

# HB1074



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1074

Introduced 2/8/2007, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Funeral or Burial Funds Act, the Crematory Regulation Act, the Cemetery Care Act, and the Illinois Pre-Need Cemetery Sales Act. Provides that licenses and license renewals shall be issued for a 5-year term. Provides requirements for license renewal and makes conforming changes in other provisions of the Acts. In the Cemetery Care Act, adds a provision requiring a cemetery association holding \$75,000 or less in its care funds to file a report with the Comptroller in lieu of other annual report requirements and provides that the Comptroller shall examine at least annually every licensee who holds \$750,000 or more (was, \$250,000 or more) in its care funds. Effective January 1, 2008.

LRB095 09808 RAS 30018 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Funeral or Burial Funds Act is  
5 amended by changing Sections 3a, 3a-5, and 3f and by adding  
6 Sections 3a-1, 3a-2, 3a-3, and 3a-4 as follows:

7 (225 ILCS 45/3a) (from Ch. 111 1/2, par. 73.103a)

8 Sec. 3a. Denial, nonrenewal, suspension, or revocation of  
9 license.

10 (a) The Comptroller may refuse to issue or renew or may  
11 suspend or revoke a license on any of the following grounds:

12 (1) The applicant or licensee has made any  
13 misrepresentations or false statements or concealed any  
14 material fact.

15 (2) The applicant or licensee is insolvent.

16 (3) The applicant or licensee has been engaged in  
17 business practices that work a fraud.

18 (4) The applicant or licensee has refused to give  
19 pertinent data to the Comptroller.

20 (5) The applicant or licensee has failed to satisfy any  
21 enforceable judgment or decree rendered by any court of  
22 competent jurisdiction against the applicant.

23 (6) The applicant or licensee has conducted or is about

1 to conduct business in a fraudulent manner.

2 (7) The trust agreement is not in compliance with State  
3 or federal law.

4 (8) The fidelity bond is not satisfactory to the  
5 Comptroller.

6 (9) As to any individual required to be listed in the  
7 ~~license~~ application for license or license renewal, the  
8 individual has conducted or is about to conduct any  
9 business on behalf of the applicant in a fraudulent manner;  
10 has been convicted of any felony or misdemeanor, an  
11 essential element of which is fraud; has had a judgment  
12 rendered against him or her based on fraud in any civil  
13 litigation; has failed to satisfy any enforceable judgment  
14 or decree rendered against him or her by any court of  
15 competent jurisdiction; or has been convicted of any felony  
16 or any theft-related offense.

17 (10) The applicant or licensee, including any member,  
18 officer, or director thereof if the applicant or licensee  
19 is a firm, partnership, association or corporation and any  
20 shareholder holding more than 10% of the corporate stock,  
21 has violated any provision of this Act or any regulation,  
22 decision, order, or finding made by the Comptroller under  
23 this Act.

24 (11) The Comptroller finds any fact or condition  
25 existing which, if it had existed at the time of the  
26 original application for such license or license renewal,

1           would have warranted the Comptroller in refusing the  
2           issuance or renewal of the license.

3           (b) Before refusal to issue or renew and before suspension  
4           or revocation of a license, the Comptroller shall hold a  
5           hearing to determine whether the applicant or licensee,  
6           hereinafter referred to as the respondent, is entitled to hold  
7           such a license. At least 10 days prior to the date set for such  
8           hearing, the Comptroller shall notify the respondent in writing  
9           that on the date designated a hearing will be held to determine  
10          his eligibility for a license and that he may appear in person  
11          or by counsel. Such written notice may be served on the  
12          respondent personally, or by registered or certified mail sent  
13          to the respondent's business address as shown in his latest  
14          notification to the Comptroller. At the hearing, both the  
15          respondent and the complainant shall be accorded ample  
16          opportunity to present in person or by counsel such statements,  
17          testimony, evidence and argument as may be pertinent to the  
18          charges or to any defense thereto. The Comptroller may  
19          reasonably continue such hearing from time to time.

20          The Comptroller may subpoena any person or persons in this  
21          State and take testimony orally, by deposition or by exhibit,  
22          in the same manner and with the same fees and mileage  
23          allowances as prescribed in judicial proceedings in civil  
24          cases.

25          Any authorized agent of the Comptroller may administer  
26          oaths to witnesses at any hearing which the Comptroller is

1 authorized to conduct.

2 (Source: P.A. 92-419, eff. 1-1-02.)

3 (225 ILCS 45/3a-1 new)

4 Sec. 3a-1. Term of license.

5 (a) Any license that was issued under this Act before the  
6 effective date of this amendatory Act of the 95th General  
7 Assembly shall expire according to a schedule developed by the  
8 Comptroller pursuant to the original date of issuance and must  
9 thereafter be renewed as provided in this Act. Beginning on the  
10 effective date of this amendatory Act of the 95th General  
11 Assembly, a license or license renewal under this Act shall be  
12 issued for a 5-year term, which shall expire as provided in  
13 this Act.

14 (b) The Comptroller by rule may adopt a system under which  
15 licenses must be renewed by various dates during the year,  
16 coinciding with the due date of the annual report of the  
17 licensee or any extensions thereof.

18 (225 ILCS 45/3a-2 new)

19 Sec. 3a-2. Requirements for license renewal. In order to  
20 complete the license renewal process, the licensee shall submit  
21 a license renewal application to the Comptroller in writing  
22 signed by the licensee and duly verified on forms furnished by  
23 the Comptroller upon the date of renewal. The Comptroller may  
24 prescribe abbreviated license renewal application forms for

1 persons holding multiple licenses issued by the Comptroller.  
2 Each renewal application (except abbreviated applications)  
3 shall contain all the following:

4 (1) An affirmative statement indicating the licensee's  
5 desire for renewal and agreement to abide by all applicable  
6 statutes and rules.

7 (2) A \$25 nonrefundable renewal fee.

8 (3) A completed annual report.

9 (4) The following information for the licensee, and  
10 each member, officer, and director thereof, if the licensee  
11 is a firm, partnership, association, or corporation, and  
12 each shareholder holding more than 10% of the corporate  
13 stock, if the licensee is a corporation:

14 (A) His or her name and current address (both  
15 residence and place of business).

16 (B) A detailed statement of the individual's  
17 business experience for the 10 years immediately  
18 preceding the application.

19 (C) Any present or prior connection between the  
20 individual and any other person engaged in pre-need  
21 sales.

22 (D) Any felony or misdemeanor convictions of which  
23 fraud was an essential element and any charges or  
24 complaints lodged against the individual of which  
25 fraud was an essential element and that resulted in  
26 civil or criminal litigation.

1           (E) Any failure of the individual to satisfy an  
2           enforceable judgment entered against him or her based  
3           upon fraud.

4           (F) Any other information requested by the  
5           Comptroller relating to past business practices of the  
6           individual.

7           Since the information required by this item (4) and item  
8           (5) may be confidential or contain proprietary  
9           information, this information shall not be available to  
10           other licensees or the general public and shall be used  
11           only for the lawful purposes of the Comptroller in  
12           enforcing this Act.

