

SB0127



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0127

Introduced 1/31/2007, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts to reinstate certain fees to the levels prior to Public Acts 93-22 and 93-32. Makes conforming changes concerning those fees and related matters. Effective immediately.

LRB095 04184 BDD 24222 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

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

1 portion of a page; and \$2 for the certificate, with seal
2 affixed, except that there shall be no charge for making or
3 certifying copies that are furnished to any governmental agency
4 for official use.

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

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

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

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

1 For each duplicate certified copy of a school land patent:
2 \$3.

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

4 For each page of a photostatic copy of surveyors field
5 notes: \$2.

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

8 For each page of a photostatic copy of a swamp land grant:
9 \$2.

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

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

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

21 ~~The Illinois State Archives is authorized to charge~~
22 ~~reasonable fees to reimburse the cost of production and~~
23 ~~distribution of copies of finding aids to the records that it~~
24 ~~holds or copies of published versions or editions of those~~
25 ~~records in printed, microfilm, or electronic formats. The fees~~
26 ~~under this paragraph shall be deposited into the General~~

1 ~~Revenue Fund.~~

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

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

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

9 (20 ILCS 3105/9.02a) (from Ch. 127, par. 779.02a)

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

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

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

16 Section 15. The Lobbyist Registration Act is amended by
17 changing Section 5 as follows:

18 (25 ILCS 170/5)

19 Sec. 5. Lobbyist registration and disclosure. Every person
20 required to register under Section 3 shall before any service
21 is performed which requires the person to register, but in any
22 event not later than 2 business days after being employed or

1 retained, and on or before each January 31 and July 31
2 thereafter, file in the Office of the Secretary of State a
3 written statement containing the following information with
4 respect to each person or entity employing or retaining the
5 person required to register:

6 (a) The registrant's name, permanent address, e-mail
7 address, if any, fax number, if any, business telephone
8 number, and temporary address, if the registrant has a
9 temporary address while lobbying.

10 (a-5) If the registrant is an organization or business
11 entity, the information required under subsection (a) for
12 each person associated with the registrant who will be
13 lobbying, regardless of whether lobbying is a significant
14 part of his or her duties.

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

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

21 (c-5) Each executive and legislative branch agency the
22 registrant expects to lobby during the registration
23 period.

24 (c-6) The nature of the client's business, by
25 indicating all of the following categories that apply: (1)
26 banking and financial services, (2) manufacturing, (3)

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

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

19 Not later than 12 months after the effective date of this
20 amendatory Act of the 93rd General Assembly, or as soon
21 thereafter as the Secretary of State has provided adequate
22 software to the persons required to file, all statements and
23 amendments to statements required to be filed shall be filed
24 electronically. The Secretary of State shall promptly make all
25 filed statements and amendments to statements publicly
26 available by means of a searchable database that is accessible

1 through the World Wide Web. The Secretary of State shall
2 provide all software necessary to comply with this provision to
3 all persons required to file. The Secretary of State shall
4 implement a plan to provide computer access and assistance to
5 persons required to file electronically.

6 Persons required to register under this Act prior to July
7 1, 2003 and on or after the effective date of this amendatory
8 Act of the 95th General Assembly, shall remit a single, annual
9 and nonrefundable \$50 registration fee. All fees collected for
10 registrations prior to July 1, 2003, shall be deposited into
11 the Lobbyist Registration Administration Fund for
12 administration and enforcement of this Act. Beginning July 1,
13 2003 and until the effective date of this amendatory Act of the
14 95th General Assembly, all persons other than entities
15 qualified under Section 501(c)(3) of the Internal Revenue Code
16 required to register under this Act shall remit a single,
17 annual, and nonrefundable \$350 registration fee. ~~Entities~~
18 ~~required to register under this Act which are qualified under~~
19 ~~Section 501(c)(3) of the Internal Revenue Code shall remit a~~
20 ~~single, annual, and nonrefundable \$150 registration fee.~~ Each
21 individual required to register under this Act shall submit, on
22 an annual basis, a picture of the registrant. A registrant may,
23 in lieu of submitting a picture on an annual basis, authorize
24 the Secretary of State to use any photo identification
25 available in any database maintained by the Secretary of State
26 for other purposes. Of each registration fee collected for

1 registrations on or after July 1, 2003 until the effective date
2 of this amendatory Act of the 95th General Assembly, \$50 shall
3 be deposited into the Lobbyist Registration Administration
4 Fund for administration and enforcement of this Act and is
5 intended to be used to implement and maintain electronic filing
6 of reports under this Act, the next \$100 shall be deposited
7 into the Lobbyist Registration Administration Fund for
8 administration and enforcement of this Act, and any balance
9 shall be deposited into the General Revenue Fund.

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

12 (30 ILCS 105/8j rep.)

13 Section 20. The State Finance Act is amended by repealing
14 Section 8j.

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

17 (35 ILCS 120/2d) (from Ch. 120, par. 441d)

18 Sec. 2d. Tax prepayment by motor fuel retailer. Any person
19 engaged in the business of selling motor fuel at retail, as
20 defined in the Motor Fuel Tax Law, and who is not a licensed
21 distributor or supplier, as defined in the Motor Fuel Tax Law,
22 shall prepay to his or her distributor, supplier, or other
23 reseller of motor fuel a portion of the tax imposed by this Act

1 if the distributor, supplier, or other reseller of motor fuel
2 is registered under Section 2a or Section 2c of this Act. The
3 prepayment requirement provided for in this Section does not
4 apply to liquid propane gas.

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

12 Before July 1, 2000 and then beginning on January 1, 2001
13 and through June 30, 2003 and beginning again on the effective
14 date of this amendatory Act of the 95th General Assembly, the
15 Retailers' Occupation Tax paid to the distributor, supplier, or
16 other reseller shall be an amount equal to \$0.04 per gallon of
17 the motor fuel, except gasohol as defined in Section 2-10 of
18 this Act which shall be an amount equal to \$0.03 per gallon,
19 purchased from the distributor, supplier, or other reseller.

20 Beginning July 1, 2003 and until the effective date of this
21 amendatory Act of the 95th General Assembly thereafter, the
22 Retailers' Occupation Tax paid to the distributor, supplier, or
23 other reseller shall be an amount equal to \$0.06 per gallon of
24 the motor fuel, except gasohol as defined in Section 2-10 of
25 this Act which shall be an amount equal to \$0.05 per gallon,
26 purchased from the distributor, supplier, or other reseller.

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

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

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

17 Section 30. The Cigarette Tax Act is amended by changing
18 Section 29 as follows:

19 (35 ILCS 130/29) (from Ch. 120, par. 453.29)

20 Sec. 29. All moneys received by the Department from the
21 one-half mill tax imposed by the Sixty-fourth General Assembly
22 and all interest and penalties, received in connection
23 therewith under the provisions of this Act shall be paid into
24 the Metropolitan Fair and Exposition Authority Reconstruction

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

25 In fiscal year 2002 and fiscal year 2003 and in fiscal year
26 2007 and thereafter, the first \$4,800,000 from the one-half

1 mill tax shall be paid into the Statewide Economic Development
2 Fund.

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

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

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

11 (35 ILCS 505/2b) (from Ch. 120, par. 418b)

12 Sec. 2b. In addition to the tax collection and reporting
13 responsibilities imposed elsewhere in this Act, a person who is
14 required to pay the tax imposed by Section 2a of this Act shall
15 pay the tax to the Department by return showing all fuel
16 purchased, acquired or received and sold, distributed or used
17 during the preceding calendar month including losses of fuel as
18 the result of evaporation or shrinkage due to temperature
19 variations, and such other reasonable information as the
20 Department may require. Losses of fuel as the result of
21 evaporation or shrinkage due to temperature variations may not
22 exceed 1% of the total gallons in storage at the beginning of
23 the month, plus the receipts of gallonage during the month,
24 minus the gallonage remaining in storage at the end of the

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

24 The return shall be prescribed by the Department and shall
25 be filed between the 1st and 20th days of each calendar month.
26 The Department may, in its discretion, combine the returns

1 filed under this Section, Section 5, and Section 5a of this
2 Act. The return must be accompanied by appropriate
3 computer-generated magnetic media supporting schedule data in
4 the format required by the Department, unless, as provided by
5 rule, the Department grants an exception upon petition of a
6 taxpayer. If the return is filed timely, the seller shall take
7 a discount of 2% through June 30, 2003 and beginning again on
8 the effective date of this amendatory Act of the 95th General
9 Assembly and 1.75% for the period beginning on July 1, 2003
10 until the effective date of this amendatory Act of the 95th
11 General Assembly ~~thereafter~~ which is allowed to reimburse the
12 seller for the expenses incurred in keeping records, preparing
13 and filing returns, collecting and remitting the tax and
14 supplying data to the Department on request. The discount,
15 however, shall be applicable only to the amount of payment
16 which accompanies a return that is filed timely in accordance
17 with this Section.

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

19 (35 ILCS 505/6) (from Ch. 120, par. 422)

20 Sec. 6. Collection of tax; distributors. A distributor who
21 sells or distributes any motor fuel, which he is required by
22 Section 5 to report to the Department when filing a return,
23 shall (except as hereinafter provided) collect at the time of
24 such sale and distribution, the amount of tax imposed under
25 this Act on all such motor fuel sold and distributed, and at

1 the time of making a return, the distributor shall pay to the
2 Department the amount so collected less a discount of 2%
3 through June 30, 2003 and beginning again on the effective date
4 of this amendatory Act of the 95th General Assembly and 1.75%
5 for the period beginning on July 1, 2003 until the effective
6 date of this amendatory Act of the 95th General Assembly
7 ~~thereafter~~ which is allowed to reimburse the distributor for
8 the expenses incurred in keeping records, preparing and filing
9 returns, collecting and remitting the tax and supplying data to
10 the Department on request, and shall also pay to the Department
11 an amount equal to the amount that would be collectible as a
12 tax in the event of a sale thereof on all such motor fuel used
13 by said distributor during the period covered by the return.
14 However, no payment shall be made based upon dyed diesel fuel
15 used by the distributor for non-highway purposes. The discount
16 shall only be applicable to the amount of tax payment which
17 accompanies a return which is filed timely in accordance with
18 Section 5 of this Act. In each subsequent sale of motor fuel on
19 which the amount of tax imposed under this Act has been
20 collected as provided in this Section, the amount so collected
21 shall be added to the selling price, so that the amount of tax
22 is paid ultimately by the user of the motor fuel. However, no
23 collection or payment shall be made in the case of the sale or
24 use of any motor fuel to the extent to which such sale or use of
25 motor fuel may not, under the constitution and statutes of the
26 United States, be made the subject of taxation by this State. A

1 person whose license to act as a distributor of fuel has been
2 revoked shall, at the time of making a return, also pay to the
3 Department an amount equal to the amount that would be
4 collectible as a tax in the event of a sale thereof on all
5 motor fuel, which he is required by the second paragraph of
6 Section 5 to report to the Department in making a return, and
7 which he had on hand on the date on which the license was
8 revoked, and with respect to which no tax had been previously
9 paid under this Act.

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

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

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

26 3. When the sale is made to the Federal Government or

1 its instrumentalities.

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

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

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

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

1 and keep the supporting documentation in such form as the
2 Department may require by rule.

3 8. (Blank).

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

6 All suits or other proceedings brought for the purpose of
7 recovering any taxes, interest or penalties due the State of
8 Illinois under this Act may be maintained in the name of the
9 Department.

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

11 (35 ILCS 505/6a) (from Ch. 120, par. 422a)

12 Sec. 6a. Collection of tax; suppliers. A supplier, other
13 than a licensed distributor, who sells or distributes any
14 special fuel, which he is required by Section 5a to report to
15 the Department when filing a return, shall (except as
16 hereinafter provided) collect at the time of such sale and
17 distribution, the amount of tax imposed under this Act on all
18 such special fuel sold and distributed, and at the time of
19 making a return, the supplier shall pay to the Department the
20 amount so collected less a discount of 2% through June 30, 2003
21 and beginning again on the effective date of this amendatory
22 Act of the 95th General Assembly and 1.75% for the period
23 beginning on July 1, 2003 until the effective date of this
24 amendatory Act of the 95th General Assembly ~~thereafter~~ which is
25 allowed to reimburse the supplier for the expenses incurred in

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

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

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

11 1. When the sale is made to the federal government or
12 its instrumentalities.

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

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

1 certificate of exemption is obtained in lieu of the tax.

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

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

14 6. (Blank).

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

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

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

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

24 Section 40. The Coin-Operated Amusement Device and
25 Redemption Machine Tax Act is amended by changing Section 1, 2,

1 3, and 4b as follows:

2 (35 ILCS 510/1) (from Ch. 120, par. 481b.1)

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

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

18 (35 ILCS 510/2) (from Ch. 120, par. 481b.2)

19 Sec. 2. (a) Any person, firm, limited liability company, or
20 corporation which displays any device described in Section 1,
21 to be played or operated by the public at any place owned or
22 leased by any such person, firm, limited liability company, or
23 corporation, shall before he displays such device, file in the
24 Office of the Department of Revenue an application for a

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

19 (b) If an amount of tax, penalty, or interest has been paid
20 in error to the Department, the taxpayer may file a claim for
21 credit or refund with the Department. If it is determined that
22 the Department must issue a credit or refund under this Act,
23 the Department may first apply the amount of the credit or
24 refund due against any amount of tax, penalty, or interest due
25 under this Act from the taxpayer entitled to the credit or
26 refund. If proceedings are pending to determine if any tax,

1 penalty, or interest is due under this Act from the taxpayer,
2 the Department may withhold issuance of the credit or refund
3 pending the final disposition of those proceedings and may
4 apply that credit or refund against any amount determined to be
5 due to the Department as a result of those proceedings. The
6 balance, if any, of the credit or refund shall be paid to the
7 taxpayer.

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

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

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

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

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

23 If the Department determines that the claimant is entitled
24 to a refund, the refund shall be made only from an
25 appropriation to the Department for that purpose. If the amount
26 appropriated is insufficient to pay claimants electing to

1 receive a cash refund, the Department by rule or regulation
2 shall first provide for the payment of refunds in hardship
3 cases as defined by the Department.

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

5 (35 ILCS 510/3) (from Ch. 120, par. 481b.3)

6 Sec. 3. Transfer of decals; affixing decals.

7 (1) All licenses ~~privilege tax decals~~ herein provided for
8 shall be transferable from one device to another device. Any
9 such transfer from one device to another shall be reported to
10 the Department of Revenue on forms prescribed by such
11 Department. All licenses ~~privilege tax decals~~ issued hereunder
12 shall expire on July 31 following issuance.

13 (2) All privilege tax decals must be securely affixed to
14 the device. A decal that is attached to a device behind a
15 transparent plate or covering that is screwed, bolted, or
16 otherwise securely fastened to the device is deemed to be
17 securely affixed for the purposes of this Section.

18 (Source: P.A. 93-32, eff. 7-1-03; 94-742, eff. 5-8-06.)

19 (35 ILCS 510/4b) (from Ch. 120, par. 481b.4b)

20 Sec. 4b. The Department of Revenue is hereby authorized to
21 implement a program whereby the licenses ~~privilege tax decals~~
22 required by and the taxes imposed by this Act may be
23 distributed and collected on behalf of the Department by State
24 or national banks and by State or federal savings and loan

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

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

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

12 (40 ILCS 5/1A-112)

13 Sec. 1A-112. Fees.

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

23 (b) The annual compliance fee shall be due on June 30 for
24 the following State fiscal year, except that the fee payable in

1 1997 for fiscal year 1998 shall be due no earlier than 30 days
2 following the effective date of this amendatory Act of 1997.

3 (c) Any information obtained by the Division that is
4 available to the public under the Freedom of Information Act
5 and is either compiled in published form or maintained on a
6 computer processible medium shall be furnished upon the written
7 request of any applicant and the payment of a reasonable
8 information services fee established by the Director,
9 sufficient to cover the total cost to the Division of
10 compiling, processing, maintaining, and generating the
11 information. The information may be furnished by means of
12 published copy or on a computer processed or computer
13 processible medium.

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

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

19 (e) Fees collected under subsection (c) of this Section and
20 money collected under Section 1A-107 shall be deposited into
21 the Department's Statistical Services Revolving Fund and
22 credited to the account of the Public Pension Division. This
23 income shall be used exclusively for the purposes set forth in
24 Section 1A-107. Notwithstanding the provisions of Section
25 408.2 of the Illinois Insurance Code, no surplus funds
26 remaining in this account shall be deposited in the Insurance

1 Financial Regulation Fund. All money in this account that the
2 Director certifies is not needed for the purposes set forth in
3 Section 1A-107 of this Code shall be transferred to the Public
4 Pension Regulation Fund.

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

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

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

12 (205 ILCS 105/2B-6) (from Ch. 17, par. 3302B-6)

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

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

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

22 (205 ILCS 305/12) (from Ch. 17, par. 4413)

1	Over \$5,000,000 and not	
2	over \$30,000,000	<u>\$4,000</u> \$5,080 plus <u>\$0.35</u> \$0.44
3		per \$1,000 assets
4		in excess of \$5,000,000
5	Over \$30,000,000 and not	
6		<u>\$12,750</u> \$16,192 plus <u>\$0.30</u>
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		<u>\$33,750</u> \$42,862 plus <u>\$0.15</u>
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

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

(3) Not later than March 1 of each calendar year, a credit

1 union shall pay to the Department a regulatory fee for that
2 calendar year in accordance with the regulatory fee schedule in
3 subsection (1), on the basis of assets as of the Year-end Call
4 Report of the preceding year. The regulatory fee shall not be
5 less than \$100 or more than \$125,000 ~~\$187,500~~, provided that
6 the regulatory fee cap of \$125,000 ~~\$187,500~~ shall be adjusted
7 to incorporate the same percentage increase as the Director
8 makes in the regulatory fee schedule from time to time under
9 subsection (2). No regulatory fee shall be collected from a
10 credit union until it has been in operation for one year.

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

26 (5) The administrative and operational expenses for any

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

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

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

26 (8) Nothing in this Act shall prohibit the General Assembly

1 from appropriating funds to the Department from the General
2 Revenue Fund for the purpose of administering this Act.

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

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

7 (205 ILCS 405/16) (from Ch. 17, par. 4832)

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

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

1 number of locations served by it.

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

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

5 (205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

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

7 (a) The Commissioner shall issue a license upon completion
8 of all of the following:

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

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

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

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

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

20 (6) An investigation of the averments required by
21 Section 2-4, which investigation must allow the
22 Commissioner to issue positive findings stating that the
23 financial responsibility, experience, character, and
24 general fitness of the license applicant and of the members
25 thereof if the license applicant is a partnership or
26 association, of the officers and directors thereof if the

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

10 The Commissioner may impose conditions on a license if the
11 Commissioner determines that the conditions are necessary or
12 appropriate. These conditions shall be imposed in writing and
13 shall continue in effect for the period prescribed by the
14 Commissioner.

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

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

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

24 (205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

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

1 (a) Beginning July 1, 2003, licenses shall be renewed every
2 year on the anniversary of the date of issuance of the original
3 license. Properly completed renewal application forms and
4 filing fees must be received by the Commissioner 60 days prior
5 to the renewal date.

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

14 (1) A fee of \$500 ~~\$750~~ will be assessed to the licensee
15 30 days after the proper renewal date and \$1,000 ~~\$1,500~~
16 each month thereafter, until the license is either renewed
17 or expires pursuant to Section 2-6, subsections (c) and
18 (d), of this Act.

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

24 (c) A license which is not renewed by the date required in
25 this Section shall automatically become inactive. No activity
26 regulated by this Act shall be conducted by the licensee when a

1 license becomes inactive. The Commissioner may require the
2 licensee to provide a plan for the disposition of any
3 residential mortgage loans not closed or funded when the
4 license becomes inactive. The Commissioner may allow a licensee
5 with an inactive license to conduct activities regulated by
6 this Act for the sole purpose of assisting borrowers in the
7 closing or funding of loans for which the loan application was
8 taken from a borrower while the license was active. An inactive
9 license may be reactivated by the Commissioner upon payment of
10 the renewal fee, and payment of a reactivation fee equal to the
11 renewal fee.

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

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

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

25 Section 70. The Consumer Installment Loan Act is amended by

1 changing Section 2 as follows:

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

3 Sec. 2. Application; fees; positive net worth. Application
4 for such license shall be in writing, and in the form
5 prescribed by the Director. Such applicant at the time of
6 making such application shall pay to the Director the sum of
7 \$300 as an application fee and the additional sum of \$300 ~~\$450~~
8 as an annual license fee, for a period terminating on the last
9 day of the current calendar year; provided that if the
10 application is filed after June 30th in any year, such license
11 fee shall be 1/2 of the annual license fee for such year.

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

1 means total assets minus total liabilities.

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

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

5 (210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

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

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

10 (2) All applications, except those of homes for the
11 aged, shall be accompanied by an application fee of \$200
12 for an annual license and \$400 for a 2-year license. The
13 fee shall be deposited with the State Treasurer into the
14 Long Term Care Monitor/Receiver Fund, which is hereby
15 created as a special fund in the State Treasury. All
16 ~~license applications shall be accompanied with an~~
17 ~~application fee. The fee for an annual license shall be~~
18 ~~\$995. Facilities that pay a fee or assessment pursuant to~~
19 ~~Article V-C of the Illinois Public Aid Code shall be exempt~~
20 ~~from the license fee imposed under this item (2). The fee~~
21 ~~for a 2-year license shall be double the fee for the annual~~
22 ~~license set forth in the preceding sentence. The fees~~
23 ~~collected shall be deposited with the State Treasurer into~~
24 ~~the Long Term Care Monitor/Receiver Fund, which has been~~

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

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

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

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

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

1 (e) Such information relating to the number,
2 experience, and training of the employees of the
3 facility, any management agreements for the operation
4 of the facility, and of the moral character of the
5 applicant and employees as the Department may deem
6 necessary.

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

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

23 (Source: P.A. 93-32, eff. 7-1-03; 93-841, eff. 7-30-04; 94-931,
24 eff. 6-26-06.)

25 Section 80. The Illinois Insurance Code is amended by

1 changing Sections 121-19, 123A-4, 123B-4, 123C-17, 131.24,
2 141a, 149, 310.1, 315.4, 325, 363a, 370, 403, 403A, 408, 412,
3 416, 431, 445, 500-70, 500-110, 500-120, 500-135, 511.103,
4 511.105, 511.110, 512.63, 513a3, 513a4, 513a7, 529.5, 1020,
5 1108, and 1204 as follows:

6 (215 ILCS 5/121-19) (from Ch. 73, par. 733-19)

7 Sec. 121-19. Fine for unauthorized insurance. Any
8 unauthorized insurer who transacts any unauthorized act of an
9 insurance business as set forth in this Act is guilty of a
10 business offense and may be fined not more than \$10,000
11 ~~\$20,000~~.

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

13 (215 ILCS 5/123A-4) (from Ch. 73, par. 735A-4)

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

15 (1) An advisory organization must be licensed by the
16 Director before it is authorized to conduct activities in this
17 State.

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

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

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

1 (215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)

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

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

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

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

20 (2) a copy of its plan of operations or a feasibility
21 study and revisions of such plan or study submitted to its
22 state of domicile; provided, however, that the provision
23 relating to the submission of a plan of operation or a
24 feasibility study shall not apply with respect to any line
25 or classification of liability insurance which (a) was

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

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

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

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

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

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

25 (4) such information as may be required to verify its
26 continuing qualification as a risk retention group under

1 subsection (11) of Section 123B-2.

2 C. Taxation.

3 (1) Each risk retention group shall be liable for the
4 payment of premium taxes and taxes on premiums of direct
5 business for risks resident or located within this State,
6 and shall report to the Director the net premiums written
7 for risks resident or located within this State. Such risk
8 retention group shall be subject to taxation, and any
9 applicable fines and penalties related thereto, on the same
10 basis as a foreign admitted insurer.

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

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

25 (a) the limit of the liability;

26 (b) the time period covered;

- 1 (c) the effective date;
- 2 (d) the name of the risk retention group which
- 3 issued the policy;
- 4 (e) the gross premium charged; and
- 5 (f) the amount of return premiums, if any.

6 D. Compliance With unfair claims practices provisions. Any

7 risk retention group, its agents and representatives shall be

8 subject to the unfair claims practices provisions of Sections

9 154.5 through 154.8 of this Code.

10 E. Deceptive, false, or fraudulent practices. Any risk

11 retention group shall comply with the laws of this State

12 regarding deceptive, false, or fraudulent acts or practices.

13 However, if the Director seeks an injunction regarding such

14 conduct, the injunction must be obtained from a court of

15 competent jurisdiction.

16 F. Examination regarding financial condition. Any risk

17 retention group must submit to an examination by the Director

18 to determine its financial condition if the commissioner of

19 insurance of the jurisdiction in which the group is organized

20 and licensed has not initiated an examination or does not

21 initiate an examination within 60 days after a request by the

22 Director. Any such examination shall be coordinated to avoid

23 unjustified repetition and conducted in an expeditious manner

24 and in accordance with the National Association of Insurance

25 Commissioners' Examiner Handbook.

26 G. Notice to purchasers. Every application form for

1 insurance from a risk retention group and the front page and
2 declaration page of every policy issued by a risk retention
3 group shall contain in 10 point type the following notice:

4 "NOTICE

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

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

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

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

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

24 J. Prohibited coverage. No risk retention group may offer
25 insurance policy coverage prohibited by Articles IX or XI of
26 this Code or declared unlawful by the Illinois Supreme Court;

1 provided however, a risk retention group organized and licensed
2 in a state other than this State that selects the law of this
3 State to govern the validity, construction, or enforceability
4 of policies issued by it is permitted to provide coverage under
5 policies issued by it for penalties in the nature of
6 compensatory damages including, without limitation, punitive
7 damages and the multiplied portion of multiple damages, so long
8 as coverage of those penalties is not prohibited by the law of
9 the state under which the risk retention group is organized.

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

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

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

1 State, or both.

2 N. Operations prior to August 3, 1987. In addition to
3 complying with the requirements of this Section, any risk
4 retention group operating in this State prior to August 3,
5 1987, shall within 30 days after such effective date comply
6 with the provisions of subsection A of this Section.

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

8 (215 ILCS 5/123C-17) (from Ch. 73, par. 735C-17)

9 Sec. 123C-17. Fees.

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

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

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

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

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

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

1 (215 ILCS 5/131.24) (from Ch. 73, par. 743.24)

2 Sec. 131.24. Sanctions.

3 (1) Every director or officer of an insurance holding
4 company system who knowingly violates, participates in, or
5 assents to, or who knowingly permits any of the officers or
6 agents of the company to engage in transactions or make
7 investments which have not been properly filed or approved or
8 which violate this Article, shall pay, in their individual
9 capacity, a civil forfeiture of not more than \$50,000 ~~\$100,000~~
10 per violation, after notice and hearing before the Director. In
11 determining the amount of the civil forfeiture, the Director
12 shall take into account the appropriateness of the forfeiture
13 with respect to the gravity of the violation, the history of
14 previous violations, and such other matters as justice may
15 require.

16 (2) Whenever it appears to the Director that any company
17 subject to this Article or any director, officer, employee or
18 agent thereof has engaged in any transaction or entered into a
19 contract which is subject to Section 131.20, and any one of
20 Sections 131.16, 131.20a, 141, 141.1, or 174 of this Code and
21 which would not have been approved had such approval been
22 requested or would have been disapproved had required notice
23 been given, the Director may order the company to cease and
24 desist immediately any further activity under that transaction
25 or contract. After notice and hearing the Director may also
26 order (a) the company to void any such contracts and restore

1 the status quo if such action is in the best interest of the
2 policyholders or the public, and (b) any affiliate of the
3 company, which has received from the company dividends,
4 distributions, assets, loans, extensions of credit,
5 guarantees, or investments in violation of any such Section, to
6 immediately repay, refund or restore to the company such
7 dividends, distributions, assets, extensions of credit,
8 guarantees or investments.

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

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

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

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

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

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

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

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

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

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

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

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

1 department, or underwriting office), and

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

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

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

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

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

16 (5) has the authority to negotiate reinsurance on
17 behalf of the insurer.

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

21 (1) An employee of the insurer;

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

24 (3) An underwriting manager who, pursuant to a contract
25 meeting the standards of Section 141.1 manages all or part
26 of the insurance operations of the insurer, is affiliated

1 with the insurer, subject to Article VIII 1/2, and whose
2 compensation is not based on the volume of premiums
3 written;

4 (4) The attorney or the attorney in fact authorized and
5 acting for or on behalf of the subscriber policyholders of
6 a reciprocal or inter-insurance exchange, under the terms
7 of the subscription agreement, power of attorney, or policy
8 of insurance or the attorney in fact for any Lloyds
9 organization licensed in this State.

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

20 "Underwrite" means to accept or reject risk on behalf of
21 the insurer.

22 (b) Licensure of managing general agents.

23 (1) No person, firm, association, or corporation shall
24 act in the capacity of a managing general agent with
25 respect to risks located in this State for an insurer
26 licensed in this State unless the person is a licensed

1 producer or a registered firm in this State under Article
2 XXXI of this Code or a licensed third party administrator
3 in this State under Article XXXI 1/4 of this Code.

4 (2) No person, firm, association, or corporation shall
5 act in the capacity of a managing general agent with
6 respect to risks located outside this State for an insurer
7 domiciled in this State unless the person is a licensed
8 producer or a registered firm in this State under Article
9 XXXI of this Code or a licensed third party administrator
10 in this State under Article XXXI 1/4 of this Code.

11 (3) The managing general agent must provide a surety
12 bond for the benefit of the insurer in an amount equal to
13 the greater of \$100,000 or 5% of the gross direct written
14 premium underwritten by the managing general agent on
15 behalf of the insurer. The bond shall provide for a
16 discovery period and prior notification of cancellation in
17 accordance with the rules of the Department unless
18 otherwise approved in writing by the Director.

19 (4) The managing general agent must maintain an errors
20 and omissions policy for the benefit of the insurer with
21 coverage in an amount equal to the greater of \$1,000,000 or
22 5% of the gross direct written premium underwritten by the
23 managing general agent on behalf of the insurer.

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

1 (c) No person, firm, association, or corporation acting in
2 the capacity of a managing general agent shall place business
3 with an insurer unless there is in force a written contract
4 between the parties that sets forth the responsibilities of
5 each party, that, if both parties share responsibility for a
6 particular function, specifies the division of responsibility,
7 and that contains the following minimum provisions:

8 (1) The insurer may terminate the contract for cause
9 upon written notice to the managing general agent. The
10 insurer may suspend the underwriting authority of the
11 managing general agent during the pendency of any dispute
12 regarding the cause for termination.

13 (2) The managing general agent shall render accounts to
14 the insurer detailing all transactions and remit all funds
15 due under the contract to the insurer on not less than a
16 monthly basis.

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

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

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

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

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

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

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

1 appropriate notice.

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

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

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

9 (i) has the potential to exceed an amount
10 determined by the company;

11 (ii) involves a coverage dispute;

12 (iii) may exceed the managing general agent's
13 claims settlement authority;

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

15 (v) is closed by payment of an amount set by
16 the company.

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

24 (D) any settlement authority granted to the
25 managing general agent may be terminated for cause upon
26 the insurer's written notice to the managing general

1 agent or upon the termination of the contract. The
2 insurer may suspend the settlement authority during
3 the pendency of any dispute regarding the cause for
4 termination.

5 (10) Where electronic claims files are in existence,
6 the contract must address the timely transmission of the
7 data.

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

18 (12) The managing general agent shall not:

19 (A) Bind reinsurance or retrocessions on behalf of
20 the insurer, except that the managing general agent may
21 bind facultative reinsurance contracts under
22 obligatory facultative agreements if the contract with
23 the insurer contains reinsurance underwriting
24 guidelines including, for both reinsurance assumed and
25 ceded, a list of reinsurers with which automatic
26 agreements are in effect, the coverages and amounts or

1 percentages that may be reinsured, and commission
2 schedules.

3 (B) Appoint any producer without assuring that the
4 producer is lawfully licensed to transact the type of
5 insurance for which he is appointed.

6 (C) Without prior approval of the insurer, pay or
7 commit the insurer to pay a claim over a specified
8 amount, net of reinsurance, that shall not exceed 1% of
9 the insurer's policyholders' surplus as of December 31
10 of the last completed calendar year.

11 (D) Collect any payment from a reinsurer or commit
12 the insurer to any claim settlement with a reinsurer
13 without prior approval of the insurer. If prior
14 approval is given, a report must be promptly forwarded
15 to the insurer.

16 (E) Permit its subproducer to serve on its board of
17 directors.

18 (F) Employ an individual who is also employed by
19 the insurer.

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

22 (d) Insurers shall have the following duties:

23 (1) The insurer shall have on file the managing general
24 agent's audited financial statements as of the end of the
25 most recent fiscal year prepared in accordance with
26 Generally Accepted Accounting Principles. The insurer

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

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

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

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

20 (5) Within 30 days of entering into or terminating a
21 contract with a managing general agent, the insurer shall
22 provide written notification of the appointment or
23 termination to the Director. Notices of appointment of a
24 managing general agent shall include a statement of duties
25 that the applicant is expected to perform on behalf of the
26 insurer, the lines of insurance for which the applicant is

1 to be authorized to act, and any other information the
2 Director may request.

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

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

20 (8) An insurer shall not appoint to its board of
21 directors an officer, director, employee, or controlling
22 shareholder of its managing general agents. This provision
23 shall not apply to relationships governed by Article VIII
24 1/2 of this Code.

25 (e) The acts of a managing general agent are considered to
26 be the acts of the insurer on whose behalf it is acting. A

1 managing general agent may be examined in the same manner as an
2 insurer.

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

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

18 (h) If the Director determines that a managing general
19 agent has not materially complied with this Section or any
20 regulation or order promulgated hereunder, after notice and
21 opportunity to be heard, the Director may order a penalty in an
22 amount not exceeding \$50,000 ~~\$100,000~~ for each separate
23 violation and may order the revocation or suspension of the
24 producer's license. If it is found that because of the material
25 noncompliance the insurer has suffered any loss or damage, the
26 Director may maintain a civil action brought by or on behalf of

1 the insurer and its policyholders and creditors for recovery of
2 compensatory damages for the benefit of the insurer and its
3 policyholders and creditors or other appropriate relief. This
4 subsection (h) shall not be construed to prevent any other
5 person from taking civil action against a managing general
6 agent.

7 (i) If an Order of Rehabilitation or Liquidation is entered
8 under Article XIII and the receiver appointed under that Order
9 determines that the managing general agent or any other person
10 has not materially complied with this Section or any regulation
11 or Order promulgated hereunder and the insurer suffered any
12 loss or damage therefrom, the receiver may maintain a civil
13 action for recovery of damages or other appropriate sanctions
14 for the benefit of the insurer.

15 Any decision, determination, or order of the Director under
16 this subsection shall be subject to judicial review under the
17 Administrative Review Law.

18 Nothing contained in this subsection shall affect the right
19 of the Director to impose any other penalties provided for in
20 this Code.

21 Nothing contained in this subsection is intended to or
22 shall in any manner limit or restrict the rights of
23 policyholders, claimants, and auditors.

24 (j) A domestic company shall not during any calendar year
25 write, through a managing general agent or managing general
26 agents, premiums in an amount equal to or greater than its

1 capital and surplus as of the preceding December 31st unless
2 the domestic company requests in writing the Director's
3 permission to do so and the Director has either approved the
4 request or has not disapproved the request within 45 days after
5 the Director received the request.

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

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

13 (215 ILCS 5/149) (from Ch. 73, par. 761)

14 Sec. 149. Misrepresentation and defamation prohibited.

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

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

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

15 (4) No such company, or officer, director, agent, clerk or
16 employee thereof, no agent, broker, solicitor, or company
17 service representative, and no other person, firm,
18 corporation, or association of any kind or character, shall
19 make, issue, circulate, use, or utter, or cause or knowingly
20 permit to be made, issued, circulated, used, or uttered, any
21 policy or certificate of insurance, or endorsement or rider
22 thereto, or matter incorporated therein by reference, or
23 application blanks, or any stationery, pamphlet, circular,
24 article, literature, advertisement or advertising of any kind
25 or character, visual, or aural, including radio advertising and
26 television advertising, or any other verbal or written

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

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

25 (6) No company shall be held guilty of having violated any
26 of the provisions of this Section by reason of the act of any

1 agent, solicitor or employee, not an officer, director or
2 department head thereof, unless an officer, director or
3 department head of such company shall have knowingly permitted
4 such act or shall have had prior knowledge thereof.

