registration year and thereafter.

25 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32,
26 eff. 7-1-03.)

27 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

28 Sec. 5-102. Used vehicle dealers must be licensed.

29 (a) No person, other than a licensed new vehicle dealer,
30 shall engage in the business of selling or dealing in, on
31 consignment or otherwise, 5 or more used vehicles of any make
32 during the year (except house trailers as authorized by
33 paragraph (j) of this Section and rebuilt salvage vehicles sold

1 by their rebuilders to persons licensed under this Chapter), or
2 act as an intermediary, agent or broker for any licensed dealer
3 or vehicle purchaser (other than as a salesperson) or represent
4 or advertise that he is so engaged or intends to so engage in
5 such business unless licensed to do so by the Secretary of
6 State under the provisions of this Section.

7 (b) An application for a used vehicle dealer's license
8 shall be filed with the Secretary of State, duly verified by
9 oath, in such form as the Secretary of State may by rule or
10 regulation prescribe and shall contain:

11 1. The name and type of business organization
12 established and additional places of business, if any, in
13 this State.

14 2. If the applicant is a corporation, a list of its
15 officers, directors, and shareholders having a ten percent
16 or greater ownership interest in the corporation, setting
17 forth the residence address of each; if the applicant is a
18 sole proprietorship, a partnership, an unincorporated
19 association, a trust, or any similar form of business
20 organization, the names and residence address of the
21 proprietor or of each partner, member, officer, director,
22 trustee or manager.

23 3. A statement that the applicant has been approved for
24 registration under the Retailers' Occupation Tax Act by the
25 Department of Revenue. However, this requirement does not
26 apply to a dealer who is already licensed hereunder with
27 the Secretary of State, and who is merely applying for a
28 renewal of his license. As evidence of this fact, the
29 application shall be accompanied by a certification from
30 the Department of Revenue showing that the Department has
31 approved the applicant for registration under the
32 Retailers' Occupation Tax Act.

33 4. A statement that the applicant has complied with the
34 appropriate liability insurance requirement. A Certificate

1 of Insurance in a solvent company authorized to do business
2 in the State of Illinois shall be included with each
3 application covering each location at which he proposes to
4 act as a used vehicle dealer. The policy must provide
5 liability coverage in the minimum amounts of \$100,000 for
6 bodily injury to, or death of, any person, \$300,000 for
7 bodily injury to, or death of, two or more persons in any
8 one accident, and \$50,000 for damage to property. Such
9 policy shall expire not sooner than December 31 of the year
10 for which the license was issued or renewed. The expiration
11 of the insurance policy shall not terminate the liability
12 under the policy arising during the period for which the
13 policy was filed. Trailer and mobile home dealers are
14 exempt from this requirement.

15 If the permitted user has a liability insurance policy
16 that provides automobile liability insurance coverage of
17 at least \$100,000 for bodily injury to or the death of any
18 person, \$300,000 for bodily injury to or the death of any 2
19 or more persons in any one accident, and \$50,000 for damage
20 to property, then the permitted user's insurer shall be the
21 primary insurer and the dealer's insurer shall be the
22 secondary insurer. If the permitted user does not have a
23 liability insurance policy that provides automobile
24 liability insurance coverage of at least \$100,000 for
25 bodily injury to or the death of any person, \$300,000 for
26 bodily injury to or the death of any 2 or more persons in
27 any one accident, and \$50,000 for damage to property, or
28 does not have any insurance at all, then the dealer's
29 insurer shall be the primary insurer and the permitted
30 user's insurer shall be the secondary insurer.

31 When a permitted user is "test driving" a used vehicle
32 dealer's automobile, the used vehicle dealer's insurance
33 shall be primary and the permitted user's insurance shall
34 be secondary.

1 As used in this paragraph 4, a "permitted user" is a
2 person who, with the permission of the used vehicle dealer
3 or an employee of the used vehicle dealer, drives a vehicle
4 owned and held for sale or lease by the used vehicle dealer
5 which the person is considering to purchase or lease, in
6 order to evaluate the performance, reliability, or
7 condition of the vehicle. The term "permitted user" also
8 includes a person who, with the permission of the used
9 vehicle dealer, drives a vehicle owned or held for sale or
10 lease by the used vehicle dealer for loaner purposes while
11 the user's vehicle is being repaired or evaluated.

12 As used in this paragraph 4, "test driving" occurs when
13 a permitted user who, with the permission of the used
14 vehicle dealer or an employee of the used vehicle dealer,
15 drives a vehicle owned and held for sale or lease by a used
16 vehicle dealer that the person is considering to purchase
17 or lease, in order to evaluate the performance,
18 reliability, or condition of the vehicle.

19 As used in this paragraph 4, "loaner purposes" means
20 when a person who, with the permission of the used vehicle
21 dealer, drives a vehicle owned or held for sale or lease by
22 the used vehicle dealer while the user's vehicle is being
23 repaired or evaluated.

24 5. An application for a used vehicle dealer's license
25 shall be accompanied by the following license fees:

26 \$50 ~~\$1,000~~ for applicant's established place of
27 business, and \$25 ~~\$50~~ for each additional place of
28 business, if any, to which the application pertains;
29 however, if the application is made after June 15 of any
30 year, the license fee shall be \$25 ~~\$500~~ for applicant's
31 established place of business plus \$12.50 ~~\$25~~ for each
32 additional place of business, if any, to which the
33 application pertains. License fees shall be returnable
34 only in the event that the application is denied by the

1 Secretary of State. Of the money received by the Secretary
2 of State as license fees under this Section for the 2004
3 licensing year and until the effective date of this
4 amendatory Act of the 94th General Assembly thereafter, 95%
5 shall be deposited into the General Revenue Fund.

6 6. A statement that the applicant's officers,
7 directors, shareholders having a 10% or greater ownership
8 interest therein, proprietor, partner, member, officer,
9 director, trustee, manager or other principals in the
10 business have not committed in the past 3 years any one
11 violation as determined in any civil, criminal or
12 administrative proceedings of any one of the following
13 Acts:

14 (A) The Anti Theft Laws of the Illinois Vehicle
15 Code;

16 (B) The Certificate of Title Laws of the Illinois
17 Vehicle Code;

18 (C) The Offenses against Registration and
19 Certificates of Title Laws of the Illinois Vehicle
20 Code;

21 (D) The Dealers, Transporters, Wreckers and
22 Rebuilders Laws of the Illinois Vehicle Code;

23 (E) Section 21-2 of the Illinois Criminal Code of
24 1961, Criminal Trespass to Vehicles; or

25 (F) The Retailers' Occupation Tax Act.

26 7. A statement that the applicant's officers,
27 directors, shareholders having a 10% or greater ownership
28 interest therein, proprietor, partner, member, officer,
29 director, trustee, manager or other principals in the
30 business have not committed in any calendar year 3 or more
31 violations, as determined in any civil or criminal or
32 administrative proceedings, of any one or more of the
33 following Acts:

34 (A) The Consumer Finance Act;

1 (B) The Consumer Installment Loan Act;

2 (C) The Retail Installment Sales Act;

3 (D) The Motor Vehicle Retail Installment Sales
4 Act;

5 (E) The Interest Act;

6 (F) The Illinois Wage Assignment Act;

7 (G) Part 8 of Article XII of the Code of Civil
8 Procedure; or

9 (H) The Consumer Fraud Act.

10 8. A bond or Certificate of Deposit in the amount of
11 \$20,000 for each location at which the applicant intends to
12 act as a used vehicle dealer. The bond shall be for the
13 term of the license, or its renewal, for which application
14 is made, and shall expire not sooner than December 31 of
15 the year for which the license was issued or renewed. The
16 bond shall run to the People of the State of Illinois, with
17 surety by a bonding or insurance company authorized to do
18 business in this State. It shall be conditioned upon the
19 proper transmittal of all title and registration fees and
20 taxes (excluding taxes under the Retailers' Occupation Tax
21 Act) accepted by the applicant as a used vehicle dealer.

22 9. Such other information concerning the business of
23 the applicant as the Secretary of State may by rule or
24 regulation prescribe.

25 10. A statement that the applicant understands Chapter
26 1 through Chapter 5 of this Code.

27 (c) Any change which renders no longer accurate any
28 information contained in any application for a used vehicle
29 dealer's license shall be amended within 30 days after the
30 occurrence of each change on such form as the Secretary of
31 State may prescribe by rule or regulation, accompanied by an
32 amendatory fee of \$2.

33 (d) Anything in this Chapter to the contrary
34 notwithstanding, no person shall be licensed as a used vehicle

1 dealer unless such person maintains an established place of
2 business as defined in this Chapter.

3 (e) The Secretary of State shall, within a reasonable time
4 after receipt, examine an application submitted to him under
5 this Section. Unless the Secretary makes a determination that
6 the application submitted to him does not conform to this
7 Section or that grounds exist for a denial of the application
8 under Section 5-501 of this Chapter, he must grant the
9 applicant an original used vehicle dealer's license in writing
10 for his established place of business and a supplemental
11 license in writing for each additional place of business in
12 such form as he may prescribe by rule or regulation which shall
13 include the following:

14 1. The name of the person licensed;

15 2. If a corporation, the name and address of its
16 officers or if a sole proprietorship, a partnership, an
17 unincorporated association or any similar form of business
18 organization, the name and address of the proprietor or of
19 each partner, member, officer, director, trustee or
20 manager;

21 3. In case of an original license, the established
22 place of business of the licensee;

23 4. In the case of a supplemental license, the
24 established place of business of the licensee and the
25 additional place of business to which such supplemental
26 license pertains.