13           (5) A current statement of the licensee's assets and  
14           liabilities.

15           (6) The current name and address of the licensee's  
16           principal place of business at which the books, accounts,  
17           and records are available for examination by the  
18           Comptroller as required by this Act.

19           (7) The current names and addresses of the licensee's  
20           branch locations at which pre-need sales are conducted and  
21           that operate under the same license number as the  
22           licensee's principal place of business.

23           (8) The name of the current trustee and, if applicable,  
24           the names of the advisors to the trustee, including a copy  
25           of the current trust agreement under which the trust funds  
26           are held as required by this Act.

1           (9) Such other information as the Comptroller may  
2           reasonably require in order to determine whether the  
3           licensee's renewal application qualifies under this Act.

4           (225 ILCS 45/3a-3 new)

5           Sec. 3a-3. Remedy for delinquent license renewal.

6           (a) If a licensee continues to conduct activities requiring  
7           a license but fails to submit a completed license renewal  
8           application to the Comptroller within the time specified in  
9           this Act, the Comptroller shall impose upon the licensee a  
10           penalty in the amount of \$5 per day for each day the renewal  
11           statement is not submitted. The Comptroller may abate all or  
12           part of the \$5 daily penalty for good cause shown.

13           (b) In the event the renewal application is denied by the  
14           Comptroller, the renewal fee paid is not refundable.

15           (225 ILCS 45/3a-4 new)

16           Sec. 3a-4. License renewal process. Once the licensee has  
17           filed for license renewal, the expiring license shall remain in  
18           effect until the renewal has been issued. Upon approval of the  
19           Comptroller, the Comptroller shall issue a license renewal to  
20           be posted in the place of business of the licensee.

21           (225 ILCS 45/3a-5)

22           Sec. 3a-5. License requirements.

23           (a) Every license issued by the Comptroller shall state the



1 number of the license, the business name and address of the  
2 licensee's principal place of business, each branch location  
3 also operating under the license, and the licensee's parent  
4 company, if any. The license shall be conspicuously posted in  
5 each place of business operating under the license. The  
6 Comptroller may issue such additional licenses as may be  
7 necessary for licensee branch locations upon compliance with  
8 the provisions of this Act governing an original issuance of a  
9 license for each new license.

10 (b) Individual salespersons representing a licensee shall  
11 not be required to obtain licenses in their individual  
12 capacities, but must acknowledge, by affidavit, that they have  
13 been provided with a copy of and have read this Act. The  
14 licensee shall retain copies of the affidavits of its sellers  
15 for its records and shall make the affidavits available to the  
16 Comptroller for examination upon request.

17 (c) The licensee shall be responsible for the activities of  
18 any person representing the licensee in selling or offering a  
19 pre-need contract for sale.

20 (d) Any person not selling on behalf of a licensee shall  
21 obtain its own license.

22 (e) No license shall be transferable or assignable without  
23 the express written consent of the Comptroller. A transfer of  
24 more than 50% of the ownership of any business licensed  
25 hereunder shall be deemed to be an attempted assignment of the  
26 license originally issued to the licensee for which consent of

1 the Comptroller shall be required.

2 (f) Every license issued hereunder shall remain in force  
3 until it expires or has been suspended, surrendered, or revoked  
4 in accordance with this Act. The Comptroller, upon the request  
5 of an interested person or on his own motion, may issue new  
6 licenses to a licensee whose license or licenses have been  
7 revoked, if no factor or condition then exists which would have  
8 warranted the Comptroller to originally refuse the issuance of  
9 such license.

10 (Source: P.A. 92-419, eff. 1-1-02.)

11 (225 ILCS 45/3f)

12 Sec. 3f. Revocation of license.

13 (a) The Comptroller, upon determination that grounds exist  
14 for the nonrenewal, revocation or suspension of a license  
15 issued under this Act, may refuse to renew, revoke or suspend,  
16 if appropriate, the license issued to a licensee or to a  
17 particular branch office location with respect to which the  
18 grounds for the nonrenewal, revocation or suspension may occur  
19 or exist.

20 (b) Whenever a license is not renewed or is revoked by the  
21 Comptroller, he or she shall apply to the Circuit Court of the  
22 county wherein the licensee is located for a receiver to  
23 administer the trust funds of the licensee or to maintain the  
24 life insurance policies and tax-deferred annuities held by the  
25 licensee under a pre-need contract.

1 (Source: P.A. 92-419, eff. 1-1-02.)

2 Section 10. The Crematory Regulation Act is amended by  
3 changing Sections 11, 11.5, 13, and 62.10 and by adding  
4 Sections 10.1, 10.2, 10.3, and 10.4 as follows:

5 (410 ILCS 18/10.1 new)

6 Sec. 10.1. Term of license.

7 (a) Any license that was issued under this Act before the  
8 effective date of this amendatory Act of the 95th General  
9 Assembly shall expire according to a schedule developed by the  
10 Comptroller pursuant to the original date of issuance and must  
11 thereafter be renewed as provided in this Act. Beginning on the  
12 effective date of this amendatory Act of the 95th General  
13 Assembly, a license or license renewal shall be issued for a  
14 5-year term, which shall expire as provided in this Act.

15 (b) The Comptroller by rule may adopt a system under which  
16 licenses must be renewed by various dates during the year,  
17 coinciding with the due date of the annual report of the  
18 licensee or any extensions thereof.

19 (410 ILCS 18/10.2 new)

20 Sec. 10.2. Requirements for license renewal. In order to  
21 complete the license renewal process, the licensee shall submit  
22 a license renewal application to the Comptroller in writing on  
23 forms furnished by the Comptroller upon the date of renewal.

1 The Comptroller may prescribe abbreviated license renewal  
2 application forms for persons holding multiple licenses issued  
3 by the Comptroller. Each renewal application (except  
4 abbreviated applications) shall contain all of the following:

5 (1) An affirmative statement indicating the licensee's  
6 desire for renewal and agreement to abide by all applicable  
7 statutes and rules.

8 (2) A \$25 nonrefundable renewal fee.

9 (3) A completed annual report.

10 (4) The current name and address (both residence and  
11 business) of the licensee, if the licensee is an  
12 individual; the full name and address of every member, if  
13 the licensee is a partnership; the full name and address of  
14 every member of the board of directors, if the licensee is  
15 an association; and the name and address of every officer,  
16 director, and shareholder holding more than 25% of the  
17 corporate stock, if the licensee is a corporation.

18 (5) A description of the type of structure and  
19 equipment used in the operation of the crematory, including  
20 the operating permit number issued to the cremation device  
21 by the Illinois Environmental Protection Agency.

22 (6) An updated attestation by the owner that cremation  
23 services shall be by a person trained in accordance with  
24 the requirements of Section 22 of this Act.

25 (7) A copy of the certifications issued by the  
26 certification program to the person or persons who operate

1 the cremation device.

2 (8) Any further information that the Comptroller  
3 reasonably may require.