5 (7) Any person, association, organization, partnership,
6 business trust or corporation not authorized to transact an
7 insurance business in this State which disseminates in or
8 causes to be disseminated in this State any advertising,
9 invitations to inquire, questionnaires or requests for
10 information designed to result in a solicitation for the
11 purchase of insurance by residents of this State is also
12 subject to the sanctions of this Section. The phrase "designed
13 to result in a solicitation for the purchase of insurance"
14 includes but is not limited to:

15 (a) the use of any form or document which provides
16 either generalized or specific information or
17 recommendations regardless of the insurance needs of the
18 recipient or the availability of any insurance policy or
19 plan; or

20 (b) any offer to provide such information or
21 recommendation upon subsequent contacts or solicitation
22 either by the entity generating the material or some other
23 person; or

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

26 (d) the use of an application for insurance or an offer

1 to provide insurance coverage for any purpose; or
2 (e) the use of any material which, regardless of the
3 form and content used or the information imparted, is
4 intended to result, in the generation of leads for further
5 solicitations or the preparation of a mailing list which
6 can be sold to others for such purpose.

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

8 (215 ILCS 5/310.1) (from Ch. 73, par. 922.1)

9 Sec. 310.1. Suspension, Revocation or Refusal to Renew
10 Certificate of Authority.

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

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

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

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

23 (215 ILCS 5/315.4) (from Ch. 73, par. 927.4)

24 Sec. 315.4. Penalties.

25 (a) Any person who willfully makes a false or fraudulent

1 statement in or relating to an application for membership or
2 for the purpose of obtaining money from, or a benefit in, any
3 society shall upon conviction be fined not less than \$100 ~~\$200~~
4 nor more than \$5,000 ~~\$10,000~~ or be subject to imprisonment in
5 the county jail not less than 30 days nor more than one year,
6 or both.

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

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

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

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

24 (215 ILCS 5/325) (from Ch. 73, par. 937)

25 Sec. 325. Officers bonds. The officer or officers of the

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

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

23 (215 ILCS 5/363a) (from Ch. 73, par. 975a)

24 Sec. 363a. Medicare supplement policies; disclosure,
25 advertising, loss ratio standards.

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

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

16 (a) It may not include any reference to that program on
17 the envelope, the reply envelope, or the address side of
18 the reply postal card, if any, nor use any language to
19 imply that failure to respond to the advertisement might
20 result in loss of Medicare benefits.

21 (b) It must include a prominent statement to the effect
22 that in providing supplemental coverage the insurer and
23 agent involved in the solicitation are not in any manner
24 connected with that program.

25 (c) It must prominently disclose that it is an
26 advertisement for insurance or is intended to obtain

1 insurance prospects.

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

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

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

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

21 (a) Identify himself as an insurance agent.

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

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

1 is to be written.

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

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

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

10 POLICY CHECK LIST

11 Applicant's Name:

12 Policy Number:

13 Name of Existing Insurer:

14 Expiration Date of Existing Insurance:

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

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

1 Signature of Applicant

2 Signature of Agent

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

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

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

18 (4) Prohibited agent practices.

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

1 implication that the agent:

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

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

8 (iii) Is engaged in an advisory business in which
9 his compensation is unrelated to the sale of insurance
10 by the use of terms such as Medicare consultant,
11 Medicare advisor, Medicare Bureau, disability
12 insurance consultant, or similar expression in a
13 letter, envelope, reply card, or other.

14 (iv) Will provide a continuing service to the
15 purchaser of the policy unless he does provide services
16 to the purchaser beyond the sale and renewal of
17 policies.

18 (b) No agent engaged in a home solicitation sale of a
19 Medicare supplement policy or other policy of accident and
20 health insurance sold to individuals eligible for Medicare
21 shall misrepresent, directly or by implication, any of the
22 following:

23 (i) The identity of the insurance company or
24 companies he represents.

25 (ii) That the assistance programs of the State or
26 county or the federal Medicare programs for medical

1 insurance are to be discontinued or are increasing in
2 cost to the prospective buyer or are in any way
3 endangered.

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

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

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

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

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

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

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

23 (b) Make certain that policies of Medicare supplement
24 insurance are not issued, and any premium collected for
25 those policies is refunded, when they are deemed
26 duplicative, inappropriate, or not suitable considering

1 existing coverage with the company.

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

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

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

17 (b) Outline of coverage requirements for Medicare
18 supplement policies.

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

25 (ii) If an outline of coverage is provided at the
26 time of application and the Medicare supplement policy

1 or certificate is issued on a basis that would require
2 revision of the outline, a substitute outline of
3 coverage properly describing the policy or certificate
4 must accompany the policy or certificate when it is
5 delivered and shall contain immediately above the
6 company name, in no less than 12 point type, the
7 following statement:

8 "NOTICE: Read this outline of coverage carefully.
9 It is not identical to the outline of coverage provided
10 upon application and the coverage originally applied
11 for has not been issued."

12 (iii) The outline of coverage provided to
13 applicants shall be in the form prescribed by rule by
14 the Department.

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

1 response insurers shall deliver the buyer's guide upon
2 request, but not later than at the time the policy is
3 delivered.

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

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

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

1 (7) Loss ratio standards.

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

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

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

19 (ii) In the case of individual policies, at least
20 60% of the aggregate amount of premiums earned; and
21 beginning November 5, 1991, at least 65% of the
22 aggregate amount of premiums earned.

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

1 earned.

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

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

19 (9) Penalties.

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

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

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

20 (10) Replacement. Application forms shall include a
21 question designed to elicit information as to whether a
22 Medicare supplement policy or certificate is intended to
23 replace any similar accident and sickness policy or certificate
24 presently in force. A supplementary application or other form
25 to be signed by the applicant containing the question may be
26 used. Upon determining that a sale of Medicare supplement

1 coverage will involve replacement, an insurer, other than a
2 direct response insurer, or its agent, shall furnish the
3 applicant, prior to issuance or delivery of the Medicare
4 supplement policy or certificate, a notice regarding
5 replacement of Medicare supplement coverage. One copy of the
6 notice shall be provided to the applicant, and an additional
7 copy signed by the applicant shall be retained by the insurer.
8 A direct response insurer shall deliver to the applicant at the
9 time of the issuance of the policy the notice regarding
10 replacement of Medicare supplement coverage.

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

12 (215 ILCS 5/370) (from Ch. 73, par. 982)

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

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

18 (2) The Director may revoke the license of any foreign or
19 alien company, or of the agent thereof wilfully violating any
20 provision of this article or suspend such license for any
21 period of time up to, but not to exceed, two years; or may by
22 order require such insurance company or agent to pay to the
23 people of the State of Illinois a penalty in a sum not
24 exceeding \$500 ~~\$1,000~~, and upon the failure of such insurance
25 company or agent to pay such penalty within twenty days after

1 the mailing of such order, postage prepaid, registered, and
2 addressed to the last known place of business of such insurance
3 company or agent, unless such order is stayed by an order of a
4 court of competent jurisdiction, the Director of Insurance may
5 revoke or suspend the license of such insurance company or
6 agent for any period of time up to, but not exceeding a period
7 of, two years.

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

9 (215 ILCS 5/403) (from Ch. 73, par. 1015)

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

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

20 (2) If a person subpoenaed to attend such inquiry fails to
21 obey the command of the subpoena without reasonable excuse, or
22 if a person in attendance upon such inquiry shall, without
23 reasonable cause, refuse to be sworn or to be examined or to
24 answer a question or to produce a book or paper when ordered to
25 do so by any officer conducting such inquiry, or if any person

1 fails to perform any act required hereunder to be performed, he
2 or she shall be required to pay a penalty of not more than
3 \$1,000 ~~\$2,000~~ to be recovered in the name of the People of the
4 State of Illinois by the State's Attorney of the county in
5 which the violation occurs, and the penalty so recovered shall
6 be paid into the county treasury.

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

1 failure or refusal of such person to obey its order is wilful,
2 and without lawful excuse, the court shall punish such person
3 by fine or imprisonment in the county jail, or both, as the
4 nature of the case may require, as is now, or as may hereafter
5 be lawful for the court to do in cases of contempt of court.

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

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

19 (215 ILCS 5/403A) (from Ch. 73, par. 1015A)

20 Sec. 403A. Violations; Notice of Apparent Liability;
21 Limitation of Forfeiture Liability.

22 (1) Any company or person, agent or broker, officer or
23 director and any other person subject to this Code and as may
24 be defined in Section 2 of this Code, who willfully or
25 repeatedly fails to observe or who otherwise violates any of

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

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

24 (3) No forfeiture liability under paragraph (1) of this
25 Section may attach for any violation occurring more than 2
26 years prior to the date of issuance of the notice of apparent

1 liability and in no event may the total civil penalty
2 forfeiture imposed for the acts or omissions set forth in any
3 one notice of apparent liability exceed \$250,000 ~~\$500,000~~.

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

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

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

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

20 Sec. 408. Fees and charges.

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

23 (a) For filing all documents submitted for the
24 incorporation or organization or certification of a
25 domestic company, except for a fraternal benefit society,

1 \$1,000 ~~\$2,000~~.

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

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

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

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

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

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

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

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

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

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

26 (i) For filing all documents submitted by a foreign or

1 alien company to be admitted to transact business or
2 accredited as a reinsurer in this State, except for a
3 fraternal benefit society, \$2,500 ~~\$5,000~~.

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

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

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

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

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

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

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

20 (q) For issuing an amended certificate of authority,
21 \$25 ~~\$50~~.

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

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

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

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

3 (v) For multiple copies of documents or certificates
4 listed in subparagraphs (r), (s), and (u) of paragraph (1)
5 of this Section, \$10 for the first copy of a certificate of
6 any type and \$5 for each additional copy of the same
7 certificate requested at the same time, unless, pursuant to
8 paragraph (2) of this Section, the Director finds these
9 additional fees excessive.

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

12 (i) in connection with a public stock offering,
13 \$150 ~~\$300~~;

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

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

17 (y) For filing a plan of exchange of the stock of a
18 domestic stock insurance company, a plan of
19 demutualization of a domestic mutual company, or a plan of
20 reorganization under Article XII, \$1,000 ~~\$2,000~~.

21 (z) For filing a statement of acquisition of a domestic
22 company as defined in Section 131.4 of this Code, \$1,000
23 ~~\$2,000~~.

24 (aa) For filing an agreement to purchase the business
25 of an organization authorized under the Dental Service Plan
26 Act or the Voluntary Health Services Plans Act or of a

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

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

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

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

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

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

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

17 or

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

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

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

26 (gg) For filing articles of incorporation for a limited

1 syndicate to join with other subscribers or limited
2 syndicates to do business through the Illinois Insurance
3 Exchange, \$500 ~~\$1,000~~.

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

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

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

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

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

20 (iii) (Blank).

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

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

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

1 (2) When printed copies or numerous copies of the same
2 paper or records are furnished or certified, the Director may
3 reduce such fees for copies if he finds them excessive. He may,
4 when he considers it in the public interest, furnish without
5 charge to state insurance departments and persons other than
6 companies, copies or certified copies of reports of
7 examinations and of other papers and records.

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

1 to the Insurance Producers Administration Fund, however, the
2 electronic data processing costs incurred by the Department in
3 the performance of any examination shall be billed directly to
4 the company being examined for payment to the Statistical
5 Services Revolving Fund.

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

11 (5) (a) The costs incurred by the Department of Insurance
12 in conducting any hearing authorized by law shall be assessed
13 against the parties to the hearing in such proportion as the
14 Director of Insurance may determine upon consideration of all
15 relevant circumstances including: (1) the nature of the
16 hearing; (2) whether the hearing was instigated by, or for the
17 benefit of a particular party or parties; (3) whether there is
18 a successful party on the merits of the proceeding; and (4) the
19 relative levels of participation by the parties.

20 (b) For purposes of this subsection (5) costs incurred
21 shall mean the hearing officer fees, court reporter fees, and
22 travel expenses of Department of Insurance officers and
23 employees; provided however, that costs incurred shall not
24 include hearing officer fees or court reporter fees unless the
25 Department has retained the services of independent
26 contractors or outside experts to perform such functions.

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

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

20 (6) The Director shall charge and collect an annual
21 financial regulation fee from every domestic company for
22 examination and analysis of its financial condition and to fund
23 the internal costs and expenses of the Interstate Insurance
24 Receivership Commission as may be allocated to the State of
25 Illinois and companies doing an insurance business in this
26 State pursuant to Article X of the Interstate Insurance

1 Receivership Compact. The fee shall be the greater fixed amount
2 based upon the combination of nationwide direct premium income
3 and nationwide reinsurance assumed premium income or upon
4 admitted assets calculated under this subsection as follows:

5 (a) Combination of nationwide direct premium income
6 and nationwide reinsurance assumed premium.

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

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

14 (iii) \$2,500 ~~\$3,750~~, if the premium is less than
15 \$5,000,000 and the reinsurance assumed premium is
16 \$10,000,000 or more;

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

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

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

23 (vii) \$20,000 ~~\$30,000~~, if the premium is
24 \$50,000,000 or more, but less than \$100,000,000;

25 (viii) \$25,000 ~~\$37,500~~, if the premium is
26 \$100,000,000 or more.

1 (b) Admitted assets.

2 (i) \$100 ~~\$150~~, if admitted assets are less than
3 \$1,000,000;

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

6 (iii) \$2,500 ~~\$3,750~~, if admitted assets are
7 \$5,000,000 or more, but less than \$25,000,000;

8 (iv) \$5,000 ~~\$7,500~~, if admitted assets are
9 \$25,000,000 or more, but less than \$50,000,000;

10 (v) \$12,000 ~~\$18,000~~, if admitted assets are
11 \$50,000,000 or more, but less than \$100,000,000;

12 (vi) \$15,000 ~~\$22,500~~, if admitted assets are
13 \$100,000,000 or more, but less than \$500,000,000;

14 (vii) \$20,000 ~~\$30,000~~, if admitted assets are
15 \$500,000,000 or more, but less than \$1,000,000,000;

16 (viii) \$25,000 ~~\$37,500~~, if admitted assets are
17 \$1,000,000,000 or more.

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

23 (7) The Director shall charge and collect an annual
24 financial regulation fee from every foreign or alien company,
25 except fraternal benefit societies, for the examination and
26 analysis of its financial condition and to fund the internal

1 costs and expenses of the Interstate Insurance Receivership
2 Commission as may be allocated to the State of Illinois and
3 companies doing an insurance business in this State pursuant to
4 Article X of the Interstate Insurance Receivership Compact. The
5 fee shall be a fixed amount based upon Illinois direct premium
6 income and nationwide reinsurance assumed premium income in
7 accordance with the following schedule:

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

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

14 (c) \$2,500 ~~\$3,750~~, if the premium is less than
15 \$5,000,000 and the reinsurance assumed premium is
16 \$10,000,000 or more;

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

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

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

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

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

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

6 (8) Beginning January 1, 1992, the financial regulation
7 fees imposed under subsections (6) and (7) of this Section
8 shall be paid by each company or domestic affiliated group
9 annually. After January 1, 1994, the fee shall be billed by
10 Department invoice based upon the company's premium income or
11 admitted assets as shown in its annual statement for the
12 preceding calendar year. The invoice is due upon receipt and
13 must be paid no later than June 30 of each calendar year. All
14 financial regulation fees collected by the Department shall be
15 paid to the Insurance Financial Regulation Fund. The Department
16 may not collect financial examiner per diem charges from
17 companies subject to subsections (6) and (7) of this Section
18 undergoing financial examination after June 30, 1992.

19 (9) In addition to the financial regulation fee required by
20 this Section, a company undergoing any financial examination
21 authorized by law shall pay the following costs and expenses
22 incurred by the Department: electronic data processing costs,
23 the expenses authorized under Section 131.21 and subsection (d)
24 of Section 132.4 of this Code, and lodging and travel expenses.

25 Electronic data processing costs incurred by the
26 Department in the performance of any examination shall be

1 billed directly to the company undergoing examination for
2 payment to the Statistical Services Revolving Fund. Except for
3 direct reimbursements authorized by the Director or direct
4 payments made under Section 131.21 or subsection (d) of Section
5 132.4 of this Code, all financial regulation fees and all
6 financial examination charges collected by the Department
7 shall be paid to the Insurance Financial Regulation Fund.

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

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

26 (10) Any company, person, or entity failing to make any

1 payment of \$100 ~~\$150~~ or more as required under this Section
2 shall be subject to the penalty and interest provisions
3 provided for in subsections (4) and (7) of Section 412.

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

7 (12) For purposes of this Section:

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

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

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

25 (d) "Fraternal benefit society" means a corporation,
26 society, order, lodge or voluntary association as defined

1 in Section 282.1 of this Code.

2 (e) "Mutual benefit association" means a company,
3 association or corporation authorized by the Director to do
4 business in this State under the provisions of Article
5 XVIII of this Code.

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

10 (g) "Farm mutual" means a district, county and township
11 mutual insurance company authorized by the Director to do
12 business in this State under the provisions of the Farm
13 Mutual Insurance Company Act of 1986.

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

15 (215 ILCS 5/412) (from Ch. 73, par. 1024)

16 Sec. 412. Refunds; penalties; collection.

17 (1) (a) Whenever it appears to the satisfaction of the
18 Director that because of some mistake of fact, error in
19 calculation, or erroneous interpretation of a statute of
20 this or any other state, any authorized company has paid to
21 him, pursuant to any provision of law, taxes, fees, or
22 other charges in excess of the amount legally chargeable
23 against it, during the 6 year period immediately preceding
24 the discovery of such overpayment, he shall have power to
25 refund to such company the amount of the excess or excesses

1 by applying the amount or amounts thereof toward the
2 payment of taxes, fees, or other charges already due, or
3 which may thereafter become due from that company until
4 such excess or excesses have been fully refunded, or upon a
5 written request from the authorized company, the Director
6 shall provide a cash refund within 120 days after receipt
7 of the written request if all necessary information has
8 been filed with the Department in order for it to perform
9 an audit of the annual return for the year in which the
10 overpayment occurred or within 120 days after the date the
11 Department receives all the necessary information to
12 perform such audit. The Director shall not provide a cash
13 refund if there are insufficient funds in the Insurance
14 Premium Tax Refund Fund to provide a cash refund, if the
15 amount of the overpayment is less than \$100, or if the
16 amount of the overpayment can be fully offset against the
17 taxpayer's estimated liability for the year following the
18 year of the cash refund request. Any cash refund shall be
19 paid from the Insurance Premium Tax Refund Fund, a special
20 fund hereby created in the State treasury.

21 (b) Beginning January 1, 2000 and thereafter, the
22 Department shall deposit a percentage of the amounts
23 collected under Sections 409, 444, and 444.1 of this Code
24 into the Insurance Premium Tax Refund Fund. The percentage
25 deposited into the Insurance Premium Tax Refund Fund shall
26 be the annual percentage. The annual percentage shall be

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

14 (c) Beginning July 1, 1999, moneys in the Insurance
15 Premium Tax Refund Fund shall be expended exclusively for
16 the purpose of paying cash refunds resulting from
17 overpayment of tax liability under Sections 409, 444, and
18 444.1 of this Code as determined by the Director pursuant
19 to subsection 1(a) of this Section. Cash refunds made in
20 accordance with this Section may be made from the Insurance
21 Premium Tax Refund Fund only to the extent that amounts
22 have been deposited and retained in the Insurance Premium
23 Tax Refund Fund.

24 (d) This Section shall constitute an irrevocable and
25 continuing appropriation from the Insurance Premium Tax
26 Refund Fund for the purpose of paying cash refunds pursuant

1 to the provisions of this Section.

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

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

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

25 (4) Any insurance company or any surplus line producer
26 which fails to pay the full amount due under this Section or

1 Sections 408.1, 409, 444, 444.1 or 445 of this Code, or Section
2 12 of the Fire Investigation Act is liable, in addition to the
3 tax and any penalties, for interest on such deficiency at the
4 rate of 12% per annum, or at such higher adjusted rates as are
5 or may be established under subsection (b) of Section 6621 of
6 the Internal Revenue Code, from the date that payment of any
7 such tax was due, determined without regard to any extensions,
8 to the date of payment of such amount.

9 (5) The Director, through the Attorney General, may
10 institute an action in the name of the People of the State of
11 Illinois, in any court of competent jurisdiction, for the
12 recovery of the amount of such taxes, fees, and penalties due,
13 and prosecute the same to final judgment, and take such steps
14 as are necessary to collect the same.

15 (6) In the event that the certificate of authority of a
16 foreign or alien company is revoked for any cause or the
17 company withdraws from this State prior to the renewal date of
18 the certificate of authority as provided in Section 114, the
19 company may recover the amount of any such tax paid in advance.
20 Except as provided in this subsection, no revocation or
21 withdrawal excuses payment of or constitutes grounds for the
22 recovery of any taxes or penalties imposed by this Code.

23 (7) When an insurance company or domestic affiliated group
24 fails to pay the full amount of any fee of \$100 ~~\$200~~ or more due
25 under Section 408 of this Code, there shall be added to the
26 amount due as a penalty the greater of \$50 ~~\$100~~ or an amount

1 equal to 5% ~~10%~~ of the deficiency for each month or part of a
2 month that the deficiency remains unpaid.

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

4 (215 ILCS 5/416)

5 Sec. 416. Illinois Workers' Compensation Commission
6 Operations Fund Surcharge.

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 95th General Assembly ~~this amendatory Act of 2004~~, every
10 company licensed or authorized by the Illinois Department of
11 Insurance and insuring employers' liabilities arising under
12 the Workers' Compensation Act or the Workers' Occupational
13 Diseases Act shall remit to the Director a surcharge based upon
14 the annual direct written premium, as reported under Section
15 136 of this Act, of the company in the manner provided in this
16 Section. Such proceeds shall be deposited into the Illinois
17 Workers' Compensation Commission Operations Fund as
18 established in the Workers' Compensation Act. If a company
19 survives or was formed by a merger, consolidation,
20 reorganization, or reincorporation, the direct written
21 premiums of all companies party to the merger, consolidation,
22 reorganization, or reincorporation shall, for purposes of
23 determining the amount of the fee imposed by this Section, be
24 regarded as those of the surviving or new company.

25 (b) (1) Except as provided in subsection (b) (2) of this

1 Section, beginning on July 30, 2004 (the effective date of
2 Public Act 93-840) and until the effective date of this
3 amendatory Act of the 95th General Assembly ~~this amendatory Act~~
4 ~~of 2004~~ and on July 1 of each year thereafter, the Director
5 shall charge an annual Illinois Workers' Compensation
6 Commission Operations Fund Surcharge from every company
7 subject to subsection (a) of this Section equal to 1.01% of its
8 direct written premium for insuring employers' liabilities
9 arising under the Workers' Compensation Act or Workers'
10 Occupational Diseases Act as reported in each company's annual
11 statement filed for the previous year as required by Section
12 136. The Illinois Workers' Compensation Commission Operations
13 Fund Surcharge shall be collected by companies subject to
14 subsection (a) of this Section as a separately stated surcharge
15 on insured employers at the rate of 1.01% of direct written
16 premium. The Illinois Workers' Compensation ~~Industrial~~
17 Commission Operations Fund Surcharge shall not be collected by
18 companies subject to subsection (a) of this Section from any
19 employer that self-insures its liabilities arising under the
20 Workers' Compensation Act or Workers' Occupational Diseases
21 Act, provided that the employer has paid the Illinois Workers'
22 Compensation ~~Industrial~~ Commission Operations Fund Fee
23 pursuant to Section 4d of the Workers' Compensation Act. All
24 sums collected by the Department of Insurance under the
25 provisions of this Section shall be paid promptly after the
26 receipt of the same, accompanied by a detailed statement

1 thereof, into the Illinois Workers' Compensation Commission
2 Operations Fund in the State treasury.

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

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

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

24 (e) The Department of Insurance may enforce the collection
25 of any delinquent payment, penalty, or portion thereof by legal
26 action or in any other manner by which the collection of debts

1 due the State of Illinois may be enforced under the laws of
2 this State.

3 (f) Whenever it appears to the satisfaction of the Director
4 that a company has paid pursuant to this Act an Illinois
5 Workers' Compensation Commission Operations Fund Surcharge in
6 an amount in excess of the amount legally collectable from the
7 company, the Director shall issue a credit memorandum for an
8 amount equal to the amount of such overpayment. A credit
9 memorandum may be applied for the 2-year period from the date
10 of issuance, against the payment of any amount due during that
11 period under the surcharge imposed by this Section or, subject
12 to reasonable rule of the Department of Insurance including
13 requirement of notification, may be assigned to any other
14 company subject to regulation under this Act. Any application
15 of credit memoranda after the period provided for in this
16 Section is void.

17 (g) Annually, the Governor may direct a transfer of up to
18 2% of all moneys collected under this Section to the Insurance
19 Financial Regulation Fund.

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

22 (215 ILCS 5/431) (from Ch. 73, par. 1038)

23 Sec. 431. Penalty. Any person who violates a cease and
24 desist order of the Director under Section 427, after it has
25 become final, and while such order is in effect, or who

1 violates an order of the Circuit Court under Section 429,
2 shall, upon proof thereof to the satisfaction of the court,
3 forfeit and pay to the State of Illinois, a sum not to exceed
4 \$500 ~~\$1,000~~, which may be recovered in a civil action, for each
5 violation.

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

7 (215 ILCS 5/445) (from Ch. 73, par. 1057)

8 Sec. 445. Surplus line.

9 (1) Surplus line defined; surplus line insurer
10 requirements. "Surplus line insurance" means insurance on an
11 Illinois risk of the kinds specified in Classes 2 and 3 of
12 Section 4 of this Code procured from an unauthorized insurer
13 after the insurance producer representing the insured or the
14 surplus line producer is unable, after diligent effort, to
15 procure said insurance from authorized insurers.

16 "Authorized insurer" means an insurer that holds a
17 certificate of authority issued by the Director but, for the
18 purposes of this Section, does not include a domestic surplus
19 line insurer as defined in Section 445a or any residual market
20 mechanism.

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

25 "Unauthorized insurer" means an insurer that does not hold

1 a valid certificate of authority issued by the Director but,
2 for the purposes of this Section, shall also include a domestic
3 surplus line insurer as defined in Section 445a.

4 Insurance producers may procure surplus line insurance
5 only if licensed as a surplus line producer under this Section
6 and may procure that insurance only from an unauthorized
7 insurer:

8 (a) that based upon information available to the
9 surplus line producer has a policyholders surplus of not
10 less than \$15,000,000 determined in accordance with
11 accounting rules that are applicable to authorized
12 insurers; and

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

15 (c) where an unauthorized insurer does not meet the
16 standards set forth in (a) and (b) above, a surplus line
17 producer may, if necessary, procure insurance from that
18 insurer only if prior written warning of such fact or
19 condition is given to the insured by the insurance producer
20 or surplus line producer.

21 Insurance producers shall not procure from an unauthorized
22 insurer an insurance policy:

23 (i) that is designed to satisfy the proof of financial
24 responsibility and insurance requirements in any Illinois
25 law where the law requires that the proof of insurance is
26 issued by an authorized insurer or residual market

1 mechanism;

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

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

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

25 (2) Surplus line producer; license. Any licensed producer
26 who is a resident of this State, or any nonresident who

1 qualifies under Section 500-40, may be licensed as a surplus
2 line producer upon:

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

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

23 (c) procurement of the surety bond required in
24 subsection (4) of this Section.

25 A surplus line producer so licensed shall keep a separate
26 account of the business transacted thereunder which shall be

1 open at all times to the inspection of the Director or his
2 representative.

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

6 (3) Taxes and reports.

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

8 A surplus line producer shall file with the Director on
9 or before February 1 and August 1 of each year a report in
10 the form prescribed by the Director on all surplus line
11 insurance procured from unauthorized insurers during the
12 preceding 6 month period ending December 31 or June 30
13 respectively, and on the filing of such report shall pay to
14 the Director for the use and benefit of the State a sum
15 equal to 3% ~~3.5%~~ of the gross premiums less returned
16 premiums upon all surplus line insurance procured or
17 cancelled during the preceding 6 months.

18 Any surplus line producer who fails to pay the full
19 amount due under this subsection is liable, in addition to
20 the amount due, for such penalty and interest charges as
21 are provided for under Section 412 of this Code. The
22 Director, through the Attorney General, may institute an
23 action in the name of the People of the State of Illinois,
24 in any court of competent jurisdiction, for the recovery of
25 the amount of such taxes and penalties due, and prosecute
26 the same to final judgment, and take such steps as are

1 necessary to collect the same.

2 (b) Fire Marshal Tax.

3 Each surplus line producer shall file with the Director
4 on or before March 31 of each year a report in the form
5 prescribed by the Director on all fire insurance procured
6 from unauthorized insurers subject to tax under Section 12
7 of the Fire Investigation Act and shall pay to the Director
8 the fire marshal tax required thereunder.

9 (c) Taxes and fees charged to insured. The taxes
10 imposed under this subsection and the countersigning fees
11 charged by the Surplus Line Association of Illinois may be
12 charged to and collected from surplus line insureds.

13 (4) Bond. Each surplus line producer, as a condition to
14 receiving a surplus line producer's license, shall execute and
15 deliver to the Director a surety bond to the People of the
16 State in the penal sum of \$20,000, with a surety which is
17 authorized to transact business in this State, conditioned that
18 the surplus line producer will pay to the Director the tax,
19 interest and penalties levied under subsection (3) of this
20 Section.

21 (5) Submission of documents to Surplus Line Association of
22 Illinois. A surplus line producer shall submit every insurance
23 contract issued under his or her license to the Surplus Line
24 Association of Illinois for recording and countersignature.
25 The submission and countersignature may be effected through
26 electronic means. The submission shall set forth:

- 1 (a) the name of the insured;
- 2 (b) the description and location of the insured
3 property or risk;
- 4 (c) the amount insured;
- 5 (d) the gross premiums charged or returned;
- 6 (e) the name of the unauthorized insurer from whom
7 coverage has been procured;
- 8 (f) the kind or kinds of insurance procured; and
- 9 (g) amount of premium subject to tax required by
10 Section 12 of the Fire Investigation Act.

11 Proposals, endorsements, and other documents which are
12 incidental to the insurance but which do not affect the premium
13 charged are exempted from filing and countersignature.

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

22 (6) Countersignature required. It shall be unlawful for an
23 insurance producer to deliver any unauthorized insurer
24 contract unless such insurance contract is countersigned by the
25 Surplus Line Association of Illinois.

26 (7) Inspection of records. A surplus line producer shall

1 maintain separate records of the business transacted under his
2 or her license, including complete copies of surplus line
3 insurance contracts maintained on paper or by electronic means,
4 which records shall be open at all times for inspection by the
5 Director and by the Surplus Line Association of Illinois.

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

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

20 (10) Service of process upon Director. Insurance contracts
21 delivered under this Section from unauthorized insurers, other
22 than domestic surplus line insurers as defined in Section 445a,
23 shall contain a provision designating the Director and his
24 successors in office the true and lawful attorney of the
25 insurer upon whom may be served all lawful process in any
26 action, suit or proceeding arising out of such insurance.

1 Service of process made upon the Director to be valid hereunder
2 must state the name of the insured, the name of the
3 unauthorized insurer and identify the contract of insurance.
4 The Director at his option is authorized to forward a copy of
5 the process to the Surplus Line Association of Illinois for
6 delivery to the unauthorized insurer or the Director may
7 deliver the process to the unauthorized insurer by other means
8 which he considers to be reasonably prompt and certain.

9 (10.5) Insurance contracts delivered under this Section
10 from unauthorized insurers, other than domestic surplus line
11 insurers as defined in Section 445a, shall have stamped or
12 imprinted on the first page thereof in not less than 12-pt.
13 bold face type the following legend: "Notice to Policyholder:
14 This contract is issued, pursuant to Section 445 of the
15 Illinois Insurance Code, by a company not authorized and
16 licensed to transact business in Illinois and as such is not
17 covered by the Illinois Insurance Guaranty Fund." Insurance
18 contracts delivered under this Section from domestic surplus
19 line insurers as defined in Section 445a shall have stamped or
20 imprinted on the first page thereof in not less than 12-pt.
21 bold face type the following legend: "Notice to Policyholder:
22 This contract is issued by a domestic surplus line insurer, as
23 defined in Section 445a of the Illinois Insurance Code,
24 pursuant to Section 445, and as such is not covered by the
25 Illinois Insurance Guaranty Fund."

26 (11) The Illinois Surplus Line law does not apply to

1 insurance of property and operations of railroads or aircraft
2 engaged in interstate or foreign commerce, insurance of
3 vessels, crafts or hulls, cargoes, marine builder's risks,
4 marine protection and indemnity, or other risks including
5 strikes and war risks insured under ocean or wet marine forms
6 of policies.

7 (12) Surplus line insurance procured under this Section,
8 including insurance procured from a domestic surplus line
9 insurer, is not subject to the provisions of the Illinois
10 Insurance Code other than Sections 123, 123.1, 401, 401.1, 402,
11 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all
12 of the provisions of Article XXXI to the extent that the
13 provisions of Article XXXI are not inconsistent with the terms
14 of this Act.

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

17 (215 ILCS 5/500-70)

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

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

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

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

4 (3) obtaining or attempting to obtain a license through
5 misrepresentation or fraud;

6 (4) improperly withholding, misappropriating or
7 converting any moneys or properties received in the course
8 of doing insurance business;

9 (5) intentionally misrepresenting the terms of an
10 actual or proposed insurance contract or application for
11 insurance;

12 (6) having been convicted of a felony;

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

15 (8) using fraudulent, coercive, or dishonest
16 practices, or demonstrating incompetence,
17 untrustworthiness or financial irresponsibility in the
18 conduct of business in this State or elsewhere;

19 (9) having an insurance producer license, or its
20 equivalent, denied, suspended, or revoked in any other
21 state, province, district or territory;

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

24 (11) improperly using notes or any other reference
25 material to complete an examination for an insurance
26 license;

1 (12) knowingly accepting insurance business from an
2 individual who is not licensed;

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

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

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

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

25 (c) The license of a business entity may be suspended,
26 revoked, or refused if the Director finds, after hearing, that

1 an individual licensee's violation was known or should have
2 been known by one or more of the partners, officers, or
3 managers acting on behalf of the partnership, corporation,
4 limited liability company, or limited liability partnership
5 and the violation was neither reported to the Director nor
6 corrective action taken.

7 (d) In addition to or instead of any applicable denial,
8 suspension, or revocation of a license, a person may, after
9 hearing, be subject to a civil penalty of up to \$5,000 ~~\$10,000~~
10 for each cause for denial, suspension, or revocation, however,
11 the civil penalty may total no more than \$20,000 ~~\$100,000~~.

12 (e) The Director has the authority to enforce the
13 provisions of and impose any penalty or remedy authorized by
14 this Article against any person who is under investigation for
15 or charged with a violation of this Code or rules even if the
16 person's license or registration has been surrendered or has
17 lapsed by operation of law.

18 (f) Upon the suspension, denial, or revocation of a
19 license, the licensee or other person having possession or
20 custody of the license shall promptly deliver it to the
21 Director in person or by mail. The Director shall publish all
22 suspensions, denials, or revocations after the suspensions,
23 denials, or revocations become final in a manner designed to
24 notify interested insurance companies and other persons.

25 (g) A person whose license is revoked or whose application
26 is denied pursuant to this Section is ineligible to apply for

1 any license for 3 years after the revocation or denial. A
2 person whose license as an insurance producer has been revoked,
3 suspended, or denied may not be employed, contracted, or
4 engaged in any insurance related capacity during the time the
5 revocation, suspension, or denial is in effect.

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

7 (215 ILCS 5/500-110)

8 Sec. 500-110. Regulatory examinations.

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

12 (b) All persons being examined, as well as their officers,
13 directors, insurance producers, limited lines producers, and
14 temporary insurance producers must provide to the Director
15 convenient and free access, at all reasonable hours at their
16 offices, to all books, records, documents, and other papers
17 relating to the persons' insurance business affairs. The
18 officers, directors, insurance producers, limited lines
19 producers, temporary insurance producers, and employees must
20 facilitate and aid the Director in the examinations as much as
21 it is in their power to do so.