27 (f) The appropriate instrument evidencing the license or a
28 certified copy thereof, provided by the Secretary of State
29 shall be kept posted, conspicuously, in the established place
30 of business of the licensee and in each additional place of
31 business, if any, maintained by such licensee.

32 (g) Except as provided in subsection (h) of this Section,
33 all used vehicle dealer's licenses granted under this Section
34 expire by operation of law on December 31 of the calendar year

1 for which they are granted unless sooner revoked or cancelled
2 under Section 5-501 of this Chapter.

3 (h) A used vehicle dealer's license may be renewed upon
4 application and payment of the fee required herein, and
5 submission of proof of coverage by an approved bond under the
6 "Retailers' Occupation Tax Act" or proof that applicant is not
7 subject to such bonding requirements, as in the case of an
8 original license, but in case an application for the renewal of
9 an effective license is made during the month of December, the
10 effective license shall remain in force until the application
11 for renewal is granted or denied by the Secretary of State.

12 (i) All persons licensed as a used vehicle dealer are
13 required to furnish each purchaser of a motor vehicle:

14 1. A certificate of title properly assigned to the
15 purchaser;

16 2. A statement verified under oath that all identifying
17 numbers on the vehicle agree with those on the certificate
18 of title;

19 3. A bill of sale properly executed on behalf of such
20 person;

21 4. A copy of the Uniform Invoice-transaction reporting
22 return referred to in Section 5-402 of this Chapter;

23 5. In the case of a rebuilt vehicle, a copy of the
24 Disclosure of Rebuilt Vehicle Status; and

25 6. In the case of a vehicle for which the warranty has
26 been reinstated, a copy of the warranty.

27 (j) A real estate broker holding a valid certificate of
28 registration issued pursuant to "The Real Estate Brokers and
29 Salesmen License Act" may engage in the business of selling or
30 dealing in house trailers not his own without being licensed as
31 a used vehicle dealer under this Section; however such broker
32 shall maintain a record of the transaction including the
33 following:

34 (1) the name and address of the buyer and seller,

- 1 (2) the date of sale,
- 2 (3) a description of the mobile home, including the
- 3 vehicle identification number, make, model, and year, and
- 4 (4) the Illinois certificate of title number.

5 The foregoing records shall be available for inspection by
 6 any officer of the Secretary of State's Office at any
 7 reasonable hour.

8 (k) Except at the time of sale or repossession of the
 9 vehicle, no person licensed as a used vehicle dealer may issue
 10 any other person a newly created key to a vehicle unless the
 11 used vehicle dealer makes a copy of the driver's license or
 12 State identification card of the person requesting or obtaining
 13 the newly created key. The used vehicle dealer must retain the
 14 copy for 30 days.

15 A used vehicle dealer who violates this subsection (k) is
 16 guilty of a petty offense. Violation of this subsection (k) is
 17 not cause to suspend, revoke, cancel, or deny renewal of the
 18 used vehicle dealer's license.

19 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32,
 20 eff. 7-1-03.)

21 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
 22 Sec. 6-118. Fees.

23 (a) The fee for licenses and permits under this Article is
 24 as follows:

| | | |
|----|---|------|
| 25 | Original driver's license | \$10 |
| 26 | Original or renewal driver's license | |
| 27 | issued to 18, 19 and 20 year olds | 5 |
| 28 | All driver's licenses for persons | |
| 29 | age 69 through age 80 | 5 |
| 30 | All driver's licenses for persons | |
| 31 | age 81 through age 86 | 2 |
| 32 | All driver's licenses for persons | |
| 33 | age 87 or older | 0 |

1 Renewal driver's license (except for
2 applicants ages 18, 19 and 20 or
3 age 69 and older) 10
4 Original instruction permit issued to
5 persons (except those age 69 and older)
6 who do not hold or have not previously
7 held an Illinois instruction permit or
8 driver's license 20
9 Instruction permit issued to any person
10 holding an Illinois driver's license
11 who wishes a change in classifications,
12 other than at the time of renewal 5
13 Any instruction permit issued to a person
14 age 69 and older 5
15 Instruction permit issued to any person,
16 under age 69, not currently holding a
17 valid Illinois driver's license or
18 instruction permit but who has
19 previously been issued either document
20 in Illinois 10
21 Restricted driving permit 8
22 Duplicate or corrected driver's license
23 or permit 5
24 Duplicate or corrected restricted
25 driving permit 5
26 Original or renewal M or L endorsement 5

27 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

28 The fees for commercial driver licenses and permits
29 under Article V shall be as follows:

30 Commercial driver's license:

- 31 \$6 for the CDLIS/AAMVAnet Fund
- 32 (Commercial Driver's License Information
- 33 System/American Association of Motor Vehicle
- 34 Administrators network Trust Fund);

1 \$20 for the Motor Carrier Safety Inspection Fund;
 2 \$10 for the driver's license;
 3 and \$24 for the CDL: \$60

4 Renewal commercial driver's license:
 5 \$6 for the CDLIS/AAMVAnet Trust Fund;
 6 \$20 for the Motor Carrier Safety Inspection Fund;
 7 \$10 for the driver's license; and
 8 \$24 for the CDL: \$60

9 Commercial driver instruction permit
 10 issued to any person holding a valid
 11 Illinois driver's license for the
 12 purpose of changing to a
 13 CDL classification: \$6 for the
 14 CDLIS/AAMVAnet Trust Fund;
 15 \$20 for the Motor Carrier
 16 Safety Inspection Fund; and
 17 \$24 for the CDL classification \$50

18 Commercial driver instruction permit
 19 issued to any person holding a valid
 20 Illinois CDL for the purpose of
 21 making a change in a classification,
 22 endorsement or restriction \$5

23 CDL duplicate or corrected license \$5

24 In order to ensure the proper implementation of the Uniform
 25 Commercial Driver License Act, Article V of this Chapter, the
 26 Secretary of State is empowered to pro-rate the \$24 fee for the
 27 commercial driver's license proportionate to the expiration
 28 date of the applicant's Illinois driver's license.

29 The fee for any duplicate license or permit shall be waived
 30 for any person age 60 or older who presents the Secretary of
 31 State's office with a police report showing that his license or
 32 permit was stolen.

33 No additional fee shall be charged for a driver's license,
 34 or for a commercial driver's license, when issued to the holder

1 of an instruction permit for the same classification or type of
2 license who becomes eligible for such license.

3 (b) Any person whose license or privilege to operate a
4 motor vehicle in this State has been suspended or revoked under
5 any provision of Chapter 6, Chapter 11, or Section ~~7-205,~~
6 ~~7-303,~~ or 7-702 of the Family Financial Responsibility Law of
7 this Code, shall in addition to any other fees required by this
8 Code, pay a reinstatement fee as follows:

| | | |
|----|---|------------------------------|
| 9 | Summary suspension under Section 11-501.1 | <u>\$60</u> \$250 |
| 10 | Other suspension | <u>\$30</u> \$70 |
| 11 | Revocation | <u>\$60</u> \$500 |

12 However, any person whose license or privilege to operate a
13 motor vehicle in this State has been suspended or revoked for a
14 second or subsequent time for a violation of Section 11-501 or
15 11-501.1 of this Code or a similar provision of a local
16 ordinance or a similar out-of-state offense or Section 9-3 of
17 the Criminal Code of 1961 and each suspension or revocation was
18 for a violation of Section 11-501 or 11-501.1 of this Code or a
19 similar provision of a local ordinance or a similar
20 out-of-state offense or Section 9-3 of the Criminal Code of
21 1961 shall pay, in addition to any other fees required by this
22 Code, a reinstatement fee as follows:

| | | |
|----|---|-------------------------------|
| 23 | Summary suspension under Section 11-501.1 | <u>\$250</u> \$500 |
| 24 | Revocation | <u>\$250</u> \$500 |

25 (c) All fees collected under the provisions of this Chapter
26 shall be paid into the Road Fund in the State Treasury except
27 as follows:

28 1. The following amounts shall be paid into the Driver
29 Education Fund:

30 (A) \$16 of the \$20 fee for an original driver's
31 instruction permit;

32 (B) \$5 of the \$10 fee for an original driver's
33 license;

34 (C) \$5 of the \$10 fee for a 4 year renewal driver's

1 license; and

2 (D) \$4 of the \$8 fee for a restricted driving
3 permit.

4 2. \$30 of the \$60 ~~\$250~~ fee for reinstatement of a
5 license summarily suspended under Section 11-501.1 shall
6 be deposited into the Drunk and Drugged Driving Prevention
7 Fund. However, for a person whose license or privilege to
8 operate a motor vehicle in this State has been suspended or
9 revoked for a second or subsequent time for a violation of
10 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
11 the Criminal Code of 1961, \$190 of the \$250 ~~\$500~~ fee for
12 reinstatement of a license summarily suspended under
13 Section 11-501.1, and \$190 of the \$250 ~~\$500~~ fee for
14 reinstatement of a revoked license shall be deposited into
15 the Drunk and Drugged Driving Prevention Fund.