4 (410 ILCS 18/10.3 new)

5 Sec. 10.3. Remedy for delinquent license renewal.

6 (a) If a licensee continues to conduct activities requiring  
7 a license but fails to submit a completed license renewal  
8 application to the Comptroller within the time specified in  
9 this Act, the Comptroller shall impose upon the licensee a  
10 penalty of \$5 for each day the licensee remains delinquent in  
11 submitting the renewal application. The Comptroller may abate  
12 all or part of the \$5 daily penalty for good cause shown.

13 (b) In the event the renewal application is denied by the  
14 Comptroller, the renewal fee paid is not refundable.

15 (410 ILCS 18/10.4 new)

16 Sec. 10.4. License renewal process. Once the licensee has  
17 filed for license renewal, the expiring license shall remain in  
18 effect until the renewal has been issued. Upon approval of the  
19 Comptroller, the Comptroller shall issue a license renewal to  
20 be posted in the place of business of the licensee.

21 (410 ILCS 18/11)

22 Sec. 11. Grounds for refusal of license or license renewal  
23 or suspension or revocation of license.

1 (a) In this Section, "applicant" means a person who has  
2 applied for a license or license renewal under this Act.

3 (b) The Comptroller may refuse to issue or renew a license  
4 under this Act, or may suspend or revoke a license issued under  
5 this Act, on any of the following grounds:

6 (1) The applicant or licensee has made any  
7 misrepresentation or false statement or concealed any  
8 material fact in connection with a license application or  
9 licensure under this Act.

10 (2) The applicant or licensee has been engaged in  
11 business practices that work a fraud.

12 (3) The applicant or licensee has refused to give  
13 information required under this Act to be disclosed to the  
14 Comptroller.

15 (4) The applicant or licensee has conducted or is about  
16 to conduct cremation business in a fraudulent manner.

17 (5) As to any individual listed in the license or  
18 license renewal application as required under Section 10 or  
19 10.2, that individual has conducted or is about to conduct  
20 any cremation business on behalf of the applicant in a  
21 fraudulent manner or has been convicted of any felony or  
22 misdemeanor an essential element of which is fraud.

23 (6) The applicant or licensee has failed to make the  
24 annual report required by this Act or to comply with a  
25 final order, decision, or finding of the Comptroller made  
26 under this Act.

1           (7) The applicant or licensee, including any member,  
2           officer, or director of the applicant or licensee if the  
3           applicant or licensee is a firm, partnership, association,  
4           or corporation and including any shareholder holding more  
5           than 25% of the corporate stock of the applicant or  
6           licensee, has violated any provision of this Act or any  
7           regulation or order made by the Comptroller under this Act.

8           (8) The Comptroller finds any fact or condition  
9           existing that, if it had existed at the time of the  
10          original application for a license or license renewal under  
11          this Act, would have warranted the Comptroller in refusing  
12          the issuance of the license.

13         (Source: P.A. 92-675, eff. 7-1-03.)

14           (410 ILCS 18/11.5)

15           Sec. 11.5. License revocation or suspension; surrender of  
16           license.

17           (a) Upon determining that grounds exist for the nonrenewal,  
18           revocation, or suspension of a license issued under this Act,  
19           the Comptroller, if appropriate, may revoke, ~~or~~ suspend, or  
20           refuse to renew the license issued to the licensee.

21           (b) Upon the nonrenewal, revocation, or suspension of a  
22           license issued under this Act, the licensee must immediately  
23           surrender the license to the Comptroller. If the licensee fails  
24           to do so, the Comptroller may seize the license.

25         (Source: P.A. 92-675, eff. 7-1-03.)

1 (410 ILCS 18/13)

2 Sec. 13. License; display; transfer; duration.

3 (a) Every license issued under this Act must state the  
4 number of the license, the business name and address of the  
5 licensee's principal place of business, and the licensee's  
6 parent company, if any. The license must be conspicuously  
7 posted in the place of business operating under the license.

8 (b) No license is transferable or assignable without the  
9 express written consent of the Comptroller. A transfer of more  
10 than 50% of the ownership of any business licensed under this  
11 Act shall be deemed to be an attempted assignment of the  
12 license originally issued to the licensee for whom consent of  
13 the Comptroller is required.

14 (c) Every license issued under this Act shall remain in  
15 force until it expires or has been surrendered, suspended, or  
16 revoked in accordance with this Act. Upon the request of an  
17 interested person or on the Comptroller's own motion, the  
18 Comptroller may issue a new license to a licensee whose license  
19 has been revoked under this Act if no factor or condition then  
20 exists which would have warranted the Comptroller in originally  
21 refusing the issuance of the license.

22 (Source: P.A. 92-675, eff. 7-1-03.)

23 (410 ILCS 18/62.10)

24 Sec. 62.10. Investigation of actions; hearing.



1           (a) The Comptroller shall make an investigation upon  
2 discovering facts that, if proved, would constitute grounds for  
3 refusal, denial, suspension, or revocation of a license under  
4 this Act.

5           (b) Before refusing to issue or renew, and before  
6 suspending or revoking, a license under this Act, the  
7 Comptroller shall hold a hearing to determine whether the  
8 applicant for a license or the licensee ("the respondent") is  
9 entitled to hold such a license. At least 10 days before the  
10 date set for the hearing, the Comptroller shall notify the  
11 respondent in writing that (i) on the designated date a hearing  
12 will be held to determine the respondent's eligibility for a  
13 license and (ii) the respondent may appear in person or by  
14 counsel. The written notice may be served on the respondent  
15 personally, or by registered or certified mail sent to the  
16 respondent's business address as shown in the respondent's  
17 latest notification to the Comptroller. The notice must include  
18 sufficient information to inform the respondent of the general  
19 nature of the reason for the Comptroller's action.

20           (c) At the hearing, both the respondent and the complainant  
21 shall be accorded ample opportunity to present in person or by  
22 counsel such statements, testimony, evidence, and argument as  
23 may be pertinent to the charge or to any defense to the charge.  
24 The Comptroller may reasonably continue the hearing from time  
25 to time. The Comptroller may subpoena any person or persons in  
26 this State and take testimony orally, by deposition, or by

1 exhibit, in the same manner and with the same fees and mileage  
2 as prescribed in judicial proceedings in civil cases. Any  
3 authorized agent of the Comptroller may administer oaths to  
4 witnesses at any hearing that the Comptroller is authorized to  
5 conduct.

6 (d) The Comptroller, at the Comptroller's expense, shall  
7 provide a certified shorthand reporter to take down the  
8 testimony and preserve a record of every proceeding at the  
9 hearing of any case involving the refusal to issue or renew a  
10 license under this Act, the suspension or revocation of such a  
11 license, the imposition of a monetary penalty, or the referral  
12 of a case for criminal prosecution. The record of any such  
13 proceeding shall consist of the notice of hearing, the  
14 complaint, all other documents in the nature of pleadings and  
15 written motions filed in the proceeding, the transcript of  
16 testimony, and the report and orders of the Comptroller. Copies  
17 of the transcript of the record may be purchased from the  
18 certified shorthand reporter who prepared the record or from  
19 the Comptroller.

20 (Source: P.A. 92-675, eff. 7-1-03.)