22 (c) The Director may designate an examiner or examiners to
23 conduct any examination under this Section. The Director or his
24 or her designee may administer oaths and examine under oath any
25 individual relative to the business of the person being

1 examined.

2 (d) The examiners designated by the Director under this
3 Section may make reports to the Director. A report alleging
4 substantive violations of this Article or any rules prescribed
5 by the Director must be in writing and be based upon facts
6 ascertained from the books, records, documents, papers, and
7 other evidence obtained by the examiners or from sworn or
8 affirmed testimony of or written affidavits from the person's
9 officers, directors, insurance producers, limited lines
10 producer, temporary insurance producers, or employees or other
11 individuals, as given to the examiners. The report of an
12 examination must be verified by the examiners.

13 (e) If a report is made, the Director must either deliver a
14 duplicate of the report to the person being examined or send
15 the duplicate by certified or registered mail to the person's
16 address of record. The Director shall afford the person an
17 opportunity to demand a hearing with reference to the facts and
18 other evidence contained in the report. The person may request
19 a hearing within 14 calendar days after he or she receives the
20 duplicate of the examination report by giving the Director
21 written notice of that request, together with a written
22 statement of the person's objections to the report. The
23 Director must, if requested to do so, conduct a hearing in
24 accordance with Sections 402 and 403 of this Code. The Director
25 must issue a written order based upon the examination report
26 and upon the hearing, if a hearing is held, within 90 days

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

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

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

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

21 (215 ILCS 5/500-120)

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

23 (a) A person, partnership, association, or corporation
24 licensed by the Department who, due to employment with any unit
25 of government that would cause a conflict of interest with the

1 holding of that license, notifies the Director in writing on
2 forms prescribed by the Department and, subject to rules of the
3 Department, makes payment of applicable licensing renewal
4 fees, may elect to place the license on an inactive status.

5 (b) A licensee whose license is on inactive status may have
6 the license restored by making application to the Department on
7 such form as may be prescribed by the Department. The
8 application must be accompanied with a fee of \$50 ~~\$100~~ plus the
9 current applicable license fee.

10 (c) A license may be placed on inactive status for a 2-year
11 period, and upon request, the inactive status may be extended
12 for a successive 2-year period not to exceed a cumulative
13 4-year inactive period. After a license has been on inactive
14 status for 4 years or more, the licensee must meet all of the
15 standards required of a new applicant before the license may be
16 restored to active status.

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

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

21 (215 ILCS 5/500-135)

22 Sec. 500-135. Fees.

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

24 (1) a fee of \$150 ~~\$180 for a person who is a resident~~
25 ~~of Illinois, and \$250 for a person who is not a resident of~~

1 ~~Illinois~~, payable once every 2 years for an insurance
2 producer license;

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

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

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

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

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

15 (7) a certification fee of \$25 ~~\$50~~ for each certified
16 pre-licensing or continuing education course and an annual
17 fee of \$20 for renewing the certification of each such
18 course;

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

23 (9) a fee of \$150 ~~\$200~~ payable once every 2 years for a
24 limited lines license other than the licenses issued under
25 items (1) through (7) of subsection (a) of Section 500-100,
26 a car rental limited line license, or a self-service

1 storage facility limited line license;

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

4 (b) Except as otherwise provided, all fees paid to and
5 collected by the Director under this Section shall be paid
6 promptly after receipt thereof, together with a detailed
7 statement of such fees, into a special fund in the State
8 Treasury to be known as the Insurance Producer Administration
9 Fund. The moneys deposited into the Insurance Producer
10 Administration Fund may be used only for payment of the
11 expenses of the Department in the execution, administration,
12 and enforcement of the insurance laws of this State, and shall
13 be appropriated as otherwise provided by law for the payment of
14 those expenses with first priority being any expenses incident
15 to or associated with the administration and enforcement of
16 this Article.

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

19 (215 ILCS 5/511.103) (from Ch. 73, par. 1065.58-103)

20 Sec. 511.103. Application. The applicant for a license
21 shall file with the Director an application upon a form
22 prescribed by the Director, which shall include or have
23 attached the following:

24 (1) The names, addresses and official positions of the
25 individuals who are responsible for the conduct of the affairs

1 of the administrator, including but not limited to all members
2 of the board of directors, board of trustees, executive
3 committee, or other governing board or committee, the principal
4 officers in the case of a corporation or the partners in the
5 case of a partnership; and

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

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

10 (215 ILCS 5/511.105) (from Ch. 73, par. 1065.58-105)

11 Sec. 511.105. License.

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

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

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

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

1 (215 ILCS 5/511.110) (from Ch. 73, par. 1065.58-110)

2 Sec. 511.110. Administrative Fine.

3 (a) If the Director finds that one or more grounds exist
4 for the revocation or suspension of a license issued under this
5 Article, the Director may, in lieu of or in addition to such
6 suspension or revocation, impose a fine upon the administrator.

7 (b) With respect to any knowing and wilful violation of a
8 lawful order of the Director, any applicable portion of the
9 Illinois Insurance Code or Part of Title 50 of the Illinois
10 Administrative Code, or a provision of this Article, the
11 Director may impose a fine upon the administrator in an amount
12 not to exceed \$5,000 ~~\$10,000~~ for each such violation. In no
13 event shall such fine exceed an aggregate amount of \$25,000
14 ~~\$50,000~~ for all knowing and wilful violations arising out of
15 the same action.

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

17 (215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

18 Sec. 512.63. Fees.

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

20 (1) Public Insurance Adjuster license annual fee, \$30
21 ~~\$100~~;

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

23 (3) Application Fee for processing each request to take
24 the written examination for a Public Adjuster license, \$10

1 ~~\$20.~~

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

3 (215 ILCS 5/513a3) (from Ch. 73, par. 1065.60a3)

4 Sec. 513a3. License required.

5 (a) No person may act as a premium finance company or hold
6 himself out to be engaged in the business of financing
7 insurance premiums, either directly or indirectly, without
8 first having obtained a license as a premium finance company
9 from the Director.

10 (b) An insurance producer shall be deemed to be engaged in
11 the business of financing insurance premiums if 10% or more of
12 the producer's total premium accounts receivable are more than
13 90 days past due.

14 (c) In addition to any other penalty set forth in this
15 Article, any person violating subsection (a) of this Section
16 may, after hearing as set forth in Article XXIV of this Code,
17 be required to pay a civil penalty of not more than \$1,000
18 ~~\$2,000~~ for each offense.

19 (d) In addition to any other penalty set forth in this
20 Article, any person violating subsection (a) of this Section is
21 guilty of a Class A misdemeanor. Any individual violating
22 subsection (a) of this Section, and misappropriating or
23 converting any monies collected in conjunction with the
24 violation, is guilty of a Class 4 felony.

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

1 (215 ILCS 5/513a4) (from Ch. 73, par. 1065.60a4)

2 Sec. 513a4. Application and license.

3 (a) Each application for a premium finance license shall be
4 made on a form specified by the Director and shall be signed by
5 the applicant declaring under penalty of refusal, suspension,
6 or revocation of the license that the statements made in the
7 application are true, correct, and complete to the best of the
8 applicant's knowledge and belief. The Director shall cause to
9 be issued a license to each applicant that has demonstrated to
10 the Director that the applicant:

11 (1) is competent and trustworthy and of a good business
12 reputation;

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

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

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

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

19 (2) certify that the premium finance agreement or other
20 forms being used are in compliance with the requirements of
21 this Article;

22 (3) certify that he or she has a minimum net worth of
23 \$50,000; and

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

1 (c) An applicant who has met the requirements of subsection
2 (a) and subsection (b) shall be issued a premium finance
3 license.

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

8 (e) The individual holder of a premium finance license
9 shall inform the Director in writing of a change in residence
10 address within 30 days of the change, and a corporation,
11 partnership, or association holder of a premium finance license
12 shall inform the Director in writing of a change in business
13 address within 30 days of the change.

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

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

21 (215 ILCS 5/513a7) (from Ch. 73, par. 1065.60a7)

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

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

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

3 (2) has intentionally made a material misstatement in
4 the application for a license;

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

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

9 (5) has used fraudulent, coercive, or dishonest
10 practices or has demonstrated incompetence,
11 untrustworthiness, or financial irresponsibility;

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

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

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

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

22 (b) Suspension, revocation, or denial of a license under
23 this Section shall be by written order sent to the licensee or
24 applicant by certified or registered mail at the address
25 specified in the records of the Department. The licensee or
26 applicant may in writing request a hearing within 30 days from

1 the date of mailing. If no written request is made the order
2 shall be final upon the expiration of that 30 day period.

3 (c) If the licensee or applicant requests a hearing under
4 this Section, the Director shall issue a written notice of
5 hearing sent to the licensee or applicant by certified or
6 registered mail at his address, as specified in the records of
7 the Department, and stating:

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

10 (2) the specific time for the hearing, which may not be
11 fewer than 20 nor more than 30 days after the mailing of
12 the notice of hearing; and

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

16 (d) Upon the suspension or revocation of a license, the
17 licensee or other person having possession or custody of the
18 license shall promptly deliver it to the Director in person or
19 by mail. The Director shall publish all suspensions and
20 revocations after they become final in a manner designed to
21 notify interested insurance companies and other persons.

22 (e) Any person whose license is revoked or denied under
23 this Section shall be ineligible to apply for any license for 2
24 years. A suspension under this Section may be for a period of
25 up to 2 years.

26 (f) In addition to or instead of a denial, suspension, or

1 revocation of a license under this Section, the licensee may be
2 subjected to a civil penalty of up to \$1,000 ~~\$2,000~~ for each
3 cause for denial, suspension, or revocation. The penalty is
4 enforceable under subsection (5) of Section 403A of this Code.
5 (Source: P.A. 93-32, eff. 7-1-03.)

6 (215 ILCS 5/529.5) (from Ch. 73, par. 1065.76-5)

7 Sec. 529.5. The Industry Placement Facility shall compile
8 an annual operating report, and publish such report in at least
9 2 newspapers having widespread circulation in the State, which
10 report shall include:

11 (1) a description of the origin and purpose of the Illinois
12 Fair Plan and its relationship to the property and casualty
13 insurance industry in Illinois;

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

16 (3) a disclosure as to the amount of subsidization per type
17 of policy written by the Facility, which is provided by the
18 property and casualty insurance companies operating in
19 Illinois, if any.

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

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

1 (215 ILCS 5/1020) (from Ch. 73, par. 1065.720)

2 Sec. 1020. Penalties.

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

10 (B) Any person who violates a cease and desist order of the
11 Director under Section 1018 of this Article may, after notice
12 and hearing and upon order of the Director, be subject to one
13 or more of the following penalties, at the discretion of the
14 Director:

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

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

21 (3) suspension or revocation of an insurance
22 institution's or agent's license.

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

24 (215 ILCS 5/1108) (from Ch. 73, par. 1065.808)

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

1 (1) Any risk retention trust created under this Article
2 shall file with the Director:

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

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

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

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

25 (e) The name of a bank or trust company with whom the
26 trust will enter into an escrow agreement which shall state

1 that the contingency reserve fund will be maintained at the
2 levels prescribed in this Article.

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

4 (2) The Director of Insurance shall charge, collect and
5 give proper acquittances for the payment of the following fees
6 and charges:

7 (a) For filing trust instruments, amendments thereto
8 and financial statement and report of the trustees, \$25
9 ~~\$50~~.

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

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

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

14 (3) The trust shall keep its books and records in
15 accordance with the provisions of Section 133 of this Code. The
16 Director may examine such books and records from time to time
17 as provided in Sections 132 through 132.7 of this Code and may
18 charge the expense of such examination to the trust as provided
19 in subsection (3) of Section 408 of this Code.

20 (4) Trust funds established under this Section and all
21 persons interest therein or dealing therewith shall be subject
22 to the provisions of Sections 133, 144.1, 149, 401, 401.1, 402,
23 403, 403A, 412, and all of the provisions of Articles VII,
24 VIII, XII 1/2 and XIII of the Code, as amended. Except as
25 otherwise provided in this Section, trust funds established
26 under and which fully comply with this Section, shall not be

1 subjected to any other provision of the Code.

2 (5) The Director of Insurance may make reasonable rules and
3 regulations pertaining to the standards of coverage and
4 administration of the trust authorized by this Section. Such
5 rules may include but need not be limited to reasonable
6 standards for fiduciary duties of the trustees, standards for
7 the investment of funds, limitation of risks assumed, minimum
8 size, capital, surplus, reserves, and contingency reserves.

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

10 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

11 Sec. 1204. (A) The Secretary shall promulgate rules and
12 regulations which shall require each insurer licensed to write
13 property or casualty insurance in the State and each syndicate
14 doing business on the Illinois Insurance Exchange to record and
15 report its loss and expense experience and other data as may be
16 necessary to assess the relationship of insurance premiums and
17 related income as compared to insurance costs and expenses. The
18 Secretary may designate one or more rate service organizations
19 or advisory organizations to gather and compile such experience
20 and data. The Secretary shall require each insurer licensed to
21 write property or casualty insurance in this State and each
22 syndicate doing business on the Illinois Insurance Exchange to
23 submit a report, on a form furnished by the Secretary, showing
24 its direct writings in this State and companywide.

25 (B) Such report required by subsection (A) of this Section

1 may include, but not be limited to, the following specific
2 types of insurance written by such insurer:

3 (1) Political subdivision liability insurance reported
4 separately in the following categories:

5 (a) municipalities;

6 (b) school districts;

7 (c) other political subdivisions;

8 (2) Public official liability insurance;

9 (3) Dram shop liability insurance;

10 (4) Day care center liability insurance;

11 (5) Labor, fraternal or religious organizations
12 liability insurance;

13 (6) Errors and omissions liability insurance;

14 (7) Officers and directors liability insurance
15 reported separately as follows:

16 (a) non-profit entities;

17 (b) for-profit entities;

18 (8) Products liability insurance;

19 (9) Medical malpractice insurance;

20 (10) Attorney malpractice insurance;

21 (11) Architects and engineers malpractice insurance;

22 and

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

25 (a) motor vehicle physical damage insurance;

26 (b) motor vehicle liability insurance.

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

5 (1) Direct premiums written;

6 (2) Direct premiums earned;

7 (3) Number of policies;

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

10 (5) Losses paid;

11 (6) Losses incurred;

12 (7) Loss reserves:

13 (a) Losses unpaid on reported claims;

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

16 (8) Number of claims:

17 (a) Paid claims;

18 (b) Arising claims;

19 (9) Loss adjustment expenses:

20 (a) Allocated loss adjustment expenses;

21 (b) Unallocated loss adjustment expenses;

22 (10) Net underwriting gain or loss;

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

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

26 (C-3) ~~(C-5)~~ Additional information by an advisory

1 organization as defined in Section 463 of this Code.

2 (1) An advisory organization as defined in Section 463
3 of this Code shall report annually the following
4 information in such format as may be prescribed by the
5 Secretary:

6 (a) paid and incurred losses for each of the past
7 10 years;

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

10 (c) the following indemnity payment information:
11 cumulative payments by accident year by calendar year
12 of development. This array will show payments made and
13 frequency of claims in the following categories:
14 medical only, permanent partial disability (PPD),
15 permanent total disability (PTD), temporary total
16 disability (TTD), and fatalities;

17 (d) injuries by frequency and severity;

18 (e) by class of employee.

19 (2) The report filed with the Secretary of Financial
20 and Professional Regulation under paragraph (1) of this
21 subsection (C-3) ~~(C-5)~~ shall be made available, on an
22 aggregate basis, to the General Assembly and to the general
23 public. The identity of the petitioner, the respondent, the
24 attorneys, and the insurers shall not be disclosed.

25 (3) Reports required under this subsection (C-3) ~~(C-5)~~
26 shall be filed with the Secretary no later than September 1

1 in 2006 and no later than September 1 of each year
2 thereafter.

3 (C-5) Additional information required from medical
4 malpractice insurers.

5 (1) In addition to the other requirements of this
6 Section, the following information shall be included in the
7 report required by subsection (A) of this Section in such
8 form and under such terms and conditions as may be
9 prescribed by the Secretary:

10 (a) paid and incurred losses by county for each of
11 the past 10 policy years;

12 (b) earned exposures by ISO code, policy type, and
13 policy year by county for each of the past 10 years;
14 and

15 (c) the following actuarial information:

16 (i) Base class and territory equivalent
17 exposures by report year by relative accident
18 year.

19 (ii) Cumulative loss array by accident year by
20 calendar year of development. This array will show
21 frequency of claims in the following categories:
22 open, closed with indemnity (CWI), closed with
23 expense (CWE), and closed no pay (CNP); paid
24 severity in the following categories: indemnity
25 and allocated loss adjustment expenses (ALAE) on
26 closed claims; and indemnity and expense reserves

1 on pending claims.

2 (iii) Cumulative loss array by report year by
3 calendar year of development. This array will show
4 frequency of claims in the following categories:
5 open, closed with indemnity (CWI), closed with
6 expense (CWE), and closed no pay (CNP); paid
7 severity in the following categories: indemnity
8 and allocated loss adjustment expenses (ALAE) on
9 closed claims; and indemnity and expense reserves
10 on pending claims.

11 (iv) Maturity year and tail factors.

12 (v) Any expense, contingency ddr (death,
13 disability, and retirement), commission, tax,
14 and/or off-balance factors.

15 (2) The following information must also be annually
16 provided to the Department:

17 (a) copies of the company's reserve and surplus
18 studies; and

19 (b) consulting actuarial report and data
20 supporting the company's rate filing.

21 (3) All information collected by the Secretary under
22 paragraphs (1) and (2) shall be made available, on a
23 company-by-company basis, to the General Assembly and the
24 general public. This provision shall supersede any other
25 provision of State law that may otherwise protect such
26 information from public disclosure as confidential.

1 (D) In addition to the information which may be requested
2 under subsection (C), the Secretary may also request on a
3 companywide, aggregate basis, Federal Income Tax recoverable,
4 net realized capital gain or loss, net unrealized capital gain
5 or loss, and all other expenses not requested in subsection (C)
6 above.

7 (E) Violations - Suspensions - Revocations.

8 (1) Any company or person subject to this Article, who
9 willfully or repeatedly fails to observe or who otherwise
10 violates any of the provisions of this Article or any rule
11 or regulation promulgated by the Secretary under authority
12 of this Article or any final order of the Secretary entered
13 under the authority of this Article shall by civil penalty
14 forfeit to the State of Illinois a sum not to exceed \$1,000
15 ~~\$2,000~~. Each day during which a violation occurs
16 constitutes a separate offense.

17 (2) No forfeiture liability under paragraph (1) of this
18 subsection may attach unless a written notice of apparent
19 liability has been issued by the Secretary and received by
20 the respondent, or the Secretary sends written notice of
21 apparent liability by registered or certified mail, return
22 receipt requested, to the last known address of the
23 respondent. Any respondent so notified must be granted an
24 opportunity to request a hearing within 10 days from
25 receipt of notice, or to show in writing, why he should not
26 be held liable. A notice issued under this Section must set

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

5 (3) No forfeiture liability under paragraph (1) of this
6 subsection may attach for any violation occurring more than
7 2 years prior to the date of issuance of the notice of
8 apparent liability and in no event may the total civil
9 penalty forfeiture imposed for the acts or omissions set
10 forth in any one notice of apparent liability exceed
11 \$50,000 ~~\$100,000~~.

12 (4) All administrative hearings conducted pursuant to
13 this Article are subject to 50 Ill. Adm. Code 2402 and all
14 administrative hearings are subject to the Administrative
15 Review Law.

16 (5) The civil penalty forfeitures provided for in this
17 Section are payable to the General Revenue Fund of the
18 State of Illinois, and may be recovered in a civil suit in
19 the name of the State of Illinois brought in the Circuit
20 Court in Sangamon County or in the Circuit Court of the
21 county where the respondent is domiciled or has its
22 principal operating office.

23 (6) In any case where the Secretary issues a notice of
24 apparent liability looking toward the imposition of a civil
25 penalty forfeiture under this Section that fact may not be
26 used in any other proceeding before the Secretary to the

1 prejudice of the respondent to whom the notice was issued,
2 unless (a) the civil penalty forfeiture has been paid, or
3 (b) a court has ordered payment of the civil penalty
4 forfeiture and that order has become final.

5 (7) When any person or company has a license or
6 certificate of authority under this Code and knowingly
7 fails or refuses to comply with a lawful order of the
8 Secretary requiring compliance with this Article, entered
9 after notice and hearing, within the period of time
10 specified in the order, the Secretary may, in addition to
11 any other penalty or authority provided, revoke or refuse
12 to renew the license or certificate of authority of such
13 person or company, or may suspend the license or
14 certificate of authority of such person or company until
15 compliance with such order has been obtained.

16 (8) When any person or company has a license or
17 certificate of authority under this Code and knowingly
18 fails or refuses to comply with any provisions of this
19 Article, the Secretary may, after notice and hearing, in
20 addition to any other penalty provided, revoke or refuse to
21 renew the license or certificate of authority of such
22 person or company, or may suspend the license or
23 certificate of authority of such person or company, until
24 compliance with such provision of this Article has been
25 obtained.

26 (9) No suspension or revocation under this Section may

1 become effective until 5 days from the date that the notice
2 of suspension or revocation has been personally delivered
3 or delivered by registered or certified mail to the company
4 or person. A suspension or revocation under this Section is
5 stayed upon the filing, by the company or person, of a
6 petition for judicial review under the Administrative
7 Review Law.

8 (Source: P.A. 93-32, eff. 7-1-03; 94-277, eff. 7-20-05; 94-677,
9 eff. 8-25-05; revised 8-29-05.)

10 Section 85. The Reinsurance Intermediary Act is amended by
11 changing Section 55 as follows:

12 (215 ILCS 100/55) (from Ch. 73, par. 1655)

13 Sec. 55. Penalties and liabilities.

14 (a) If the Director determines that a reinsurance
15 intermediary has not materially complied with this Act or any
16 regulation or Order promulgated hereunder, after notice and
17 opportunity to be heard, the Director may order a penalty in an
18 amount not exceeding \$50,000 ~~\$100,000~~ for each separate
19 violation and may order the revocation or suspension of the
20 reinsurance intermediary's license. If it is found that because
21 of the material noncompliance the insurer or reinsurer has
22 suffered any loss or damage, the Director may maintain a civil
23 action brought by or on behalf of the reinsurer or insurer and
24 its policyholders and creditors for recovery of compensatory

1 damages for the benefit of the reinsurer or insurer and its
2 policyholders and creditors or seek other appropriate relief.
3 This subsection (a) shall not be construed to prevent any other
4 person from taking civil action against a reinsurance
5 intermediary.

6 (b) If an Order of Rehabilitation or Liquidation of the
7 insurer is entered under Article XIII of the Illinois Insurance
8 Code and the receiver appointed under that Order determines
9 that the reinsurance intermediary or any other person has not
10 materially complied with this Act or any regulation or Order
11 promulgated hereunder and the insurer has suffered any loss or
12 damage therefrom, the receiver may maintain a civil action for
13 recovery of damages or other appropriate sanctions for the
14 benefit of the insurer.

15 (c) The decision, determination, or order of the Director
16 under subsection (a) of this Section shall be subject to
17 judicial review under the Administrative Review Law.

18 (d) Nothing contained in this Act shall affect the right of
19 the Director to impose any other penalties provided in the
20 Illinois Insurance Code.

21 (e) Nothing contained in this Act is intended to or shall
22 in any manner limit or restrict the rights of policyholders,
23 claimants, creditors, or other third parties or confer any
24 rights to those persons.

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

1 Section 90. The Employee Leasing Company Act is amended by
2 changing Section 20 as follows:

3 (215 ILCS 113/20)

4 Sec. 20. Registration.

5 (a) A lessor shall register with the Department prior to
6 becoming a qualified self-insured for workers' compensation or
7 becoming eligible to be issued a workers' compensation and
8 employers' liability insurance policy. The registration shall:

9 (1) identify the name of the lessor;

10 (2) identify the address of the principal place of
11 business of the lessor;

12 (3) include the lessor's taxpayer or employer
13 identification number;

14 (4) include a list by jurisdiction of each and every
15 name that the lessor has operated under in the preceding 5
16 years including any alternative names and names of
17 predecessors;

18 (5) include a list of the officers and directors of the
19 lessor and its predecessors, successors, or alter egos in
20 the preceding 5 years; and

21 (6) include a \$500 ~~\$1,000~~ fee for the registration and
22 each annual renewal thereafter.

23 Amounts received as registration fees shall be deposited
24 into the Insurance Producer Administration Fund.

25 (b) (Blank).

1 (c) Lessors registering pursuant to this Section shall
2 notify the Department within 30 days as to any changes in any
3 information provided pursuant to this Section.

4 (d) The Department shall maintain a list of those lessors
5 who are registered with the Department.

6 (e) The Department may prescribe any forms that are
7 necessary to promote the efficient administration of this
8 Section.

9 (f) Any lessor that was doing business in this State prior
10 to enactment of this Act shall register with the Department
11 within 60 days of the effective date of this Act.

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

13 Section 95. The Health Care Purchasing Group Act is amended
14 by changing Section 20 as follows:

15 (215 ILCS 123/20)

16 Sec. 20. HPG sponsors. Except as provided by Sections 15
17 and 25 of this Act, only a corporation authorized by the
18 Secretary of State to transact business in Illinois may sponsor
19 one or more HPGs with no more than 100,000 covered individuals
20 by negotiating, soliciting, or servicing health insurance
21 contracts for HPGs and their members. Such a corporation may
22 assert and maintain authority to act as an HPG sponsor by
23 complying with all of the following requirements:

24 (1) The principal officers and directors responsible

1 for the conduct of the HPG sponsor must perform their HPG
2 sponsor related functions in Illinois.

3 (2) No insurance risk may be borne or retained by the
4 HPG sponsor; all health insurance contracts issued to HPGs
5 through the HPG sponsor must be delivered in Illinois.

6 (3) No HPG sponsor may collect premium in its name or
7 hold or manage premium or claim fund accounts unless duly
8 qualified and licensed as a managing general agent pursuant
9 to Section 141a of the Illinois Insurance Code or as a
10 third party administrator pursuant to Section 511.105 of
11 the Illinois Insurance Code.

12 (4) If the HPG gives an offer, application, notice, or
13 proposal of insurance to an employer, it must disclose the
14 total cost of the insurance. Dues, fees, or charges to be
15 paid to the HPG, HPG sponsor, or any other entity as a
16 condition to purchasing the insurance must be itemized. The
17 HPG shall also disclose to its members the amount of any
18 dividends, experience refunds, or other such payments it
19 receives from the risk-bearer.

20 (5) An HPG sponsor must register with the Director
21 before negotiating or soliciting any group or master health
22 insurance contract for any HPG and must renew the
23 registration annually on forms and at times prescribed by
24 the Director in rules specifying, at minimum, (i) the
25 identity of the officers and directors of the HPG sponsor
26 corporation; (ii) a certification that those persons have

1 not been convicted of any felony offense involving a breach
2 of fiduciary duty or improper manipulation of accounts;
3 (iii) the number of employer members then enrolled in each
4 HPG sponsored; (iv) the date on which each HPG was issued a
5 group or master health insurance contract, if any; and (v)
6 the date on which each such contract, if any, was
7 terminated.

8 (6) At the time of initial registration and each
9 renewal thereof an HPG sponsor shall pay a fee of \$100 ~~\$200~~
10 to the Director.

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

12 Section 100. The Service Contract Act is amended by
13 changing Section 25 as follows:

14 (215 ILCS 152/25)

15 Sec. 25. Registration requirements for service contract
16 providers.

17 (a) No service contract shall be issued or sold in this
18 State until the following information has been submitted to the
19 Department:

20 (1) the name of the service contract provider;

21 (2) a list identifying the service contract provider's
22 executive officer or officers directly responsible for the
23 service contract provider's service contract business;

24 (3) the name and address of the service contract

1 provider's agent for service of process in this State, if
2 other than the service contract provider;

3 (4) a true and accurate copy of all service contracts
4 to be sold in this State; and

5 (5) a statement indicating under which provision of
6 Section 15 the service contract provider qualifies to do
7 business in this State as a service contract provider.

8 (b) The service contract provider shall pay an initial
9 registration fee of \$500 ~~\$1,000~~ and a renewal fee of \$75 ~~\$150~~
10 each year thereafter. All fees and penalties collected under
11 this Act shall be paid to the Director and deposited in the
12 Insurance Financial Regulation Fund.

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

14 Section 105. The Title Insurance Act is amended by changing
15 Section 14 as follows:

16 (215 ILCS 155/14) (from Ch. 73, par. 1414)

17 Sec. 14. Fees.

18 (a) Every title insurance company and every independent
19 escrowee subject to this Act shall pay the following fees:

20 (1) for filing the original application for a
21 certificate of authority and receiving the deposit
22 required under this Act, \$500;

23 (2) for the certificate of authority, \$10;

24 (3) for every copy of a paper filed in the Department

1 under this Act, \$1 per folio;

2 (4) for affixing the seal of the Department and
3 certifying a copy, \$2; and

4 (5) for filing the annual statement, \$50.

5 (b) Each title insurance company shall pay, for all of its
6 title insurance agents subject to this Act for filing an annual
7 registration of its agents, an amount equal to \$1 ~~\$3~~ for each
8 policy issued by all of its agents in the immediately preceding
9 calendar year, provided such sum shall not exceed \$20,000 per
10 annum.

11 (Source: P.A. 93-32, eff. 7-1-03; 94-893, eff. 6-20-06.)

12 Section 110. The Viatical Settlements Act is amended by
13 changing Section 10 as follows:

14 (215 ILCS 158/10)

15 Sec. 10. License requirements.

16 (a) No individual, partnership, corporation, or other
17 entity may act as a viatical settlement provider without first
18 having obtained a license from the Director.

19 (b) Application for a viatical settlement provider license
20 shall be made to the Director by the applicant on a form
21 prescribed by the Director. The application shall be
22 accompanied by a fee of \$1,500 ~~\$3,000~~, which shall be deposited
23 into the Insurance Producer Administration Fund.

24 (c) Viatical settlement providers' licenses may be renewed

1 from year to year on the anniversary date upon (1) submission
2 of renewal forms prescribed by the Director and (2) payment of
3 the annual renewal fee of \$750 ~~\$1,500~~, which shall be deposited
4 into the Insurance Producer Administration Fund. Failure to pay
5 the fee within the terms prescribed by the Director shall
6 result in the expiration of the license.

7 (d) Applicants for a viatical settlement provider's
8 license shall provide such information as the Director may
9 require. The Director shall have authority, at any time, to
10 require the applicant to fully disclose the identity of all
11 stockholders, partners, officers, and employees. The Director
12 may, in the exercise of discretion, refuse to issue a license
13 in the name of any firm, partnership, or corporation if not
14 satisfied that an officer, employee, stockholder, or partner
15 thereof who may materially influence the applicant's conduct
16 meets the standards of this Act.

17 (e) A viatical settlement provider's license issued to a
18 partnership, corporation, or other entity authorizes all
19 members, officers, and designated employees to act as viatical
20 settlement providers under the license. All those persons must
21 be named in the application and any supplements thereto.

22 (f) Upon the filing of an application for a viatical
23 settlement provider's license and the payment of the license
24 fee, the Director shall make an investigation of the applicant
25 and may issue a license if the Director finds that the
26 applicant:

1 (1) has provided a detailed plan of operation;

2 (2) is competent and trustworthy and intends to act in
3 good faith in the capacity authorized by the license
4 applied for;

5 (3) has a good business reputation and has had
6 experience, training, or education so as to be qualified in
7 the business for which the license is applied for; and

8 (4) if a corporation, is a corporation incorporated
9 under the laws of this State or a foreign corporation
10 authorized to transact business in this State.

11 (g) The Director may not issue a license to a nonresident
12 applicant, unless a written designation of an agent for service
13 of process is filed and maintained with the Director or the
14 applicant has filed with the Director the applicant's written
15 irrevocable consent that any action against the applicant may
16 be commenced against the applicant by service of process on the
17 Director.

18 (h) A viatical settlement provider must assume
19 responsibility for all actions of its appointed viatical
20 settlement agents associated with a viatical settlement.

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

22 Section 115. The Public Utilities Act is amended by
23 changing Section 6-108 as follows:

24 (220 ILCS 5/6-108) (from Ch. 111 2/3, par. 6-108)

1 Sec. 6-108. The Commission shall charge every public
2 utility receiving permission under this Act for the issue of
3 stocks, bonds, notes and other evidences of indebtedness an
4 amount equal to 10 ~~12~~ cents for every \$100 of the par or stated
5 value of stocks, and 20 ~~24~~ cents for every \$100 of the
6 principal amount of bonds, notes or other evidences of
7 indebtedness, authorized by the Commission, which shall be paid
8 to the Commission no later than 30 days after service of the
9 Commission order authorizing the issuance of those stocks,
10 bonds, notes or other evidences of indebtedness. Provided, that
11 if any such stock, bonds, notes or other evidences of
12 indebtedness constitutes or creates a lien or charge on, or
13 right to profits from, any property not situated in this State,
14 this fee shall be paid only on the amount of any such issue
15 which is the same proportion of the whole issue as the property
16 situated in this State is of the total property on which such
17 securities issue creates a lien or charge, or from which a
18 right to profits is established; and provided further, that no
19 public utility shall be required to pay any fee for permission
20 granted to it by the Commission in any of the following cases:

21 (1) To guarantee bonds or other securities.

22 (2) To issue bonds, notes or other evidences of
23 indebtedness issued for the purpose of converting, exchanging,
24 taking over, refunding, discharging or retiring any bonds,
25 notes or other evidences of indebtedness except:

26 (a) When issued for an aggregate period of longer than

1 2 years for the purpose of converting, exchanging, taking
2 over, refunding, discharging or retiring any note, or
3 renewals thereof, issued without the consent of the State
4 Public Utilities Commission of Illinois or the Public
5 Utilities Commission or the Illinois Commerce Commission;
6 or

7 (b) When issued for the purpose of converting,
8 exchanging, taking over, refunding, discharging or
9 retiring bonds, notes or other evidences of indebtedness
10 issued prior to January 1, 1914, and upon which no fee has
11 been previously paid.

12 (3) To issue shares of stock upon the conversion of
13 convertible bonds, notes or other evidences of indebtedness or
14 upon the conversion of convertible stock of another class in
15 accordance with a conversion privilege contained in such
16 convertible bonds, notes or other evidences of indebtedness or
17 contained in such convertible stock, as the case may be, where
18 a fee (in the amount payable under this Section in the case of
19 evidences of indebtedness) has been previously paid for the
20 issuance of such convertible bonds, notes or other evidences of
21 indebtedness, or where a fee (in the amount payable under this
22 Section in the case of stocks) has been previously paid for the
23 issuance of such convertible stock, or where such convertible
24 stock was issued prior to July 1, 1951 and upon which no fee
25 has been previously paid, as the case may be.

26 (4) To issue shares of stocks for the purpose of redeeming

1 or otherwise retiring, or in exchange for, other stocks, where
2 the fee for the issuance of such other stocks has been
3 previously paid, or where such other stocks were issued prior
4 to July 1, 1951 and upon which no fee has been previously paid,
5 as the case may be, but only to the extent that the par or
6 stated value of the shares of stock so issued does not exceed
7 the par or stated value of the other stocks redeemed or
8 otherwise retired or exchanged.

9 All fees collected by the Commission under this Section
10 shall be paid within 10 days after the receipt of the same,
11 accompanied by a detailed statement of the same, into the
12 Public Utility Fund in the State treasury.

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

14 Section 120. The Professional Boxing Act is amended by
15 changing Section 23 as follows:

16 (225 ILCS 105/23) (from Ch. 111, par. 5023)

17 (Section scheduled to be repealed on January 1, 2012)

18 Sec. 23. Fees. The fees for the administration and
19 enforcement of this Act including, but not limited to, original
20 licensure, renewal, and restoration shall be set by rule. The
21 fees shall not be refundable. Beginning July 1, 2003 and until
22 the effective date of this amendatory Act of the 95th General
23 Assembly , all of the fees, taxes, and fines collected under
24 this Act shall be deposited into the General Professions

1 Dedicated Fund.

2 (Source: P.A. 92-16, eff. 6-28-01; 92-499, eff. 1-1-02; 93-32,
3 eff. 7-1-03.)