16 3. \$6 of such original or renewal fee for a commercial
17 driver's license and \$6 of the commercial driver
18 instruction permit fee when such permit is issued to any
19 person holding a valid Illinois driver's license, shall be
20 paid into the CDLIS/AAMVAnet Trust Fund.

21 4. The ~~\$30 of the \$70~~ fee for reinstatement of a
22 license suspended under the Family Financial
23 Responsibility Law shall be paid into the Family
24 Responsibility Fund.

25 5. The \$5 fee for each original or renewal M or L
26 endorsement shall be deposited into the Cycle Rider Safety
27 Training Fund.

28 6. \$20 of any original or renewal fee for a commercial
29 driver's license or commercial driver instruction permit
30 shall be paid into the Motor Carrier Safety Inspection
31 Fund.

32 7. (Blank). ~~The following amounts shall be paid into~~
33 ~~the General Revenue Fund:~~

34 ~~(A) \$190 of the \$250 reinstatement fee for a~~

1 ~~summary suspension under Section 11-501.1;~~

2 ~~(B) \$40 of the \$70 reinstatement fee for any other~~
3 ~~suspension provided in subsection (b) of this Section;~~
4 and

5 ~~(C) \$440 of the \$500 reinstatement fee for a first~~
6 ~~offense revocation and \$310 of the \$500 reinstatement~~
7 ~~fee for a second or subsequent revocation.~~

8 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,
9 eff. 1-1-05.)

10 (625 ILCS 5/7-707)

11 Sec. 7-707. Payment of reinstatement fee. When an obligor
12 receives notice from the Secretary of State that the suspension
13 of driving privileges has been terminated based upon receipt of
14 notification from the circuit clerk of the obligor's compliance
15 with a court order of support, the obligor shall pay a \$30 ~~\$70~~
16 reinstatement fee to the Secretary of State as set forth in
17 Section 6-118 of this Code. ~~The \$30 of the \$70~~ fee shall be
18 deposited into the Family Responsibility Fund. In accordance
19 with subsection (e) of Section 6-115 of this Code, the
20 Secretary of State may decline to process a renewal of a
21 driver's license of a person who has not paid this fee.

22 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 1-1-04.)

23 (625 ILCS 5/18c-1501) (from Ch. 95 1/2, par. 18c-1501)

24 Sec. 18c-1501. Franchise, Franchise Renewal, Filing and
25 Other Fees for Motor Carriers of Property.

26 (1) Franchise, Franchise Renewal, Filing, and Other Fee
27 Levels in Effect Absent Commission Regulations Prescribing
28 Different Fee Levels. The levels of franchise, franchise
29 renewal, filing, and other fees for motor carriers of property
30 in effect, absent Commission regulations prescribing different
31 fee levels, shall be:

32 (a) Franchise and franchise renewal fees: \$19 for each

1 motor vehicle operated by a motor carrier of property in
2 intrastate commerce, and \$2 for each motor vehicle operated
3 by a motor carrier of property in interstate commerce.

4 (b) Filing fees: \$100 for each application seeking a
5 Commission license or other authority, the reinstatement
6 of a cancelled license or authority, or authority to
7 establish a rate, other than by special permission,
8 excluding both released rate applications and rate filings
9 which may be investigated or suspended but which require no
10 prior authorization for filing; \$25 for each released rate
11 application and each application to register as an
12 interstate carrier; \$15 for each application seeking
13 special permission in regard to rates; and \$15 for each
14 equipment lease.

15 (2) Adjustment of Fee Levels. The Commission may, by
16 rulemaking in accordance with provisions of The Illinois
17 Administrative Procedure Act, adjust franchise, franchise
18 renewal, filing, and other fees for motor carriers of property
19 by increasing or decreasing them from levels in effect absent
20 Commission regulations prescribing different fee levels.
21 Franchise and franchise renewal fees prescribed by the
22 Commission for motor carriers of property shall not exceed:

23 (a) \$50 for each motor vehicle operated by a household
24 goods carrier in intrastate commerce;

25 (a-5) \$5 ~~\$15~~ for each motor vehicle operated by a
26 public carrier in intrastate commerce; and

27 (b) \$7 for each motor vehicle operated by a motor
28 carrier of property in interstate commerce.

29 (3) Late-Filing Fees.

30 (a) Commission to Prescribe Late-Filing Fees. The
31 Commission may prescribe fees for the late filing of proof
32 of insurance, operating reports, franchise or franchise
33 renewal fee applications, or other documents required to be
34 filed on a periodic basis with the Commission.

1 (b) Late-filing Fees to Accrue Automatically.
2 Late-filing fees shall accrue automatically from the
3 filing deadline set forth in Commission regulations, and
4 all persons or entities required to make such filings shall
5 be on notice of such deadlines.

6 (c) Maximum Fees. Late-filing fees prescribed by the
7 Commission shall not exceed \$100 for an initial period,
8 plus \$10 for each day after the expiration of the initial
9 period. The Commission may provide for waiver of all or
10 part of late-filing fees accrued under this subsection on a
11 showing of good cause.

12 (d) Effect of Failure to Make Timely Filings and Pay
13 Late-Filing Fees. Failure of a person to file proof of
14 continuous insurance coverage or to make other periodic
15 filings required under Commission regulations shall make
16 licenses and registrations held by the person subject to
17 revocation or suspension. The licenses or registrations
18 cannot thereafter be returned to good standing until after
19 payment of all late-filing fees accrued and not waived
20 under this subsection.

21 (4) Payment of Fees.

22 (a) Franchise and Franchise Renewal Fees. Franchise
23 and franchise renewal fees for motor carriers of property
24 shall be due and payable on or before the 31st day of
25 December of the calendar year preceding the calendar year
26 for which the fees are owing, unless otherwise provided in
27 Commission regulations.

28 (b) Filing and Other Fees. Filing and other fees
29 (including late-filing fees) shall be due and payable on
30 the date of filing, or on such other date as is set forth
31 in Commission regulations.

32 (5) When Fees Returnable.

33 (a) Whenever an application to the Illinois Commerce
34 Commission is accompanied by any fee as required by law and

1 such application is refused or rejected, said fee shall be
2 returned to said applicant.

3 (b) The Illinois Commerce Commission may reduce by
4 interlineation the amount of any personal check or
5 corporate check or company check drawn on the account of
6 and delivered by any person for payment of a fee required
7 by the Illinois Commerce Commission.

8 (c) Any check altered pursuant to above shall be
9 endorsed by the Illinois Commerce Commission as follows:
10 "This check is warranted to subsequent holders and to the
11 drawee to be in the amount \$."

12 (d) All applications to the Illinois Commerce
13 Commission requiring fee payment upon reprinting shall
14 contain the following authorization statement: "My
15 signature authorizes the Illinois Commerce Commission to
16 lower the amount of check if fee submitted exceeds correct
17 amount."

18 (Source: P.A. 93-32, eff. 7-1-03.)

19 (625 ILCS 5/18c-1502.05)

20 Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers.
21 Beginning with the effective date of this amendatory Act of the
22 94th General Assembly ~~calendar year 2004~~, every rail carrier
23 shall pay to the Commission for each calendar year a route
24 mileage fee of \$37 ~~\$45~~ for each route mile of railroad right of
25 way owned by the rail carrier in Illinois. The fee shall be
26 based on the number of route miles as of January 1 of the year
27 for which the fee is due, and the payment of the route mileage
28 fee shall be due by February 1 of each calendar year.

29 (Source: P.A. 93-32, eff. 7-1-03.)

30 (625 ILCS 5/18c-1502.10)

31 Sec. 18c-1502.10. Railroad-Highway Grade Crossing and
32 Grade Separation Fee. Beginning with the effective date of this

1 amendatory Act of the 94th General Assembly ~~calendar year 2004,~~
 2 every rail carrier shall pay to the Commission for each
 3 calendar year a fee of \$23 ~~\$28~~ for each location at which the
 4 rail carrier's track crosses a public road, highway, or street,
 5 whether the crossing be at grade, by overhead structure, or by
 6 subway. The fee shall be based on the number of the crossings
 7 as of January 1 of each calendar year, and the fee shall be due
 8 by February 1 of each calendar year.
 9 (Source: P.A. 93-32, eff. 7-1-03.)

10 (625 ILCS 5/3-806.5 rep.)