21 Section 15. The Cemetery Care Act is amended by changing  
22 Sections 7, 8, 10, 11, 14, 15, 15.3, 15.4, and 18 and by adding  
23 Sections 9.1, 9.2, 9.3, 9.4, and 12.1 as follows:

24 (760 ILCS 100/7) (from Ch. 21, par. 64.7)

1           Sec. 7. License to hold care funds. No cemetery authority  
2 owning, operating, controlling or managing a privately  
3 operated cemetery may accept the care funds authorized by the  
4 provisions of Section 3 of this Act without securing from the  
5 Comptroller a license to hold the funds. The license shall be  
6 secured by the cemetery authority whether the cemetery  
7 authority is serving as trustee of the care funds or whether  
8 the care funds are held by an independent trustee.

9           All licenses issued under the provisions of this Act by the  
10 Department of Financial Institutions prior to the time the  
11 administration of this Act was transferred to the Comptroller  
12 shall remain valid for all purposes unless such license expires  
13 or is terminated, surrendered or revoked as provided in this  
14 Act.

15           (Source: P.A. 89-615, eff. 8-9-96.)

16           (760 ILCS 100/8) (from Ch. 21, par. 64.8)

17           Sec. 8. Every cemetery authority shall register with the  
18 Comptroller upon forms furnished by him or her. Such  
19 registration statement shall state whether the cemetery  
20 authority claims that the cemetery owned, operated,  
21 controlled, or managed by it is a fraternal cemetery,  
22 municipal, State, or federal cemetery, or religious cemetery,  
23 or a family burying ground, as the case may be, as defined in  
24 Section 2 of this Act, and shall state the date of  
25 incorporation if a corporation and whether incorporated under

1 general or private act of the legislature. Such registration  
2 statement shall be accompanied by a fee of \$5. Such fee shall  
3 be paid to the Comptroller and no registration statement shall  
4 be accepted by him without the payment of such fee. Every  
5 cemetery authority that is not required to file an annual  
6 report under this Act shall bear the responsibility of  
7 informing the Comptroller whenever a change takes place  
8 regarding status of cemetery, name of contact person, and that  
9 person's address and telephone number.

10 Upon receipt of a registration statement, if a claim is  
11 made that a cemetery is a fraternal cemetery, municipal  
12 cemetery, or religious cemetery, or a family burying ground, as  
13 the case may be, as defined in Section 2 of this Act, and the  
14 Comptroller shall determine that such cemetery is not a  
15 fraternal cemetery, a municipal cemetery, or a religious  
16 cemetery, or a family burying ground, as the case may be, as  
17 defined in Section 2 of this Act, the Comptroller shall notify  
18 the cemetery authority making the claim of such determination;  
19 provided, however, that no such claim shall be denied until the  
20 cemetery authority making such claim has had at least 10 days'  
21 notice of a hearing thereon and an opportunity to be heard.  
22 When any such claim is denied, the Comptroller shall within 20  
23 days thereafter prepare and keep on file in his office the  
24 transcript of the evidence taken and a written order or  
25 decision of denial of such claim and shall send by United  
26 States mail a copy of such order or decision of denial to the

1 cemetery authority making such claim within 5 days after the  
2 filing in his office of such order, finding or decision. A  
3 review of any such order, finding or decision may be had as  
4 provided in the Administrative Review Law, as now or hereafter  
5 amended.

6 Where no claim is made that a cemetery is a fraternal  
7 cemetery, municipal cemetery or religious cemetery or family  
8 burying ground, as the case may be, as defined in Section 2 of  
9 this Act, the registration statement shall be accompanied by a  
10 fidelity bond in the amount required by Section 9 of this Act.  
11 Upon receipt of such application, statement and bond, the  
12 Comptroller shall issue a license to accept the care funds  
13 authorized by the provisions of Section 3 of this Act to each  
14 cemetery authority owning, operating, controlling or managing  
15 a privately operated cemetery. However, the Comptroller shall  
16 issue a license without the filing of a bond where the filing  
17 of a bond is excused by Section 18 of this Act.

18 The license issued by the Comptroller shall remain in full  
19 force and effect until it expires or is surrendered by the  
20 licensee or revoked by the Comptroller as hereinafter provided.

21 (Source: P.A. 88-477.)

22 (760 ILCS 100/9.1 new)

23 Sec. 9.1. Term of license.

24 (a) Any license that was issued under this Act before the  
25 effective date of this amendatory Act of the 95th General

1 Assembly shall expire according to a schedule developed by the  
2 Comptroller pursuant to the original date of issuance and must  
3 thereafter be renewed as provided in this Act. Beginning on the  
4 effective date of this amendatory Act of the 95th General  
5 Assembly, a license or license renewal shall be issued for a  
6 5-year term, which shall expire as provided in this Act.

7 (b) The Comptroller by rule may adopt a system under which  
8 licenses must be renewed by various dates during the year,  
9 coinciding with the due date of the annual report of the  
10 licensee or any extensions thereof.

11 (760 ILCS 100/9.2 new)

12 Sec. 9.2. Requirements for license renewal. In order to  
13 complete the license renewal process, the licensee shall submit  
14 a license renewal application to the Comptroller in writing  
15 signed by the licensee and on forms furnished by the  
16 Comptroller upon the date of renewal. The Comptroller may  
17 prescribe abbreviated license renewal forms for persons  
18 holding multiple licenses issued by the Comptroller. Each  
19 renewal application (except abbreviated applications) shall  
20 contain all the following:

21 (1) An affirmative statement indicating the licensee's  
22 desire for renewal and agreement to abide by all applicable  
23 statutes and rules.

24 (2) A \$25 nonrefundable renewal fee.

25 (3) A completed annual report.

1           (4) The following information for the licensee; each  
2           member, if the licensee is a partnership or association;  
3           each officer or director, if the licensee is a corporation;  
4           and each party owning 10% or more of the cemetery authority  
5           and the parent company, if any:

6                   (A) Name and current address (both residence and  
7                   place of business).

8                   (B) A detailed statement of the individual's  
9                   business experience for the 10 years immediately  
10                  preceding the application.

11                  (C) Any present or prior connection between the  
12                  individual and any other cemetery or cemetery  
13                  authority.

14                  (D) Any felony or misdemeanor convictions of which  
15                  fraud was an essential element, any judgment against  
16                  the person in a civil suit in which the complaint is  
17                  based on fraud, and whether the person is, at the time  
18                  of application, a defendant in a civil suit in which  
19                  the complaint is based on fraud.

20                  (E) Any failure of the individual to satisfy an  
21                  enforceable judgment entered against him or her based  
22                  upon fraud.

23           Since the information required by this item (4) and the  
24           following item (5) may be confidential or contain  
25           proprietary information, this information shall not be  
26           available to other licensees or the general public and

1       shall be used only for the lawful purposes of the  
2       Comptroller in enforcing this Act.

3           (5) A current statement of the licensee's assets and  
4       liabilities.

5           (6) The current name, address, and legal boundaries of  
6       each cemetery for which the care funds are entrusted and at  
7       which the books, accounts, and records are available for  
8       examination by the Comptroller as required by Section 13 of  
9       this Act.