4 Section 125. The Illinois Certified Shorthand Reporters
5 Act of 1984 is amended by changing Section 17 as follows:

6 (225 ILCS 415/17) (from Ch. 111, par. 6217)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 17. Fees; returned checks; expiration while in
9 military.

10 (a) The fees for the administration and enforcement of this
11 Act, including but not limited to, original certification,
12 renewal and restoration, shall be set by rule.

13 (b) Beginning July 1, 2003 and until the effective date of
14 this amendatory Act of the 95th General Assembly, all of the
15 fees and fines collected under this Act shall be deposited into
16 the General Professions Dedicated Fund.

17 (c) Any person who delivers a check or other payment to the
18 Department that is returned to the Department unpaid by the
19 financial institution upon which it is drawn shall pay to the
20 Department, in addition to the amount already owed to the
21 Department, a fine of \$50. The fines imposed by this Section
22 are in addition to any other discipline provided under this Act
23 prohibiting unlicensed practice or practice on a nonrenewed
24 license. The Department shall notify the person that payment of

1 fees and fines shall be paid to the Department by certified
2 check or money order within 30 calendar days of the
3 notification. If, after the expiration of 30 days from the date
4 of the notification, the person has failed to submit the
5 necessary remittance, the Department shall automatically
6 terminate the license or certificate or deny the application,
7 without hearing. If, after termination or denial, the person
8 seeks a license or certificate, he or she shall apply to the
9 Department for restoration or issuance of the license or
10 certificate and pay all fees and fines due to the Department.
11 The Department may establish a fee for the processing of an
12 application for restoration of a license or certificate to pay
13 all expenses of processing this application. The Director may
14 waive the fines due under this Section in individual cases
15 where the Director finds that the fines would be unreasonable
16 or unnecessarily burdensome.

17 However, any person whose license has expired while he has
18 been engaged (1) in federal or state service active duty, or
19 (2) in training or education under the supervision of the
20 United States preliminary to induction into the military
21 service, may have his license renewed, reinstated or restored
22 without paying any lapsed renewal and restoration fees, if
23 within 2 years after termination of such service, training or
24 education other than by dishonorable discharge, he furnishes
25 the Department with satisfactory proof that he has been so
26 engaged and that his service, training or education has been so

1 terminated.

2 (Source: P.A. 92-146, eff. 1-1-02; 93-32, eff. 7-1-03; 93-460,
3 eff. 8-8-03.)

4 Section 130. The Weights and Measures Act is amended by
5 changing Section 8.1 as follows:

6 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

7 Sec. 8.1. Registration of servicepersons, service agents,
8 and special sealers. No person, firm, or corporation shall
9 sell, install, service, recondition or repair a weighing or
10 measuring device used in trade or commerce without first
11 obtaining a certificate of registration. Applications by
12 individuals for a certificate of registration shall be made to
13 the Department, shall be in writing on forms prescribed by the
14 Department, and shall be accompanied by the required fee.

15 Each application shall provide such information that will
16 enable the Department to pass on the qualifications of the
17 applicant for the certificate of registration. The information
18 requests shall include present residence, location of the
19 business to be licensed under this Act, whether the applicant
20 has had any previous registration under this Act or any
21 federal, state, county, or local law, ordinance, or regulation
22 relating to servicepersons and service Agencies, whether the
23 applicant has ever had a registration suspended or revoked,
24 whether the applicant has been convicted of a felony, and such

1 other information as the Department deems necessary to
2 determine if the applicant is qualified to receive a
3 certificate of registration.

4 Before any certificate of registration is issued, the
5 Department shall require the registrant to meet the following
6 qualifications:

7 (1) Has possession of or available for use weights and
8 measures, standards, and testing equipment appropriate in
9 design and adequate in amount to provide the services for
10 which the person is requesting registration.

11 (2) Passes a qualifying examination for each type of
12 weighing or measuring device he intends to install,
13 service, recondition, or repair.

14 (3) Demonstrates a working knowledge of weighing and
15 measuring devices for which he intends to be registered.

16 (4) Has a working knowledge of all appropriate weights
17 and measures laws and their rules and regulations.

18 (5) Has available a current copy of National Institute
19 of Standards and Technology Handbook 44.

20 (6) Pays the prescribed registration fee for the type
21 of registration:

22 (A) The annual fee for a Serviceperson Certificate
23 of Registration shall be \$5 ~~\$25~~.

24 (B) The annual fee for a Special Sealer Certificate
25 of Registration shall be \$25 ~~\$50~~.

26 (C) The annual fee for a Service Agency Certificate

1 of Registration shall be \$25 ~~\$50~~.

2 "Registrant" means any individual, partnership,
3 corporation, agency, firm, or company registered by the
4 Department who installs, services, repairs, or reconditions,
5 for hire, award, commission, or any other payment of any kind,
6 any commercial weighing or measuring device.

7 "Commercial weighing and measuring device" means any
8 weight or measure or weighing or measuring device commercially
9 used or employed (i) in establishing size, quantity, extent,
10 area, or measurement of quantities, things, produce, or
11 articles for distribution or consumption which are purchased,
12 offered, or submitted for sale, hire, or award, or (ii) in
13 computing any basic charge or payment for services rendered,
14 except as otherwise excluded by Section 2 of this Act, and
15 shall also include any accessory attached to or used in
16 connection with a commercial weighing or measuring device when
17 the accessory is so designed or installed that its operation
18 affects, or may affect, the accuracy of the device.

19 "Serviceperson" means any individual who sells, installs,
20 services, repairs, or reconditions, for hire, award,
21 commission, or any other payment of kind, a commercial weighing
22 or measuring device.

23 "Service agency" means any individual, agency, firm,
24 company, or corporation that, for hire, award, commission, or
25 any other payment of any kind, sells, installs, services,
26 repairs, or reconditions a commercial weighing or measuring

1 device.

2 "Special sealer" means any serviceperson who is allowed to
3 service only one service agency's liquid petroleum meters or
4 liquid petroleum measuring devices.

5 Each registered service agency and serviceperson shall
6 have report forms, known as "Placed in Service Reports". These
7 forms shall be executed in triplicate, shall include the
8 assigned registration number (in the case where a registered
9 serviceperson is representing a registered service agency both
10 assigned registration numbers shall be included), and shall be
11 signed by a registered serviceperson or by a registered
12 serviceperson representing a registered service agency for
13 each rejected or repaired device restored to service and for
14 each newly installed device placed in service. Whenever a
15 registered serviceperson or special sealer places into service
16 a weighing or measuring device, there shall be affixed to the
17 device indicator a decal provided by the Department that
18 indicates the device accuracy.

19 Within 5 days after a device is restored to service or
20 placed in service, the original of a properly executed "Placed
21 in Service Report", together with any official rejection tag or
22 seal removed from the device, shall be mailed to the
23 Department. The duplicate copy of the report shall be handed to
24 the owner or operator of the device and the triplicate copy of
25 the report shall be retained by the service agency or
26 serviceperson.

1 A registered service agency and a registered serviceperson
2 shall submit, at least once every 2 years to the Department for
3 examination and certification, any standards and testing
4 equipment that are used, or are to be used, in the performance
5 of the service and testing functions with respect to weighing
6 and measuring devices for which competence is registered. A
7 registered serviceperson or agency shall not use in servicing
8 commercial weighing and measuring devices any standards or
9 testing equipment that have not been certified by the
10 Department.

11 When a serviceperson's or service agency's weights and
12 measures are carried to a National Institute of Standards and
13 Technology approved out-of-state weights and measures
14 laboratory for inspection and testing, the serviceperson or
15 service agency shall be responsible for providing the
16 Department a copy of the current certification of all weights
17 and measures used in the repair, service, or testing of
18 weighing or measuring devices within the State of Illinois.

19 All registered servicepersons placing into service scales
20 in excess of 30,000 pounds shall have a minimum of 10,000
21 pounds of State approved certified test weights to accurately
22 test a scale.

23 Persons working as apprentices are not subject to
24 registration if they work with and under the supervision of a
25 registered serviceperson.

26 The Director is authorized to promulgate, after public

1 hearing, rules and regulations necessary to enforce the
2 provisions of this Section.

3 For good cause and after a hearing upon reasonable notice,
4 the Director may deny any application for registration or any
5 application for renewal of registration, or may revoke or
6 suspend the registration of any registrant.

7 The Director may publish from time to time as he deems
8 appropriate, and may supply upon request, lists of registered
9 servicepersons and registered service agencies.

10 All final administrative decisions of the Director under
11 this Section shall be subject to judicial review under the
12 Administrative Review Law. The term "administrative decision"
13 is defined as in Section 1 of the Administrative Review Law.

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

15 Section 135. The Liquor Control Act of 1934 is amended by
16 changing Section 5-3 as follows:

17 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

18 Sec. 5-3. License fees. Except as otherwise provided
19 herein, at the time application is made to the State Commission
20 for a license of any class, the applicant shall pay to the
21 State Commission the fee hereinafter provided for the kind of
22 license applied for.

23 The fee for licenses issued by the State Commission shall
24 be as follows:

1	For a manufacturer's license:	
2	Class 1. Distiller	\$3,600
3	Class 2. Rectifier	3,600
4	Class 3. Brewer	900
5	Class 4. First-class Wine Manufacturer	600
6	Class 5. Second-class	
7	Wine Manufacturer	1,200
8	Class 6. First-class wine-maker	600
9	Class 7. Second-class wine-maker	1200
10	Class 8. Limited Wine Manufacturer	120
11	For a Brew Pub License	1,050
12	For a caterer retailer's license	200
13	For a foreign importer's license	25
14	For an importing distributor's license	25
15	For a distributor's license	270
16	For a non-resident dealer's license	
17	(500,000 gallons or over)	270
18	For a non-resident dealer's license	
19	(under 500,000 gallons)	90
20	For a wine-maker's premises license	100
21	For a wine-maker's premises license,	
22	second location	350
23	For a wine-maker's premises license,	
24	third location	350
25	For a retailer's license	<u>175</u> 500
26	For a special event retailer's license,	

1	(not-for-profit)	25
2	For a special use permit license,	
3	one day only	50
4	2 days or more	100
5	For a railroad license	60
6	For a boat license	180
7	For an airplane license, times the	
8	licensee's maximum number of aircraft	
9	in flight, serving liquor over the	
10	State at any given time, which either	
11	originate, terminate, or make	
12	an intermediate stop in the State	60
13	For a non-beverage user's license:	
14	Class 1	24
15	Class 2	60
16	Class 3	120
17	Class 4	240
18	Class 5	600
19	For a broker's license	600
20	For an auction liquor license	50

21 Fees collected under this Section shall be paid into the
 22 Dram Shop Fund. On and after July 1, 2003 and until the
 23 effective date of this amendatory Act of the 95th General
 24 Assembly, of the funds received for a retailer's license, in
 25 addition to the first \$175, an additional \$75 shall be paid
 26 into the Dram Shop Fund, and \$250 shall be paid into the

1 General Revenue Fund. Beginning June 30, 1990 and beginning
2 again on the effective date of this amendatory Act of the 95th
3 General Assembly and on June 30 of each subsequent year
4 thereafter ~~through June 29, 2003~~, any balance over \$5,000,000
5 remaining in the Dram Shop Fund shall be credited to State
6 liquor licensees and applied against their fees for State
7 liquor licenses for the following year. The amount credited to
8 each licensee shall be a proportion of the balance in the Dram
9 Fund that is the same as the proportion of the license fee paid
10 by the licensee under this Section for the period in which the
11 balance was accumulated to the aggregate fees paid by all
12 licensees during that period.

13 No fee shall be paid for licenses issued by the State
14 Commission to the following non-beverage users:

15 (a) Hospitals, sanitariums, or clinics when their use
16 of alcoholic liquor is exclusively medicinal, mechanical
17 or scientific.

18 (b) Universities, colleges of learning or schools when
19 their use of alcoholic liquor is exclusively medicinal,
20 mechanical or scientific.

21 (c) Laboratories when their use is exclusively for the
22 purpose of scientific research.

23 (Source: P.A. 92-378, eff. 8-16-01; 93-22, eff. 6-20-03.)

24 Section 140. The Environmental Protection Act is amended by
25 changing Section 9.6, 12.2, 16.1, 22.8, 22.15, 22.44, 39.5,

1 55.8, 56.4, 56.5, and 56.6 as follows:

2 (415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

3 Sec. 9.6. Air pollution operating permit fee.

4 (a) For any site for which an air pollution operating
5 permit is required, other than a site permitted solely as a
6 retail liquid dispensing facility that has air pollution
7 control equipment or an agrichemical facility with an endorsed
8 permit pursuant to Section 39.4, the owner or operator of that
9 site shall pay an initial annual fee to the Agency within 30
10 days of receipt of the permit and an annual fee each year
11 thereafter for as long as a permit is in effect. The owner or
12 operator of a portable emission unit, as defined in 35 Ill.
13 Adm. Code 201.170, may change the site of any unit previously
14 permitted without paying an additional fee under this Section
15 for each site change, provided that no further change to the
16 permit is otherwise necessary or requested.

17 (b) ~~The Notwithstanding any rules to the contrary, the~~
18 following fee amounts shall apply:

19 (1) The fee for a site permitted to emit less than 25
20 tons per year of any combination of regulated air
21 pollutants, as defined in Section 39.5 of this Act, is \$100
22 per year beginning July 1, 1993 and on and after the
23 effective date of this amendatory Act of the 95th General
24 Assembly, and increases to \$200 per year beginning on July
25 1, 2003, except as provided in subsection (c) of this

1 Section.

2 (2) The fee for a site permitted to emit at least 25
3 tons per year but less than 100 tons per year of any
4 combination of regulated air pollutants, as defined in
5 Section 39.5 of this Act, is \$1,000 per year beginning July
6 1, 1993 and on and after the effective date of this
7 amendatory Act of the 95th General Assembly, and increases
8 to \$1,800 per year beginning on July 1, 2003 and until the
9 effective date of this amendatory Act of the 95th General
10 Assembly, except as provided in subsection (c) of this
11 Section.

12 (3) The fee for a site permitted to emit at least 100
13 tons per year of any combination of regulated air
14 pollutants is \$2,500 per year beginning July 1, 1993, and
15 increases to \$3,500 per year beginning on July 1, 2003,
16 except as provided in subsection (c) of this Section;
17 provided, however, that the fee shall not exceed the amount
18 that would be required for the site if it were subject to
19 the fee requirements of Section 39.5 of this Act.

20 (c) The owner or operator of any source subject to
21 paragraphs (b)(1), (b)(2), or (b)(3) of this Section that
22 becomes subject to Section 39.5 of this Act shall continue to
23 pay the fee set forth in this Section until the source becomes
24 subject to the fee set forth within subsection 18 of Section
25 39.5 of this Act. In the event a site has paid a fee under this
26 Section during the 12 month period following the effective date

1 of the CAAPP ~~for that site~~, the fee amount shall be deducted
2 from any amount due under subsection 18 of Section 39.5 of this
3 Act. Owners or operators that are subject to paragraph (b)(1),
4 (b)(2), or (b)(3) of this Section, but that are not also
5 subject to Section 39.5, or excluded pursuant to subsection 1.1
6 or subsection 3(c) of Section 39.5 shall continue to pay the
7 fee amounts set forth within paragraphs (b)(1), (b)(2), or
8 (b)(3), whichever is applicable.

9 (d) Only one air pollution site fee may be collected from
10 any site, even if such site receives more than one air
11 pollution control permit.

12 (e) The Agency shall establish procedures for the
13 collection of air pollution site fees. Air pollution site fees
14 may be paid annually, or in advance for the number of years for
15 which the permit is issued, at the option of the owner or
16 operator. ~~Payment in advance does not exempt the owner or~~
17 ~~operator from paying any increase in the fee that may occur~~
18 ~~during the term of the permit; the owner or operator must pay~~
19 ~~the amount of the increase upon and from the effective date of~~
20 ~~the increase.~~

21 (f) The Agency may deny an application for the issuance,
22 ~~transfer,~~ or renewal of an air pollution operating permit if
23 any air pollution site fee owed by the applicant has not been
24 paid within 60 days of the due date, unless the applicant, at
25 the time of application, pays to the Agency in advance the air
26 pollution site fee for the site that is the subject of the

1 operating permit, plus any other air pollution site fees then
2 owed by the applicant. The denial of an air pollution operating
3 permit for failure to pay an air pollution site fee shall be
4 subject to review by the Board pursuant to the provisions of
5 subsection (a) of Section 40 of this Act.

6 (g) (Blank). ~~If the Agency determines that an owner or~~
7 ~~operator of a site was required, but failed, to timely obtain~~
8 ~~an air pollution operating permit, and as a result avoided the~~
9 ~~payment of permit fees, the Agency may collect the avoided~~
10 ~~permit fees with or without pursuing enforcement under Section~~
11 ~~31 of this Act. The avoided permit fees shall be calculated as~~
12 ~~double the amount that would have been owed had a permit been~~
13 ~~timely obtained. Fees collected pursuant to this subsection (g)~~
14 ~~shall be deposited into the Environmental Protection Permit and~~
15 ~~Inspection Fund.~~

16 (h) (Blank). ~~If the Agency determines that an owner or~~
17 ~~operator of a site was required, but failed, to timely obtain~~
18 ~~an air pollution operating permit and as a result avoided the~~
19 ~~payment of permit fees, an enforcement action may be brought~~
20 ~~under Section 31 of this Act. In addition to any other relief~~
21 ~~that may be obtained as part of this action, the Agency may~~
22 ~~seek to recover the avoided permit fees. The avoided permit~~
23 ~~fees shall be calculated as double the amount that would have~~
24 ~~been owed had a permit been timely obtained. Fees collected~~
25 ~~pursuant to this subsection (h) shall be deposited into the~~
26 ~~Environmental Protection Permit and Inspection Fund.~~

1 (i) (Blank). ~~If a permittee subject to a fee under this~~
2 ~~Section fails to pay the fee within 90 days of its due date, or~~
3 ~~makes the fee payment from an account with insufficient funds~~
4 ~~to cover the amount of the fee payment, the Agency shall notify~~
5 ~~the permittee of the failure to pay the fee. If the permittee~~
6 ~~fails to pay the fee within 60 days after such notification,~~
7 ~~the Agency may, by written notice, immediately revoke the air~~
8 ~~pollution operating permit. Failure of the Agency to notify the~~
9 ~~permittee of failure to pay a fee due under this Section, or~~
10 ~~the payment of the fee from an account with insufficient funds~~
11 ~~to cover the amount of the fee payment, does not excuse or~~
12 ~~alter the duty of the permittee to comply with the provisions~~
13 ~~of this Section.~~

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

15 (415 ILCS 5/12.2) (from Ch. 111 1/2, par. 1012.2)

16 Sec. 12.2. Water pollution construction permit fees.

17 (a) Beginning July 1, 2003, the Agency shall collect a fee
18 in the amount set forth in this Section for any sewer which
19 requires a construction permit under paragraph (b) of Section
20 12, from each applicant for a sewer construction permit under
21 paragraph (b) of Section 12 or regulations adopted hereunder.+

22 ~~(1) for any sewer which requires a construction permit~~
23 ~~under paragraph (b) of Section 12, from each applicant for~~
24 ~~a sewer construction permit under paragraph (b) of Section~~
25 ~~12 or regulations adopted hereunder; and~~

1 ~~(2) for any treatment works, industrial pretreatment~~
2 ~~works, or industrial wastewater source that requires a~~
3 ~~construction permit under paragraph (b) of Section 12, from~~
4 ~~the applicant for the construction permit. However, no fee~~
5 ~~shall be required for a treatment works or wastewater~~
6 ~~source directly covered and authorized under an NPDES~~
7 ~~permit issued by the Agency, nor for any treatment works,~~
8 ~~industrial pretreatment works, or industrial wastewater~~
9 ~~source (i) that is under or pending construction authorized~~
10 ~~by a valid construction permit issued by the Agency prior~~
11 ~~to July 1, 2003, during the term of that construction~~
12 ~~permit, or (ii) for which a completed construction permit~~
13 ~~application has been received by the Agency prior to July~~
14 ~~1, 2003, with respect to the permit issued under that~~
15 ~~application.~~

16 (b) Each applicant or person required to pay a fee under
17 this Section shall submit the fee to the Agency along with the
18 permit application. The Agency shall deny any construction
19 permit application for which a fee is required under this
20 Section that does not contain the appropriate fee.

21 (c) The amount of the fee is as follows:

22 (1) A \$50 ~~\$100~~ fee shall be required for any sewer
23 constructed with a design population of 1.

24 (2) A \$200 ~~\$400~~ fee shall be required for any sewer
25 constructed with a design population of 2 to 20.

26 (3) A \$400 ~~\$800~~ fee shall be required for any sewer

1 constructed with a design population greater than 20 but
2 less than 101.

3 (4) A \$600 ~~\$1200~~ fee shall be required for any sewer
4 constructed with a design population greater than 100 but
5 less than 500.

6 (5) A \$1,200 ~~\$2400~~ fee shall be required for any sewer
7 constructed with a design population of 500 or more.

8 ~~(6) A \$1,000 fee shall be required for any industrial~~
9 ~~wastewater source that does not require pretreatment of the~~
10 ~~wastewater prior to discharge to the publicly owned~~
11 ~~treatment works or publicly regulated treatment works.~~

12 ~~(7) A \$3,000 fee shall be required for any industrial~~
13 ~~wastewater source that requires pretreatment of the~~
14 ~~wastewater for non-toxic pollutants prior to discharge to~~
15 ~~the publicly owned treatment works or publicly regulated~~
16 ~~treatment works.~~

17 ~~(8) A \$6,000 fee shall be required for any industrial~~
18 ~~wastewater source that requires pretreatment of the~~
19 ~~wastewater for toxic pollutants prior to discharge to the~~
20 ~~publicly owned treatment works or publicly regulated~~
21 ~~treatment works.~~

22 ~~(9) A \$2,500 fee shall be required for construction~~
23 ~~relating to land application of industrial sludge or spray~~
24 ~~irrigation of industrial wastewater.~~

25 All fees collected by the Agency under this Section shall
26 be deposited into the Environmental Protection Permit and

1 Inspection Fund in accordance with Section 22.8.

2 (d) 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 modification 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 an increase in the design population served
8 by the sewer specified in the permit application before the
9 modifications ~~or the modifications cause a change in the~~
10 ~~applicable fee category stated in subsection (c)~~. If the
11 modifications cause such an increase ~~or change the fee category~~
12 and the increase results in additional fees being due under
13 subsection (c), the applicant shall submit the additional fee
14 to the Agency with the proposed modifications.

15 (e) No fee shall be due under this Section from:

16 (1) any department, agency or unit of State government
17 for installing or extending a sewer;

18 (2) any unit of local government with which the Agency
19 has entered into a written delegation agreement under
20 Section 4 which allows such unit to issue construction
21 permits under this Title, or regulations adopted
22 hereunder, for installing or extending a sewer; or

23 (3) any unit of local government or school district for
24 installing or extending a sewer where both of the following
25 conditions are met:

26 (i) the cost of the installation or extension is

1 paid wholly from monies of the unit of local government
2 or school district, State grants or loans, federal
3 grants or loans, or any combination thereof; and

4 (ii) the unit of local government or school
5 district is not given monies, reimbursed or paid,
6 either in whole or in part, by another person (except
7 for State grants or loans or federal grants or loans)
8 for the installation or extension.

9 (f) The Agency may establish procedures relating to the
10 collection of fees under this Section. The Agency shall not
11 refund any fee paid to it under this Section. ~~Notwithstanding~~
12 ~~the provisions of any rule adopted before July 1, 2003~~
13 ~~concerning fees under this Section, the Agency shall assess and~~
14 ~~collect the fees imposed under subdivision (a) (2) of this~~
15 ~~Section and the increases in the fees imposed under subdivision~~
16 ~~(a) (1) of this Section beginning on July 1, 2003, for all~~
17 ~~completed applications received on or after that date.~~

18 (g) Notwithstanding any other provision of this Act, the
19 Agency shall, not later than 45 days following the receipt of
20 both an application for a construction permit and the fee
21 required by this Section, either approve that application and
22 issue a permit or tender to the applicant a written statement
23 setting forth with specificity the reasons for the disapproval
24 of the application and denial of a permit. If the Agency takes
25 no final action within 45 days after the filing of the
26 application for a permit, the applicant may deem the permit

1 issued.

2 (h) (Blank). ~~For purposes of this Section:~~

3 ~~"Toxic pollutants" means those pollutants defined in~~
4 ~~Section 502(13) of the federal Clean Water Act and regulations~~
5 ~~adopted pursuant to that Act.~~

6 ~~"Industrial" refers to those industrial users referenced~~
7 ~~in Section 502(13) of the federal Clean Water Act and~~
8 ~~regulations adopted pursuant to that Act.~~

9 ~~"Pretreatment" means the reduction of the amount of~~
10 ~~pollutants, the elimination of pollutants, or the alteration of~~
11 ~~the nature of pollutant properties in wastewater prior to or in~~
12 ~~lieu of discharging or otherwise introducing those pollutants~~
13 ~~into a publicly owned treatment works or publicly regulated~~
14 ~~treatment works.~~

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

16 (415 ILCS 5/16.1) (from Ch. 111 1/2, par. 1016.1)

17 Sec. 16.1. Permit fees.

18 (a) Except as provided in subsection (f), the Agency shall
19 collect a fee in the amount set forth in subsection (d) from:

20 (1) each applicant for a construction permit under this Title,
21 or regulations adopted hereunder, to install or extend water
22 main; and (2) each person who submits as-built plans under this
23 Title, or regulations adopted hereunder, to install or extend
24 water main.

25 (b) Except as provided in subsection (c), each applicant or

1 person required to pay a fee under this Section shall submit
2 the fee to the Agency along with the permit application or
3 as-built plans. The Agency shall deny any construction permit
4 application for which a fee is required under this Section that
5 does not contain the appropriate fee. The Agency shall not
6 approve any as-built plans for which a fee is required under
7 this Section that do not contain the appropriate fee.

8 (c) Each applicant for an emergency construction permit
9 under this Title, or regulations adopted hereunder, to install
10 or extend a water main shall submit the appropriate fee to the
11 Agency within 10 calendar days from the date of issuance of the
12 emergency construction permit.

13 (d) The amount of the fee is as follows:

14 (1) \$120 ~~\$240~~ if the construction permit application is
15 to install or extend water main that is more than 200 feet,
16 but not more than 1,000 feet in length;

17 (2) \$360 ~~\$720~~ if the construction permit application is
18 to install or extend water main that is more than 1,000
19 feet but not more than 5,000 feet in length;

20 (3) 600 ~~\$1200~~ if the construction permit application is
21 to install or extend water main that is more than 5,000
22 feet in length.

23 (e) Prior to a final Agency decision on a permit
24 application for which a fee has been paid under this Section,
25 the applicant may propose modifications to the application in
26 accordance with this Act and regulations adopted hereunder

1 without any additional fee becoming due unless the proposed
2 modifications cause the length of water main to increase beyond
3 the length specified in the permit application before the
4 modifications. If the modifications cause such an increase and
5 the increase results in additional fees being due under
6 subsection (d), the applicant shall submit the additional fee
7 to the Agency with the proposed modifications.

8 (f) No fee shall be due under this Section from (1) any
9 department, agency or unit of State government for installing
10 or extending a water main; (2) any unit of local government
11 with which the Agency has entered into a written delegation
12 agreement under Section 4 of this Act which allows such unit to
13 issue construction permits under this Title, or regulations
14 adopted hereunder, for installing or extending a water main; or
15 (3) any unit of local government or school district for
16 installing or extending a water main where both of the
17 following conditions are met: (i) the cost of the installation
18 or extension is paid wholly from monies of the unit of local
19 government or school district, State grants or loans, federal
20 grants or loans, or any combination thereof; and (ii) the unit
21 of local government or school district is not given monies,
22 reimbursed or paid, either in whole or in part, by another
23 person (except for State grants or loans or federal grants or
24 loans) for the installation or extension.

25 (g) The Agency may establish procedures relating to the
26 collection of fees under this Section. The Agency shall not

1 refund any fee paid to it under this Section.

2 (h) For the purposes of this Section, the term "water main"
3 means any pipe that is to be used for the purpose of
4 distributing potable water which serves or is accessible to
5 more than one property, dwelling or rental unit, and that is
6 exterior to buildings.

7 (i) Notwithstanding any other provision of this Act, the
8 Agency shall, not later than 45 days following the receipt of
9 both an application for a construction permit and the fee
10 required by this Section, either approve that application and
11 issue a permit or tender to the applicant a written statement
12 setting forth with specificity the reasons for the disapproval
13 of the application and denial of a permit. If there is no final
14 action by the Agency within 45 days after the filing of the
15 application for a permit, the applicant may deem the permit
16 issued.

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

18 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

19 Sec. 22.8. Environmental Protection Permit and Inspection
20 Fund.

21 (a) There is hereby created in the State Treasury a special
22 fund to be known as the Environmental Protection Permit and
23 Inspection Fund. All fees collected by the Agency pursuant to
24 this Section, Section 9.6, 12.2, 16.1, 22.2 (j) (6) (E) (v) (IV),
25 56.4, 56.5, 56.6, and subsection (f) of Section 5 of this Act

1 or pursuant to Section 22 of the Public Water Supply Operations
2 Act and funds collected under subsection (b.5) of Section 42 of
3 this Act shall be deposited into the Fund. In addition to any
4 monies appropriated from the General Revenue Fund, monies in
5 the Fund shall be appropriated by the General Assembly to the
6 Agency in amounts deemed necessary for manifest, permit, and
7 inspection activities and for processing requests under
8 Section 22.2 (j) (6) (E) (v) (IV).

9 The General Assembly may appropriate monies in the Fund
10 deemed necessary for Board regulatory and adjudicatory
11 proceedings.

12 (b) The Agency shall collect from the owner or operator of
13 any of the following types of hazardous waste disposal sites or
14 management facilities which require a RCRA permit under
15 subsection (f) of Section 21 of this Act, or a UIC permit under
16 subsection (g) of Section 12 of this Act, an annual fee in the
17 amount of:

18 (1) \$35,000 (\$70,000 beginning in 2004 and until the
19 effective date of this amendatory Act of the 95th General
20 Assembly) for a hazardous waste disposal site receiving
21 hazardous waste if the hazardous waste disposal site is
22 located off the site where such waste was produced;

23 (2) \$9,000 (\$18,000 beginning in 2004 and until the
24 effective date of this amendatory Act of the 95th General
25 Assembly) for a hazardous waste disposal site receiving
26 hazardous waste if the hazardous waste disposal site is

1 located on the site where such waste was produced;

2 (3) \$7,000 (\$14,000 beginning in 2004 and until the
3 effective date of this amendatory Act of the 95th General
4 Assembly) for a hazardous waste disposal site receiving
5 hazardous waste if the hazardous waste disposal site is an
6 underground injection well;

7 (4) \$2,000 (\$4,000 beginning in 2004 and until the
8 effective date of this amendatory Act of the 95th General
9 Assembly) for a hazardous waste management facility
10 treating hazardous waste by incineration;

11 (5) \$1,000 (\$2,000 beginning in 2004 and until the
12 effective date of this amendatory Act of the 95th General
13 Assembly) for a hazardous waste management facility
14 treating hazardous waste by a method, technique or process
15 other than incineration;

16 (6) \$1,000 (\$2,000 beginning in 2004 and until the
17 effective date of this amendatory Act of the 95th General
18 Assembly) for a hazardous waste management facility
19 storing hazardous waste in a surface impoundment or pile;

20 (7) \$250 (\$500 beginning in 2004 and until the
21 effective date of this amendatory Act of the 95th General
22 Assembly) for a hazardous waste management facility
23 storing hazardous waste other than in a surface impoundment
24 or pile; and

25 (8) (Blank). ~~Beginning in 2004, \$500 for a large~~
26 ~~quantity hazardous waste generator required to submit an~~

1 ~~annual or biennial report for hazardous waste generation.~~

2 (c) Where two or more operational units are located within
3 a single hazardous waste disposal site, the Agency shall
4 collect from the owner or operator of such site an annual fee
5 equal to the highest fee imposed by subsection (b) of this
6 Section upon any single operational unit within the site.

7 (d) The fee imposed upon a hazardous waste disposal site
8 under this Section shall be the exclusive permit and inspection
9 fee applicable to hazardous waste disposal at such site,
10 provided that nothing in this Section shall be construed to
11 diminish or otherwise affect any fee imposed upon the owner or
12 operator of a hazardous waste disposal site by Section 22.2.

13 (e) The Agency shall establish procedures, no later than
14 December 1, 1984, relating to the collection of the hazardous
15 waste disposal site fees authorized by this Section. Such
16 procedures shall include, but not be limited to the time and
17 manner of payment of fees to the Agency, which shall be
18 quarterly, payable at the beginning of each quarter for
19 hazardous waste disposal site fees. Annual fees required under
20 paragraph (7) of subsection (b) of this Section shall accompany
21 the annual report required by Board regulations for the
22 calendar year for which the report applies.

23 (f) For purposes of this Section, a hazardous waste
24 disposal site consists of one or more of the following
25 operational units:

26 (1) a landfill receiving hazardous waste for disposal;

1 (2) a waste pile or surface impoundment, receiving
2 hazardous waste, in which residues which exhibit any of the
3 characteristics of hazardous waste pursuant to Board
4 regulations are reasonably expected to remain after
5 closure;

6 (3) a land treatment facility receiving hazardous
7 waste; or

8 (4) a well injecting hazardous waste.

9 (g) On and after the effective date of this amendatory Act
10 of the 95th General Assembly, the Agency shall assess a fee of
11 \$1 for each manifest provided by the Agency shall furnish up to
12 20 manifests requested by any generator at no charge and no
13 generator shall be required to pay more than \$500 per year in
14 such manifest fees. The Agency shall assess a fee for each
15 manifest provided by the Agency. For manifests provided on or
16 after January 1, 1989 but before July 1, 2003, the fee shall be
17 \$1 per manifest. For manifests provided on or after July 1,
18 2003, the fee shall be \$3 per 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

1 for solid waste projects. Moneys received by the Department of
2 Commerce and Economic Opportunity in repayment of loans made
3 pursuant to the Illinois Solid Waste Management Act shall be
4 deposited into the General Revenue Fund.

5 (b) The Agency shall assess and collect a fee in the amount
6 set forth herein from the owner or operator of each sanitary
7 landfill permitted or required to be permitted by the Agency to
8 dispose of solid waste if the sanitary landfill is located off
9 the site where such waste was produced and if such sanitary
10 landfill is owned, controlled, and operated by a person other
11 than the generator of such waste. The Agency shall deposit all
12 fees collected into the Solid Waste Management Fund. If a site
13 is contiguous to one or more landfills owned or operated by the
14 same person, the volumes permanently disposed of by each
15 landfill shall be combined for purposes of determining the fee
16 under this subsection.

17 (1) If more than 150,000 cubic yards of non-hazardous
18 solid waste is permanently disposed of at a site in a
19 calendar year, the owner or operator shall either pay a fee
20 of \$0.45 ~~95 cents~~ per cubic yard or, alternatively, the
21 owner or operator may weigh the quantity of the solid waste
22 permanently disposed of with a device for which
23 certification has been obtained under the Weights and
24 Measures Act and pay a fee of \$0.95 ~~\$2.00~~ per ton of solid
25 waste permanently disposed of. In no case shall the fee
26 collected or paid by the owner or operator under this

1 paragraph exceed \$1.05 ~~\$1.55~~ per cubic yard or \$2.22 ~~\$3.27~~
2 per ton.

3 (2) If more than 100,000 cubic yards but not more than
4 150,000 cubic yards of non-hazardous waste is permanently
5 disposed of at a site in a calendar year, the owner or
6 operator shall pay a fee of \$25,000 ~~\$52,630~~.

7 (3) If more than 50,000 cubic yards but not more than
8 100,000 cubic yards of non-hazardous solid waste is
9 permanently disposed of at a site in a calendar year, the
10 owner or operator shall pay a fee of \$11,300 ~~\$23,790~~.

11 (4) If more than 10,000 cubic yards but not more than
12 50,000 cubic yards of non-hazardous solid waste is
13 permanently disposed of at a site in a calendar year, the
14 owner or operator shall pay a fee of \$3,450 ~~\$7,260~~.