11 Section 195. The Illinois Vehicle Code is amended by
 12 repealing Section 3-806.5.

13 Section 200. The Boat Registration and Safety Act is
 14 amended by changing Sections 3-2 and 3-7 as follows:

15 (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

16 Sec. 3-2. Identification number application. The owner of
 17 each watercraft requiring numbering by this State shall file an
 18 application for number with the Department on forms approved by
 19 it. The application shall be signed by the owner of the
 20 watercraft and shall be accompanied by a fee as follows:

21 A. Class A (all canoes, kayaks, and
 22 non-motorized paddle boats) \$6

23 B. Class 1 (all watercraft less
 24 than 16 feet in length, except
 25 canoes, kayaks, and non-motorized paddle boats) .. \$15

26 C. Class 2 (all watercraft 16
 27 feet or more but less than 26 feet in length
 28 except canoes, kayaks, and non-motorized paddle
 29 boats) \$20 ~~\$45~~

30 D. Class 3 (all watercraft 26 feet or more
 31 but less than 40 feet in length) \$25 ~~\$75~~

1 E. Class 4 (all watercraft 40 feet in length
2 or more) \$30 ~~\$100~~

3 Upon receipt of the application in approved form, and when
4 satisfied that no tax imposed pursuant to the "Municipal Use
5 Tax Act" or the "County Use Tax Act" is owed, or that such tax
6 has been paid, the Department shall enter the same upon the
7 records of its office and issue to the applicant a certificate
8 of number stating the number awarded to the watercraft and the
9 name and address of the owner.

10 (Source: P.A. 93-32, eff. 7-1-03; 94-45, eff. 1-1-06.)

11 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

12 Sec. 3-7. Loss of certificate. Should a certificate of
13 number or registration expiration decal become lost,
14 destroyed, or mutilated beyond legibility, the owner of the
15 watercraft shall make application to the Department for the
16 replacement of the certificate or decal, giving his name,
17 address, and the number of his boat and shall at the same time
18 pay to the Department a fee of \$1 ~~\$5~~.

19 (Source: P.A. 93-32, eff. 7-1-03.)

20 Section 205. The Illinois Controlled Substances Act is
21 amended by changing Section 303 as follows:

22 (720 ILCS 570/303) (from Ch. 56 1/2, par. 1303)

23 Sec. 303. (a) The Department of Professional Regulation
24 shall license an applicant to manufacture, distribute or
25 dispense controlled substances included in Sections 204, 206,
26 208, 210 and 212 of this Act or purchase, store, or administer
27 euthanasia drugs unless it determines that the issuance of that
28 license would be inconsistent with the public interest. In
29 determining the public interest, the Department of
30 Professional Regulation shall consider the following:

- 31 (1) maintenance of effective controls against

1 diversion of controlled substances into other than lawful
2 medical, scientific, or industrial channels;

3 (2) compliance with applicable Federal, State and
4 local law;

5 (3) any convictions of the applicant under any law of
6 the United States or of any State relating to any
7 controlled substance;

8 (4) past experience in the manufacture or distribution
9 of controlled substances, and the existence in the
10 applicant's establishment of effective controls against
11 diversion;

12 (5) furnishing by the applicant of false or fraudulent
13 material in any application filed under this Act;

14 (6) suspension or revocation of the applicant's
15 Federal registration to manufacture, distribute, or
16 dispense controlled substances, or purchase, store, or
17 administer euthanasia drugs, as authorized by Federal law;

18 (7) whether the applicant is suitably equipped with the
19 facilities appropriate to carry on the operation described
20 in his application;

21 (8) whether the applicant is of good moral character
22 or, if the applicant is a partnership, association,
23 corporation or other organization, whether the partners,
24 directors, governing committee and managing officers are
25 of good moral character;

26 (9) any other factors relevant to and consistent with
27 the public health and safety; and

28 (10) evidence from court, medical disciplinary and
29 pharmacy board records and those of State and Federal
30 investigatory bodies that the applicant has not or does not
31 prescribe controlled substances within the provisions of
32 this Act.

33 (b) No license shall be granted to or renewed for any
34 person who has within 5 years been convicted of a wilful

1 violation of any law of the United States or any law of any
2 State relating to controlled substances, or who is found to be
3 deficient in any of the matters enumerated in subsections
4 (a) (1) through (a) (8).

5 (c) Licensure under subsection (a) does not entitle a
6 registrant to manufacture, distribute or dispense controlled
7 substances in Schedules I or II other than those specified in
8 the registration.

9 (d) Practitioners who are licensed to dispense any
10 controlled substances in Schedules II through V are authorized
11 to conduct instructional activities with controlled substances
12 in Schedules II through V under the law of this State.

13 (e) If an applicant for registration is registered under
14 the Federal law to manufacture, distribute or dispense
15 controlled substances, or purchase, store, or administer
16 euthanasia drugs, upon filing a completed application for
17 licensure in this State and payment of all fees due hereunder,
18 he shall be licensed in this State to the same extent as his
19 Federal registration, unless, within 30 days after completing
20 his application in this State, the Department of Professional
21 Regulation notifies the applicant that his application has not
22 been granted. A practitioner who is in compliance with the
23 Federal law with respect to registration to dispense controlled
24 substances in Schedules II through V need only send a current
25 copy of that Federal registration to the Department of
26 Professional Regulation and he shall be deemed in compliance
27 with the registration provisions of this State.

28 (e-5) Beginning July 1, 2003 and until the effective date
29 of this amendatory Act of the 94th General Assembly, all of the
30 fees and fines collected under this Section 303 shall be
31 deposited into the Illinois State Pharmacy Disciplinary Fund.

32 (f) The fee for registration as a manufacturer or wholesale
33 distributor of controlled substances shall be \$50.00 per year,
34 except that the fee for registration as a manufacturer or

1 wholesale distributor of controlled substances that may be
2 dispensed without a prescription under this Act shall be \$15.00
3 per year. The expiration date and renewal period for each
4 controlled substance license issued under this Act shall be set
5 by rule.

6 (Source: P.A. 93-32, eff. 7-1-03; 93-626, eff. 12-23-03.)

7 Section 210. The Unified Code of Corrections is amended by
8 changing Section 5-9-1 as follows:

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

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

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

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

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

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

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

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

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

27 (c) There shall be added to every fine imposed in
28 sentencing for a criminal or traffic offense, except an offense
29 relating to parking or registration, or offense by a
30 pedestrian, an additional penalty of \$9 for each \$40, or
31 fraction thereof, of fine imposed. The additional penalty of \$9
32 for each \$40, or fraction thereof, of fine imposed, if not

1 otherwise assessed, shall also be added to every fine imposed
2 upon a plea of guilty, stipulation of facts or findings of
3 guilty, resulting in a judgment of conviction, or order of
4 supervision in criminal, traffic, local ordinance, county
5 ordinance, and conservation cases (except parking,
6 registration, or pedestrian violations), or upon a sentence of
7 probation without entry of judgment under Section 10 of the
8 Cannabis Control Act, Section 410 of the Illinois Controlled
9 Substances Act, or Section 70 of the Methamphetamine Control
10 and Community Protection Act.

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

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

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

23 The Circuit Clerk may accept payment of fines and costs by
24 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 (c),
30 any person convicted or receiving an order of supervision for
31 driving under the influence of alcohol or drugs shall pay an
32 additional \$5 fee to the clerk. This additional fee, less 2
33 1/2% that shall be used to defray administrative costs incurred
34 by the clerk, shall be remitted by the clerk to the Treasurer

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

9 (c-9) (Blank). ~~, , or Section 70 of the Methamphetamine~~
10 ~~Control and Community Protection Act~~

11 (d) In determining the amount and method of payment of a
12 fine, except for those fines established for violations of
13 Chapter 15 of the Illinois Vehicle Code, the court shall
14 consider:

15 (1) the financial resources and future ability of the
16 offender to pay the fine; and

17 (2) whether the fine will prevent the offender from
18 making court ordered restitution or reparation to the
19 victim of the offense; and

20 (3) in a case where the accused is a dissolved
21 corporation and the court has appointed counsel to
22 represent the corporation, the costs incurred either by the
23 county or the State for such representation.

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

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

33 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;
34 94-652, eff. 8-22-05; revised 8-29-05.)

1 Section 215. The Business Corporation Act of 1983 is
2 amended by changing Sections 15.10, 15.12, 15.15, 15.45, 15.75,
3 and 15.95 as follows:

4 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

5 Sec. 15.10. Fees for filing documents. The Secretary of
6 State shall charge and collect for:

7 (a) Filing articles of incorporation, \$75 ~~\$150~~.

8 (b) Filing articles of amendment, \$25 ~~\$50~~, unless the
9 amendment is a restatement of the articles of incorporation, in
10 which case the fee shall be \$100 ~~\$150~~.

11 (c) Filing articles of merger or consolidation, \$100, but
12 if the merger or consolidation involves more than 2
13 corporations, \$50 for each additional corporation.

14 (d) Filing articles of share exchange, \$100.

15 (e) Filing articles of dissolution, \$5.

16 (f) Filing application to reserve a corporate name, \$25.

17 (g) Filing a notice of transfer of a reserved corporate
18 name, \$25.

19 (h) Filing statement of change of address of registered
20 office or change of registered agent, or both, \$5 ~~\$25~~.

21 (i) Filing statement of the establishment of a series of
22 shares, \$25.

23 (j) Filing an application of a foreign corporation for
24 authority to transact business in this State, \$75 ~~\$150~~.

25 (k) Filing an application of a foreign corporation for
26 amended authority to transact business in this State, \$25.

27 (l) Filing a copy of amendment to the articles of
28 incorporation of a foreign corporation holding authority to
29 transact business in this State, \$25 ~~\$50~~, unless the amendment
30 is a restatement of the articles of incorporation, in which
31 case the fee shall be \$100 ~~\$150~~.