10          (7) Any other information that the Comptroller may  
11       reasonably require in order to determine whether the  
12       licensee qualifies for license renewal under this Act.

13       (760 ILCS 100/9.3 new)

14       Sec. 9.3. Remedy for delinquent renewal.

15       (a) If a licensee continues to conduct activities requiring  
16       a license but fails to submit a completed license renewal  
17       application to the Comptroller within the time specified in  
18       this Act, the Comptroller shall impose upon the licensee a  
19       penalty of \$5 for each day the licensee remains delinquent in  
20       submitting the renewal application. The Comptroller may abate  
21       all or part of the \$5 daily penalty for good cause shown.

22       (b) In the event the renewal application is denied by the  
23       Comptroller, the renewal fee paid is not refundable.

24       (760 ILCS 100/9.4 new)



1       Sec. 9.4. License renewal process. Once the licensee has  
2       filed for license renewal, the expiring license shall remain in  
3       effect until the renewal has been issued. Upon approval of the  
4       Comptroller, the Comptroller shall issue a license renewal to  
5       be posted in the place of business of the licensee.

6           (760 ILCS 100/10) (from Ch. 21, par. 64.10)

7       Sec. 10. Upon receipt of such application for license or  
8       license renewal, the Comptroller shall issue a license or  
9       license renewal to the applicant unless the Comptroller  
10       determines that:

11           (a) The applicant or licensee has made any  
12       misrepresentations or false statements or has concealed any  
13       essential or material fact, or

14           (b) The applicant or licensee is insolvent; or

15           (c) The applicant or licensee is or has been using  
16       practices in the conducting of the cemetery business that work  
17       or tend to work a fraud; or

18           (d) The applicant or licensee has refused to furnish or  
19       give pertinent data to the Comptroller; or

20           (e) The applicant or licensee has failed to notify the  
21       Comptroller with respect to any material facts required in the  
22       application for license under the provisions of this Act; or

23           (f) The applicant or licensee has failed to satisfy any  
24       enforceable judgment entered by the circuit court in any civil  
25       proceedings against such applicant; or

1 (g) The applicant or licensee has conducted or is about to  
2 conduct its business in a fraudulent manner; or

3 (h) The applicant or licensee or any individual listed in  
4 the license or license renewal application has conducted or is  
5 about to conduct any business on behalf of the applicant in a  
6 fraudulent manner; or has been convicted of a felony or any  
7 misdemeanor of which an essential element is fraud; or has been  
8 involved in any civil litigation in which a judgment has been  
9 entered against him or her based on fraud; or has failed to  
10 satisfy any enforceable judgment entered by the circuit court  
11 in any civil proceedings against such individual; or has been  
12 convicted of any felony of which fraud is an essential element;  
13 or has been convicted of any theft-related offense; or has  
14 failed to comply with the requirements of this Act; or has  
15 demonstrated a pattern of improperly failing to honor a  
16 contract with a consumer; or

17 (i) The applicant or licensee has ever had a license  
18 involving cemeteries or funeral homes revoked, suspended, or  
19 refused to be issued in Illinois or elsewhere.

20 If the Comptroller so determines, then he or she shall  
21 conduct a hearing to determine whether to deny the application  
22 for license or license renewal. However, no application for  
23 license or license renewal shall be denied unless the applicant  
24 or licensee has had at least 10 days' notice of a hearing on  
25 the application and an opportunity to be heard thereon. If the  
26 application for license or license renewal is denied, the

1 Comptroller shall within 20 days thereafter prepare and keep on  
2 file in his or her office the transcript of the evidence taken  
3 and a written order of denial thereof, which shall contain his  
4 or her findings with respect thereto and the reasons supporting  
5 the denial, and shall send by United States mail a copy of the  
6 written order of denial to the applicant at the address set  
7 forth in the application for license or license renewal, within  
8 5 days after the filing of such order. A review of such  
9 decision may be had as provided in Section 20 of this Act.

10 The license or license renewal issued by the Comptroller  
11 shall remain in full force and effect until it expires or is  
12 surrendered by the licensee or revoked by the Comptroller as  
13 hereinafter provided.

14 (Source: P.A. 92-419, eff. 1-1-02.)

15 (760 ILCS 100/11) (from Ch. 21, par. 64.11)

16 Sec. 11. Issuance and display of license. A license issued  
17 under this Act authorizes the cemetery authority to accept care  
18 funds for the cemetery identified in the license. If a license  
19 application seeks licensure to accept care funds on behalf of  
20 more than one cemetery location, the Comptroller, upon approval  
21 of the license application, shall issue to the cemetery  
22 authority a separate license for each cemetery location  
23 indicated on the application. Each license issued by the  
24 Comptroller under this Act is independent of any other license  
25 that may be issued to a cemetery authority under a single

1 license application.

2 Every license issued by the Comptroller shall state the  
3 number of the license and the address at which the business is  
4 to be conducted. Such license shall be kept conspicuously  
5 posted in the place of business of the licensee and shall not  
6 be transferable or assignable.

7 No more than one place of business shall be maintained  
8 under the same license, but the Comptroller may issue more than  
9 one license to the same licensee upon compliance with the  
10 provisions of this Act governing an original issuance of a  
11 license, for each new license.

12 Whenever a licensee shall wish to change the name as  
13 originally set forth in his license, he shall give written  
14 notice thereof to the Comptroller together with the reasons for  
15 the change and if the change is approved by the Comptroller he  
16 shall issue a new license.

17 A license issued by the Comptroller shall remain in full  
18 force and effect until it expires or is surrendered by the  
19 licensee or suspended or revoked by the Comptroller as provided  
20 in this Act.

21 (Source: P.A. 92-419, eff. 1-1-02.)

22 (760 ILCS 100/12.1 new)

23 Sec. 12.1. Any cemetery association, as established  
24 pursuant to the Cemetery Association Act, holding \$75,000 or  
25 less in its care funds, in lieu of complying with the annual

1 report requirements of Section 12 of this Act, shall file with  
2 the Comptroller a financial report containing information  
3 required by the Comptroller. Each report shall be made under  
4 oath and shall be in the form furnished by the Comptroller. The  
5 report shall be filed free of cost. If any financial report  
6 shows that the amount of the care funds held in trust at the  
7 end of the preceding calendar year or fiscal year, as the case  
8 may be, has increased in amount greater than \$75,000, then, for  
9 the next calendar or fiscal year, as the case may be, the  
10 cemetery association shall file an annual report as required  
11 under Section 12 of this Act.