15 (5) If not more than 10,000 cubic yards of
16 non-hazardous solid waste is permanently disposed of at a
17 site in a calendar year, the owner or operator shall pay a
18 fee of \$500 ~~\$1050~~.

19 (c) (Blank.)

20 (d) The Agency shall establish rules relating to the
21 collection of the fees authorized by this Section. Such rules
22 shall include, but not be limited to:

23 (1) necessary records identifying the quantities of
24 solid waste received or disposed;

25 (2) the form and submission of reports to accompany the
26 payment of fees to the Agency;

1 (3) the time and manner of payment of fees to the
2 Agency, which payments shall not be more often than
3 quarterly; and

4 (4) procedures setting forth criteria establishing
5 when an owner or operator may measure by weight or volume
6 during any given quarter or other fee payment period.

7 (e) Pursuant to appropriation, all monies in the Solid
8 Waste Management Fund shall be used by the Agency and the
9 Department of Commerce and Economic Opportunity for the
10 purposes set forth in this Section and in the Illinois Solid
11 Waste Management Act, including for the costs of fee collection
12 and administration.

13 (f) The Agency is authorized to enter into such agreements
14 and to promulgate such rules as are necessary to carry out its
15 duties under this Section and the Illinois Solid Waste
16 Management Act.

17 (g) On the first day of January, April, July, and October
18 of each year, beginning on July 1, 1996, the State Comptroller
19 and Treasurer shall transfer \$500,000 from the Solid Waste
20 Management Fund to the Hazardous Waste Fund. Moneys transferred
21 under this subsection (g) shall be used only for the purposes
22 set forth in item (1) of subsection (d) of Section 22.2.

23 (h) The Agency is authorized to provide financial
24 assistance to units of local government for the performance of
25 inspecting, investigating and enforcement activities pursuant
26 to Section 4(r) at nonhazardous solid waste disposal sites.

1 (i) The Agency is authorized to support the operations of
2 an industrial materials exchange service, and to conduct
3 household waste collection and disposal programs.

4 (j) A unit of local government, as defined in the Local
5 Solid Waste Disposal Act, in which a solid waste disposal
6 facility is located may establish a fee, tax, or surcharge with
7 regard to the permanent disposal of solid waste. All fees,
8 taxes, and surcharges collected under this subsection shall be
9 utilized for solid waste management purposes, including
10 long-term monitoring and maintenance of landfills, planning,
11 implementation, inspection, enforcement and other activities
12 consistent with the Solid Waste Management Act and the Local
13 Solid Waste Disposal Act, or for any other environment-related
14 purpose, including but not limited to an environment-related
15 public works project, but not for the construction of a new
16 pollution control facility other than a household hazardous
17 waste facility. However, the total fee, tax or surcharge
18 imposed by all units of local government under this subsection
19 (j) upon the solid waste disposal facility shall not exceed:

20 (1) 60¢ per cubic yard if more than 150,000 cubic yards
21 of non-hazardous solid waste is permanently disposed of at
22 the site in a calendar year, unless the owner or operator
23 weighs the quantity of the solid waste received with a
24 device for which certification has been obtained under the
25 Weights and Measures Act, in which case the fee shall not
26 exceed \$1.27 per ton of solid waste permanently disposed

1 of.

2 (2) \$33,350 if more than 100,000 cubic yards, but not
3 more than 150,000 cubic yards, of non-hazardous waste is
4 permanently disposed of at the site in a calendar year.

5 (3) \$15,500 if more than 50,000 cubic yards, but not
6 more than 100,000 cubic yards, of non-hazardous solid waste
7 is permanently disposed of at the site in a calendar year.

8 (4) \$4,650 if more than 10,000 cubic yards, but not
9 more than 50,000 cubic yards, of non-hazardous solid waste
10 is permanently disposed of at the site in a calendar year.

11 (5) \$650 if not more than 10,000 cubic yards of
12 non-hazardous solid waste is permanently disposed of at the
13 site in a calendar year.

14 The corporate authorities of the unit of local government
15 may use proceeds from the fee, tax, or surcharge to reimburse a
16 highway commissioner whose road district lies wholly or
17 partially within the corporate limits of the unit of local
18 government for expenses incurred in the removal of
19 nonhazardous, nonfluid municipal waste that has been dumped on
20 public property in violation of a State law or local ordinance.

21 A county or Municipal Joint Action Agency that imposes a
22 fee, tax, or surcharge under this subsection may use the
23 proceeds thereof to reimburse a municipality that lies wholly
24 or partially within its boundaries for expenses incurred in the
25 removal of nonhazardous, nonfluid municipal waste that has been
26 dumped on public property in violation of a State law or local

1 ordinance.

2 If the fees are to be used to conduct a local sanitary
3 landfill inspection or enforcement program, the unit of local
4 government must enter into a written delegation agreement with
5 the Agency pursuant to subsection (r) of Section 4. The unit of
6 local government and the Agency shall enter into such a written
7 delegation agreement within 60 days after the establishment of
8 such fees. At least annually, the Agency shall conduct an audit
9 of the expenditures made by units of local government from the
10 funds granted by the Agency to the units of local government
11 for purposes of local sanitary landfill inspection and
12 enforcement programs, to ensure that the funds have been
13 expended for the prescribed purposes under the grant.

14 The fees, taxes or surcharges collected under this
15 subsection (j) shall be placed by the unit of local government
16 in a separate fund, and the interest received on the moneys in
17 the fund shall be credited to the fund. The monies in the fund
18 may be accumulated over a period of years to be expended in
19 accordance with this subsection.

20 A unit of local government, as defined in the Local Solid
21 Waste Disposal Act, shall prepare and distribute to the Agency,
22 in April of each year, a report that details spending plans for
23 monies collected in accordance with this subsection. The report
24 will at a minimum include the following:

25 (1) The total monies collected pursuant to this
26 subsection.

1 (2) The most current balance of monies collected
2 pursuant to this subsection.

3 (3) An itemized accounting of all monies expended for
4 the previous year pursuant to this subsection.

5 (4) An estimation of monies to be collected for the
6 following 3 years pursuant to this subsection.

7 (5) A narrative detailing the general direction and
8 scope of future expenditures for one, 2 and 3 years.

9 The exemptions granted under Sections 22.16 and 22.16a, and
10 under subsections (c) and (k) of this Section, shall be
11 applicable to any fee, tax or surcharge imposed under this
12 subsection (j); except that the fee, tax or surcharge
13 authorized to be imposed under this subsection (j) may be made
14 applicable by a unit of local government to the permanent
15 disposal of solid waste after December 31, 1986, under any
16 contract lawfully executed before June 1, 1986 under which more
17 than 150,000 cubic yards (or 50,000 tons) of solid waste is to
18 be permanently disposed of, even though the waste is exempt
19 from the fee imposed by the State under subsection (b) of this
20 Section pursuant to an exemption granted under Section 22.16.

21 (k) In accordance with the findings and purposes of the
22 Illinois Solid Waste Management Act, beginning January 1, 1989
23 the fee under subsection (b) and the fee, tax or surcharge
24 under subsection (j) shall not apply to:

25 (1) Waste which is hazardous waste; or

26 (2) Waste which is pollution control waste; or

1 (3) Waste from recycling, reclamation or reuse
2 processes which have been approved by the Agency as being
3 designed to remove any contaminant from wastes so as to
4 render such wastes reusable, provided that the process
5 renders at least 50% of the waste reusable; or

6 (4) Non-hazardous solid waste that is received at a
7 sanitary landfill and composted or recycled through a
8 process permitted by the Agency; or

9 (5) Any landfill which is permitted by the Agency to
10 receive only demolition or construction debris or
11 landscape waste.

12 (Source: P.A. 93-32, eff. 7-1-03; 94-91, eff. 7-1-05.)

13 (415 ILCS 5/22.44)

14 Sec. 22.44. Subtitle D management fees.

15 (a) There is created within the State treasury a special
16 fund to be known as the "Subtitle D Management Fund"
17 constituted from the fees collected by the State under this
18 Section.

19 (b) The Agency shall assess and collect a fee in the amount
20 set forth in this subsection from the owner or operator of each
21 sanitary landfill permitted or required to be permitted by the
22 Agency to dispose of solid waste if the sanitary landfill is
23 located off the site where the waste was produced and if the
24 sanitary landfill is owned, controlled, and operated by a
25 person other than the generator of the waste. The Agency shall

1 deposit all fees collected under this subsection into the
2 Subtitle D Management Fund. If a site is contiguous to one or
3 more landfills owned or operated by the same person, the
4 volumes permanently disposed of by each landfill shall be
5 combined for purposes of determining the fee under this
6 subsection.

7 (1) If more than 150,000 cubic yards of non-hazardous
8 solid waste is permanently disposed of at a site in a
9 calendar year, the owner or operator shall either pay a fee
10 of \$0.055 ~~10.1 cents~~ per cubic yard or, alternatively, the
11 owner or operator may weigh the quantity of the solid waste
12 permanently disposed of with a device for which
13 certification has been obtained under the Weights and
14 Measures Act and pay a fee of \$0.12 ~~22~~ cents per ton of
15 waste permanently disposed of.

16 (2) If more than 100,000 cubic yards, but not more than
17 150,000 cubic yards, of non-hazardous waste is permanently
18 disposed of at a site in a calendar year, the owner or
19 operator shall pay a fee of \$3,825 ~~\$7,020~~.

20 (3) If more than 50,000 cubic yards, but not more than
21 100,000 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 \$1,700 ~~\$3,120~~.

24 (4) If more than 10,000 cubic yards, but not more than
25 50,000 cubic yards, of non-hazardous solid waste is
26 permanently disposed of at a site in a calendar year, the

1 owner or operator shall pay a fee of \$530 ~~\$975~~.

2 (5) If not more than 10,000 cubic yards of
3 non-hazardous solid waste is permanently disposed of at a
4 site in a calendar year, the owner or operator shall pay a
5 fee of \$110 ~~\$210~~.

6 (c) The fee under subsection (b) shall not apply to any of
7 the following:

8 (1) Hazardous waste.

9 (2) Pollution control waste.

10 (3) Waste from recycling, reclamation, or reuse
11 processes that have been approved by the Agency as being
12 designed to remove any contaminant from wastes so as to
13 render the wastes reusable, provided that the process
14 renders at least 50% of the waste reusable.

15 (4) Non-hazardous solid waste that is received at a
16 sanitary landfill and composted or recycled through a
17 process permitted by the Agency.

18 (5) Any landfill that is permitted by the Agency to
19 receive only demolition or construction debris or
20 landscape waste.

21 (d) The Agency shall establish rules relating to the
22 collection of the fees authorized by this Section. These rules
23 shall include, but not be limited to the following:

24 (1) Necessary records identifying the quantities of
25 solid waste received or disposed.

26 (2) The form and submission of reports to accompany the

1 payment of fees to the Agency.

2 (3) The time and manner of payment of fees to the
3 Agency, which payments shall not be more often than
4 quarterly.

5 (4) Procedures setting forth criteria establishing
6 when an owner or operator may measure by weight or volume
7 during any given quarter or other fee payment period.

8 (e) Fees collected under this Section shall be in addition
9 to any other fees collected under any other Section.

10 (f) The Agency shall not refund any fee paid to it under
11 this Section.

12 (g) Pursuant to appropriation, all moneys in the Subtitle D
13 Management Fund shall be used by the Agency to administer the
14 United States Environmental Protection Agency's Subtitle D
15 Program provided in Sections 4004 and 4010 of the Resource
16 Conservation and Recovery Act of 1976 (P.L. 94-580) as it
17 relates to a municipal solid waste landfill program in Illinois
18 and to fund a delegation of inspecting, investigating, and
19 enforcement functions, within the municipality only, pursuant
20 to subsection (r) of Section 4 of this Act to a municipality
21 having a population of more than 1,000,000 inhabitants. The
22 Agency shall execute a delegation agreement pursuant to
23 subsection (r) of Section 4 of this Act with a municipality
24 having a population of more than 1,000,000 inhabitants within
25 90 days of September 13, 1993 and shall on an annual basis
26 distribute from the Subtitle D Management Fund to that

1 municipality no less than \$150,000. Pursuant to appropriation,
2 moneys in the Subtitle D Management Fund may also be used by
3 the Agency for activities conducted under Section 22.15a of
4 this Act.

5 (Source: P.A. 93-32, eff. 7-1-03; 94-272, eff. 7-19-05.)

6 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

7 Sec. 39.5. Clean Air Act Permit Program.

8 1. Definitions.

9 For purposes of this Section:

10 "Administrative permit amendment" means a permit revision
11 subject to subsection 13 of this Section.

12 "Affected source for acid deposition" means a source that
13 includes one or more affected units under Title IV of the Clean
14 Air Act.

15 "Affected States" for purposes of formal distribution of a
16 draft CAAPP permit to other States for comments prior to
17 issuance, means all States:

18 (1) Whose air quality may be affected by the source
19 covered by the draft permit and that are contiguous to
20 Illinois; or

21 (2) That are within 50 miles of the source.

22 "Affected unit for acid deposition" shall have the meaning
23 given to the term "affected unit" in the regulations
24 promulgated under Title IV of the Clean Air Act.

25 "Applicable Clean Air Act requirement" means all of the

1 following as they apply to emissions units in a source
2 (including regulations that have been promulgated or approved
3 by USEPA pursuant to the Clean Air Act which directly impose
4 requirements upon a source and other such federal requirements
5 which have been adopted by the Board. These may include
6 requirements and regulations which have future effective
7 compliance dates. Requirements and regulations will be exempt
8 if USEPA determines that such requirements need not be
9 contained in a Title V permit):

10 (1) Any standard or other requirement provided for in
11 the applicable state implementation plan approved or
12 promulgated by USEPA under Title I of the Clean Air Act
13 that implement the relevant requirements of the Clean Air
14 Act, including any revisions to the state Implementation
15 Plan promulgated in 40 CFR Part 52, Subparts A and O and
16 other subparts applicable to Illinois. For purposes of this
17 subsection (1) of this definition, "any standard or other
18 requirement" shall mean only such standards or
19 requirements directly enforceable against an individual
20 source under the Clean Air Act.

21 (2) (i) Any term or condition of any preconstruction
22 permits issued pursuant to regulations approved or
23 promulgated by USEPA under Title I of the Clean Air
24 Act, including Part C or D of the Clean Air Act.

25 (ii) Any term or condition as required pursuant to
26 Section 39.5 of any federally enforceable State

1 operating permit issued pursuant to regulations
2 approved or promulgated by USEPA under Title I of the
3 Clean Air Act, including Part C or D of the Clean Air
4 Act.

5 (3) Any standard or other requirement under Section 111
6 of the Clean Air Act, including Section 111(d).

7 (4) Any standard or other requirement under Section 112
8 of the Clean Air Act, including any requirement concerning
9 accident prevention under Section 112(r)(7) of the Clean
10 Air Act.

11 (5) Any standard or other requirement of the acid rain
12 program under Title IV of the Clean Air Act or the
13 regulations promulgated thereunder.

14 (6) Any requirements established pursuant to Section
15 504(b) or Section 114(a)(3) of the Clean Air Act.

16 (7) Any standard or other requirement governing solid
17 waste incineration, under Section 129 of the Clean Air Act.

18 (8) Any standard or other requirement for consumer and
19 commercial products, under Section 183(e) of the Clean Air
20 Act.

21 (9) Any standard or other requirement for tank vessels,
22 under Section 183(f) of the Clean Air Act.

23 (10) Any standard or other requirement of the program
24 to control air pollution from Outer Continental Shelf
25 sources, under Section 328 of the Clean Air Act.

26 (11) Any standard or other requirement of the

1 regulations promulgated to protect stratospheric ozone
2 under Title VI of the Clean Air Act, unless USEPA has
3 determined that such requirements need not be contained in
4 a Title V permit.

5 (12) Any national ambient air quality standard or
6 increment or visibility requirement under Part C of Title I
7 of the Clean Air Act, but only as it would apply to
8 temporary sources permitted pursuant to Section 504(e) of
9 the Clean Air Act.

10 "Applicable requirement" means all applicable Clean Air
11 Act requirements and any other standard, limitation, or other
12 requirement contained in this Act or regulations promulgated
13 under this Act as applicable to sources of air contaminants
14 (including requirements that have future effective compliance
15 dates).

16 "CAAPP" means the Clean Air Act Permit Program, developed
17 pursuant to Title V of the Clean Air Act.

18 "CAAPP application" means an application for a CAAPP
19 permit.

20 "CAAPP Permit" or "permit" (unless the context suggests
21 otherwise) means any permit issued, renewed, amended, modified
22 or revised pursuant to Title V of the Clean Air Act.

23 "CAAPP source" means any source for which the owner or
24 operator is required to obtain a CAAPP permit pursuant to
25 subsection 2 of this Section.

26 "Clean Air Act" means the Clean Air Act, as now and

1 hereafter amended, 42 U.S.C. 7401, et seq.

2 "Designated representative" shall have the meaning given
3 to it in Section 402(26) of the Clean Air Act and the
4 regulations promulgated thereunder which states that the term
5 'designated representative' shall mean a responsible person or
6 official authorized by the owner or operator of a unit to
7 represent the owner or operator in all matters pertaining to
8 the holding, transfer, or disposition of allowances allocated
9 to a unit, and the submission of and compliance with permits,
10 permit applications, and compliance plans for the unit.

11 "Draft CAAPP permit" means the version of a CAAPP permit
12 for which public notice and an opportunity for public comment
13 and hearing is offered by the Agency.

14 "Effective date of the CAAPP" means the date that USEPA
15 approves Illinois' CAAPP.

16 "Emission unit" means any part or activity of a stationary
17 source that emits or has the potential to emit any air
18 pollutant. This term is not meant to alter or affect the
19 definition of the term "unit" for purposes of Title IV of the
20 Clean Air Act.

21 "Federally enforceable" means enforceable by USEPA.

22 "Final permit action" means the Agency's granting with
23 conditions, refusal to grant, renewal of, or revision of a
24 CAAPP permit, the Agency's determination of incompleteness of a
25 submitted CAAPP application, or the Agency's failure to act on
26 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

1 stationary source to emit any air pollutant under its physical
2 and operational design. Any physical or operational limitation
3 on the capacity of a source to emit an air pollutant, including
4 air pollution control equipment and restrictions on hours of
5 operation or on the type or amount of material combusted,
6 stored, or processed, shall be treated as part of its design if
7 the limitation is enforceable by USEPA. This definition does
8 not alter or affect the use of this term for any other purposes
9 under the Clean Air Act, or the term "capacity factor" as used
10 in Title IV of the Clean Air Act or the regulations promulgated
11 thereunder.

12 "Preconstruction Permit" or "Construction Permit" means a
13 permit which is to be obtained prior to commencing or beginning
14 actual construction or modification of a source or emissions
15 unit.

16 "Proposed CAAPP permit" means the version of a CAAPP permit
17 that the Agency proposes to issue and forwards to USEPA for
18 review in compliance with applicable requirements of the Act
19 and regulations promulgated thereunder.

20 "Regulated air pollutant" means the following:

21 (1) Nitrogen oxides (NO_x) or any volatile organic
22 compound.

23 (2) Any pollutant for which a national ambient air
24 quality standard has been promulgated.

25 (3) Any pollutant that is subject to any standard
26 promulgated under Section 111 of the Clean Air Act.

1 (4) Any Class I or II substance subject to a standard
2 promulgated under or established by Title VI of the Clean
3 Air Act.

4 (5) Any pollutant subject to a standard promulgated
5 under Section 112 or other requirements established under
6 Section 112 of the Clean Air Act, including Sections
7 112(g), (j) and (r).

8 (i) Any pollutant subject to requirements under
9 Section 112(j) of the Clean Air Act. Any pollutant
10 listed under Section 112(b) for which the subject
11 source would be major shall be considered to be
12 regulated 18 months after the date on which USEPA was
13 required to promulgate an applicable standard pursuant
14 to Section 112(e) of the Clean Air Act, if USEPA fails
15 to promulgate such standard.

16 (ii) Any pollutant for which the requirements of
17 Section 112(g)(2) of the Clean Air Act have been met,
18 but only with respect to the individual source subject
19 to Section 112(g)(2) requirement.

20 "Renewal" means the process by which a permit is reissued
21 at the end of its term.

22 "Responsible official" means one of the following:

23 (1) For a corporation: a president, secretary,
24 treasurer, or vice-president of the corporation in charge
25 of a principal business function, or any other person who
26 performs similar policy or decision-making functions for

1 the corporation, or a duly authorized representative of
2 such person if the representative is responsible for the
3 overall operation of one or more manufacturing,
4 production, or operating facilities applying for or
5 subject to a permit and either (i) the facilities employ
6 more than 250 persons or have gross annual sales or
7 expenditures exceeding \$25 million (in second quarter 1980
8 dollars), or (ii) the delegation of authority to such
9 representative is approved in advance by the Agency.

10 (2) For a partnership or sole proprietorship: a general
11 partner or the proprietor, respectively, or in the case of
12 a partnership in which all of the partners are
13 corporations, a duly authorized representative of the
14 partnership if the representative is responsible for the
15 overall operation of one or more manufacturing,
16 production, or operating facilities applying for or
17 subject to a permit and either (i) the facilities employ
18 more than 250 persons or have gross annual sales or
19 expenditures exceeding \$25 million (in second quarter 1980
20 dollars), or (ii) the delegation of authority to such
21 representative is approved in advance by the Agency.

22 (3) For a municipality, State, Federal, or other public
23 agency: either a principal executive officer or ranking
24 elected official. For the purposes of this part, a
25 principal executive officer of a Federal agency includes
26 the chief executive officer having responsibility for the

1 overall operations of a principal geographic unit of the
2 agency (e.g., a Regional Administrator of USEPA).

3 (4) For affected sources for acid deposition:

4 (i) The designated representative shall be the
5 "responsible official" in so far as actions,
6 standards, requirements, or prohibitions under Title
7 IV of the Clean Air Act or the regulations promulgated
8 thereunder are concerned.

9 (ii) The designated representative may also be the
10 "responsible official" for any other purposes with
11 respect to air pollution control.

12 "Section 502(b)(10) changes" means changes that contravene
13 express permit terms. "Section 502(b)(10) changes" do not
14 include changes that would violate applicable requirements or
15 contravene federally enforceable permit terms or conditions
16 that are monitoring (including test methods), recordkeeping,
17 reporting, or compliance certification requirements.

18 "Solid waste incineration unit" means a distinct operating
19 unit of any facility which combusts any solid waste material
20 from commercial or industrial establishments or the general
21 public (including single and multiple residences, hotels, and
22 motels). The term does not include incinerators or other units
23 required to have a permit under Section 3005 of the Solid Waste
24 Disposal Act. The term also does not include (A) materials
25 recovery facilities (including primary or secondary smelters)
26 which combust waste for the primary purpose of recovering

1 metals, (B) qualifying small power production facilities, as
2 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.
3 769(17)(C)), or qualifying cogeneration facilities, as defined
4 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.
5 796(18)(B)), which burn homogeneous waste (such as units which
6 burn tires or used oil, but not including refuse-derived fuel)
7 for the production of electric energy or in the case of
8 qualifying cogeneration facilities which burn homogeneous
9 waste for the production of electric energy and steam or forms
10 of useful energy (such as heat) which are used for industrial,
11 commercial, heating or cooling purposes, or (C) air curtain
12 incinerators provided that such incinerators only burn wood
13 wastes, yard waste and clean lumber and that such air curtain
14 incinerators comply with opacity limitations to be established
15 by the USEPA by rule.

16 "Source" means any stationary source (or any group of
17 stationary sources) that are located on one or more contiguous
18 or adjacent properties that are under common control of the
19 same person (or persons under common control) and that belongs
20 to a single major industrial grouping. For the purposes of
21 defining "source," a stationary source or group of stationary
22 sources shall be considered part of a single major industrial
23 grouping if all of the pollutant emitting activities at such
24 source or group of sources located on contiguous or adjacent
25 properties and under common control belong to the same Major
26 Group (i.e., all have the same two-digit code) as described in

1 the Standard Industrial Classification Manual, 1987, or such
2 pollutant emitting activities at a stationary source (or group
3 of stationary sources) located on contiguous or adjacent
4 properties and under common control constitute a support
5 facility. The determination as to whether any group of
6 stationary sources are located on contiguous or adjacent
7 properties, and/or are under common control, and/or whether the
8 pollutant emitting activities at such group of stationary
9 sources constitute a support facility shall be made on a case
10 by case basis.

11 "Stationary source" means any building, structure,
12 facility, or installation that emits or may emit any regulated
13 air pollutant or any pollutant listed under Section 112(b) of
14 the Clean Air Act.

15 "Support facility" means any stationary source (or group of
16 stationary sources) that conveys, stores, or otherwise assists
17 to a significant extent in the production of a principal
18 product at another stationary source (or group of stationary
19 sources). A support facility shall be considered to be part of
20 the same source as the stationary source (or group of
21 stationary sources) that it supports regardless of the 2-digit
22 Standard Industrial Classification code for the support
23 facility.

24 "USEPA" means the Administrator of the United States
25 Environmental Protection Agency (USEPA) or a person designated
26 by the Administrator.

1 1.1. Exclusion From the CAAPP.

2 a. An owner or operator of a source which determines
3 that the source could be excluded from the CAAPP may seek
4 such exclusion prior to the date that the CAAPP application
5 for the source is due but in no case later than 9 months
6 after the effective date of the CAAPP through the
7 imposition of federally enforceable conditions limiting
8 the "potential to emit" of the source to a level below the
9 major source threshold for that source as described in
10 paragraph 2(c) of this Section, within a State operating
11 permit issued pursuant to Section 39(a) of this Act. After
12 such date, an exclusion from the CAAPP may be sought under
13 paragraph 3(c) of this Section.

14 b. An owner or operator of a source seeking exclusion
15 from the CAAPP pursuant to paragraph (a) of this subsection
16 must submit a permit application consistent with the
17 existing State permit program which specifically requests
18 such exclusion through the imposition of such federally
19 enforceable conditions.

20 c. Upon such request, if the Agency determines that the
21 owner or operator of a source has met the requirements for
22 exclusion pursuant to paragraph (a) of this subsection and
23 other applicable requirements for permit issuance under
24 Section 39(a) of this Act, the Agency shall issue a State
25 operating permit for such source under Section 39(a) of

1 this Act, as amended, and regulations promulgated
2 thereunder with federally enforceable conditions limiting
3 the "potential to emit" of the source to a level below the
4 major source threshold for that source as described in
5 paragraph 2(c) of this Section.

6 d. The Agency shall provide an owner or operator of a
7 source which may be excluded from the CAAPP pursuant to
8 this subsection with reasonable notice that the owner or
9 operator may seek such exclusion.

10 e. The Agency shall provide such sources with the
11 necessary permit application forms.

12 2. Applicability.

13 a. Sources subject to this Section shall include:

14 i. Any major source as defined in paragraph (c) of
15 this subsection.

16 ii. Any source subject to a standard or other
17 requirements promulgated under Section 111 (New Source
18 Performance Standards) or Section 112 (Hazardous Air
19 Pollutants) of the Clean Air Act, except that a source
20 is not required to obtain a permit solely because it is
21 subject to regulations or requirements under Section
22 112(r) of the Clean Air Act.

23 iii. Any affected source for acid deposition, as
24 defined in subsection 1 of this Section.

25 iv. Any other source subject to this Section under

1 the Clean Air Act or regulations promulgated
2 thereunder, or applicable Board regulations.

3 b. Sources exempted from this Section shall include:

4 i. All sources listed in paragraph (a) of this
5 subsection which are not major sources, affected
6 sources for acid deposition or solid waste
7 incineration units required to obtain a permit
8 pursuant to Section 129(e) of the Clean Air Act, until
9 the source is required to obtain a CAAPP permit
10 pursuant to the Clean Air Act or regulations
11 promulgated thereunder.

12 ii. Nonmajor sources subject to a standard or other
13 requirements subsequently promulgated by USEPA under
14 Section 111 or 112 of the Clean Air Act which are
15 determined by USEPA to be exempt at the time a new
16 standard is promulgated.

17 iii. All sources and source categories that would
18 be required to obtain a permit solely because they are
19 subject to Part 60, Subpart AAA - Standards of
20 Performance for New Residential Wood Heaters (40 CFR
21 Part 60).

22 iv. All sources and source categories that would be
23 required to obtain a permit solely because they are
24 subject to Part 61, Subpart M - National Emission
25 Standard for Hazardous Air Pollutants for Asbestos,
26 Section 61.145 (40 CFR Part 61).

1 v. Any other source categories exempted by USEPA
2 regulations pursuant to Section 502(a) of the Clean Air
3 Act.

4 c. For purposes of this Section the term "major source"
5 means any source that is:

6 i. A major source under Section 112 of the Clean
7 Air Act, which is defined as:

8 A. For pollutants other than radionuclides,
9 any stationary source or group of stationary
10 sources located within a contiguous area and under
11 common control that emits or has the potential to
12 emit, in the aggregate, 10 tons per year (tpy) or
13 more of any hazardous air pollutant which has been
14 listed pursuant to Section 112(b) of the Clean Air
15 Act, 25 tpy or more of any combination of such
16 hazardous air pollutants, or such lesser quantity
17 as USEPA may establish by rule. Notwithstanding
18 the preceding sentence, emissions from any oil or
19 gas exploration or production well (with its
20 associated equipment) and emissions from any
21 pipeline compressor or pump station shall not be
22 aggregated with emissions from other similar
23 units, whether or not such units are in a
24 contiguous area or under common control, to
25 determine whether such stations are major sources.

26 B. For radionuclides, "major source" shall

1 have the meaning specified by the USEPA by rule.

2 ii. A major stationary source of air pollutants, as
3 defined in Section 302 of the Clean Air Act, that
4 directly emits or has the potential to emit, 100 tpy or
5 more of any air pollutant (including any major source
6 of fugitive emissions of any such pollutant, as
7 determined by rule by USEPA). For purposes of this
8 subsection, "fugitive emissions" means those emissions
9 which could not reasonably pass through a stack,
10 chimney, vent, or other functionally-equivalent
11 opening. The fugitive emissions of a stationary source
12 shall not be considered in determining whether it is a
13 major stationary source for the purposes of Section
14 302(j) of the Clean Air Act, unless the source belongs
15 to one of the following categories of stationary
16 source:

- 17 A. Coal cleaning plants (with thermal dryers).
18 B. Kraft pulp mills.
19 C. Portland cement plants.
20 D. Primary zinc smelters.
21 E. Iron and steel mills.
22 F. Primary aluminum ore reduction plants.
23 G. Primary copper smelters.
24 H. Municipal incinerators capable of charging
25 more than 250 tons of refuse per day.
26 I. Hydrofluoric, sulfuric, or nitric acid

1 plants.

2 J. Petroleum refineries.

3 K. Lime plants.

4 L. Phosphate rock processing plants.

5 M. Coke oven batteries.

6 N. Sulfur recovery plants.

7 O. Carbon black plants (furnace process).

8 P. Primary lead smelters.

9 Q. Fuel conversion plants.

10 R. Sintering plants.

11 S. Secondary metal production plants.

12 T. Chemical process plants.

13 U. Fossil-fuel boilers (or combination
14 thereof) totaling more than 250 million British
15 thermal units per hour heat input.

16 V. Petroleum storage and transfer units with a
17 total storage capacity exceeding 300,000 barrels.

18 W. Taconite ore processing plants.

19 X. Glass fiber processing plants.

20 Y. Charcoal production plants.

21 Z. Fossil fuel-fired steam electric plants of
22 more than 250 million British thermal units per
23 hour heat input.

24 AA. All other stationary source categories,
25 which as of August 7, 1980 are being regulated by a
26 standard promulgated under Section 111 or 112 of

1 the Clean Air Act.

2 BB. Any other stationary source category
3 designated by USEPA by rule.

4 iii. A major stationary source as defined in part D
5 of Title I of the Clean Air Act including:

6 A. For ozone nonattainment areas, sources with
7 the potential to emit 100 tons or more per year of
8 volatile organic compounds or oxides of nitrogen
9 in areas classified as "marginal" or "moderate",
10 50 tons or more per year in areas classified as
11 "serious", 25 tons or more per year in areas
12 classified as "severe", and 10 tons or more per
13 year in areas classified as "extreme"; except that
14 the references in this clause to 100, 50, 25, and
15 10 tons per year of nitrogen oxides shall not apply
16 with respect to any source for which USEPA has made
17 a finding, under Section 182(f)(1) or (2) of the
18 Clean Air Act, that requirements otherwise
19 applicable to such source under Section 182(f) of
20 the Clean Air Act do not apply. Such sources shall
21 remain subject to the major source criteria of
22 paragraph 2(c)(ii) of this subsection.

23 B. For ozone transport regions established
24 pursuant to Section 184 of the Clean Air Act,
25 sources with the potential to emit 50 tons or more
26 per year of volatile organic compounds (VOCs).

1 C. For carbon monoxide nonattainment areas (1)
2 that are classified as "serious", and (2) in which
3 stationary sources contribute significantly to
4 carbon monoxide levels as determined under rules
5 issued by USEPA, sources with the potential to emit
6 50 tons or more per year of carbon monoxide.

7 D. For particulate matter (PM-10)
8 nonattainment areas classified as "serious",
9 sources with the potential to emit 70 tons or more
10 per year of PM-10.

11 3. Agency Authority To Issue CAAPP Permits and Federally
12 Enforceable State Operating Permits.

13 a. The Agency shall issue CAAPP permits under this
14 Section consistent with the Clean Air Act and regulations
15 promulgated thereunder and this Act and regulations
16 promulgated thereunder.

17 b. The Agency shall issue CAAPP permits for fixed terms
18 of 5 years, except CAAPP permits issued for solid waste
19 incineration units combusting municipal waste which shall
20 be issued for fixed terms of 12 years and except CAAPP
21 permits for affected sources for acid deposition which
22 shall be issued for initial terms to expire on December 31,
23 1999, and for fixed terms of 5 years thereafter.

24 c. The Agency shall have the authority to issue a State
25 operating permit for a source under Section 39(a) of this

1 Act, as amended, and regulations promulgated thereunder,
2 which includes federally enforceable conditions limiting
3 the "potential to emit" of the source to a level below the
4 major source threshold for that source as described in
5 paragraph 2(c) of this Section, thereby excluding the
6 source from the CAAPP, when requested by the applicant
7 pursuant to paragraph 5(u) of this Section. The public
8 notice requirements of this Section applicable to CAAPP
9 permits shall also apply to the initial issuance of permits
10 under this paragraph.

11 d. For purposes of this Act, a permit issued by USEPA
12 under Section 505 of the Clean Air Act, as now and
13 hereafter amended, shall be deemed to be a permit issued by
14 the Agency pursuant to Section 39.5 of this Act.

15 4. Transition.

16 a. An owner or operator of a CAAPP source shall not be
17 required to renew an existing State operating permit for
18 any emission unit at such CAAPP source once a CAAPP
19 application timely submitted prior to expiration of the
20 State operating permit has been deemed complete. For
21 purposes other than permit renewal, the obligation upon the
22 owner or operator of a CAAPP source to obtain a State
23 operating permit is not removed upon submittal of the
24 complete CAAPP permit application. An owner or operator of
25 a CAAPP source seeking to make a modification to a source

1 prior to the issuance of its CAAPP permit shall be required
2 to obtain a construction and/or operating permit as
3 required for such modification in accordance with the State
4 permit program under Section 39(a) of this Act, as amended,
5 and regulations promulgated thereunder. The application
6 for such construction and/or operating permit shall be
7 considered an amendment to the CAAPP application submitted
8 for such source.

9 b. An owner or operator of a CAAPP source shall
10 continue to operate in accordance with the terms and
11 conditions of its applicable State operating permit
12 notwithstanding the expiration of the State operating
13 permit until the source's CAAPP permit has been issued.

14 c. An owner or operator of a CAAPP source shall submit
15 its initial CAAPP application to the Agency no later than
16 12 months after the effective date of the CAAPP. The Agency
17 may request submittal of initial CAAPP applications during
18 this 12 month period according to a schedule set forth
19 within Agency procedures, however, in no event shall the
20 Agency require such submittal earlier than 3 months after
21 such effective date of the CAAPP. An owner or operator may
22 voluntarily submit its initial CAAPP application prior to
23 the date required within this paragraph or applicable
24 procedures, if any, subsequent to the date the Agency
25 submits the CAAPP to USEPA for approval.