32 (m) Filing a copy of articles of merger of a foreign

1 corporation holding a certificate of authority to transact
2 business in this State, \$100, but if the merger involves more
3 than 2 corporations, \$50 for each additional corporation.

4 (n) Filing an application for withdrawal and final report
5 or a copy of articles of dissolution of a foreign corporation,
6 \$25.

7 (o) Filing an annual report, interim annual report, or
8 final transition annual report of a domestic or foreign
9 corporation, \$25 ~~\$75~~.

10 (p) Filing an application for reinstatement of a domestic
11 or a foreign corporation, \$100 ~~\$200~~.

12 (q) Filing an application for use of an assumed corporate
13 name, \$150 for each year or part thereof ending in 0 or 5, \$120
14 for each year or part thereof ending in 1 or 6, \$90 for each
15 year or part thereof ending in 2 or 7, \$60 for each year or part
16 thereof ending in 3 or 8, \$30 for each year or part thereof
17 ending in 4 or 9, between the date of filing the application
18 and the date of the renewal of the assumed corporate name; and
19 a renewal fee for each assumed corporate name, \$150.

20 (r) To change an assumed corporate name for the period
21 remaining until the renewal date of the original assumed name,
22 \$25.

23 (s) Filing an application for cancellation of an assumed
24 corporate name, \$5.

25 (t) Filing an application to register the corporate name of
26 a foreign corporation, \$50; and an annual renewal fee for the
27 registered name, \$50.

28 (u) Filing an application for cancellation of a registered
29 name of a foreign corporation, \$25.

30 (v) Filing a statement of correction, \$25 ~~\$50~~.

31 (w) Filing a petition for refund or adjustment, \$5.

32 (x) Filing a statement of election of an extended filing
33 month, \$25.

34 (y) Filing any other statement or report, \$5.

1 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
2 eff. 7-1-03; revised 9-5-03.)

3 (805 ILCS 5/15.12)

4 Sec. 15.12. Disposition of fees. Of the total money
5 collected for the filing of an annual report under this Act,
6 \$10 ~~\$15~~ of the filing fee shall be paid into the Secretary of
7 State Special Services Fund. The remaining \$15 ~~\$60~~ shall be
8 deposited into the General Revenue Fund in the State Treasury.

9 (Source: P.A. 93-32, eff. 12-1-03.)

10 (805 ILCS 5/15.15) (from Ch. 32, par. 15.15)

11 Sec. 15.15. Miscellaneous charges. The Secretary of State
12 shall charge and collect;

13 (a) For furnishing a copy or certified copy of any
14 document, instrument, or paper relating to a corporation, \$0.50
15 per page, not less than \$5, and \$5 for the certificate and for
16 affixing the seal thereto ~~or for a certificate, \$25.~~

17 (b) At the time of any service of process, notice or demand
18 on him or her as resident agent of a corporation, \$10, which
19 amount may be recovered as taxable costs by the party to the
20 suit or action causing such service to be made if such party
21 prevails in the suit or action.

22 (Source: P.A. 93-32, eff. 12-1-03.)

23 (805 ILCS 5/15.45) (from Ch. 32, par. 15.45)

24 Sec. 15.45. Rate of franchise taxes payable by domestic
25 corporations.

26 (a) The annual franchise tax payable by each domestic
27 corporation shall be computed at the rate of 1/12 of 1/10 of 1%
28 for each calendar month or fraction thereof for the period
29 commencing on the first day of July 1983 to the first day of
30 the anniversary month in 1984, but in no event shall the amount
31 of the annual franchise tax be less than \$2.08333 per month

1 assessed on a minimum of \$25 per annum or more than
2 \$83,333.333333 per month; commencing on January 1, 1984 to the
3 first day of the anniversary month in 2004 and beginning again
4 on the effective date of this amendatory Act of the 94th
5 General Assembly, the annual franchise tax payable by each
6 domestic corporation shall be computed at the rate of 1/10 of
7 1% for the 12-months' period commencing on the first day of the
8 anniversary month or, in cases where a corporation has
9 established an extended filing month, the extended filing month
10 of the corporation, but in no event shall the amount of the
11 annual franchise tax be less than \$25 nor more than \$1,000,000
12 per annum; commencing with the first anniversary month that
13 occurs after December, 2003 until the effective date of this
14 amendatory Act of the 94th General Assembly, the annual
15 franchise tax payable by each domestic corporation shall be
16 computed at the rate of 1/10 of 1% for the 12-months' period
17 commencing on the first day of the anniversary month or, in
18 cases where a corporation has established an extended filing
19 month, the extended filing month of the corporation, but in no
20 event shall the amount of the annual franchise tax be less than
21 \$25 nor more than \$2,000,000 per annum.

22 (b) The annual franchise tax payable by each domestic
23 corporation at the time of filing a statement of election and
24 interim annual report in connection with an anniversary month
25 prior to January, 2004 and in connection with an anniversary
26 month on or after the effective date of this amendatory Act of
27 the 94th General Assembly shall be computed at the rate of 1/10
28 of 1% for the 12 month period commencing on the first day of
29 the anniversary month of the corporation next following such
30 filing, but in no event shall the amount of the annual
31 franchise tax be less than \$25 nor more than \$1,000,000 per
32 annum; commencing with the first anniversary month that occurs
33 after December, 2003 until the effective date of this
34 amendatory Act of the 94th General Assembly, the annual

1 franchise tax payable by each domestic corporation at the time
2 of filing a statement of election and interim annual report
3 shall be computed at the rate of 1/10 of 1% for the 12-month
4 period commencing on the first day of the anniversary month of
5 the corporation next following such filing, but in no event
6 shall the amount of the annual franchise tax be less than \$25
7 nor more than \$2,000,000 per annum.

8 (c) The annual franchise tax payable at the time of filing
9 the final transition annual report in connection with an
10 anniversary month prior to January, 2004 and in connection with
11 an anniversary month on or after the effective date of this
12 amendatory Act of the 94th General Assembly shall be an amount
13 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of
14 paid-in capital represented in this State as shown in the final
15 transition annual report multiplied by (ii) the number of
16 months commencing with the anniversary month next following the
17 filing of the statement of election until, but excluding, the
18 second extended filing month, less the annual franchise tax
19 theretofore paid at the time of filing the statement of
20 election, but in no event shall the amount of the annual
21 franchise tax be less than \$2.08333 per month assessed on a
22 minimum of \$25 per annum or more than \$83,333.333333 per month;
23 commencing with the first anniversary month that occurs after
24 December, 2003 until the effective date of this amendatory Act
25 of the 94th General Assembly, the annual franchise tax payable
26 at the time of filing the final transition annual report shall
27 be an amount equal to (i) 1/12 of 1/10 of 1% per month of the
28 proportion of paid-in capital represented in this State as
29 shown in the final transition annual report multiplied by (ii)
30 the number of months commencing with the anniversary month next
31 following the filing of the statement of election until, but
32 excluding, the second extended filing month, less the annual
33 franchise tax theretofore paid at the time of filing the
34 statement of election, but in no event shall the amount of the

1 annual franchise tax be less than \$2.08333 per month assessed
2 on a minimum of \$25 per annum or more than \$166,666.666666 per
3 month.

4 (d) The initial franchise tax payable after January 1,
5 1983, but prior to January 1, 1991, by each domestic
6 corporation shall be computed at the rate of 1/10 of 1% for the
7 12 months' period commencing on the first day of the
8 anniversary month in which the certificate of incorporation is
9 issued to the corporation under Section 2.10 of this Act, but
10 in no event shall the franchise tax be less than \$25 nor more
11 than \$1,000,000 per annum. The initial franchise tax payable on
12 or after January 1, 1991, but prior to January 1, 2004 and
13 payable on or after the effective date of this amendatory Act
14 of the 94th General Assembly, by each domestic corporation
15 shall be computed at the rate of 15/100 of 1% for the 12 month
16 period commencing on the first day of the anniversary month in
17 which the certificate articles of incorporation is issued to
18 the corporation under ~~are filed in accordance with~~ Section 2.10
19 of this Act, but in no event shall the initial franchise tax be
20 less than \$25 nor more than \$1,000,000 per annum plus 1/20th of
21 1% of the basis therefor. The initial franchise tax payable on
22 or after January 1, 2004 until the effective date of this
23 amendatory Act of the 94th General Assembly, by each domestic
24 corporation shall be computed at the rate of 15/100 of 1% for
25 the 12-month period commencing on the first day of the
26 anniversary month in which the articles of incorporation are
27 filed in accordance with Section 2.10 of this Act, but in no
28 event shall the initial franchise tax be less than \$25 nor more
29 than \$2,000,000 per annum plus 1/10th of 1% of the basis
30 therefor.