12 (760 ILCS 100/14) (from Ch. 21, par. 64.14)

13 Sec. 14. The Comptroller may at any time investigate the  
14 cemetery business of every licensee with respect to its care  
15 funds. The Comptroller shall examine at least annually every  
16 licensee who holds \$750,000 ~~\$250,000~~ or more in its care funds.  
17 For that purpose, the Comptroller shall have free access to the  
18 office and places of business and to such records of all  
19 licensees and of all trustees of the care funds of all  
20 licensees as shall relate to the acceptance, use and investment  
21 of care funds. The Comptroller may require the attendance of  
22 and examine under oath all persons whose testimony he may  
23 require relative to such business and in such cases the  
24 Comptroller or any qualified representative of the Comptroller  
25 whom the Comptroller may designate, may administer oaths to all

1 such persons called as witnesses, and the Comptroller, or any  
 2 such qualified representative of the Comptroller, may conduct  
 3 such examinations. The cost of an initial examination shall be  
 4 borne by the cemetery authority if it has \$10,000 or more in  
 5 such fund; otherwise, by the Comptroller. The charge made by  
 6 the Comptroller for such examination shall be based upon the  
 7 total amount of care funds held by the cemetery authority as of  
 8 the end of the calendar or fiscal year for which a report is  
 9 required by Section 12 of this Act and shall be in accordance  
 10 with the following schedule:

- 11 less than \$10,000..... no charge;
- 12 \$10,000 or more but less than
- 13 \$50,000..... \$10;
- 14 \$50,000 or more but less than
- 15 \$100,000 ..... \$40;
- 16 \$100,000 or more but less than
- 17 \$250,000 ..... \$80;
- 18 \$250,000 or more ..... \$100.

19 Any licensee which is not required to be examined annually  
 20 shall submit an annual report to the Comptroller containing  
 21 such information as the Comptroller reasonably may request.

22 The Comptroller may order additional audits or  
 23 examinations as he or she may deem necessary or advisable to  
 24 ensure the safety and stability of the trust funds and to  
 25 ensure compliance with this Act. These additional audits or  
 26 examinations shall only be made after good cause is established

1 by the Comptroller in the written order. The grounds for  
2 ordering these additional audits or examinations may include,  
3 but shall not be limited to:

4 (1) material and unverified changes or fluctuations in  
5 trust balances;

6 (2) the licensee changing trustees more than twice in  
7 any 12-month period;

8 (3) any withdrawals or attempted withdrawals from the  
9 trusts in violation of this Act; or

10 (4) failure to maintain or produce documentation  
11 required by this Act for deposits into trust accounts or  
12 trust investment activities.

13 Prior to ordering an additional audit or examination, the  
14 Comptroller shall request the licensee to respond and comment  
15 upon the factors identified by the Comptroller as warranting  
16 the subsequent examination or audit. The licensee shall have 30  
17 days to provide a response to the Comptroller. If the  
18 Comptroller decides to proceed with the additional examination  
19 or audit, the licensee shall bear the full cost of that  
20 examination or audit, up to a maximum of \$7,500. The  
21 Comptroller may elect to pay for the examination or audit and  
22 receive reimbursement from the licensee. Payment of the costs  
23 of the examination or audit by a licensee shall be a condition  
24 of receiving or maintaining a license under this Act. All  
25 moneys received by the Comptroller for examination or audit  
26 fees shall be maintained in a separate account to be known as

1 the Comptroller's Administrative Fund. This Fund, subject to  
2 appropriation by the General Assembly, may be utilized by the  
3 Comptroller for enforcing this Act and other purposes that may  
4 be authorized by law.

5 (Source: P.A. 89-615, eff. 8-9-96.)

6 (760 ILCS 100/15) (from Ch. 21, par. 64.15)

7 Sec. 15. The Comptroller may, upon 10 days' notice to the  
8 licensee, by United States mail directed to the licensee at the  
9 address set forth in the license, stating the contemplated  
10 action and, in general, the grounds therefor, and upon  
11 reasonable opportunity to be heard prior to such action, revoke  
12 of fail to renew any license issued hereunder if he finds that:

13 (a) The licensee has failed to make the annual report or to  
14 maintain in effect the required bond or to comply with an  
15 order, decision, or finding of the Comptroller made pursuant to  
16 this Act; or that

17 (b) The licensee has violated any provision of this Act or  
18 any regulation or direction made by the Comptroller under this  
19 Act; or that

20 (c) Any fact or condition exists which would constitute  
21 grounds for denying an application for a new license or license  
22 renewal.

23 (Source: P.A. 91-7, eff. 6-1-99.)

24 (760 ILCS 100/15.3) (from Ch. 21, par. 64.15-3)



1           Sec. 15.3. Every license issued hereunder shall remain in  
2 force until the same expires or has been surrendered or revoked  
3 in accordance with this Act, but the Comptroller may on his own  
4 motion, issue new licenses to a licensee whose license or  
5 licenses have been revoked if no fact or condition then exists  
6 which clearly would have warranted the Comptroller in refusing  
7 originally the issuance of such license under this Act.

8           (Source: P.A. 78-592.)

9           (760 ILCS 100/15.4) (from Ch. 21, par. 64.15-4)

10          Sec. 15.4. No license shall be revoked or not renewed until  
11 the licensee has had at least 10 days' notice of a hearing  
12 thereon and an opportunity to be heard. When any license is so  
13 revoked or not renewed, the Comptroller shall within 20 days  
14 thereafter, prepare and keep on file in his office the  
15 transcript of the evidence taken and a written order or  
16 decision of revocation, and shall send by United States mail a  
17 copy of such order or decision of revocation or failure to  
18 renew to the licensee at the address set forth in the license  
19 within 5 days after the filing in his office of such order,  
20 finding or decision. A review of any such order, finding or  
21 decision may be had as provided in Section 19 of this Act.

22          (Source: P.A. 83-333.)

23          (760 ILCS 100/18) (from Ch. 21, par. 64.18)

24          Sec. 18. Application; when bond is unnecessary. The

1 provisions of this Act as to the (a) registration, (b)  
2 application for license or license renewal, (c) filing of a  
3 fidelity bond, (d) filing of an annual report, and (e)  
4 examination by the Comptroller, apply to a cemetery authority  
5 owning, operating, controlling or managing a privately  
6 operated cemetery whether the care funds are held by such  
7 cemetery authority as trustee or by any independent trustee for  
8 the same. However, no bond need be filed with the Comptroller  
9 as to care funds of such cemetery authority held as trustee by  
10 a bank or trust company authorized to do business in this State  
11 as a trust company in accordance with Section 2-10 of the  
12 Corporate Fiduciary Act or held by an investment company.

13       Upon application by such cemetery authority to the  
14 Comptroller, and upon a showing that all of the care funds of  
15 such cemetery authority are held by such bank or trust company  
16 as trustee for such cemetery authority pursuant to an agreement  
17 in writing approved from time to time by the Comptroller for  
18 the handling and management of all of the care funds of such  
19 cemetery authority, or are held by an investment company, the  
20 Comptroller in writing may permit the licensee to operate  
21 without the filing of any bond as to such care funds except  
22 such fidelity bond as he or she may require for the protection  
23 of such cemetery authority against defaults by its employees  
24 engaged in the handling and collection of funds.

25 (Source: P.A. 88-477; 89-615, eff. 8-9-96.)

1 Section 20. The Illinois Pre-Need Cemetery Sales Act is  
2 amended by changing Sections 7, 8, 9, and 12 and by adding  
3 Sections 6a, 6b, 6c, and 6d as follows:

4 (815 ILCS 390/6a new)

5 Sec. 6a. Term of license.

6 (a) Any license that was issued under this Act before the  
7 effective date of this amendatory Act of the 95th General  
8 Assembly shall expire according to a schedule developed by the  
9 Comptroller pursuant to the original date of issuance and must  
10 thereafter be renewed as provided in this Act. Beginning on the  
11 effective date of this amendatory Act of the 95th General  
12 Assembly, a license or license renewal shall be issued for a  
13 5-year term, which shall expire as provided in this Act.