26 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

1 units at that source.

2 c. To be deemed complete, a CAAPP application must
3 provide all information, as requested in Agency
4 application forms, sufficient to evaluate the subject
5 source and its application and to determine all applicable
6 requirements, pursuant to the Clean Air Act, and
7 regulations thereunder, this Act and regulations
8 thereunder. Such Agency application forms shall be
9 finalized and made available prior to the date on which any
10 CAAPP application is required.

11 d. An owner or operator of a CAAPP source shall submit,
12 as part of its complete CAAPP application, a compliance
13 plan, including a schedule of compliance, describing how
14 each emission unit will comply with all applicable
15 requirements. Any such schedule of compliance shall be
16 supplemental to, and shall not sanction noncompliance
17 with, the applicable requirements on which it is based.

18 e. Each submitted CAAPP application shall be certified
19 for truth, accuracy, and completeness by a responsible
20 official in accordance with applicable regulations.

21 f. The Agency shall provide notice to a CAAPP applicant
22 as to whether a submitted CAAPP application is complete.
23 Unless the Agency notifies the applicant of
24 incompleteness, within 60 days of receipt of the CAAPP
25 application, the application shall be deemed complete. The
26 Agency may request additional information as needed to make

1 the completeness determination. The Agency may to the
2 extent practicable provide the applicant with a reasonable
3 opportunity to correct deficiencies prior to a final
4 determination of completeness.

5 g. If after the determination of completeness the
6 Agency finds that additional information is necessary to
7 evaluate or take final action on the CAAPP application, the
8 Agency may request in writing such information from the
9 source with a reasonable deadline for response.

10 h. If the owner or operator of a CAAPP source submits a
11 timely and complete CAAPP application, the source's
12 failure to have a CAAPP permit shall not be a violation of
13 this Section until the Agency takes final action on the
14 submitted CAAPP application, provided, however, where the
15 applicant fails to submit the requested information under
16 paragraph 5(g) within the time frame specified by the
17 Agency, this protection shall cease to apply.

18 i. Any applicant who fails to submit any relevant facts
19 necessary to evaluate the subject source and its CAAPP
20 application or who has submitted incorrect information in a
21 CAAPP application shall, upon becoming aware of such
22 failure or incorrect submittal, submit supplementary facts
23 or correct information to the Agency. In addition, an
24 applicant shall provide to the Agency additional
25 information as necessary to address any requirements which
26 become applicable to the source subsequent to the date the

1 applicant submitted its complete CAAPP application but
2 prior to release of the draft CAAPP permit.

3 j. The Agency shall issue or deny the CAAPP permit
4 within 18 months after the date of receipt of the complete
5 CAAPP application, with the following exceptions: (i)
6 permits for affected sources for acid deposition shall be
7 issued or denied within 6 months after receipt of a
8 complete application in accordance with subsection 17 of
9 this Section; (ii) the Agency shall act on initial CAAPP
10 applications within 24 months after the date of receipt of
11 the complete CAAPP application; (iii) the Agency shall act
12 on complete applications containing early reduction
13 demonstrations under Section 112(i)(5) of the Clean Air Act
14 within 9 months of receipt of the complete CAAPP
15 application.

16 Where the Agency does not take final action on the
17 permit within the required time period, the permit shall
18 not be deemed issued; rather, the failure to act shall be
19 treated as a final permit action for purposes of judicial
20 review pursuant to Sections 40.2 and 41 of this Act.

21 k. The submittal of a complete CAAPP application shall
22 not affect the requirement that any source have a
23 preconstruction permit under Title I of the Clean Air Act.

24 l. Unless a timely and complete renewal application has
25 been submitted consistent with this subsection, a CAAPP
26 source operating upon the expiration of its CAAPP permit

1 shall be deemed to be operating without a CAAPP permit.
2 Such operation is prohibited under this Act.

3 m. Permits being renewed shall be subject to the same
4 procedural requirements, including those for public
5 participation and federal review and objection, that apply
6 to original permit issuance.

7 n. For purposes of permit renewal, a timely application
8 is one that is submitted no less than 9 months prior to the
9 date of permit expiration.

10 o. The terms and conditions of a CAAPP permit shall
11 remain in effect until the issuance of a CAAPP renewal
12 permit provided a timely and complete CAAPP application has
13 been submitted.

14 p. The owner or operator of a CAAPP source seeking a
15 permit shield pursuant to paragraph 7(j) of this Section
16 shall request such permit shield in the CAAPP application
17 regarding that source.

18 q. The Agency shall make available to the public all
19 documents submitted by the applicant to the Agency,
20 including each CAAPP application, compliance plan
21 (including the schedule of compliance), and emissions or
22 compliance monitoring report, with the exception of
23 information entitled to confidential treatment pursuant to
24 Section 7 of this Act.

25 r. The Agency shall use the standardized forms required
26 under Title IV of the Clean Air Act and regulations

1 promulgated thereunder for affected sources for acid
2 deposition.

3 s. An owner or operator of a CAAPP source may include
4 within its CAAPP application a request for permission to
5 operate during a startup, malfunction, or breakdown
6 consistent with applicable Board regulations.

7 t. An owner or operator of a CAAPP source, in order to
8 utilize the operational flexibility provided under
9 paragraph 7(1) of this Section, must request such use and
10 provide the necessary information within its CAAPP
11 application.

12 u. An owner or operator of a CAAPP source which seeks
13 exclusion from the CAAPP through the imposition of
14 federally enforceable conditions, pursuant to paragraph
15 3(c) of this Section, must request such exclusion within a
16 CAAPP application submitted consistent with this
17 subsection on or after the date that the CAAPP application
18 for the source is due. Prior to such date, but in no case
19 later than 9 months after the effective date of the CAAPP,
20 such owner or operator may request the imposition of
21 federally enforceable conditions pursuant to paragraph
22 1.1(b) of this Section.

23 v. CAAPP applications shall contain accurate
24 information on allowable emissions to implement the fee
25 provisions of subsection 18 of this Section.

26 w. An owner or operator of a CAAPP source shall submit

1 within its CAAPP application emissions information
2 regarding all regulated air pollutants emitted at that
3 source consistent with applicable Agency procedures.
4 Emissions information regarding insignificant activities
5 or emission levels, as determined by the Agency pursuant to
6 Board regulations, may be submitted as a list within the
7 CAAPP application. The Agency shall propose regulations to
8 the Board defining insignificant activities or emission
9 levels, consistent with federal regulations, if any, no
10 later than 18 months after the effective date of this
11 amendatory Act of 1992, consistent with Section 112(n)(1)
12 of the Clean Air Act. The Board shall adopt final
13 regulations defining insignificant activities or emission
14 levels no later than 9 months after the date of the
15 Agency's proposal.

16 x. The owner or operator of a new CAAPP source shall
17 submit its complete CAAPP application consistent with this
18 subsection within 12 months after commencing operation of
19 such source. The owner or operator of an existing source
20 that has been excluded from the provisions of this Section
21 under subsection 1.1 or subsection 3(c) of this Section and
22 that becomes subject to the CAAPP solely due to a change in
23 operation at the source shall submit its complete CAAPP
24 application consistent with this subsection at least 180
25 days before commencing operation in accordance with the
26 change in operation.

1 y. 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 6. Prohibitions.

6 a. It shall be unlawful for any person to violate any
7 terms or conditions of a permit issued under this Section,
8 to operate any CAAPP source except in compliance with a
9 permit issued by the Agency under this Section or to
10 violate any other applicable requirements. All terms and
11 conditions of a permit issued under this Section are
12 enforceable by USEPA and citizens under the Clean Air Act,
13 except those, if any, that are specifically designated as
14 not being federally enforceable in the permit pursuant to
15 paragraph 7(m) of this Section.

16 b. After the applicable CAAPP permit or renewal
17 application submittal date, as specified in subsection 5 of
18 this Section, no person shall operate a CAAPP source
19 without a CAAPP permit unless the complete CAAPP permit or
20 renewal application for such source has been timely
21 submitted to the Agency.

22 c. No owner or operator of a CAAPP source shall cause
23 or threaten or allow the continued operation of an emission
24 source during malfunction or breakdown of the emission
25 source or related air pollution control equipment if such

1 operation would cause a violation of the standards or
2 limitations applicable to the source, unless the CAAPP
3 permit granted to the source provides for such operation
4 consistent with this Act and applicable Board regulations.

5 7. Permit Content.

6 a. All CAAPP permits shall contain emission
7 limitations and standards and other enforceable terms and
8 conditions, including but not limited to operational
9 requirements, and schedules for achieving compliance at
10 the earliest reasonable date, which are or will be required
11 to accomplish the purposes and provisions of this Act and
12 to assure compliance with all applicable requirements.

13 b. The Agency shall include among such conditions
14 applicable monitoring, reporting, record keeping and
15 compliance certification requirements, as authorized by
16 paragraphs d, e, and f of this subsection, that the Agency
17 deems necessary to assure compliance with the Clean Air
18 Act, the regulations promulgated thereunder, this Act, and
19 applicable Board regulations. When monitoring, reporting,
20 record keeping, and compliance certification requirements
21 are specified within the Clean Air Act, regulations
22 promulgated thereunder, this Act, or applicable
23 regulations, such requirements shall be included within
24 the CAAPP permit. The Board shall have authority to
25 promulgate additional regulations where necessary to

1 accomplish the purposes of the Clean Air Act, this Act, and
2 regulations promulgated thereunder.

3 c. The Agency shall assure, within such conditions, the
4 use of terms, test methods, units, averaging periods, and
5 other statistical conventions consistent with the
6 applicable emission limitations, standards, and other
7 requirements contained in the permit.

8 d. To meet the requirements of this subsection with
9 respect to monitoring, the permit shall:

10 i. Incorporate and identify all applicable
11 emissions monitoring and analysis procedures or test
12 methods required under the Clean Air Act, regulations
13 promulgated thereunder, this Act, and applicable Board
14 regulations, including any procedures and methods
15 promulgated by USEPA pursuant to Section 504(b) or
16 Section 114 (a) (3) of the Clean Air Act.

17 ii. Where the applicable requirement does not
18 require periodic testing or instrumental or
19 noninstrumental monitoring (which may consist of
20 recordkeeping designed to serve as monitoring),
21 require periodic monitoring sufficient to yield
22 reliable data from the relevant time period that is
23 representative of the source's compliance with the
24 permit, as reported pursuant to paragraph (f) of this
25 subsection. The Agency may determine that
26 recordkeeping requirements are sufficient to meet the

1 requirements of this subparagraph.

2 iii. As necessary, specify requirements concerning
3 the use, maintenance, and when appropriate,
4 installation of monitoring equipment or methods.

5 e. To meet the requirements of this subsection with
6 respect to record keeping, the permit shall incorporate and
7 identify all applicable recordkeeping requirements and
8 require, where applicable, the following:

9 i. Records of required monitoring information that
10 include the following:

11 A. The date, place and time of sampling or
12 measurements.

13 B. The date(s) analyses were performed.

14 C. The company or entity that performed the
15 analyses.

16 D. The analytical techniques or methods used.

17 E. The results of such analyses.

18 F. The operating conditions as existing at the
19 time of sampling or measurement.

20 ii. Retention of records of all monitoring data
21 and support information for a period of at least 5
22 years from the date of the monitoring sample,
23 measurement, report, or application. Support
24 information includes all calibration and maintenance
25 records, original strip-chart recordings for
26 continuous monitoring instrumentation, and copies of

1 all reports required by the permit.

2 f. To meet the requirements of this subsection with
3 respect to reporting, the permit shall incorporate and
4 identify all applicable reporting requirements and require
5 the following:

6 i. Submittal of reports of any required monitoring
7 every 6 months. More frequent submittals may be
8 requested by the Agency if such submittals are
9 necessary to assure compliance with this Act or
10 regulations promulgated by the Board thereunder. All
11 instances of deviations from permit requirements must
12 be clearly identified in such reports. All required
13 reports must be certified by a responsible official
14 consistent with subsection 5 of this Section.

15 ii. Prompt reporting of deviations from permit
16 requirements, including those attributable to upset
17 conditions as defined in the permit, the probable cause
18 of such deviations, and any corrective actions or
19 preventive measures taken.

20 g. Each CAAPP permit issued under subsection 10 of this
21 Section shall include a condition prohibiting emissions
22 exceeding any allowances that the source lawfully holds
23 under Title IV of the Clean Air Act or the regulations
24 promulgated thereunder, consistent with subsection 17 of
25 this Section and applicable regulations, if any.

26 h. All CAAPP permits shall state that, where another

1 applicable requirement of the Clean Air Act is more
2 stringent than any applicable requirement of regulations
3 promulgated under Title IV of the Clean Air Act, both
4 provisions shall be incorporated into the permit and shall
5 be State and federally enforceable.

6 i. Each CAAPP permit issued under subsection 10 of this
7 Section shall include a severability clause to ensure the
8 continued validity of the various permit requirements in
9 the event of a challenge to any portions of the permit.

10 j. The following shall apply with respect to owners or
11 operators requesting a permit shield:

12 i. The Agency shall include in a CAAPP permit, when
13 requested by an applicant pursuant to paragraph 5(p) of
14 this Section, a provision stating that compliance with
15 the conditions of the permit shall be deemed compliance
16 with applicable requirements which are applicable as
17 of the date of release of the proposed permit, provided
18 that:

19 A. The applicable requirement is specifically
20 identified within the permit; or

21 B. The Agency in acting on the CAAPP
22 application or revision determines in writing that
23 other requirements specifically identified are not
24 applicable to the source, and the permit includes
25 that determination or a concise summary thereof.

26 ii. The permit shall identify the requirements for

1 which the source is shielded. The shield shall not
2 extend to applicable requirements which are
3 promulgated after the date of release of the proposed
4 permit unless the permit has been modified to reflect
5 such new requirements.

6 iii. A CAAPP permit which does not expressly
7 indicate the existence of a permit shield shall not
8 provide such a shield.

9 iv. Nothing in this paragraph or in a CAAPP permit
10 shall alter or affect the following:

11 A. The provisions of Section 303 (emergency
12 powers) of the Clean Air Act, including USEPA's
13 authority under that section.

14 B. The liability of an owner or operator of a
15 source for any violation of applicable
16 requirements prior to or at the time of permit
17 issuance.

18 C. The applicable requirements of the acid
19 rain program consistent with Section 408(a) of the
20 Clean Air Act.

21 D. The ability of USEPA to obtain information
22 from a source pursuant to Section 114
23 (inspections, monitoring, and entry) of the Clean
24 Air Act.

25 k. Each CAAPP permit shall include an emergency
26 provision providing an affirmative defense of emergency to

1 an action brought for noncompliance with technology-based
2 emission limitations under a CAAPP permit if the following
3 conditions are met through properly signed,
4 contemporaneous operating logs, or other relevant
5 evidence:

6 i. An emergency occurred and the permittee can
7 identify the cause(s) of the emergency.

8 ii. The permitted facility was at the time being
9 properly operated.

10 iii. The permittee submitted notice of the
11 emergency to the Agency within 2 working days of the
12 time when emission limitations were exceeded due to the
13 emergency. This notice must contain a detailed
14 description of the emergency, any steps taken to
15 mitigate emissions, and corrective actions taken.

16 iv. During the period of the emergency the
17 permittee took all reasonable steps to minimize levels
18 of emissions that exceeded the emission limitations,
19 standards, or requirements in the permit.

20 For purposes of this subsection, "emergency" means any
21 situation arising from sudden and reasonably unforeseeable
22 events beyond the control of the source, such as an act of
23 God, that requires immediate corrective action to restore
24 normal operation, and that causes the source to exceed a
25 technology-based emission limitation under the permit, due
26 to unavoidable increases in emissions attributable to the

1 emergency. An emergency shall not include noncompliance to
2 the extent caused by improperly designed equipment, lack of
3 preventative maintenance, careless or improper operation,
4 or operation error.

5 In any enforcement proceeding, the permittee seeking
6 to establish the occurrence of an emergency has the burden
7 of proof. This provision is in addition to any emergency or
8 upset provision contained in any applicable requirement.
9 This provision does not relieve a permittee of any
10 reporting obligations under existing federal or state laws
11 or regulations.

12 1. The Agency shall include in each permit issued under
13 subsection 10 of this Section:

14 i. Terms and conditions for reasonably anticipated
15 operating scenarios identified by the source in its
16 application. The permit terms and conditions for each
17 such operating scenario shall meet all applicable
18 requirements and the requirements of this Section.

19 A. Under this subparagraph, the source must
20 record in a log at the permitted facility a record
21 of the scenario under which it is operating
22 contemporaneously with making a change from one
23 operating scenario to another.

24 B. The permit shield described in paragraph
25 7(j) of this Section shall extend to all terms and
26 conditions under each such operating scenario.

1 ii. Where requested by an applicant, all terms and
2 conditions allowing for trading of emissions increases
3 and decreases between different emission units at the
4 CAAPP source, to the extent that the applicable
5 requirements provide for trading of such emissions
6 increases and decreases without a case-by-case
7 approval of each emissions trade. Such terms and
8 conditions:

9 A. Shall include all terms required under this
10 subsection to determine compliance;

11 B. Must meet all applicable requirements;

12 C. Shall extend the permit shield described in
13 paragraph 7(j) of this Section to all terms and
14 conditions that allow such increases and decreases
15 in emissions.

16 m. The Agency shall specifically designate as not being
17 federally enforceable under the Clean Air Act any terms and
18 conditions included in the permit that are not specifically
19 required under the Clean Air Act or federal regulations
20 promulgated thereunder. Terms or conditions so designated
21 shall be subject to all applicable state requirements,
22 except the requirements of subsection 7 (other than this
23 paragraph, paragraph q of subsection 7, subsections 8
24 through 11, and subsections 13 through 16 of this Section.
25 The Agency shall, however, include such terms and
26 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

1 and reissuance, or termination, or of a notification of
2 planned changes or anticipated noncompliance does not
3 stay any permit condition.

4 iv. Property rights. The permit does not convey any
5 property rights of any sort, or any exclusive
6 privilege.

7 v. Duty to provide information. The permittee
8 shall furnish to the Agency within a reasonable time
9 specified by the Agency any information that the Agency
10 may request in writing to determine whether cause
11 exists for modifying, revoking and reissuing, or
12 terminating the permit or to determine compliance with
13 the permit. Upon request, the permittee shall also
14 furnish to the Agency copies of records required to be
15 kept by the permit or, for information claimed to be
16 confidential, the permittee may furnish such records
17 directly to USEPA along with a claim of
18 confidentiality.

19 vi. Duty to pay fees. The permittee must pay fees
20 to the Agency consistent with the fee schedule approved
21 pursuant to subsection 18 of this Section, and submit
22 any information relevant thereto.

23 vii. Emissions trading. No permit revision shall
24 be required for increases in emissions allowed under
25 any approved economic incentives, marketable permits,
26 emissions trading, and other similar programs or

1 processes for changes that are provided for in the
2 permit and that are authorized by the applicable
3 requirement.

4 p. Each CAAPP permit issued under subsection 10 of this
5 Section shall contain the following elements with respect
6 to compliance:

7 i. Compliance certification, testing, monitoring,
8 reporting, and record keeping requirements sufficient
9 to assure compliance with the terms and conditions of
10 the permit. Any document (including reports) required
11 by a CAAPP permit shall contain a certification by a
12 responsible official that meets the requirements of
13 subsection 5 of this Section and applicable
14 regulations.

15 ii. Inspection and entry requirements that
16 necessitate that, upon presentation of credentials and
17 other documents as may be required by law and in
18 accordance with constitutional limitations, the
19 permittee shall allow the Agency, or an authorized
20 representative to perform the following:

21 A. Enter upon the permittee's premises where a
22 CAAPP source is located or emissions-related
23 activity is conducted, or where records must be
24 kept under the conditions of the permit.

25 B. Have access to and copy, at reasonable
26 times, any records that must be kept under the

1 conditions of the permit.

2 C. Inspect at reasonable times any facilities,
3 equipment (including monitoring and air pollution
4 control equipment), practices, or operations
5 regulated or required under the permit.

6 D. Sample or monitor any substances or
7 parameters at any location:

8 1. As authorized by the Clean Air Act, at
9 reasonable times, for the purposes of assuring
10 compliance with the CAAPP permit or applicable
11 requirements; or

12 2. As otherwise authorized by this Act.

13 iii. A schedule of compliance consistent with
14 subsection 5 of this Section and applicable
15 regulations.

16 iv. Progress reports consistent with an applicable
17 schedule of compliance pursuant to paragraph 5(d) of
18 this Section and applicable regulations to be
19 submitted semiannually, or more frequently if the
20 Agency determines that such more frequent submittals
21 are necessary for compliance with the Act or
22 regulations promulgated by the Board thereunder. Such
23 progress reports shall contain the following:

24 A. Required dates for achieving the
25 activities, milestones, or compliance required by
26 the schedule of compliance and dates when such

1 activities, milestones or compliance were
2 achieved.

3 B. An explanation of why any dates in the
4 schedule of compliance were not or will not be met,
5 and any preventive or corrective measures adopted.

6 v. Requirements for compliance certification with
7 terms and conditions contained in the permit,
8 including emission limitations, standards, or work
9 practices. Permits shall include each of the
10 following:

11 A. The frequency (annually or more frequently
12 as specified in any applicable requirement or by
13 the Agency pursuant to written procedures) of
14 submissions of compliance certifications.

15 B. A means for assessing or monitoring the
16 compliance of the source with its emissions
17 limitations, standards, and work practices.

18 C. A requirement that the compliance
19 certification include the following:

20 1. The identification of each term or
21 condition contained in the permit that is the
22 basis of the certification.

23 2. The compliance status.

24 3. Whether compliance was continuous or
25 intermittent.

26 4. The method(s) used for determining the

1 compliance status of the source, both
2 currently and over the reporting period
3 consistent with subsection 7 of Section 39.5 of
4 the Act.

5 D. A requirement that all compliance
6 certifications be submitted to USEPA as well as to
7 the Agency.

8 E. Additional requirements as may be specified
9 pursuant to Sections 114(a)(3) and 504(b) of the
10 Clean Air Act.

11 F. Other provisions as the Agency may require.

12 q. If the owner or operator of CAAPP source can
13 demonstrate in its CAAPP application, including an
14 application for a significant modification, that an
15 alternative emission limit would be equivalent to that
16 contained in the applicable Board regulations, the Agency
17 shall include the alternative emission limit in the CAAPP
18 permit, which shall supersede the emission limit set forth
19 in the applicable Board regulations, and shall include
20 conditions that insure that the resulting emission limit is
21 quantifiable, accountable, enforceable, and based on
22 replicable procedures.

23 8. Public Notice; Affected State Review.

24 a. The Agency shall provide notice to the public,
25 including an opportunity for public comment and a hearing,
26 on each draft CAAPP permit for issuance, renewal or

1 significant modification, subject to Sections 7(a) and 7.1
2 of this Act.

3 b. The Agency shall prepare a draft CAAPP permit and a
4 statement that sets forth the legal and factual basis for
5 the draft CAAPP permit conditions, including references to
6 the applicable statutory or regulatory provisions. The
7 Agency shall provide this statement to any person who
8 requests it.

9 c. The Agency shall give notice of each draft CAAPP
10 permit to the applicant and to any affected State on or
11 before the time that the Agency has provided notice to the
12 public, except as otherwise provided in this Act.

13 d. The Agency, as part of its submittal of a proposed
14 permit to USEPA (or as soon as possible after the submittal
15 for minor permit modification procedures allowed under
16 subsection 14 of this Section), shall notify USEPA and any
17 affected State in writing of any refusal of the Agency to
18 accept all of the recommendations for the proposed permit
19 that an affected State submitted during the public or
20 affected State review period. The notice shall include the
21 Agency's reasons for not accepting the recommendations.
22 The Agency is not required to accept recommendations that
23 are not based on applicable requirements or the
24 requirements of this Section.

25 e. The Agency shall make available to the public any
26 CAAPP permit application, compliance plan (including the

1 schedule of compliance), CAAPP permit, and emissions or
2 compliance monitoring report. If an owner or operator of a
3 CAAPP source is required to submit information entitled to
4 protection from disclosure under Section 7(a) or Section
5 7.1 of this Act, the owner or operator shall submit such
6 information separately. The requirements of Section 7(a)
7 or Section 7.1 of this Act shall apply to such information,
8 which shall not be included in a CAAPP permit unless
9 required by law. The contents of a CAAPP permit shall not
10 be entitled to protection under Section 7(a) or Section 7.1
11 of this Act.

12 f. The Agency shall have the authority to adopt
13 procedural rules, in accordance with the Illinois
14 Administrative Procedure Act, as the Agency deems
15 necessary, to implement this subsection.

16 9. USEPA Notice and Objection.

17 a. The Agency shall provide to USEPA for its review a
18 copy of each CAAPP application (including any application
19 for permit modification), statement of basis as provided in
20 paragraph 8(b) of this Section, proposed CAAPP permit,
21 CAAPP permit, and, if the Agency does not incorporate any
22 affected State's recommendations on a proposed CAAPP
23 permit, a written statement of this decision and its
24 reasons for not accepting the recommendations, except as
25 otherwise provided in this Act or by agreement with USEPA.

1 To the extent practicable, the preceding information shall
2 be provided in computer readable format compatible with
3 USEPA's national database management system.

4 b. The Agency shall not issue the proposed CAAPP permit
5 if USEPA objects in writing within 45 days of receipt of
6 the proposed CAAPP permit and all necessary supporting
7 information.

8 c. If USEPA objects in writing to the issuance of the
9 proposed CAAPP permit within the 45-day period, the Agency
10 shall respond in writing and may revise and resubmit the
11 proposed CAAPP permit in response to the stated objection,
12 to the extent supported by the record, within 90 days after
13 the date of the objection. Prior to submitting a revised
14 permit to USEPA, the Agency shall provide the applicant and
15 any person who participated in the public comment process,
16 pursuant to subsection 8 of this Section, with a 10-day
17 period to comment on any revision which the Agency is
18 proposing to make to the permit in response to USEPA's
19 objection in accordance with Agency procedures.

20 d. Any USEPA objection under this subsection,
21 according to the Clean Air Act, will include a statement of
22 reasons for the objection and a description of the terms
23 and conditions that must be in the permit, in order to
24 adequately respond to the objections. Grounds for a USEPA
25 objection include the failure of the Agency to: (1) submit
26 the items and notices required under this subsection; (2)

1 submit any other information necessary to adequately
2 review the proposed CAAPP permit; or (3) process the permit
3 under subsection 8 of this Section except for minor permit
4 modifications.

5 e. If USEPA does not object in writing to issuance of a
6 permit under this subsection, any person may petition USEPA
7 within 60 days after expiration of the 45-day review period
8 to make such objection.

9 f. If the permit has not yet been issued and USEPA
10 objects to the permit as a result of a petition, the Agency
11 shall not issue the permit until USEPA's objection has been
12 resolved. The Agency shall provide a 10-day comment period
13 in accordance with paragraph c of this subsection. A
14 petition does not, however, stay the effectiveness of a
15 permit or its requirements if the permit was issued after
16 expiration of the 45-day review period and prior to a USEPA
17 objection.

18 g. If the Agency has issued a permit after expiration
19 of the 45-day review period and prior to receipt of a USEPA
20 objection under this subsection in response to a petition
21 submitted pursuant to paragraph e of this subsection, the
22 Agency may, upon receipt of an objection from USEPA, revise
23 and resubmit the permit to USEPA pursuant to this
24 subsection after providing a 10-day comment period in
25 accordance with paragraph c of this subsection. If the
26 Agency fails to submit a revised permit in response to the

1 objection, USEPA shall modify, terminate or revoke the
2 permit. In any case, the source will not be in violation of
3 the requirement to have submitted a timely and complete
4 application.

5 h. The Agency shall have the authority to adopt
6 procedural rules, in accordance with the Illinois
7 Administrative Procedure Act, as the Agency deems
8 necessary, to implement this subsection.

9 10. Final Agency Action.

10 a. The Agency shall issue a CAAPP permit, permit
11 modification, or permit renewal if all of the following
12 conditions are met:

13 i. The applicant has submitted a complete and
14 certified application for a permit, permit
15 modification, or permit renewal consistent with
16 subsections 5 and 14 of this Section, as applicable,
17 and applicable regulations.

18 ii. The applicant has submitted with its complete
19 application an approvable compliance plan, including a
20 schedule for achieving compliance, consistent with
21 subsection 5 of this Section and applicable
22 regulations.

23 iii. The applicant has timely paid the fees
24 required pursuant to subsection 18 of this Section and
25 applicable regulations.

1 iv. The Agency has received a complete CAAPP
2 application and, if necessary, has requested and
3 received additional information from the applicant
4 consistent with subsection 5 of this Section and
5 applicable regulations.

6 v. The Agency has complied with all applicable
7 provisions regarding public notice and affected State
8 review consistent with subsection 8 of this Section and
9 applicable regulations.

10 vi. The Agency has provided a copy of each CAAPP
11 application, or summary thereof, pursuant to agreement
12 with USEPA and proposed CAAPP permit required under
13 subsection 9 of this Section to USEPA, and USEPA has
14 not objected to the issuance of the permit in
15 accordance with the Clean Air Act and 40 CFR Part 70.

16 b. The Agency shall have the authority to deny a CAAPP
17 permit, permit modification, or permit renewal if the
18 applicant has not complied with the requirements of
19 paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA
20 objects to its issuance.

21 c. i. Prior to denial of a CAAPP permit, permit
22 modification, or permit renewal under this Section,
23 the Agency shall notify the applicant of the possible
24 denial and the reasons for the denial.

25 ii. Within such notice, the Agency shall specify an
26 appropriate date by which the applicant shall

1 adequately respond to the Agency's notice. Such date
2 shall not exceed 15 days from the date the notification
3 is received by the applicant. The Agency may grant a
4 reasonable extension for good cause shown.

5 iii. Failure by the applicant to adequately
6 respond by the date specified in the notification or by
7 any granted extension date shall be grounds for denial
8 of the permit.

9 For purposes of obtaining judicial review under
10 Sections 40.2 and 41 of this Act, the Agency shall
11 provide to USEPA and each applicant, and, upon request,
12 to affected States, any person who participated in the
13 public comment process, and any other person who could
14 obtain judicial review under Sections 40.2 and 41 of
15 this Act, a copy of each CAAPP permit or notification
16 of denial pertaining to that party.

17 d. 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 11. General Permits.

22 a. The Agency may issue a general permit covering
23 numerous similar sources, except for affected sources for
24 acid deposition unless otherwise provided in regulations
25 promulgated under Title IV of the Clean Air Act.

1 b. The Agency shall identify, in any general permit,
2 criteria by which sources may qualify for the general
3 permit.

4 c. CAAPP sources that would qualify for a general
5 permit must apply for coverage under the terms of the
6 general permit or must apply for a CAAPP permit consistent
7 with subsection 5 of this Section and applicable
8 regulations.

9 d. The Agency shall comply with the public comment and
10 hearing provisions of this Section as well as the USEPA and
11 affected State review procedures prior to issuance of a
12 general permit.

13 e. When granting a subsequent request by a qualifying
14 CAAPP source for coverage under the terms of a general
15 permit, the Agency shall not be required to repeat the
16 public notice and comment procedures. The granting of such
17 request shall not be considered a final permit action for
18 purposes of judicial review.

19 f. The Agency may not issue a general permit to cover
20 any discrete emission unit at a CAAPP source if another
21 CAAPP permit covers emission units at the source.

22 g. The Agency shall have the authority to adopt
23 procedural rules, in accordance with the Illinois
24 Administrative Procedure Act, as the Agency deems
25 necessary, to implement this subsection.

1 12. Operational Flexibility.

2 a. An owner or operator of a CAAPP source may make
3 changes at the CAAPP source without requiring a prior
4 permit revision, consistent with subparagraphs (a) (i)
5 through (a) (iii) of this subsection, so long as the
6 changes are not modifications under any provision of Title
7 I of the Clean Air Act and they do not exceed the emissions
8 allowable under the permit (whether expressed therein as a
9 rate of emissions or in terms of total emissions), provided
10 that the owner or operator of the CAAPP source provides
11 USEPA and the Agency with written notification as required
12 below in advance of the proposed changes, which shall be a
13 minimum of 7 days, unless otherwise provided by the Agency
14 in applicable regulations regarding emergencies. The owner
15 or operator of a CAAPP source and the Agency shall each
16 attach such notice to their copy of the relevant permit.

17 i. An owner or operator of a CAAPP source may make
18 Section 502 (b) (10) changes without a permit revision,
19 if the changes are not modifications under any
20 provision of Title I of the Clean Air Act and the
21 changes do not exceed the emissions allowable under the
22 permit (whether expressed therein as a rate of
23 emissions or in terms of total emissions).

24 A. For each such change, the written
25 notification required above shall include a brief
26 description of the change within the source, the

1 date on which the change will occur, any change in
2 emissions, and any permit term or condition that is
3 no longer applicable as a result of the change.

4 B. The permit shield described in paragraph
5 7(j) of this Section shall not apply to any change
6 made pursuant to this subparagraph.

7 ii. An owner or operator of a CAAPP source may
8 trade increases and decreases in emissions in the CAAPP
9 source, where the applicable implementation plan
10 provides for such emission trades without requiring a
11 permit revision. This provision is available in those
12 cases where the permit does not already provide for
13 such emissions trading.

14 A. Under this subparagraph (a)(ii), the
15 written notification required above shall include
16 such information as may be required by the
17 provision in the applicable implementation plan
18 authorizing the emissions trade, including at a
19 minimum, when the proposed changes will occur, a
20 description of each such change, any change in
21 emissions, the permit requirements with which the
22 source will comply using the emissions trading
23 provisions of the applicable implementation plan,
24 and the pollutants emitted subject to the
25 emissions trade. The notice shall also refer to the
26 provisions in the applicable implementation plan

1 with which the source will comply and provide for
2 the emissions trade.

3 B. The permit shield described in paragraph
4 7(j) of this Section shall not apply to any change
5 made pursuant to this subparagraph (a) (ii).
6 Compliance with the permit requirements that the
7 source will meet using the emissions trade shall be
8 determined according to the requirements of the
9 applicable implementation plan authorizing the
10 emissions trade.

11 iii. If requested within a CAAPP application, the
12 Agency shall issue a CAAPP permit which contains terms
13 and conditions, including all terms required under
14 subsection 7 of this Section to determine compliance,
15 allowing for the trading of emissions increases and
16 decreases at the CAAPP source solely for the purpose of
17 complying with a federally-enforceable emissions cap
18 that is established in the permit independent of
19 otherwise applicable requirements. The owner or
20 operator of a CAAPP source shall include in its CAAPP
21 application proposed replicable procedures and permit
22 terms that ensure the emissions trades are
23 quantifiable and enforceable. The permit shall also
24 require compliance with all applicable requirements.

25 A. Under this subparagraph (a)(iii), the
26 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;

1 (iii) The change shall not qualify for the shield
2 described in paragraph 7(j) of this Section; and

3 (iv) The permittee shall keep a record describing
4 changes made at the source that result in emissions of
5 a regulated air pollutant subject to an applicable
6 Clean Air Act requirement, but not otherwise regulated
7 under the permit, and the emissions resulting from
8 those changes.

9 c. 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 13. Administrative Permit Amendments.

14 a. The Agency shall take final action on a request for
15 an administrative permit amendment within 60 days of
16 receipt of the request. Neither notice nor an opportunity
17 for public and affected State comment shall be required for
18 the Agency to incorporate such revisions, provided it
19 designates the permit revisions as having been made
20 pursuant to this subsection.

21 b. The Agency shall submit a copy of the revised permit
22 to USEPA.