31 (e) Each additional franchise tax payable by each domestic
32 corporation for the period beginning January 1, 1983 through
33 December 31, 1983 shall be computed at the rate of 1/12 of 1/10
34 of 1% for each calendar month or fraction thereof, between the

1 date of each respective increase in its paid-in capital and its
2 anniversary month in 1984; thereafter until the last day of the
3 month that is both after December 31, 1990 and the third month
4 immediately preceding the anniversary month in 1991, each
5 additional franchise tax payable by each domestic corporation
6 shall be computed at the rate of 1/12 of 1/10 of 1% for each
7 calendar month, or fraction thereof, between the date of each
8 respective increase in its paid-in capital and its next
9 anniversary month; however, if the increase occurs within the 2
10 month period immediately preceding the anniversary month, the
11 tax shall be computed to the anniversary month of the next
12 succeeding calendar year. Commencing with increases in paid-in
13 capital that occur subsequent to both December 31, 1990 and the
14 last day of the third month immediately preceding the
15 anniversary month in 1991, the additional franchise tax payable
16 by a domestic corporation shall be computed at the rate of
17 15/100 of 1%.

18 (Source: P.A. 93-32, eff. 12-1-03.)

19 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

20 Sec. 15.75. Rate of franchise taxes payable by foreign
21 corporations.

22 (a) The annual franchise tax payable by each foreign
23 corporation shall be computed at the rate of 1/12 of 1/10 of 1%
24 for each calendar month or fraction thereof for the period
25 commencing on the first day of July 1983 to the first day of
26 the anniversary month in 1984, but in no event shall the amount
27 of the annual franchise tax be less than \$2.083333 per month
28 based on a minimum of \$25 per annum or more than \$83,333.333333
29 per month; commencing on January 1, 1984 to the first day of
30 the anniversary month in 2004 and commencing on or after the
31 effective date of this amendatory Act of the 94th General
32 Assembly, the annual franchise tax payable by each foreign
33 corporation shall be computed at the rate of 1/10 of 1% for the

1 12-months' period commencing on the first day of the
2 anniversary month or, in the case of a corporation that has
3 established an extended filing month, the extended filing month
4 of the corporation, but in no event shall the amount of the
5 annual franchise tax be less than \$25 nor more than \$1,000,000
6 per annum; commencing on January 1, 2004 until the effective
7 date of this amendatory Act of the 94th General Assembly, the
8 annual franchise tax payable by each foreign corporation shall
9 be computed at the rate of 1/10 of 1% for the 12-month period
10 commencing on the first day of the anniversary month or, in the
11 case of a corporation that has established an extended filing
12 month, the extended filing month of the corporation, but in no
13 event shall the amount of the annual franchise tax be less than
14 \$25 nor more then \$2,000,000 per annum.

15 (b) The annual franchise tax payable by each foreign
16 corporation at the time of filing a statement of election and
17 interim annual report in connection with an anniversary month
18 prior to January, 2004 and in connection with an anniversary
19 month on or after the effective date of this amendatory Act of
20 the 94th General Assembly shall be computed at the rate of 1/10
21 of 1% for the 12 month period commencing on the first day of
22 the anniversary month of the corporation next following the
23 filing, but in no event shall the amount of the annual
24 franchise tax be less than \$25 nor more than \$1,000,000 per
25 annum; commencing with the first anniversary month that occurs
26 after December, 2003 until the effective date of this
27 amendatory Act of the 94th General Assembly, the annual
28 franchise tax payable by each foreign corporation at the time
29 of filing a statement of election and interim annual report
30 shall be computed at the rate of 1/10 of 1% for the 12-month
31 period commencing on the first day of the anniversary month of
32 the corporation next following such filing, but in no event
33 shall the amount of the annual franchise tax be less than \$25
34 nor more than \$2,000,000 per annum.

1 (c) The annual franchise tax payable at the time of filing
2 the final transition annual report in connection with an
3 anniversary month prior to January, 2004 and in connection with
4 an anniversary month on or after the effective date of this
5 amendatory Act of the 94th General Assembly shall be an amount
6 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of
7 paid-in capital represented in this State as shown in the final
8 transition annual report multiplied by (ii) the number of
9 months commencing with the anniversary month next following the
10 filing of the statement of election until, but excluding, the
11 second extended filing month, less the annual franchise tax
12 theretofore paid at the time of filing the statement of
13 election, but in no event shall the amount of the annual
14 franchise tax be less than \$2.083333 per month based on a
15 minimum of \$25 per annum or more than \$83,333.333333 per month;
16 commencing with the first anniversary month that occurs after
17 December, 2003 until the effective date of this amendatory Act
18 of the 94th General Assembly, the annual franchise tax payable
19 at the time of filing the final transition annual report shall
20 be an 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 (ii)
23 the number of months commencing with the anniversary month next
24 following the filing of the statement of election until, but
25 excluding, the second extended filing month, less the annual
26 franchise tax theretofore paid at the time of filing the
27 statement of election, but in no event shall the amount of the
28 annual franchise tax be less than \$2.083333 per month based on
29 a minimum of \$25 per annum or more than \$166,666.666666 per
30 month.

31 (d) The initial franchise tax payable after January 1,
32 1983, but prior to January 1, 1991, by each foreign corporation
33 shall be computed at the rate of 1/10 of 1% for the 12 months'
34 period commencing on the first day of the anniversary month in

1 which the application for authority is filed by the corporation
2 under Section 13.15 of this Act, but in no event shall the
3 franchise tax be less than \$25 nor more than \$1,000,000 per
4 annum. Except in the case of a foreign corporation that has
5 begun transacting business in Illinois prior to January 1,
6 1991, the initial franchise tax payable on or after January 1,
7 1991, by each foreign corporation, shall be computed at the
8 rate of 15/100 of 1% for the 12-month period commencing on the
9 first day of the anniversary month in which the application for
10 authority is filed by the corporation under Section 13.15 of
11 this Act, but in no event shall the franchise tax for a taxable
12 year commencing prior to January 1, 2004 or commencing on or
13 after the effective date of this amendatory Act of the 94th
14 General Assembly be less than \$25 nor more than \$1,000,000 per
15 annum plus 1/20 of 1% of the basis therefor and in no event
16 shall the franchise tax for a taxable year commencing on or
17 after January 1, 2004 or commencing before the effective date
18 of this amendatory Act of the 94th General Assembly be less
19 than \$25 or more than \$2,000,000 per annum plus 1/20 of 1% of
20 the basis therefor.

21 (e) Whenever the application for authority indicates that
22 the corporation commenced transacting business:

23 (1) prior to January 1, 1991, the initial franchise tax
24 shall be computed at the rate of 1/12 of 1/10 of 1% for
25 each calendar month; or

26 (2) after December 31, 1990, the initial franchise tax
27 shall be computed at the rate of 1/12 of 15/100 of 1% for
28 each calendar month.

29 (f) Each additional franchise tax payable by each foreign
30 corporation for the period beginning January 1, 1983 through
31 December 31, 1983 shall be computed at the rate of 1/12 of 1/10
32 of 1% for each calendar month or fraction thereof between the
33 date of each respective increase in its paid-in capital and its
34 anniversary month in 1984; thereafter until the last day of the

1 month that is both after December 31, 1990 and the third month
2 immediately preceding the anniversary month in 1991, each
3 additional franchise tax payable by each foreign corporation
4 shall be computed at the rate of 1/12 of 1/10 of 1% for each
5 calendar month, or fraction thereof, between the date of each
6 respective increase in its paid-in capital and its next
7 anniversary month; however, if the increase occurs within the 2
8 month period immediately preceding the anniversary month, the
9 tax shall be computed to the anniversary month of the next
10 succeeding calendar year. Commencing with increases in paid-in
11 capital that occur subsequent to both December 31, 1990 and the
12 last day of the third month immediately preceding the
13 anniversary month in 1991, the additional franchise tax payable
14 by a foreign corporation shall be computed at the rate of
15 15/100 of 1%.

16 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03.)

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 the
22 Department of Business Services Special Operations Fund.
23 Moneys deposited into the Fund shall, subject to appropriation,
24 be used by the Department of Business Services of the Office of
25 the Secretary of State, hereinafter "Department", to create and
26 maintain the capability to perform expedited services in
27 response to special requests made by the public for same day or
28 24 hour service. Moneys deposited into the Fund shall be used
29 for, but not limited to, expenditures for personal services,
30 retirement, social security, contractual services, equipment,
31 electronic data processing, and telecommunications.

32 (b) The balance in the Fund at the end of any fiscal year
33 shall not exceed \$400,000 ~~\$600,000~~ and any amount in excess

1 thereof shall be transferred to the General Revenue Fund.

2 (c) All fees payable to the Secretary of State under this
3 Section shall be deposited into the Fund. No other fees or
4 taxes collected under this Act shall be deposited into the
5 Fund.

6 (d) "Expedited services" means services rendered within
7 the same day, or within 24 hours from the time, the request
8 therefor is submitted by the filer, law firm, service company,
9 or messenger physically in person or, at the Secretary of
10 State's discretion, by electronic means, to the Department's
11 Springfield Office and includes requests for certified copies,
12 photocopies, and certificates of good standing or fact made to
13 the Department's Springfield Office in person or by telephone,
14 or requests for certificates of good standing or fact made in
15 person or by telephone to the Department's Chicago Office.