14 (b) The Comptroller by rule may adopt a system under which  
15 licenses must be renewed by various dates during the year,  
16 coinciding with the due date of the annual report of the  
17 licensee or any extensions thereof.

18 (815 ILCS 390/6b new)

19 Sec. 6b. Requirements for license renewal. In order to  
20 complete the license renewal process, the licensee shall submit  
21 a license renewal application to the Comptroller in writing  
22 under oath, signed by the licensee and in the form furnished by  
23 the Comptroller upon the date of renewal. The Comptroller may  
24 prescribe abbreviated license renewal application forms for

1 persons holding multiple licenses issued by the Comptroller.  
2 Each renewal application (except abbreviated applications)  
3 shall contain all of the following:

4 (1) An affirmative statement indicating the licensee's  
5 desire for renewal and agreement to abide by all applicable  
6 statutes and rules.

7 (2) A \$25 nonrefundable renewal fee.

8 (3) A completed annual report.

9 (4) The following information for the licensee, and  
10 each member, officer, and director thereof, if the licensee  
11 is a firm, partnership, association, or corporation, and  
12 each shareholder holding more than 10% of the corporate  
13 stock, if the licensee is a corporation:

14 (A) His or her name and current address (both  
15 residence and place of business).

16 (B) A detailed statement of the individual's  
17 business experience for the 10 years immediately  
18 preceding the application.

19 (C) Any present or prior connection between the  
20 individual and any other person engaged in pre-need  
21 sales.

22 (D) Any felony or misdemeanor convictions of which  
23 fraud was an essential element and any charges or  
24 complaints lodged against the individual of which  
25 fraud was an essential element and that resulted in  
26 civil or criminal litigation.

1           (E) Any failure of the individual to satisfy an  
2           enforceable judgment entered against him or her based  
3           upon fraud.

4           (F) Any other information requested by the  
5           Comptroller relating to past business practices of the  
6           individual.

7           Since the information required by this item (4) and item  
8           (5) may be confidential or contain proprietary  
9           information, this information shall not be available to  
10           other licensees or the general public and shall be used  
11           only for the lawful purposes of the Comptroller in  
12           enforcing this Act.

13           (5) A detailed statement of the licensee's current  
14           assets and liabilities.

15           (6) The current name and address of the licensee's  
16           principal place of business at which the books, accounts,  
17           and records are available for examination by the  
18           Comptroller as required by this Act.

19           (7) The current name and address of the licensee's  
20           branch locations at which pre-need sales are conducted and  
21           that operate under the same license number as the  
22           licensee's principal place of business.

23           (8) A current copy of the trust agreement under which  
24           the trust funds are to be held as required by this Act.

25           (9) Such other information as the Comptroller may  
26           reasonably require in order to determine whether the

1 licensee's renewal application qualifies under this Act.

2 (815 ILCS 390/6c new)

3 Sec. 6c. Remedy for delinquent license renewal.

4 (a) If a licensee continues to conduct activities requiring  
5 a license but fails to submit a completed license renewal  
6 application to the Comptroller within the time specified in  
7 this Act, the Comptroller shall impose upon the licensee a  
8 penalty of \$5 for each day the licensee remains delinquent in  
9 submitting the application. The Comptroller may abate all or  
10 part of the \$5 daily penalty for good cause shown.

11 (b) In the event the renewal application is denied by the  
12 Comptroller, the renewal fee paid is not refundable.

13 (815 ILCS 390/6d new)

14 Sec. 6d. License renewal process. Once the licensee has  
15 filed for license renewal, the expiring license shall remain in  
16 effect until the renewal has been issued. Upon approval of the  
17 Comptroller, the Comptroller shall issue a license renewal to  
18 be posted in the place of business of the licensee.

19 (815 ILCS 390/7) (from Ch. 21, par. 207)

20 Sec. 7. The Comptroller may refuse to issue or renew a  
21 license or may suspend or revoke a license on any of the  
22 following grounds:

23 (a) The applicant or licensee has made any

1 misrepresentations or false statements or concealed any  
2 material fact;

3 (b) The applicant or licensee is insolvent;

4 (c) The applicant or licensee has been engaged in business  
5 practices that work a fraud;

6 (d) The applicant or licensee has refused to give pertinent  
7 data to the Comptroller;

8 (e) The applicant or licensee has failed to satisfy any  
9 enforceable judgment or decree rendered by any court of  
10 competent jurisdiction against the applicant;

11 (f) The applicant or licensee has conducted or is about to  
12 conduct business in a fraudulent manner;

13 (g) The trust agreement is not in compliance with State or  
14 federal law;

15 (h) The pre-construction performance bond, if applicable,  
16 is not satisfactory to the Comptroller;

17 (i) The fidelity bond is not satisfactory to the  
18 Comptroller;

19 (j) As to any individual listed in the ~~license~~ application  
20 for license or license renewal as required pursuant to Section  
21 6 or 6b, that individual has conducted or is about to conduct  
22 any business on behalf of the applicant in a fraudulent manner,  
23 has been convicted of any felony or misdemeanor an essential  
24 element of which is fraud, has had a judgment rendered against  
25 him or her based on fraud in any civil litigation, has failed  
26 to satisfy any enforceable judgment or decree rendered against

1 him by any court of competent jurisdiction, or has been  
2 convicted of any felony or any theft-related offense;

3 (k) The applicant or licensee has failed to make the annual  
4 report required by this Act or to comply with a final order,  
5 decision, or finding of the Comptroller made pursuant to this  
6 Act;

7 (l) The applicant or licensee, including any member,  
8 officer, or director thereof if the applicant or licensee is a  
9 firm, partnership, association, or corporation and any  
10 shareholder holding more than 10% of the corporate stock, has  
11 violated any provision of this Act or any regulation or order  
12 made by the Comptroller under this Act; or

13 (m) The Comptroller finds any fact or condition existing  
14 which, if it had existed at the time of the original  
15 application for such license or renewal of such license would  
16 have warranted the Comptroller in refusing the issuance or  
17 renewal of the license.

18 (Source: P.A. 92-419, eff. 1-1-02.)

19 (815 ILCS 390/8) (from Ch. 21, par. 208)

20 Sec. 8. (a) Every license issued by the Comptroller shall  
21 state the number of the license, the business name and address  
22 of the licensee's principal place of business, each branch  
23 location also operating under the license, and the licensee's  
24 parent company, if any. The license shall be conspicuously  
25 posted in each place of business operating under the license.



1 The Comptroller may issue additional licenses as may be  
2 necessary for license branch locations upon compliance with the  
3 provisions of this Act governing an original issuance of a  
4 license for each new license.