23 c. For purposes of this Section the term
24 "administrative permit amendment" shall be defined as a
25 permit revision that can accomplish one or more of the

1 changes described below:

2 i. Corrects typographical errors;

3 ii. Identifies a change in the name, address, or
4 phone number of any person identified in the permit, or
5 provides a similar minor administrative change at the
6 source;

7 iii. Requires more frequent monitoring or
8 reporting by the permittee;

9 iv. Allows for a change in ownership or operational
10 control of a source where the Agency determines that no
11 other change in the permit is necessary, provided that
12 a written agreement containing a specific date for
13 transfer of permit responsibility, coverage, and
14 liability between the current and new permittees has
15 been submitted to the Agency;

16 v. Incorporates into the CAAPP permit the
17 requirements from preconstruction review permits
18 authorized under a USEPA-approved program, provided
19 the program meets procedural and compliance
20 requirements substantially equivalent to those
21 contained in this Section;

22 vi. (Blank); or

23 vii. Any other type of change which USEPA has
24 determined as part of the approved CAAPP permit program
25 to be similar to those included in this subsection.

26 d. The Agency shall, upon taking final action granting

1 a request for an administrative permit amendment, allow
2 coverage by the permit shield in paragraph 7(j) of this
3 Section for administrative permit amendments made pursuant
4 to subparagraph (c)(v) of this subsection which meet the
5 relevant requirements for significant permit
6 modifications.

7 e. Permit revisions and modifications, including
8 administrative amendments and automatic amendments
9 (pursuant to Sections 408(b) and 403(d) of the Clean Air
10 Act or regulations promulgated thereunder), for purposes
11 of the acid rain portion of the permit shall be governed by
12 the regulations promulgated under Title IV of the Clean Air
13 Act. Owners or operators of affected sources for acid
14 deposition shall have the flexibility to amend their
15 compliance plans as provided in the regulations
16 promulgated under Title IV of the Clean Air Act.

17 f. The CAAPP source may implement the changes addressed
18 in the request for an administrative permit amendment
19 immediately upon submittal of the request.

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 14. Permit Modifications.

25 a. Minor permit modification procedures.

1 i. The Agency shall review a permit modification
2 using the "minor permit" modification procedures only
3 for those permit modifications that:

4 A. Do not violate any applicable requirement;

5 B. Do not involve significant changes to
6 existing monitoring, reporting, or recordkeeping
7 requirements in the permit;

8 C. Do not require a case-by-case determination
9 of an emission limitation or other standard, or a
10 source-specific determination of ambient impacts,
11 or a visibility or increment analysis;

12 D. Do not seek to establish or change a permit
13 term or condition for which there is no
14 corresponding underlying requirement and which
15 avoids an applicable requirement to which the
16 source would otherwise be subject. Such terms and
17 conditions include:

18 1. A federally enforceable emissions cap
19 assumed to avoid classification as a
20 modification under any provision of Title I of
21 the Clean Air Act; and

22 2. An alternative emissions limit approved
23 pursuant to regulations promulgated under
24 Section 112(i)(5) of the Clean Air Act;

25 E. Are not modifications under any provision
26 of Title I of the Clean Air Act; and

1 F. Are not required to be processed as a
2 significant modification.

3 ii. Notwithstanding subparagraphs (a)(i) and
4 (b)(ii) of this subsection, minor permit modification
5 procedures may be used for permit modifications
6 involving the use of economic incentives, marketable
7 permits, emissions trading, and other similar
8 approaches, to the extent that such minor permit
9 modification procedures are explicitly provided for in
10 an applicable implementation plan or in applicable
11 requirements promulgated by USEPA.

12 iii. An applicant requesting the use of minor
13 permit modification procedures shall meet the
14 requirements of subsection 5 of this Section and shall
15 include the following in its application:

16 A. A description of the change, the emissions
17 resulting from the change, and any new applicable
18 requirements that will apply if the change occurs;

19 B. The source's suggested draft permit;

20 C. Certification by a responsible official,
21 consistent with paragraph 5(e) of this Section and
22 applicable regulations, that the proposed
23 modification meets the criteria for use of minor
24 permit modification procedures and a request that
25 such procedures be used; and

26 D. Completed forms for the Agency to use to

1 notify USEPA and affected States as required under
2 subsections 8 and 9 of this Section.

3 iv. Within 5 working days of receipt of a complete
4 permit modification application, the Agency shall
5 notify USEPA and affected States of the requested
6 permit modification in accordance with subsections 8
7 and 9 of this Section. The Agency promptly shall send
8 any notice required under paragraph 8(d) of this
9 Section to USEPA.

10 v. The Agency may not issue a final permit
11 modification until after the 45-day review period for
12 USEPA or until USEPA has notified the Agency that USEPA
13 will not object to the issuance of the permit
14 modification, whichever comes first, although the
15 Agency can approve the permit modification prior to
16 that time. Within 90 days of the Agency's receipt of an
17 application under the minor permit modification
18 procedures or 15 days after the end of USEPA's 45-day
19 review period under subsection 9 of this Section,
20 whichever is later, the Agency shall:

- 21 A. Issue the permit modification as proposed;
22 B. Deny the permit modification application;
23 C. Determine that the requested modification
24 does not meet the minor permit modification
25 criteria and should be reviewed under the
26 significant modification procedures; or

1 D. Revise the draft permit modification and
2 transmit to USEPA the new proposed permit
3 modification as required by subsection 9 of this
4 Section.

5 vi. Any CAAPP source may make the change proposed
6 in its minor permit modification application
7 immediately after it files such application. After the
8 CAAPP source makes the change allowed by the preceding
9 sentence, and until the Agency takes any of the actions
10 specified in subparagraphs (a)(v)(A) through (a)(v)(C)
11 of this subsection, the source must comply with both
12 the applicable requirements governing the change and
13 the proposed permit terms and conditions. During this
14 time period, the source need not comply with the
15 existing permit terms and conditions it seeks to
16 modify. If the source fails to comply with its proposed
17 permit terms and conditions during this time period,
18 the existing permit terms and conditions which it seeks
19 to modify may be enforced against it.

20 vii. The permit shield under subparagraph 7(j) of
21 this Section may not extend to minor permit
22 modifications.

23 viii. If a construction permit is required,
24 pursuant to Section 39(a) of this Act and regulations
25 thereunder, for a change for which the minor permit
26 modification procedures are applicable, the source may

1 request that the processing of the construction permit
2 application be consolidated with the processing of the
3 application for the minor permit modification. In such
4 cases, the provisions of this Section, including those
5 within subsections 5, 8, and 9, shall apply and the
6 Agency shall act on such applications pursuant to
7 subparagraph 14(a)(v). The source may make the
8 proposed change immediately after filing its
9 application for the minor permit modification. Nothing
10 in this subparagraph shall otherwise affect the
11 requirements and procedures applicable to construction
12 permits.

13 b. Group Processing of Minor Permit Modifications.

14 i. Where requested by an applicant within its
15 application, the Agency shall process groups of a
16 source's applications for certain modifications
17 eligible for minor permit modification processing in
18 accordance with the provisions of this paragraph (b).

19 ii. Permit modifications may be processed in
20 accordance with the procedures for group processing,
21 for those modifications:

22 A. Which meet the criteria for minor permit
23 modification procedures under subparagraph
24 14(a)(i) of this Section; and

25 B. That collectively are below 10 percent of
26 the emissions allowed by the permit for the

1 emissions unit for which change is requested, 20
2 percent of the applicable definition of major
3 source set forth in subsection 2 of this Section,
4 or 5 tons per year, whichever is least.

5 iii. An applicant requesting the use of group
6 processing procedures shall meet the requirements of
7 subsection 5 of this Section and shall include the
8 following in its application:

9 A. A description of the change, the emissions
10 resulting from the change, and any new applicable
11 requirements that will apply if the change occurs.

12 B. The source's suggested draft permit.

13 C. Certification by a responsible official
14 consistent with paragraph 5(e) of this Section,
15 that the proposed modification meets the criteria
16 for use of group processing procedures and a
17 request that such procedures be used.

18 D. A list of the source's other pending
19 applications awaiting group processing, and a
20 determination of whether the requested
21 modification, aggregated with these other
22 applications, equals or exceeds the threshold set
23 under subparagraph (b)(ii)(B) of this subsection.

24 E. Certification, consistent with paragraph
25 5(e), that the source has notified USEPA of the
26 proposed modification. Such notification need only

1 contain a brief description of the requested
2 modification.

3 F. Completed forms for the Agency to use to
4 notify USEPA and affected states as required under
5 subsections 8 and 9 of this Section.

6 iv. On a quarterly basis or within 5 business days
7 of receipt of an application demonstrating that the
8 aggregate of a source's pending applications equals or
9 exceeds the threshold level set forth within
10 subparagraph (b)(ii)(B) of this subsection, whichever
11 is earlier, the Agency shall promptly notify USEPA and
12 affected States of the requested permit modifications
13 in accordance with subsections 8 and 9 of this Section.
14 The Agency shall send any notice required under
15 paragraph 8(d) of this Section to USEPA.

16 v. The provisions of subparagraph (a)(v) of this
17 subsection shall apply to modifications eligible for
18 group processing, except that the Agency shall take one
19 of the actions specified in subparagraphs (a)(v)(A)
20 through (a)(v)(D) of this subsection within 180 days of
21 receipt of the application or 15 days after the end of
22 USEPA's 45-day review period under subsection 9 of this
23 Section, whichever is later.

24 vi. The provisions of subparagraph (a)(vi) of this
25 subsection shall apply to modifications for group
26 processing.

1 vii. The provisions of paragraph 7(j) of this
2 Section shall not apply to modifications eligible for
3 group processing.

4 c. Significant Permit Modifications.

5 i. Significant modification procedures shall be
6 used for applications requesting significant permit
7 modifications and for those applications that do not
8 qualify as either minor permit modifications or as
9 administrative permit amendments.

10 ii. Every significant change in existing
11 monitoring permit terms or conditions and every
12 relaxation of reporting or recordkeeping requirements
13 shall be considered significant. A modification shall
14 also be considered significant if in the judgment of
15 the Agency action on an application for modification
16 would require decisions to be made on technically
17 complex issues. Nothing herein shall be construed to
18 preclude the permittee from making changes consistent
19 with this Section that would render existing permit
20 compliance terms and conditions irrelevant.

21 iii. Significant permit modifications must meet
22 all the requirements of this Section, including those
23 for applications (including completeness review),
24 public participation, review by affected States, and
25 review by USEPA applicable to initial permit issuance
26 and permit renewal. The Agency shall take final action

1 on significant permit modifications within 9 months
2 after receipt of a complete application.

3 d. The Agency shall have the authority to adopt
4 procedural rules, in accordance with the Illinois
5 Administrative Procedure Act, as the Agency deems
6 necessary, to implement this subsection.

7 15. Reopenings for Cause by the Agency.

8 a. Each issued CAAPP permit shall include provisions
9 specifying the conditions under which the permit will be
10 reopened prior to the expiration of the permit. Such
11 revisions shall be made as expeditiously as practicable. A
12 CAAPP permit shall be reopened and revised under any of the
13 following circumstances, in accordance with procedures
14 adopted by the Agency:

15 i. Additional requirements under the Clean Air Act
16 become applicable to a major CAAPP source for which 3
17 or more years remain on the original term of the
18 permit. Such a reopening shall be completed not later
19 than 18 months after the promulgation of the applicable
20 requirement. No such revision is required if the
21 effective date of the requirement is later than the
22 date on which the permit is due to expire.

23 ii. Additional requirements (including excess
24 emissions requirements) become applicable to an
25 affected source for acid deposition under the acid rain

1 program. Excess emissions offset plans shall be deemed
2 to be incorporated into the permit upon approval by
3 USEPA.

4 iii. The Agency or USEPA determines that the permit
5 contains a material mistake or that inaccurate
6 statements were made in establishing the emissions
7 standards, limitations, or other terms or conditions
8 of the permit.

9 iv. The Agency or USEPA determines that the permit
10 must be revised or revoked to assure compliance with
11 the applicable requirements.

12 b. In the event that the Agency determines that there
13 are grounds for revoking a CAAPP permit, for cause,
14 consistent with paragraph a of this subsection, it shall
15 file a petition before the Board setting forth the basis
16 for such revocation. In any such proceeding, the Agency
17 shall have the burden of establishing that the permit
18 should be revoked under the standards set forth in this Act
19 and the Clean Air Act. Any such proceeding shall be
20 conducted pursuant to the Board's procedures for
21 adjudicatory hearings and the Board shall render its
22 decision within 120 days of the filing of the petition. The
23 Agency shall take final action to revoke and reissue a
24 CAAPP permit consistent with the Board's order.

25 c. Proceedings regarding a reopened CAAPP permit shall
26 follow the same procedures as apply to initial permit

1 issuance and shall affect only those parts of the permit
2 for which cause to reopen exists.

3 d. Reopenings under paragraph (a) of this subsection
4 shall not be initiated before a notice of such intent is
5 provided to the CAAPP source by the Agency at least 30 days
6 in advance of the date that the permit is to be reopened,
7 except that the Agency may provide a shorter time period in
8 the case of an emergency.

9 e. The Agency shall have the authority to adopt
10 procedural rules, in accordance with the Illinois
11 Administrative Procedure Act, as the Agency deems
12 necessary, to implement this subsection.

13 16. Reopenings for Cause by USEPA.

14 a. When USEPA finds that cause exists to terminate,
15 modify, or revoke and reissue a CAAPP permit pursuant to
16 subsection 15 of this Section, and thereafter notifies the
17 Agency and the permittee of such finding in writing, the
18 Agency shall forward to USEPA and the permittee a proposed
19 determination of termination, modification, or revocation
20 and reissuance as appropriate, in accordance with
21 paragraph b of this subsection. The Agency's proposed
22 determination shall be in accordance with the record, the
23 Clean Air Act, regulations promulgated thereunder, this
24 Act and regulations promulgated thereunder. Such proposed
25 determination shall not affect the permit or constitute a

1 final permit action for purposes of this Act or the
2 Administrative Review Law. The Agency shall forward to
3 USEPA such proposed determination within 90 days after
4 receipt of the notification from USEPA. If additional time
5 is necessary to submit the proposed determination, the
6 Agency shall request a 90-day extension from USEPA and
7 shall submit the proposed determination within 180 days of
8 receipt of notification from USEPA.

9 b. i. Prior to the Agency's submittal to USEPA of a
10 proposed determination to terminate or revoke and
11 reissue the permit, the Agency shall file a petition
12 before the Board setting forth USEPA's objection, the
13 permit record, the Agency's proposed determination,
14 and the justification for its proposed determination.
15 The Board shall conduct a hearing pursuant to the rules
16 prescribed by Section 32 of this Act, and the burden of
17 proof shall be on the Agency.

18 ii. After due consideration of the written and oral
19 statements, the testimony and arguments that shall be
20 submitted at hearing, the Board shall issue and enter
21 an interim order for the proposed determination, which
22 shall set forth all changes, if any, required in the
23 Agency's proposed determination. The interim order
24 shall comply with the requirements for final orders as
25 set forth in Section 33 of this Act. Issuance of an
26 interim order by the Board under this paragraph,

1 however, shall not affect the permit status and does
2 not constitute a final action for purposes of this Act
3 or the Administrative Review Law.

4 iii. The Board shall cause a copy of its interim
5 order to be served upon all parties to the proceeding
6 as well as upon USEPA. The Agency shall submit the
7 proposed determination to USEPA in accordance with the
8 Board's Interim Order within 180 days after receipt of
9 the notification from USEPA.

10 c. USEPA shall review the proposed determination to
11 terminate, modify, or revoke and reissue the permit within
12 90 days of receipt.

13 i. When USEPA reviews the proposed determination
14 to terminate or revoke and reissue and does not object,
15 the Board shall, within 7 days of receipt of USEPA's
16 final approval, enter the interim order as a final
17 order. The final order may be appealed as provided by
18 Title XI of this Act. The Agency shall take final
19 action in accordance with the Board's final order.

20 ii. When USEPA reviews such proposed determination
21 to terminate or revoke and reissue and objects, the
22 Agency shall submit USEPA's objection and the Agency's
23 comments and recommendation on the objection to the
24 Board and permittee. The Board shall review its interim
25 order in response to USEPA's objection and the Agency's
26 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

1 Title IV of the Clean Air Act and regulations promulgated
2 thereunder. The Agency shall issue initial CAAPP permits to
3 the affected sources for acid deposition which shall become
4 effective no earlier than January 1, 1995, and which shall
5 terminate on December 31, 1999, in accordance with this
6 Section. Subsequent CAAPP permits issued to affected
7 sources for acid deposition shall be issued for a fixed
8 term of 5 years. Title IV of the Clean Air Act and
9 regulations promulgated thereunder, including but not
10 limited to 40 C.F.R. Part 72, as now or hereafter amended,
11 are applicable to and enforceable under this Act.

12 b. A designated representative of an affected source
13 for acid deposition shall submit a timely and complete
14 Phase II acid rain permit application and compliance plan
15 to the Agency, not later than January 1, 1996, that meets
16 the requirements of Titles IV and V of the Clean Air Act
17 and regulations. The Agency shall act on the Phase II acid
18 rain permit application and compliance plan in accordance
19 with this Section and Title V of the Clean Air Act and
20 regulations promulgated thereunder, except as modified by
21 Title IV of the Clean Air Act and regulations promulgated
22 thereunder. The Agency shall issue the Phase II acid rain
23 permit to an affected source for acid deposition no later
24 than December 31, 1997, which shall become effective on
25 January 1, 2000, in accordance with this Section, except as
26 modified by Title IV and regulations promulgated

1 thereunder; provided that the designated representative of
2 the source submitted a timely and complete Phase II permit
3 application and compliance plan to the Agency that meets
4 the requirements of Title IV and V of the Clean Air Act and
5 regulations.

6 c. Each Phase II acid rain permit issued in accordance
7 with this subsection shall have a fixed term of 5 years.
8 Except as provided in paragraph b above, the Agency shall
9 issue or deny a Phase II acid rain permit within 18 months
10 of receiving a complete Phase II permit application and
11 compliance plan.

12 d. A designated representative of a new unit, as
13 defined in Section 402 of the Clean Air Act, shall submit a
14 timely and complete Phase II acid rain permit application
15 and compliance plan that meets the requirements of Titles
16 IV and V of the Clean Air Act and its regulations. The
17 Agency shall act on the new unit's Phase II acid rain
18 permit application and compliance plan in accordance with
19 this Section and Title V of the Clean Air Act and its
20 regulations, except as modified by Title IV of the Clean
21 Air Act and its regulations. The Agency shall reopen the
22 new unit's CAAPP permit for cause to incorporate the
23 approved Phase II acid rain permit in accordance with this
24 Section. The Phase II acid rain permit for the new unit
25 shall become effective no later than the date required
26 under Title IV of the Clean Air Act and its regulations.

1 e. A designated representative of an affected source
2 for acid deposition shall submit a timely and complete
3 Title IV NOx permit application to the Agency, not later
4 than January 1, 1998, that meets the requirements of Titles
5 IV and V of the Clean Air Act and its regulations. The
6 Agency shall reopen the Phase II acid rain permit for cause
7 and incorporate the approved NOx provisions into the Phase
8 II acid rain permit not later than January 1, 1999, in
9 accordance with this Section, except as modified by Title
10 IV of the Clean Air Act and regulations promulgated
11 thereunder. Such reopening shall not affect the term of the
12 Phase II acid rain permit.

13 f. The designated representative of the affected
14 source for acid deposition shall renew the initial CAAPP
15 permit and Phase II acid rain permit in accordance with
16 this Section and Title V of the Clean Air Act and
17 regulations promulgated thereunder, except as modified by
18 Title IV of the Clean Air Act and regulations promulgated
19 thereunder.

20 g. In the case of an affected source for acid
21 deposition for which a complete Phase II acid rain permit
22 application and compliance plan are timely received under
23 this subsection, the complete permit application and
24 compliance plan, including amendments thereto, shall be
25 binding on the owner, operator and designated
26 representative, all affected units for acid deposition at

1 the affected source, and any other unit, as defined in
2 Section 402 of the Clean Air Act, governed by the Phase II
3 acid rain permit application and shall be enforceable as an
4 acid rain permit for purposes of Titles IV and V of the
5 Clean Air Act, from the date of submission of the acid rain
6 permit application until a Phase II acid rain permit is
7 issued or denied by the Agency.

8 h. The Agency shall not include or implement any
9 measure which would interfere with or modify the
10 requirements of Title IV of the Clean Air Act or
11 regulations promulgated thereunder.

12 i. Nothing in this Section shall be construed as
13 affecting allowances or USEPA's decision regarding an
14 excess emissions offset plan, as set forth in Title IV of
15 the Clean Air Act or regulations promulgated thereunder.

16 i. No permit revision shall be required for
17 increases in emissions that are authorized by
18 allowances acquired pursuant to the acid rain program,
19 provided that such increases do not require a permit
20 revision under any other applicable requirement.

21 ii. No limit shall be placed on the number of
22 allowances held by the source. The source may not,
23 however, use allowances as a defense to noncompliance
24 with any other applicable requirement.

25 iii. Any such allowance shall be accounted for
26 according to the procedures established in regulations

1 promulgated under Title IV of the Clean Air Act.

2 j. To the extent that the federal regulations
3 promulgated under Title IV, including but not limited to 40
4 C.F.R. Part 72, as now or hereafter amended, are
5 inconsistent with the federal regulations promulgated
6 under Title V, the federal regulations promulgated under
7 Title IV shall take precedence.

8 k. The USEPA may intervene as a matter of right in any
9 permit appeal involving a Phase II acid rain permit
10 provision or denial of a Phase II acid rain permit.

11 l. It is unlawful for any owner or operator to violate
12 any terms or conditions of a Phase II acid rain permit
13 issued under this subsection, to operate any affected
14 source for acid deposition except in compliance with a
15 Phase II acid rain permit issued by the Agency under this
16 subsection, or to violate any other applicable
17 requirements.

18 m. The designated representative of an affected source
19 for acid deposition shall submit to the Agency the data and
20 information submitted quarterly to USEPA, pursuant to 40
21 CFR 75.64, concurrently with the submission to USEPA. The
22 submission shall be in the same electronic format as
23 specified by USEPA.

24 n. The Agency shall act on any petition for exemption
25 of a new unit or retired unit, as those terms are defined
26 in Section 402 of the Clean Air Act, from the requirements

1 of the acid rain program in accordance with Title IV of the
2 Clean Air Act and its regulations.

3 o. The Agency shall have the authority to adopt
4 procedural rules, in accordance with the Illinois
5 Administrative Procedure Act, as the Agency deems
6 necessary to implement this subsection.

7 18. Fee Provisions.

8 a. For each 12 month period after the date on which the
9 USEPA approves or conditionally approves the CAAPP, but in
10 no event prior to January 1, 1994, a source subject to this
11 Section or excluded under subsection 1.1 or paragraph 3(c)
12 of this Section, shall pay a fee as provided in this part
13 (a) of this subsection 18. However, a source that has been
14 excluded from the provisions of this Section under
15 subsection 1.1 or paragraph 3(c) of this Section because
16 the source emits less than 25 tons per year of any
17 combination of regulated air pollutants shall pay fees in
18 accordance with paragraph (1) of subsection (b) of Section
19 9.6.

20 i. The fee for a source allowed to emit less than
21 100 tons per year of any combination of regulated air
22 pollutants shall be \$1,000 ~~\$1,800~~ per year.

23 ii. The fee for a source allowed to emit 100 tons
24 or more per year of any combination of regulated air
25 pollutants, except for those regulated air pollutants

1 excluded in paragraph 18(f) of this subsection, shall
2 be as follows:

3 A. The Agency shall assess an annual fee of
4 \$13.50 ~~\$18.00~~ per ton for the allowable emissions
5 of all regulated air pollutants at that source
6 during the term of the permit. These fees shall be
7 used by the Agency and the Board to fund the
8 activities required by Title V of the Clean Air Act
9 including such activities as may be carried out by
10 other State or local agencies pursuant to
11 paragraph (d) of this subsection. The amount of
12 such fee shall be based on the information supplied
13 by the applicant in its complete CAAPP permit
14 application or in the CAAPP permit if the permit
15 has been granted and shall be determined by the
16 amount of emissions that the source is allowed to
17 emit annually, provided however, that no source
18 shall be required to pay an annual fee in excess of
19 \$100,000 ~~\$250,000~~. The Agency shall provide as
20 part of the permit application form required under
21 subsection 5 of this Section a separate fee
22 calculation form which will allow the applicant to
23 identify the allowable emissions and calculate the
24 fee for the term of the permit. In no event shall
25 the Agency raise the amount of allowable emissions
26 requested by the applicant unless such increases

1 are required to demonstrate compliance with terms
2 of a CAAPP permit.

3 Notwithstanding the above, any applicant may
4 seek a change in its permit which would result in
5 increases in allowable emissions due to an
6 increase in the hours of operation or production
7 rates of an emission unit or units and such a
8 change shall be consistent with the construction
9 permit requirements of the existing State permit
10 program, under Section 39(a) of this Act and
11 applicable provisions of this Section. Where a
12 construction permit is required, the Agency shall
13 expeditiously grant such construction permit and
14 shall, if necessary, modify the CAAPP permit based
15 on the same application.

16 B. The applicant or permittee may pay the fee
17 annually or semiannually for those fees greater
18 than \$5,000. However, any applicant paying a fee
19 equal to or greater than \$100,000 shall pay the
20 full amount on July 1, for the subsequent fiscal
21 year, or pay 50% of the fee on July 1 and the
22 remaining 50% by the next January 1. The Agency may
23 change any annual billing date upon reasonable
24 notice, but shall prorate the new bill so that the
25 permittee or applicant does not pay more than its
26 required fees for the fee period for which payment

1 is made.

2 b. (Blank).

3 c. (Blank).

4 d. There is hereby created in the State Treasury a
5 special fund to be known as the "CAA Permit Fund". All
6 Funds collected by the Agency pursuant to this subsection
7 shall be deposited into the Fund. The General Assembly
8 shall appropriate monies from this Fund to the Agency and
9 to the Board to carry out their obligations under this
10 Section. The General Assembly may also authorize monies to
11 be granted by the Agency from this Fund to other State and
12 local agencies which perform duties related to the CAAPP.
13 Interest generated on the monies deposited in this Fund
14 shall be returned to the Fund.

15 e. The Agency shall have the authority to adopt
16 procedural rules, in accordance with the Illinois
17 Administrative Procedure Act, as the Agency deems
18 necessary to implement this subsection.

19 f. For purposes of this subsection, the term "regulated
20 air pollutant" shall have the meaning given to it under
21 subsection 1 of this Section but shall exclude the
22 following:

23 i. carbon monoxide;

24 ii. any Class I or II substance which is a
25 regulated air pollutant solely because it is listed
26 pursuant to Section 602 of the Clean Air Act; and

1 iii. any pollutant that is a regulated air
2 pollutant solely because it is subject to a standard or
3 regulation under Section 112(r) of the Clean Air Act
4 based on the emissions allowed in the permit effective
5 in that calendar year, at the time the applicable bill
6 is generated.

7 19. Air Toxics Provisions.

8 a. In the event that the USEPA fails to promulgate in a
9 timely manner a standard pursuant to Section 112(d) of the
10 Clean Air Act, the Agency shall have the authority to issue
11 permits, pursuant to Section 112(j) of the Clean Air Act
12 and regulations promulgated thereunder, which contain
13 emission limitations which are equivalent to the emission
14 limitations that would apply to a source if an emission
15 standard had been promulgated in a timely manner by USEPA
16 pursuant to Section 112(d). Provided, however, that the
17 owner or operator of a source shall have the opportunity to
18 submit to the Agency a proposed emission limitation which
19 it determines to be equivalent to the emission limitations
20 that would apply to such source if an emission standard had
21 been promulgated in a timely manner by USEPA. If the Agency
22 refuses to include the emission limitation proposed by the
23 owner or operator in a CAAPP permit, the owner or operator
24 may petition the Board to establish whether the emission
25 limitation proposal submitted by the owner or operator

1 provides for emission limitations which are equivalent to
2 the emission limitations that would apply to the source if
3 the emission standard had been promulgated by USEPA in a
4 timely manner. The Board shall determine whether the
5 emission limitation proposed by the owner or operator or an
6 alternative emission limitation proposed by the Agency
7 provides for the level of control required under Section
8 112 of the Clean Air Act, or shall otherwise establish an
9 appropriate emission limitation, pursuant to Section 112
10 of the Clean Air Act.

11 b. Any Board proceeding brought under paragraph (a) or
12 (e) of this subsection shall be conducted according to the
13 Board's procedures for adjudicatory hearings and the Board
14 shall render its decision within 120 days of the filing of
15 the petition. Any such decision shall be subject to review
16 pursuant to Section 41 of this Act. Where USEPA promulgates
17 an applicable emission standard prior to the issuance of
18 the CAAPP permit, the Agency shall include in the permit
19 the promulgated standard, provided that the source shall
20 have the compliance period provided under Section 112(i) of
21 the Clean Air Act. Where USEPA promulgates an applicable
22 standard subsequent to the issuance of the CAAPP permit,
23 the Agency shall revise such permit upon the next renewal
24 to reflect the promulgated standard, providing a
25 reasonable time for the applicable source to comply with
26 the standard, but no longer than 8 years after the date on

1 which the source is first required to comply with the
2 emissions limitation established under this subsection.

3 c. The Agency shall have the authority to implement and
4 enforce complete or partial emission standards promulgated
5 by USEPA pursuant to Section 112(d), and standards
6 promulgated by USEPA pursuant to Sections 112(f), 112(h),
7 112(m), and 112(n), and may accept delegation of authority
8 from USEPA to implement and enforce Section 112(l) and
9 requirements for the prevention and detection of
10 accidental releases pursuant to Section 112(r) of the Clean
11 Air Act.

12 d. The Agency shall have the authority to issue permits
13 pursuant to Section 112(i) (5) of the Clean Air Act.

14 e. The Agency has the authority to implement Section
15 112(g) of the Clean Air Act consistent with the Clean Air
16 Act and federal regulations promulgated thereunder. If the
17 Agency refuses to include the emission limitations
18 proposed in an application submitted by an owner or
19 operator for a case-by-case maximum achievable control
20 technology (MACT) determination, the owner or operator may
21 petition the Board to determine whether the emission
22 limitation proposed by the owner or operator or an
23 alternative emission limitation proposed by the Agency
24 provides for a level of control required by Section 112 of
25 the Clean Air Act, or to otherwise establish an appropriate
26 emission limitation under Section 112 of the Clean Air Act.

1 20. Small Business.

2 a. For purposes of this subsection:

3 "Program" is the Small Business Stationary Source
4 Technical and Environmental Compliance Assistance Program
5 created within this State pursuant to Section 507 of the
6 Clean Air Act and guidance promulgated thereunder, to
7 provide technical assistance and compliance information to
8 small business stationary sources;

9 "Small Business Assistance Program" is a component of
10 the Program responsible for providing sufficient
11 communications with small businesses through the
12 collection and dissemination of information to small
13 business stationary sources; and

14 "Small Business Stationary Source" means a stationary
15 source that:

16 1. is owned or operated by a person that employs
17 100 or fewer individuals;

18 2. is a small business concern as defined in the
19 "Small Business Act";

20 3. is not a major source as that term is defined in
21 subsection 2 of this Section;

22 4. does not emit 50 tons or more per year of any
23 regulated air pollutant; and

24 5. emits less than 75 tons per year of all
25 regulated pollutants.

1 b. The Agency shall adopt and submit to USEPA, after
2 reasonable notice and opportunity for public comment, as a
3 revision to the Illinois state implementation plan, plans
4 for establishing the Program.

5 c. The Agency shall have the authority to enter into
6 such contracts and agreements as the Agency deems necessary
7 to carry out the purposes of this subsection.

8 d. The Agency may establish such procedures as it may
9 deem necessary for the purposes of implementing and
10 executing its responsibilities under this subsection.

11 e. There shall be appointed a Small Business Ombudsman
12 (hereinafter in this subsection referred to as
13 "Ombudsman") to monitor the Small Business Assistance
14 Program. The Ombudsman shall be a nonpartisan designated
15 official, with the ability to independently assess whether
16 the goals of the Program are being met.

17 f. The State Ombudsman Office shall be located in an
18 existing Ombudsman office within the State or in any State
19 Department.

20 g. There is hereby created a State Compliance Advisory
21 Panel (hereinafter in this subsection referred to as
22 "Panel") for determining the overall effectiveness of the
23 Small Business Assistance Program within this State.

24 h. The selection of Panel members shall be by the
25 following method:

26 1. The Governor shall select two members who are

1 not owners or representatives of owners of small
2 business stationary sources to represent the general
3 public;

4 2. The Director of the Agency shall select one
5 member to represent the Agency; and

6 3. The State Legislature shall select four members
7 who are owners or representatives of owners of small
8 business stationary sources. Both the majority and
9 minority leadership in both Houses of the Legislature
10 shall appoint one member of the panel.

11 i. Panel members should serve without compensation but
12 will receive full reimbursement for expenses including
13 travel and per diem as authorized within this State.

14 j. The Panel shall select its own Chair by a majority
15 vote. The Chair may meet and consult with the Ombudsman and
16 the head of the Small Business Assistance Program in
17 planning the activities for the Panel.

18 21. Temporary Sources.

19 a. The Agency may issue a single permit authorizing
20 emissions from similar operations by the same source owner
21 or operator at multiple temporary locations, except for
22 sources which are affected sources for acid deposition
23 under Title IV of the Clean Air Act.

24 b. The applicant must demonstrate that the operation is
25 temporary and will involve at least one change of location

1 during the term of the permit.

2 c. Any such permit shall meet all applicable
3 requirements of this Section and applicable regulations,
4 and include conditions assuring compliance with all
5 applicable requirements at all authorized locations and
6 requirements that the owner or operator notify the Agency
7 at least 10 days in advance of each change in location.

8 22. Solid Waste Incineration Units.

9 a. A CAAPP permit for a solid waste incineration unit
10 combusting municipal waste subject to standards
11 promulgated under Section 129(e) of the Clean Air Act shall
12 be issued for a period of 12 years and shall be reviewed
13 every 5 years, unless the Agency requires more frequent
14 review through Agency procedures.

15 b. During the review in paragraph (a) of this
16 subsection, the Agency shall fully review the previously
17 submitted CAAPP permit application and corresponding
18 reports subsequently submitted to determine whether the
19 source is in compliance with all applicable requirements.

20 c. If the Agency determines that the source is not in
21 compliance with all applicable requirements it shall
22 revise the CAAPP permit as appropriate.

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

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 95th 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

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

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

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

1 The retailer of the tires must maintain in its books and
2 records evidence that the appropriate fee was paid to the tire
3 supplier and that the tire supplier has agreed to remit the fee
4 to the Department of Revenue for each tire sold by the
5 retailer. Otherwise, the tire retailer shall be directly liable
6 for the fee on all tires sold at retail. Tire retailers paying
7 the fee to their suppliers are not entitled to the collection
8 allowance of 10 cents per tire.

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

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

18 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised
19 10-13-03.)

20 (415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)

21 Sec. 56.4. Medical waste manifests.

22 (a) Manifests for potentially infectious medical waste
23 shall consist of an original (the first page of the form) and 3
24 copies. Upon delivery of potentially infectious medical waste
25 by a generator to a transporter, the transporter shall deliver

1 one copy of the completed manifest to the generator. Upon
2 delivery of potentially infectious medical waste by a
3 transporter to a treatment or disposal facility, the
4 transporter shall keep one copy of the completed manifest, and
5 the transporter shall deliver the original and one copy of the
6 completed manifest to the treatment or disposal facility. The
7 treatment or disposal facility shall keep one copy of the
8 completed manifest and return the original to the generator
9 within 35 days. The manifest, as provided for in this Section,
10 shall not terminate while being transferred between the
11 generator, transporter, transfer station, or storage facility,
12 unless transfer activities are conducted at the treatment or
13 disposal facility. The manifest shall terminate at the
14 treatment or disposal facility.

15 (b) Potentially infectious medical waste manifests shall
16 be in a form prescribed and provided by the Agency. Generators
17 and transporters of potentially infectious medical waste and
18 facilities accepting potentially infectious medical waste are
19 not required to submit copies of such manifests to the Agency.
20 The manifest described in this Section shall be used for the
21 transportation of potentially infectious medical waste instead
22 of the manifest described in Section 22.01 of this Act. Copies
23 of each manifest shall be retained for 3 years by generators,
24 transporters, and facilities, and shall be available for
25 inspection and copying by the Agency.

26 (c) The Agency shall assess a fee of \$2 ~~\$4.00~~ for each

1 potentially infectious medical waste manifest provided by the
2 Agency.