16 (e) Fees for expedited services shall be as follows:

17 Restatement of articles, \$100 ~~\$200~~;

18 Merger, consolidation or exchange, \$100 ~~\$200~~;

19 Articles of incorporation, \$50 ~~\$100~~;

20 Articles of amendment, \$50 ~~\$100~~;

21 Revocation of dissolution, \$50 ~~\$100~~;

22 Reinstatement, \$50 ~~\$100~~;

23 Application for authority, \$50 ~~\$100~~;

24 Cumulative report of changes in issued shares or paid-in
25 capital, \$50 ~~\$100~~;

26 Report following merger or consolidation, \$50 ~~\$100~~;

27 Certificate of good standing or fact, \$10 ~~\$20~~;

28 All other filings, copies of documents, annual reports
29 filed on or after January 1, 1984, and copies of documents of
30 dissolved or revoked corporations having a file number over
31 5199, \$25 ~~\$50~~.

32 (f) Expedited services shall not be available for a
33 statement of correction, a petition for refund or adjustment,
34 or a request involving annual reports filed before January 1,

1 1984 or involving dissolved corporations with a file number
2 below 5200.

3 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,
4 eff. 7-1-03; revised 9-5-03.)

5 (805 ILCS 15/5.1 rep.)

6 Section 220. The Medical Corporation Act is amended by
7 repealing Section 5.1.

8 Section 225. The Limited Liability Company Act is amended
9 by changing Sections 45-45, 50-10, 50-15, and 50-50 as follows:

10 (805 ILCS 180/45-45)

11 Sec. 45-45. Transaction of business without admission.

12 (a) A foreign limited liability company transacting
13 business in this State may not maintain a civil action in any
14 court of this State until the limited liability company is
15 admitted to transact business in this State.

16 (b) The failure of a foreign limited liability company to
17 be admitted to transact business in this State does not impair
18 the validity of any contract or act of the foreign limited
19 liability company or prevent the foreign limited liability
20 company from defending any civil action in any court of this
21 State.

22 (c) A foreign limited liability company, by transacting
23 business in this State without being admitted to do so,
24 appoints the Secretary of State as its agent upon whom any
25 notice, process, or demand may be served.

26 (d) A foreign limited liability company that transacts
27 business in this State without being admitted to do so shall be
28 liable to the State for the years or parts thereof during which
29 it transacted business in this State without being admitted in
30 an amount equal to all fees that would have been imposed by
31 this Article upon that limited liability company had it been

1 duly admitted, filed all reports required by this Article, and
2 paid all penalties imposed by this Article. If a limited
3 liability company fails to be admitted to do business in this
4 State within 60 days after it commences transacting business in
5 Illinois, it is liable for a penalty of \$1,000 ~~\$2,000~~ plus \$50
6 ~~\$100~~ for each month or fraction thereof in which it has
7 continued to transact business in this State without being
8 admitted to do so. The Attorney General shall bring proceedings
9 to recover all amounts due this State under this Article.

10 (e) A member of a foreign limited liability company is not
11 liable for the debts and obligations of the limited liability
12 company solely by reason of the company's having transacted
13 business in this State without being admitted to do so.

14 (Source: P.A. 93-32, eff. 12-1-03.)

15 (805 ILCS 180/50-10)

16 Sec. 50-10. Fees.

17 (a) The Secretary of State shall charge and collect in
18 accordance with the provisions of this Act and rules
19 promulgated under its authority all of the following:

20 (1) Fees for filing documents.

21 (2) Miscellaneous charges.

22 (3) Fees for the sale of lists of filings and for
23 copies of any documents.

24 (b) The Secretary of State shall charge and collect for all
25 of the following:

26 (1) Filing articles of organization (domestic),
27 application for admission (foreign), and restated articles
28 of organization (domestic), \$400 ~~\$500~~. Notwithstanding the
29 foregoing, the fee for filing articles of organization
30 (domestic), application for admission (foreign), and
31 restated articles of organization (domestic) in connection
32 with a limited liability company with a series pursuant to
33 Section 37-40 of this Act is \$750.

1 (2) Filing amendments (domestic or foreign), \$100
2 ~~\$150~~.

3 (3) Filing articles of dissolution or application for
4 withdrawal, \$100.

5 (4) Filing an application to reserve a name, \$300.

6 (5) Renewal fee for reserved name, \$100.

7 (6) Filing a notice of a transfer of a reserved name,
8 \$100.

9 (7) Registration of a name, \$300.

10 (8) Renewal of registration of a name, \$100.

11 (9) Filing an application for use of an assumed name
12 under Section 1-20 of this Act, \$150 for each year or part
13 thereof ending in 0 or 5, \$120 for each year or part
14 thereof ending in 1 or 6, \$90 for each year or part thereof
15 ending in 2 or 7, \$60 for each year or part thereof ending
16 in 3 or 8, \$30 for each year or part thereof ending in 4 or
17 9, and a renewal for each assumed name, \$150.

18 (10) Filing an application for change of an assumed
19 name, \$100.

20 (11) Filing an annual report of a limited liability
21 company or foreign limited liability company, \$200 \$250, if
22 filed as required by this Act, plus a penalty if
23 delinquent. Notwithstanding the foregoing, the fee for
24 filing an annual report of a limited liability company or
25 foreign limited liability company is \$250 plus \$50 for each
26 series for which a certificate of designation has been
27 filed pursuant to Section 37-40 of this Act, plus a penalty
28 if delinquent.

29 (12) Filing an application for reinstatement of a
30 limited liability company or foreign limited liability
31 company \$500.

32 (13) Filing Articles of Merger, \$100 plus \$50 for each
33 party to the merger in excess of the first 2 parties.

34 (14) Filing an Agreement of Conversion or Statement of

1 Conversion, \$100.

2 (15) Filing a statement of change of address of
3 registered office or change of registered agent, or both,
4 or filing a statement of correction, \$25.

5 (16) Filing a petition for refund, \$15.

6 (17) Filing any other document, \$100.

7 (18) Filing a certificate of designation of a limited
8 liability company with a series pursuant to Section 37-40
9 of this Act, \$50.

10 (c) The Secretary of State shall charge and collect all of
11 the following:

12 (1) For furnishing a copy or certified copy of any
13 document, instrument, or paper relating to a limited
14 liability company or foreign limited liability company, or
15 for a certificate, \$25.

16 (2) For the transfer of information by computer process
17 media to any purchaser, fees established by rule.

18 (Source: P.A. 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; 94-605,
19 eff. 1-1-06; 94-607, eff. 8-16-05; revised 8-29-05.)

20 (805 ILCS 180/50-15)

21 Sec. 50-15. Penalty.

22 (a) The Secretary of State shall declare any limited
23 liability company or foreign limited liability company to be
24 delinquent and not in good standing if any of the following
25 occur:

26 (1) It has failed to file its annual report and pay the
27 requisite fee as required by this Act before the first day
28 of the anniversary month in the year in which it is due.

29 (2) It has failed to appoint and maintain a registered
30 agent in Illinois within 60 days of notification of the
31 Secretary of State by the resigning registered agent.

32 (3) (Blank).

33 (b) If the limited liability company or foreign limited

1 liability company has not corrected the default within the time
2 periods prescribed by this Act, the Secretary of State shall be
3 empowered to invoke any of the following penalties:

4 (1) For failure or refusal to comply with subsection
5 (a) of this Section within 60 days after the due date, a
6 penalty of \$100 plus \$50 for each month or fraction thereof
7 until returned to good standing or until administratively
8 dissolved by the Secretary of State ~~\$300 plus \$100 for each~~
9 ~~year or fraction thereof beginning with the second year of~~
10 ~~delinquency until returned to good standing or until~~
11 ~~reinstatement is effected.~~

12 (2) The Secretary of State shall not file any
13 additional documents, amendments, reports, or other papers
14 relating to any limited liability company or foreign
15 limited liability company organized under or subject to the
16 provisions of this Act until any delinquency under
17 subsection (a) is satisfied.

18 (3) In response to inquiries received in the Office of
19 the Secretary of State from any party regarding a limited
20 liability company that is delinquent, the Secretary of
21 State may show the limited liability company as not in good
22 standing.

23 (Source: P.A. 93-32, eff. 12-1-03; 94-605, eff. 1-1-06.)

24 (805 ILCS 180/50-50)

25 Sec. 50-50. Department of Business Services Special
26 Operations Fund.

27 (a) A special fund in the State treasury is created and
28 shall be known as the Department of Business Services Special
29 Operations Fund. Moneys deposited into the Fund shall, subject
30 to appropriation, be used by the Department of Business
31 Services of the Office of the Secretary of State, hereinafter
32 "Department", to create and maintain the capability to perform
33 expedited services in response to special requests made by the

1 public for same-day or 24-hour service. Moneys deposited into
2 the Fund shall be used for, but not limited to, expenditures
3 for personal services, retirement, Social Security,
4 contractual services, equipment, electronic data processing,
5 and telecommunications.

6 (b) The balance in the Fund at the end of any fiscal year
7 shall not exceed \$400,000 ~~\$600,000~~, and any amount in excess
8 thereof shall be transferred to the General Revenue Fund.

9 (c) All fees payable to the Secretary of State under this
10 Section shall be deposited into the Fund. No other fees or
11 charges collected under this Act shall be deposited into the
12 Fund.