5 (b) Individual salespersons representing a licensee shall  
6 not be required to obtain licenses in their individual  
7 capacities but must acknowledge, by affidavit, that they have  
8 been provided a copy of and have read this Act. The licensee  
9 must retain copies of the affidavits of its salespersons for  
10 its records and must make the affidavits available to the  
11 Comptroller for examination upon request.

12 (c) The licensee shall be responsible for the activities of  
13 any person representing the licensee in selling or offering a  
14 pre-need contract for sale.

15 (d) Any person not selling on behalf of a licensee shall be  
16 required to obtain his or her own license.

17 (e) Any person engaged in pre-need sales, as defined  
18 herein, prior to the effective date of this Act may continue  
19 operations until the application for license under this Act is  
20 denied; provided that such person shall make application for a  
21 license within 60 days of the date that application forms are  
22 made available by the Comptroller.

23 (f) No license shall be transferable or assignable without  
24 the express written consent of the Comptroller. A transfer of  
25 more than 50% of the ownership of any business licensed  
26 hereunder shall be deemed to be an attempted assignment of the

1 license originally issued to the licensee for which consent of  
2 the Comptroller shall be required.

3 (g) Every license issued hereunder shall remain in force  
4 until the same expires or has been suspended, surrendered or  
5 revoked in accordance with this Act, but the Comptroller, upon  
6 the request of an interested person or on his own motion, may  
7 issue new licenses to a licensee whose license or licenses have  
8 been revoked, if no factor or condition then exists which would  
9 have warranted the Comptroller in refusing originally the  
10 issuance of such license.

11 (Source: P.A. 92-419, eff. 1-1-02.)

12 (815 ILCS 390/9) (from Ch. 21, par. 209)

13 Sec. 9. The Comptroller may upon his own motion investigate  
14 the actions of any person providing, selling, or offering  
15 pre-need sales contracts or of any applicant or any person or  
16 persons holding or claiming to hold a license under this Act.  
17 The Comptroller shall make such an investigation on receipt of  
18 the verified written complaint of any person setting forth  
19 facts which, if proved, would constitute grounds for refusal to  
20 issue or renew, suspension, or revocation of a license. Before  
21 refusing to issue or renew, and before suspension or revocation  
22 of a license, the Comptroller shall hold a hearing to determine  
23 whether the applicant or licensee, hereafter called the  
24 respondent, is entitled to hold such a license. At least 10  
25 days prior to the date set for such hearing, the Comptroller

1 shall notify the respondent in writing that on the date  
2 designated a hearing will be held to determine his eligibility  
3 for a license and that he may appear in person or by counsel.  
4 Such written notice may be served on the respondent personally,  
5 or by registered or certified mail sent to the respondent's  
6 business address as shown in his latest notification to the  
7 Comptroller and shall include sufficient information to inform  
8 the respondent of the general nature of the charge. At the  
9 hearing, both the respondent and the complainant shall be  
10 accorded ample opportunity to present in person or by counsel  
11 such statements, testimony, evidence and argument as may be  
12 pertinent to the charges or to any defense thereto. The  
13 Comptroller may reasonably continue such hearing from time to  
14 time.

15 The Comptroller may subpoena any person or persons in this  
16 State and take testimony orally, by deposition or by exhibit,  
17 in the same manner and with the same fees and mileage as  
18 prescribed in judicial proceedings in civil cases.

19 Any authorized agent of the Comptroller may administer  
20 oaths to witnesses at any hearing which the Comptroller is  
21 authorized to conduct.

22 The Comptroller, at his expense, shall provide a certified  
23 shorthand reporter to take down the testimony and preserve a  
24 record of all proceedings at the hearing of any case involving  
25 the refusal to issue or renew a license, the suspension or  
26 revocation of a license, the imposition of a monetary penalty,

1 or the referral of a case for criminal prosecution. The record  
2 of any such proceeding shall consist of the notice of hearing,  
3 complaint, all other documents in the nature of pleadings and  
4 written motions filed in the proceedings, the transcript of  
5 testimony and the report and orders of the Comptroller. Copies  
6 of the transcript of such record may be purchased from the  
7 certified shorthand reporter who prepared the record or from  
8 the Comptroller.

9 (Source: P.A. 92-419, eff. 1-1-02.)

10 (815 ILCS 390/12) (from Ch. 21, par. 212)

11 Sec. 12. License nonrenewal, revocation, or suspension.

12 (a) The Comptroller may, upon determination that grounds  
13 exist for the revocation or suspension or nonrenewal of a  
14 license issued under this Act, revoke, ~~or~~ suspend, or fail to  
15 renew, if appropriate, the license issued to a licensee or to a  
16 particular branch office location with respect to which the  
17 grounds for revocation, ~~or~~ suspension, or failure to renew may  
18 occur or exist.

19 (b) Upon the nonrenewal, revocation, or suspension of any  
20 license, the licensee shall immediately surrender the license  
21 or licenses to the Comptroller. If the licensee fails to do so,  
22 the Comptroller has the right to seize the license or licenses.

23 (Source: P.A. 92-419, eff. 1-1-02.)

24 Section 99. Effective date. This Act takes effect January  
25 1, 2008.

1 INDEX  
2 Statutes amended in order of appearance

- 3 225 ILCS 45/3a from Ch. 111 1/2, par. 73.103a
- 4 225 ILCS 45/3a-1 new
- 5 225 ILCS 45/3a-2 new
- 6 225 ILCS 45/3a-3 new
- 7 225 ILCS 45/3a-4 new
- 8 225 ILCS 45/3a-5
- 9 225 ILCS 45/3f
- 10 410 ILCS 18/10.1 new
- 11 410 ILCS 18/10.2 new
- 12 410 ILCS 18/10.3 new
- 13 410 ILCS 18/10.4 new
- 14 410 ILCS 18/11
- 15 410 ILCS 18/11.5
- 16 410 ILCS 18/13
- 17 410 ILCS 18/62.10
- 18 760 ILCS 100/7 from Ch. 21, par. 64.7
- 19 760 ILCS 100/8 from Ch. 21, par. 64.8
- 20 760 ILCS 100/9.1 new
- 21 760 ILCS 100/9.2 new
- 22 760 ILCS 100/9.3 new
- 23 760 ILCS 100/9.4 new
- 24 760 ILCS 100/10 from Ch. 21, par. 64.10
- 25 760 ILCS 100/11 from Ch. 21, par. 64.11

1	760 ILCS 100/12.1 new	
2	760 ILCS 100/14	from Ch. 21, par. 64.14
3	760 ILCS 100/15	from Ch. 21, par. 64.15
4	760 ILCS 100/15.3	from Ch. 21, par. 64.15-3
5	760 ILCS 100/15.4	from Ch. 21, par. 64.15-4
6	760 ILCS 100/18	from Ch. 21, par. 64.18
7	815 ILCS 390/6a new	
8	815 ILCS 390/6b new	
9	815 ILCS 390/6c new	
10	815 ILCS 390/6d new	
11	815 ILCS 390/7	from Ch. 21, par. 207
12	815 ILCS 390/8	from Ch. 21, par. 208
13	815 ILCS 390/9	from Ch. 21, par. 209
14	815 ILCS 390/12	from Ch. 21, par. 212