13 (d) "Expedited services" means services rendered within
14 the same day, or within 24 hours from the time, the request
15 therefor is submitted by the filer, law firm, service company,
16 or messenger physically in person or, at the Secretary of
17 State's discretion, by electronic means, to the Department's
18 Springfield Office and includes requests for certified copies,
19 photocopies, and certificates of good standing made to the
20 Department's Springfield Office in person or by telephone, or
21 requests for certificates of good standing made in person or by
22 telephone to the Department's Chicago Office.

23 (e) Fees for expedited services shall be as follows:

24 Restated articles of organization, \$100 ~~\$200~~;

25 Merger or conversion, \$100 ~~\$200~~;

26 Articles of organization, \$50 ~~\$100~~;

27 Articles of amendment, \$50 ~~\$100~~;

28 Reinstatement, \$50 ~~\$100~~;

29 Application for admission to transact business, \$50 ~~\$100~~;

30 Certificate of good standing or abstract of computer
31 record, \$10 ~~\$20~~;

32 All other filings, copies of documents, annual reports, and
33 copies of documents of dissolved or revoked limited liability
34 companies, \$25 ~~\$50~~.

1 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03.)

2 Section 230. The Revised Uniform Limited Partnership Act is
3 amended by changing Sections 1102 and 1111 as follows:

4 (805 ILCS 210/1102) (from Ch. 106 1/2, par. 161-2)
5 (Section scheduled to be repealed on January 1, 2008)
6 Sec. 1102. Fees.

7 (a) The Secretary of State shall charge and collect in
8 accordance with the provisions of this Act and rules
9 promulgated pursuant to its authority:

- 10 (1) fees for filing documents;
11 (2) miscellaneous charges;
12 (3) fees for the sale of lists of filings, copies of
13 any documents, and for the sale or release of any
14 information.

15 (b) The Secretary of State shall charge and collect for:

- 16 (1) filing certificates of limited partnership
17 (domestic), certificates of admission (foreign), restated
18 certificates of limited partnership (domestic), and
19 restated certificates of admission (foreign), \$75 ~~\$150~~;
20 (2) filing certificates to be governed by this Act, \$25
21 ~~\$50~~;
22 (3) filing amendments and certificates of amendment,
23 \$25 ~~\$50~~;
24 (4) filing certificates of cancellation, \$25;
25 (5) filing an application for use of an assumed name
26 pursuant to Section 108 of this Act, \$150 for each year or
27 part thereof ending in 0 or 5, \$120 for each year or part
28 thereof ending in 1 or 6, \$90 for each year or part thereof
29 ending in 2 or 7, \$60 for each year or part thereof ending
30 in 3 or 8, \$30 for each year or part thereof ending in 4 or
31 9, and a renewal fee for each assumed name, \$150;
32 (6) filing a renewal report of a domestic or foreign

1 limited partnership, \$15 ~~\$150~~ if filed as required by this
2 Act, plus \$100 penalty if delinquent;

3 (7) filing an application for reinstatement of a
4 domestic or foreign limited partnership, and for issuing a
5 certificate of reinstatement, \$100 ~~\$200~~;

6 (8) filing any other document, \$5 ~~\$50~~.

7 (c) The Secretary of State shall charge and collect:

8 (1) for furnishing a copy or certified copy of any
9 document, instrument or paper relating to a domestic
10 limited partnership or foreign limited partnership, \$0.50
11 per page, but not less than \$5, and \$5 for the certificate
12 and for affixing the seal thereto ~~\$25~~; and

13 (2) for the transfer of information by computer process
14 media to any purchaser, fees established by rule.

15 (Source: P.A. 93-32, eff. 7-1-03; 93-967, eff. 1-1-05. Repealed
16 on 1-1-2008 by 805 ILCS 215/1401.)

17 (805 ILCS 210/1111)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 1111. Department of Business Services Special
20 Operations Fund.

21 (a) A special fund in the State Treasury is created and
22 shall be known as the Department of Business Services Special
23 Operations Fund. Moneys deposited into the Fund shall, subject
24 to appropriation, be used by the Department of Business
25 Services of the Office of the Secretary of State, hereinafter
26 "Department", to create and maintain the capability to perform
27 expedited services in response to special requests made by the
28 public for same day or 24 hour service. Moneys deposited into
29 the Fund shall be used for, but not limited to, expenditures
30 for personal services, retirement, social security contractual
31 services, equipment, electronic data processing, and
32 telecommunications.

33 (b) The balance in the Fund at the end of any fiscal year

1 shall not exceed \$400,000 ~~\$600,000~~ and any amount in excess
2 thereof shall be transferred to the General Revenue Fund.

3 (c) All fees payable to the Secretary of State under this
4 Section shall be deposited into the Fund. No other fees or
5 charges collected under this Act shall be deposited into the
6 Fund.

7 (d) "Expedited services" means services rendered within
8 the same day, or within 24 hours from the time, the request
9 therefor is submitted by the filer, law firm, service company,
10 or messenger physically in person, or at the Secretary of
11 State's discretion, by electronic means, to the Department's
12 Springfield Office or Chicago Office and includes requests for
13 certified copies, photocopies, and certificates of existence
14 or abstracts of computer record made to the Department's
15 Springfield Office in person or by telephone, or requests for
16 certificates of existence or abstracts of computer record made
17 in person or by telephone to the Department's Chicago Office.

18 (e) Fees for expedited services shall be as follows:

19 Merger or conversion, \$100 ~~\$200~~;

20 Certificate of limited partnership, \$50 ~~\$100~~;

21 Certificate of amendment, \$50 ~~\$100~~;

22 Reinstatement, \$50 ~~\$100~~;

23 Application for admission to transact business, \$50 ~~\$100~~;

24 Certificate of cancellation of admission, \$50 ~~\$100~~;

25 Certificate of existence or abstract of computer record,
26 \$10 ~~\$20~~.

27 All other filings, copies of documents, biennial renewal
28 reports, and copies of documents of canceled limited
29 partnerships, \$25 ~~\$50~~.

30 (Source: P.A. 93-32, eff. 7-1-03; 93-967, eff. 1-1-05. Repealed
31 on 1-1-2008 by 805 ILCS 215/1401.)

32 (815 ILCS 5/18.1 rep.)

33 Section 235. The Illinois Securities Law of 1953 is amended

1 by repealing Section 18.1.

2 Section 240. The Workers' Compensation Act is amended by
3 changing Section 4d as follows:

4 (820 ILCS 305/4d)

5 Sec. 4d. Illinois Workers' Compensation Commission
6 Operations Fund Fee.

7 (a) As of July 30, 2004 (the effective date of Public Act
8 93-840) and until the effective date of this amendatory Act of
9 the 94th General Assembly ~~this amendatory Act of the 93rd~~
10 ~~General Assembly~~, each employer that self-insures its
11 liabilities arising under this Act or Workers' Occupational
12 Diseases Act shall pay a fee measured by the annual actual
13 wages paid in this State of such an employer in the manner
14 provided in this Section. Such proceeds shall be deposited in
15 the Illinois Workers' Compensation Commission Operations Fund.
16 If an employer survives or was formed by a merger,
17 consolidation, reorganization, or reincorporation, the actual
18 wages paid in this State of all employers party to the merger,
19 consolidation, reorganization, or reincorporation shall, for
20 purposes of determining the amount of the fee imposed by this
21 Section, be regarded as those of the surviving or new employer.

22 (b) Beginning on July 30, 2004 (the effective date of
23 Public Act 93-840) and until the effective date of this
24 amendatory Act of the 94th General Assembly ~~this amendatory Act~~
25 ~~of 2004~~ and on July 1 of each year thereafter, the Chairman
26 shall charge and collect an annual Illinois Workers'
27 Compensation Commission Operations Fund Fee from every
28 employer subject to subsection (a) of this Section equal to
29 0.0075% of its annual actual wages paid in this State as
30 reported in each employer's annual self-insurance renewal
31 filed for the previous year as required by Section 4 of this
32 Act and Section 4 of the Workers' Occupational Diseases Act.

1 All sums collected by the Commission under the provisions of
2 this Section shall be paid promptly after the receipt of the
3 same, accompanied by a detailed statement thereof, into the
4 Illinois Workers' Compensation Commission Operations Fund. The
5 fee due pursuant to Public Act 93-840 ~~this amendatory Act of~~
6 ~~2004~~ shall be collected instead of the fee due on July 1, 2004
7 under Public Act 93-32. Payment of the fee due under Public Act
8 93-840 ~~this amendatory Act of 2004~~ shall discharge the
9 employer's obligations due on July 1, 2004.

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

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

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

29 (f) Whenever it appears to the satisfaction of the Chairman
30 that an employer has paid pursuant to this Act an Illinois
31 Workers' Compensation Commission Operations Fund Fee in an
32 amount in excess of the amount legally collectable from the
33 employer, the Chairman shall issue a credit memorandum for an
34 amount equal to the amount of such overpayment. A credit

1 memorandum may be applied for the 2-year period from the date
2 of issuance against the payment of any amount due during that
3 period under the fee imposed by this Section or, subject to
4 reasonable rule of the Commission including requirement of
5 notification, may be assigned to any other employer subject to
6 regulation under this Act. Any application of credit memoranda
7 after the period provided for in this Section is void.

8 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,
9 eff. 7-30-04; revised 10-25-04.)

10 Section 999. Effective date. This Act takes effect upon
11 becoming law."