3 (d) All fees collected by the Agency under this Section
4 shall be deposited into the Environmental Protection Permit and
5 Inspection Fund. The Agency may establish procedures relating
6 to the collection of fees under this Section. The Agency shall
7 not refund any fee paid to it under this Section.

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

9 (415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

10 Sec. 56.5. Medical waste hauling fees.

11 (a) The Agency shall annually collect a \$1,000 ~~\$2000~~ fee
12 for each potentially infectious medical waste hauling permit
13 application and, in addition, shall collect a fee of \$250 for
14 each potentially infectious medical waste hauling vehicle
15 identified in the annual permit application and for each
16 vehicle that is added to the permit during the annual period.
17 Each applicant required to pay a fee under this Section shall
18 submit the fee along with the permit application. The Agency
19 shall deny any permit application for which a fee is required
20 under this Section that does not contain the appropriate fee.

21 (b) All fees collected by the Agency under this Section
22 shall be deposited into the Environmental Protection Permit and
23 Inspection Fund. The Agency may establish procedures relating
24 to the collection of fees under this Section. The Agency shall
25 not refund any fee paid to it under this Section.

1 (c) The Agency shall not collect a fee under this Section
2 from any hospital that transports only potentially infectious
3 medical waste generated by its own activities or by members of
4 its medical staff.

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

6 (415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

7 Sec. 56.6. Medical waste transportation fees.

8 (a) The Agency shall collect from each transporter of
9 potentially infectious medical waste required to have a permit
10 under Section 56.1(f) of this Act a fee in the amount of 1.5 ~~3~~
11 cents per pound of potentially infectious medical waste
12 transported. The Agency shall collect from each transporter of
13 potentially infectious medical waste not required to have a
14 permit under Section 56.1(f)(1)(A) of this Act a fee in the
15 amount of 1.5 ~~3~~ cents per pound of potentially infectious
16 medical waste transported to a site or facility not owned,
17 controlled, or operated by the transporter. The Agency shall
18 deny any permit required under Section 56.1(f) of this Act from
19 any applicant who has not paid to the Agency all fees due under
20 this Section.

21 A fee in the amount of 1.5 ~~3~~ cents per pound of potentially
22 infectious medical waste shall be collected by the Agency from
23 a potentially infectious medical waste storage site or
24 treatment facility receiving potentially infectious medical
25 waste, unless the fee has been previously paid by a

1 transporter.

2 (b) The Agency shall establish procedures, not later than
3 January 1, 1992, relating to the collection of the fees
4 authorized by this Section. These procedures shall include, but
5 not be limited to: (i) necessary records identifying the
6 quantities of potentially infectious medical waste
7 transported; (ii) the form and submission of reports to
8 accompany the payment of fees to the Agency; and (iii) the time
9 and manner of payment of fees to the Agency, which payments
10 shall be not more often than quarterly.

11 (c) All fees collected by the Agency under this Section
12 shall be deposited into the Environmental Protection Permit and
13 Inspection Fund. The Agency may establish procedures relating
14 to the collection of fees under this Section. The Agency shall
15 not refund any fee paid to it under this Section.

16 (d) The Agency shall not collect a fee under this Section
17 from a person transporting potentially infectious medical
18 waste to a hospital when the person is a member of the
19 hospital's medical staff.

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

21 (415 ILCS 5/9.12 rep.)

22 (415 ILCS 5/9.13 rep.)

23 (415 ILCS 5/12.5 rep.)

24 (415 ILCS 5/12.6 rep.)

25 Section 145. The Environmental Protection Act is amended by

1 repealing Sections 9.12, 9.13, 12.5, and 12.6.

2 Section 150. The Illinois Pesticide Act is amended by
3 changing Sections 6 and 22.1 as follows:

4 (415 ILCS 60/6) (from Ch. 5, par. 806)

5 Sec. 6. Registration.

6 1. Every pesticide which is distributed, sold, offered for
7 sale within this State, delivered for transportation or
8 transported in interstate commerce or between points within the
9 State through any point outside the State, shall be registered
10 with the Director or his designated agent, subject to
11 provisions of this Act. Such registration shall be renewed
12 annually with registrations expiring December 31 each year.
13 Registration is not required if a pesticide is shipped from one
14 plant or warehouse to another plant or warehouse by the same
15 person and is used solely at such plant or warehouse as a
16 constituent part to make a pesticide which is registered under
17 provisions of this Act and FIFRA.

18 2. Registration applicant shall file a statement with the
19 Director which shall include:

20 A. The name and address of the applicant and the name
21 and address of the person whose name will appear on the
22 label if different from the applicant's.

23 B. The name of the pesticide.

24 C. A copy of the labeling accompanying the pesticide

1 under customary conditions of distribution, sale and use,
2 including ingredient statement, direction for use, use
3 classification, and precautionary or warning statements.

4 3. The Director may require the submission of complete
5 formula data.

6 4. The Director may require a full description of tests
7 made and the results thereof, upon which the claims are based,
8 for any pesticide not registered pursuant to FIFRA, or on any
9 pesticide under consideration to be classified for restricted
10 use.

11 A. The Director will not consider data he required of
12 the initial registrant of a pesticide in support of another
13 applicants' registration unless the subsequent applicant
14 has obtained written permission to use such data.

15 B. In the case of renewal registration, the Director
16 may accept a statement only with respect to information
17 which is different from that furnished previously.

18 5. The Director may prescribe other requirements to support
19 a pesticide registration by regulation.

20 6. For the years preceding the year 2004, any registrant
21 desiring to register a pesticide product at any time during one
22 year shall pay the annual registration fee of \$100 per product
23 registered for that applicant. For the years 2004 through 2006
24 ~~and thereafter~~, the annual product registration fee is \$200 per
25 product. For the years 2007 and thereafter, the annual product
26 registration fee is \$130.

1 In addition, for the years preceding the year 2004 any
2 business registering a pesticide product at any time during one
3 year shall pay the annual business registration fee of \$250.
4 For the years 2004 through 2006 ~~and thereafter~~, the annual
5 business registration fee shall be \$400. For the years 2007 and
6 thereafter, the annual business registration fee is \$300. Each
7 legal entity of the business shall pay the annual business
8 registration fee.

9 For the years preceding the year 2004, any applicant
10 requesting an experimental use permit shall pay the annual fee
11 of \$100 per permit and all special local need pesticide
12 registration applicants shall pay an annual fee of \$100 per
13 product. For the years 2004 through 2006 ~~and thereafter~~, the
14 annual experimental use permit fee and special local need
15 pesticide registration fee is \$200 per permit. For the annual
16 experimental use permit fee and special local need pesticide
17 registration fee is \$130. Subsequent SLN registrations for a
18 pesticide already registered shall be exempted from the
19 registration fee.

20 A. All registration accepted and approved by the
21 Director shall expire on the 31st day of December in any
22 one year unless cancelled. Registration for a special local
23 need may be granted for a specific period of time with the
24 approval date and expiration date specified.

25 B. If a registration for special local need granted by
26 the Director does not receive approval of the Administrator

1 of USEPA, the registration shall expire on the date of the
2 Administrator's disapproval.

3 7. Registrations approved and accepted by the Director and
4 in effect on the 31st day of December, for which renewal
5 application is made, shall continue in full force and effect
6 until the Director notifies the registrant that the renewal has
7 been approved and accepted or the registration is denied under
8 this Act. Renewal registration forms will be provided to
9 applicants by the Director.

10 8. If the renewal of a pesticide registration is not filed
11 within 30 days of the date of expiration, a penalty late
12 registration assessment of \$200 ~~\$300~~ per product shall apply in
13 lieu of the normal annual product registration fee. The late
14 registration assessment shall not apply if the applicant
15 furnishes an affidavit certifying that no unregulated
16 pesticide was distributed or sold during the period of
17 registration. The late assessment is not a bar to prosecution
18 for doing business without proper registry.

19 9. The Director may prescribe by regulation to allow
20 pesticide use for a special local need, pursuant to FIFRA.

21 10. The Director may prescribe by regulation the provisions
22 for and requirements of registering a pesticide intended for
23 experimental use.

24 11. The Director shall not make any lack of essentiality a
25 criterion for denial of registration of any pesticide. Where 2
26 pesticides meet the requirements, one should not be registered

1 in preference to the other.

2 12. It shall be the duty of the pesticide registrant to
3 properly dispose of any pesticide the registration of which has
4 been suspended, revoked or cancelled or which is otherwise not
5 properly registered in the State.

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

7 (415 ILCS 60/22.1) (from Ch. 5, par. 822.1)

8 Sec. 22.1. Pesticide Control Fund. There is hereby created
9 in the State Treasury a special fund to be known as the
10 Pesticide Control Fund. All registration, penalty and license
11 fees collected by the Department pursuant to this Act shall be
12 deposited into the Fund. The amount annually collected as fees
13 shall be appropriated by the General Assembly to the Department
14 for the purposes of conducting a public educational program on
15 the proper use of pesticides, for other activities related to
16 the enforcement of this Act, and for administration of the
17 Insect Pest and Plant Disease Act. However, the increase in
18 fees in Sections 6, 10, and 13 of this Act resulting from this
19 amendatory Act of 1990 shall be used by the Department for the
20 purpose of carrying out the Department's powers and duties as
21 set forth in paragraph 8 of Section 19 of this Act. The monies
22 collected under Section 13.1 of this Act shall be deposited in
23 the Agrichemical Incident Response Fund. In addition, for the
24 years 2004 through 2006 ~~and thereafter~~, \$125 of each pesticide
25 annual business registration fee and \$50 of each pesticide

1 product annual registration fee collected by the Department
2 pursuant to Section 6, paragraph 6 of this Act shall be
3 deposited by the Department directly into the State's General
4 Revenue Fund.

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

6 (415 ILCS 120/35 rep.)

7 Section 155. The Alternate Fuels Act is amended by
8 repealing Section 35 .

9 Section 160. The Alternate Fuels Act is amended by changing
10 Section 40 as follows:

11 (415 ILCS 120/40)

12 Sec. 40. Appropriations from the Alternate Fuels Fund.

13 (a) ~~(Blank). User Fees Funds. The Agency shall estimate the~~
14 ~~amount of user fees expected to be collected under Section 35~~
15 ~~of this Act for each fiscal year. User fee funds shall be~~
16 ~~deposited into and distributed from the Alternate Fuels Fund in~~
17 ~~the following manner:~~

18 ~~(1) In each of fiscal years 1999, 2000, 2001, 2002, and~~
19 ~~2003, an amount not to exceed \$200,000, and beginning in~~
20 ~~fiscal year 2004 an annual amount not to exceed \$225,000,~~
21 ~~may be appropriated to the Agency from the Alternate Fuels~~
22 ~~Fund to pay its costs of administering the programs~~
23 ~~authorized by Section 30 of this Act. Up to \$200,000 may be~~

1 ~~appropriated to the Office of the Secretary of State in~~
2 ~~each of fiscal years 1999, 2000, 2001, 2002, and 2003 from~~
3 ~~the Alternate Fuels Fund to pay the Secretary of State's~~
4 ~~costs of administering the programs authorized under this~~
5 ~~Act. Beginning in fiscal year 2004 and in each fiscal year~~
6 ~~thereafter, an amount not to exceed \$225,000 may be~~
7 ~~appropriated to the Secretary of State from the Alternate~~
8 ~~Fuels Fund to pay the Secretary of State's costs of~~
9 ~~administering the programs authorized under this Act.~~

10 ~~(2) In fiscal years 1999, 2000, 2001, and 2002, after~~
11 ~~appropriation of the amounts authorized by item (1) of~~
12 ~~subsection (a) of this Section, the remaining moneys~~
13 ~~estimated to be collected during each fiscal year shall be~~
14 ~~appropriated as follows: 80% of the remaining moneys shall~~
15 ~~be appropriated to fund the programs authorized by Section~~
16 ~~30, and 20% shall be appropriated to fund the programs~~
17 ~~authorized by Section 25. In fiscal year 2004 and each~~
18 ~~fiscal year thereafter, after appropriation of the amounts~~
19 ~~authorized by item (1) of subsection (a) of this Section,~~
20 ~~the remaining moneys estimated to be collected during each~~
21 ~~fiscal year shall be appropriated as follows: 70% of the~~
22 ~~remaining moneys shall be appropriated to fund the programs~~
23 ~~authorized by Section 30 and 30% shall be appropriated to~~
24 ~~fund the programs authorized by Section 31.~~

25 ~~(3) (Blank).~~

26 ~~(4) Moneys appropriated to fund the programs~~

1 ~~authorized in Sections 25 and 30 shall be expended only~~
2 ~~after they have been collected and deposited into the~~
3 ~~Alternate Fuels Fund.~~

4 (b) General Revenue Fund Appropriations. General Revenue
5 Fund amounts appropriated to and deposited into the Alternate
6 Fuels Fund shall be distributed from the Alternate Fuels Fund
7 in the following manner:

8 (1) In each of fiscal years 2003 and 2004, an amount
9 not to exceed \$50,000 may be appropriated to the Department
10 of Commerce and Community Affairs (now Department of
11 Commerce and Economic Opportunity) from the Alternate
12 Fuels Fund to pay its costs of administering the programs
13 authorized by Sections 31 and 32.

14 (2) In each of fiscal years 2003 and 2004, an amount
15 not to exceed \$50,000 may be appropriated to the Department
16 of Commerce and Community Affairs (now Department of
17 Commerce and Economic Opportunity) to fund the programs
18 authorized by Section 32.

19 (3) In each of fiscal years 2003 and 2004, after
20 appropriation of the amounts authorized in items (1) and
21 (2) of subsection (b) of this Section, the remaining moneys
22 received from the General Revenue Fund shall be
23 appropriated as follows: 52.632% of the remaining moneys
24 shall be appropriated to fund the programs authorized by
25 Sections 25 and 30 and 47.368% of the remaining moneys
26 shall be appropriated to fund the programs authorized by

1 Section 31. The moneys appropriated to fund the programs
2 authorized by Sections 25 and 30 shall be used as follows:
3 20% shall be used to fund the programs authorized by
4 Section 25, and 80% shall be used to fund the programs
5 authorized by Section 30.

6 Moneys appropriated to fund the programs authorized in
7 Section 31 shall be expended only after they have been
8 deposited into the Alternate Fuels Fund.

9 (Source: P.A. 93-32, eff. 7-1-03; 94-793, eff. 5-19-06.)

10 Section 165. The Environmental Impact Fee Law is amended by
11 changing Section 315 as follows:

12 (415 ILCS 125/315)

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

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

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

25 The return shall be prescribed by the Department and shall
26 be filed between the 1st and 20th days of each calendar month.

1 The Department may, in its discretion, combine the return filed
2 under this Law with the return filed under Section 2b of the
3 Motor Fuel Tax Law. If the return is timely filed, the receiver
4 may take a discount of 2% through June 30, 2003, ~~and~~ 1.75%
5 through the effective date of this amendatory Act of the 95th
6 General Assembly, and 2% thereafter to reimburse himself for
7 the expenses incurred in keeping records, preparing and filing
8 returns, collecting and remitting the fee, and supplying data
9 to the Department on request. However, the discount applies
10 only to the amount of the fee payment that accompanies a return
11 that is timely filed in accordance with this Section.

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

13 Section 170. The Boiler and Pressure Vessel Safety Act is
14 amended by changing Section 13 as follows:

15 (430 ILCS 75/13) (from Ch. 111 1/2, par. 3214)

16 Sec. 13. Inspection fees. The owner or user of a boiler or
17 pressure vessel required by this Act to be inspected by the
18 Chief Inspector or his Deputy Inspector shall pay directly to
19 the Office of the State Fire Marshal, upon completion of
20 inspection, fees established by the Board.

21 ~~Fees On and after October 1, 2003, 50% of the fees for~~
22 ~~certification of boilers and pressure vessels as described in~~
23 ~~Section 11 shall be deposited into the General Revenue Fund and~~
24 ~~the remaining fees~~ received under this Act shall be deposited

1 in the Fire Prevention Fund.

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

3 Section 175. The Illinois Commercial Feed Act of 1961 is
4 amended by changing Sections 6 and 14.3 as follows:

5 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

6 Sec. 6. Inspection fees and reports.

7 (a) An inspection fee at the rate of \$0.16 ~~20 cents~~ per ton
8 shall be paid to the Director on commercial feed distributed in
9 this State by the person who first distributes the commercial
10 feed subject to the following:

11 (1) The inspection fee is not required on the first
12 distribution, if made to an Exempt Buyer, who with approval
13 from the Director, will become responsible for the fee.

14 (2) Customer-formula feeds are hereby exempted if the
15 inspection fee is paid on the commercial feeds which they
16 contain.

17 (3) A fee shall not be paid on a commercial feed if the
18 payment has been made by a previous distributor.

19 (4) In the case of pet food and specialty pet food
20 which are distributed in the State in packages of 10 pounds
21 or less, an annual fee of \$50 ~~\$75~~ shall be paid in lieu of
22 an inspection fee. The inspection fee required by
23 subsection (a) shall apply to pet food and specialty pet
24 food distribution in packages exceeding 10 pounds. All fees

1 collected pursuant to this Section shall be paid into the
2 Feed Control Fund in the State Treasury.

3 (b) The minimum inspection fee shall be \$25 every 6 months.

4 (c) Each person who is liable for the payment of the
5 inspection fee shall:

6 (1) File, not later than the last day of January and
7 July of each year, a statement setting forth the number of
8 net tons of commercial feeds distributed in this State
9 during the preceding calendar 6 months period; and upon
10 filing such statement shall pay the inspection fee at the
11 rate stated in paragraph (a) of this Section. This report
12 shall be made on a summary form provided by the Director or
13 on other forms as approved by the Director. If the tonnage
14 report is not filed and the inspection fee is not paid
15 within 15 days after the end of the filing date a
16 collection fee amounting to 10% of the inspection fee that
17 is due or \$50 whichever is greater, shall be assessed
18 against the person who is liable for the payment of the
19 inspection fee in addition to the inspection fee that is
20 due.

21 (2) Keep such records as may be necessary or required
22 by the Director to indicate accurately the tonnage of
23 commercial feed distributed in this State, and the Director
24 shall have the right to examine such records to verify
25 statements of tonnage. Failure to make an accurate
26 statement of tonnage or to pay the inspection fee or comply

1 as provided herein shall constitute sufficient cause for
2 the cancellation of all registrations or firm licenses on
3 file for the manufacturer or distributor.

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

5 (505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

6 Sec. 14.3. Feed Control Fund. There is created in the State
7 Treasury a special fund to be known as the Feed Control Fund.
8 All firm license, inspection, and penalty fees collected by the
9 Department under this Act shall be deposited in the Feed
10 Control Fund. ~~In addition, for the years 2004 and thereafter,~~
11 ~~\$22 of each annual fee collected by the Department pursuant to~~
12 ~~Section 6, paragraph 4 of this Act shall be deposited by the~~
13 ~~Department directly into the State's General Revenue Fund.~~ The
14 amount annually collected as fees shall be appropriated by the
15 General Assembly to the Department for activities related to
16 the enforcement of this Act.

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

18 Section 180. The Illinois Fertilizer Act of 1961 is amended
19 by changing Sections 4 and 6 as follows:

20 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

21 Sec. 4. Registration.

22 (a) Each brand and grade of commercial fertilizer shall be
23 registered before being distributed in this State. The

1 application for registration shall be submitted with a label or
2 facsimile of same to the Director on form furnished by the
3 Director, and shall be accompanied by a fee of \$10 per grade
4 within a brand. Upon approval by the Director a copy of the
5 registration shall be furnished to the applicant. All
6 registrations expire on December 31 of each year.

7 The application shall include the following information:

8 (1) The net weight

9 (2) The brand and grade

10 (3) The guaranteed analysis

11 (4) The name and address of the registrant.

12 (b) A distributor shall not be required to register any
13 brand of commercial fertilizer or custom mix which is already
14 registered under this Act by another person.

15 (c) The plant nutrient content of each and every commercial
16 fertilizer must remain uniform for the period of registration
17 and, in no case, shall the percentage of any guaranteed plant
18 nutrient element be changed in such a manner that the
19 crop-producing quality of the commercial fertilizer is
20 lowered.

21 (d) Each custom mixer shall register annually with the
22 Director on forms furnished by the Director. The application
23 for registration shall be accompanied by a fee of \$25 ~~\$50~~,
24 unless the custom mixer elects to register each mixture, paying
25 a fee of \$5 ~~\$10~~ per mixture. Upon approval by the Director, a
26 copy of the registration shall be furnished to the applicant.

1 All registrations expire on December 31 of each year.

2 (e) A custom mix as defined in section 3(f), prepared for
3 one consumer shall not be co-mingled with the custom mixed
4 fertilizer prepared for another consumer.

5 (f) All fees collected pursuant to this Section shall be
6 paid into the State treasury.

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

8 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

9 Sec. 6. Inspection fees.

10 (a) There shall be paid to the Director for all commercial
11 fertilizers or custom mix distributed in this State an
12 inspection fee at the rate of \$0.20 ~~25¢~~ per ton. Sales to
13 manufacturers or exchanges between them are hereby exempted
14 from the inspection fee.

15 On individual packages of commercial or custom mix or
16 specialty fertilizers containing 5 pounds or less, or if in
17 liquid form containers of 4,000 cubic centimeters or less,
18 there shall be paid instead of the \$0.20 ~~25¢~~ per ton inspection
19 fee, an annual inspection fee of \$25 for each grade within a
20 brand sold or distributed. Where a person sells commercial or
21 custom mix or specialty fertilizers in packages of 5 pounds or
22 less, or 4,000 cubic centimeters or less if in liquid form, and
23 also sells in larger packages than 5 pounds or liquid
24 containers larger than 4,000 cubic centimeters, this annual
25 inspection fee of \$25 applies only to that portion sold in

1 packages of 5 pounds or less or 4,000 cubic centimeters or
2 less, and that portion sold in larger packages or containers
3 shall be subject to the same inspection fee of \$0.20 ~~25¢~~ per
4 ton as provided in this Act. The increased fees shall be
5 effective after June 30, 1989.

6 (b) Every person who distributes a commercial fertilizer or
7 custom mix in this State shall file with the Director, on forms
8 furnished by the Director, a semi-annual statement for the
9 periods ending June 30 and December 31, setting forth the
10 number of net tons of each grade of commercial fertilizers
11 within a brand or the net tons of custom mix distributed. The
12 report shall be due on or before the 15th day of the month
13 following the close of each semi-annual period and upon the
14 statement shall pay the inspection fee at the rate stated in
15 paragraph (a) of this Section.

16 One half of the \$0.20 ~~25¢~~ per ton inspection fee shall be
17 paid into the Fertilizer Control Fund and all other fees
18 collected under this Section shall be paid into the State
19 treasury.

20 If the tonnage report is not filed and the payment of
21 inspection fee is not made within 30 days after the end of the
22 semi-annual period, a collection fee amounting to 10% (minimum
23 \$10) of the amount shall be assessed against the registrant.
24 The amount of fees due shall constitute a debt and become the
25 basis of a judgment against the registrant. Upon the written
26 request to the Director additional time may be granted past the

1 normal date of filing the semi-annual statement.

2 When more than one person is involved in the distribution
3 of a commercial fertilizer, the last registrant who distributes
4 to the non-registrant (dealer or consumer) is responsible for
5 reporting the tonnage and paying the inspection fee.

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

7 Section 190. The Illinois Vehicle Code is amended by
8 changing Sections 2-119, 2-123, 2-124, 3-403, 3-405.1, 3-811,
9 5-101, 5-102, 6-118, 7-707, 18c-1501, 18c-1502.05, and
10 18c-1502.10 as follows:

11 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

12 Sec. 2-119. Disposition of fees and taxes.

13 (a) All moneys received from Salvage Certificates shall be
14 deposited in the Common School Fund in the State Treasury.

15 (b) Beginning January 1, 1990 and concluding December 31,
16 1994, of the money collected for each certificate of title,
17 duplicate certificate of title and corrected certificate of
18 title, \$0.50 shall be deposited into the Used Tire Management
19 Fund. Beginning January 1, 1990 and concluding December 31,
20 1994, of the money collected for each certificate of title,
21 duplicate certificate of title and corrected certificate of
22 title, \$1.50 shall be deposited in the Park and Conservation
23 Fund.

24 Beginning January 1, 1995, of the money collected for each

1 certificate of title, duplicate certificate of title and
2 corrected certificate of title, \$2 shall be deposited in the
3 Park and Conservation Fund. The moneys deposited in the Park
4 and Conservation Fund pursuant to this Section shall be used
5 for the acquisition and development of bike paths as provided
6 for in Section 805-420 of the Department of Natural Resources
7 (Conservation) Law (20 ILCS 805/805-420).

8 Beginning January 1, 2000, of the moneys collected for each
9 certificate of title, duplicate certificate of title, and
10 corrected certificate of title, \$48 shall be deposited into the
11 Road Fund and \$4 shall be deposited into the Motor Vehicle
12 License Plate Fund, except that if the balance in the Motor
13 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
14 of a calendar month, then during the next calendar month the \$4
15 shall instead be deposited into the Road Fund.

16 Beginning January 1, 2005, of the moneys collected for each
17 delinquent vehicle registration renewal fee, \$20 shall be
18 deposited into the General Revenue Fund.

19 Except as otherwise provided in this Code, all remaining
20 moneys collected for certificates of title, and all moneys
21 collected for filing of security interests, shall be placed in
22 the General Revenue Fund in the State Treasury.

23 (c) All moneys collected for that portion of a driver's
24 license fee designated for driver education under Section 6-118
25 shall be placed in the Driver Education Fund in the State
26 Treasury.

1 (d) Beginning January 1, 1999, of the monies collected as a
2 registration fee for each motorcycle, motor driven cycle and
3 motorized pedalcycle, 27% of each annual registration fee for
4 such vehicle and 27% of each semiannual registration fee for
5 such vehicle is deposited in the Cycle Rider Safety Training
6 Fund.

7 (e) Of the monies received by the Secretary of State as
8 registration fees or taxes or as payment of any other fee, as
9 provided in this Act, except fees received by the Secretary
10 under paragraph (7) of subsection (b) of Section 5-101 and
11 Section 5-109 of this Code, 37% shall be deposited into the
12 State Construction Fund.

13 (f) Of the total money collected for a CDL instruction
14 permit or original or renewal issuance of a commercial driver's
15 license (CDL) pursuant to the Uniform Commercial Driver's
16 License Act (UCDLA): (i) \$6 of the total fee for an original or
17 renewal CDL, and \$6 of the total CDL instruction permit fee
18 when such permit is issued to any person holding a valid
19 Illinois driver's license, shall be paid into the
20 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
21 Information System/American Association of Motor Vehicle
22 Administrators network Trust Fund) and shall be used for the
23 purposes provided in Section 6z-23 of the State Finance Act and
24 (ii) \$20 of the total fee for an original or renewal CDL or
25 commercial driver instruction permit shall be paid into the
26 Motor Carrier Safety Inspection Fund, which is hereby created

1 as a special fund in the State Treasury, to be used by the
2 Department of State Police, subject to appropriation, to hire
3 additional officers to conduct motor carrier safety
4 inspections pursuant to Chapter 18b of this Code.

5 (g) All remaining moneys received by the Secretary of State
6 as registration fees or taxes or as payment of any other fee,
7 as provided in this Act, except fees received by the Secretary
8 under paragraph (7) (A) of subsection (b) of Section 5-101 and
9 Section 5-109 of this Code, shall be deposited in the Road Fund
10 in the State Treasury. Moneys in the Road Fund shall be used
11 for the purposes provided in Section 8.3 of the State Finance
12 Act.

13 (h) (Blank).

14 (i) (Blank).

15 (j) (Blank).

16 (k) There is created in the State Treasury a special fund
17 to be known as the Secretary of State Special License Plate
18 Fund. Money deposited into the Fund shall, subject to
19 appropriation, be used by the Office of the Secretary of State
20 (i) to help defray plate manufacturing and plate processing
21 costs for the issuance and, when applicable, renewal of any new
22 or existing special registration plates authorized under this
23 Code and (ii) for grants made by the Secretary of State to
24 benefit Illinois Veterans Home libraries.

25 On or before October 1, 1995, the Secretary of State shall
26 direct the State Comptroller and State Treasurer to transfer

1 any unexpended balance in the Special Environmental License
2 Plate Fund, the Special Korean War Veteran License Plate Fund,
3 and the Retired Congressional License Plate Fund to the
4 Secretary of State Special License Plate Fund.

5 (l) The Motor Vehicle Review Board Fund is created as a
6 special fund in the State Treasury. Moneys deposited into the
7 Fund under paragraph (7) of subsection (b) of Section 5-101 and
8 Section 5-109 shall, subject to appropriation, be used by the
9 Office of the Secretary of State to administer the Motor
10 Vehicle Review Board, including without limitation payment of
11 compensation and all necessary expenses incurred in
12 administering the Motor Vehicle Review Board under the Motor
13 Vehicle Franchise Act.

14 (m) Effective July 1, 1996, there is created in the State
15 Treasury a special fund to be known as the Family
16 Responsibility Fund. Moneys deposited into the Fund shall,
17 subject to appropriation, be used by the Office of the
18 Secretary of State for the purpose of enforcing the Family
19 Financial Responsibility Law.

20 (n) The Illinois Fire Fighters' Memorial Fund is created as
21 a special fund in the State Treasury. Moneys deposited into the
22 Fund shall, subject to appropriation, be used by the Office of
23 the State Fire Marshal for construction of the Illinois Fire
24 Fighters' Memorial to be located at the State Capitol grounds
25 in Springfield, Illinois. Upon the completion of the Memorial,
26 moneys in the Fund shall be used in accordance with Section

1 3-634.

2 (o) Of the money collected for each certificate of title
3 for all-terrain vehicles and off-highway motorcycles, \$17
4 shall be deposited into the Off-Highway Vehicle Trails Fund.

5 (p) (Blank). ~~For audits conducted on or after July 1, 2003~~
6 ~~pursuant to Section 2-124(d) of this Code, 50% of the money~~
7 ~~collected as audit fees shall be deposited into the General~~
8 ~~Revenue Fund.~~

9 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840,
10 eff. 7-30-04.)

11 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

12 Sec. 2-123. Sale and Distribution of Information.

13 (a) Except as otherwise provided in this Section, the
14 Secretary may make the driver's license, vehicle and title
15 registration lists, in part or in whole, and any statistical
16 information derived from these lists available to local
17 governments, elected state officials, state educational
18 institutions, and all other governmental units of the State and
19 Federal Government requesting them for governmental purposes.
20 The Secretary shall require any such applicant for services to
21 pay for the costs of furnishing such services and the use of
22 the equipment involved, and in addition is empowered to
23 establish prices and charges for the services so furnished and
24 for the use of the electronic equipment utilized.

25 (b) The Secretary is further empowered to and he may, in

1 his discretion, furnish to any applicant, other than listed in
2 subsection (a) of this Section, vehicle or driver data on a
3 computer tape, disk, other electronic format or computer
4 processable medium, or printout at a fixed fee of \$250 for
5 orders received before October 1, 2003 and for orders received
6 on an after the effective date of this amendatory Act of the
7 95th General Assembly and \$500 for orders received on or after
8 October 1, 2003 until the effective date of this amendatory Act
9 of the 95th General Assembly, in advance, and require in
10 addition a further sufficient deposit based upon the Secretary
11 of State's estimate of the total cost of the information
12 requested and a charge of \$25 for orders received before
13 October 1, 2003 and for orders received on an after the
14 effective date of this amendatory Act of the 95th General
15 Assembly and \$50 for orders received on or after October 1,
16 2003 until the effective date of this amendatory Act of the
17 95th General Assembly, per 1,000 units or part thereof
18 identified or the actual cost, whichever is greater. The
19 Secretary is authorized to refund any difference between the
20 additional deposit and the actual cost of the request. This
21 service shall not be in lieu of an abstract of a driver's
22 record nor of a title or registration search. This service may
23 be limited to entities purchasing a minimum number of records
24 as required by administrative rule. The information sold
25 pursuant to this subsection shall be the entire vehicle or
26 driver data list, or part thereof. The information sold

1 pursuant to this subsection shall not contain personally
2 identifying information unless the information is to be used
3 for one of the purposes identified in subsection (f-5) of this
4 Section. Commercial purchasers of driver and vehicle record
5 databases shall enter into a written agreement with the
6 Secretary of State that includes disclosure of the commercial
7 use of the information to be purchased.

8 (b-1) The Secretary is further empowered to and may, in his
9 or her discretion, furnish vehicle or driver data on a computer
10 tape, disk, or other electronic format or computer processible
11 medium, at no fee, to any State or local governmental agency
12 that uses the information provided by the Secretary to transmit
13 data back to the Secretary that enables the Secretary to
14 maintain accurate driving records, including dispositions of
15 traffic cases. This information may be provided without fee not
16 more often than once every 6 months.

17 (c) Secretary of State may issue registration lists. The
18 Secretary of State shall compile and publish, at least
19 annually, a list of all registered vehicles. Each list of
20 registered vehicles shall be arranged serially according to the
21 registration numbers assigned to registered vehicles and shall
22 contain in addition the names and addresses of registered
23 owners and a brief description of each vehicle including the
24 serial or other identifying number thereof. Such compilation
25 may be in such form as in the discretion of the Secretary of
26 State may seem best for the purposes intended.

1 (d) The Secretary of State shall furnish no more than 2
2 current available lists of such registrations to the sheriffs
3 of all counties and to the chiefs of police of all cities and
4 villages and towns of 2,000 population and over in this State
5 at no cost. Additional copies may be purchased by the sheriffs
6 or chiefs of police at the fee of \$500 each or at the cost of
7 producing the list as determined by the Secretary of State.
8 Such lists are to be used for governmental purposes only.

9 (e) (Blank).

10 (e-1) (Blank).

11 (f) The Secretary of State shall make a title or
12 registration search of the records of his office and a written
13 report on the same for any person, upon written application of
14 such person, accompanied by a fee of \$5 for each registration
15 or title search. The written application shall set forth the
16 intended use of the requested information. No fee shall be
17 charged for a title or registration search, or for the
18 certification thereof requested by a government agency. The
19 report of the title or registration search shall not contain
20 personally identifying information unless the request for a
21 search was made for one of the purposes identified in
22 subsection (f-5) of this Section. The report of the title or
23 registration search shall not contain highly restricted
24 personal information unless specifically authorized by this
25 Code.

26 The Secretary of State shall certify a title or

1 registration record upon written request. The fee for
2 certification shall be \$5 in addition to the fee required for a
3 title or registration search. Certification shall be made under
4 the signature of the Secretary of State and shall be
5 authenticated by Seal of the Secretary of State.

6 The Secretary of State may notify the vehicle owner or
7 registrant of the request for purchase of his title or
8 registration information as the Secretary deems appropriate.

9 No information shall be released to the requestor until
10 expiration of a 10 day period. This 10 day period shall not
11 apply to requests for information made by law enforcement
12 officials, government agencies, financial institutions,
13 attorneys, insurers, employers, automobile associated
14 businesses, persons licensed as a private detective or firms
15 licensed as a private detective agency under the Private
16 Detective, Private Alarm, Private Security, and Locksmith Act
17 of 2004, who are employed by or are acting on behalf of law
18 enforcement officials, government agencies, financial
19 institutions, attorneys, insurers, employers, automobile
20 associated businesses, and other business entities for
21 purposes consistent with the Illinois Vehicle Code, the vehicle
22 owner or registrant or other entities as the Secretary may
23 exempt by rule and regulation.

24 Any misrepresentation made by a requestor of title or
25 vehicle information shall be punishable as a petty offense,
26 except in the case of persons licensed as a private detective

1 or firms licensed as a private detective agency which shall be
2 subject to disciplinary sanctions under Section 40-10 of the
3 Private Detective, Private Alarm, Private Security, and
4 Locksmith Act of 2004.

5 (f-5) The Secretary of State shall not disclose or
6 otherwise make available to any person or entity any personally
7 identifying information obtained by the Secretary of State in
8 connection with a driver's license, vehicle, or title
9 registration record unless the information is disclosed for one
10 of the following purposes:

11 (1) For use by any government agency, including any
12 court or law enforcement agency, in carrying out its
13 functions, or any private person or entity acting on behalf
14 of a federal, State, or local agency in carrying out its
15 functions.

16 (2) For use in connection with matters of motor vehicle
17 or driver safety and theft; motor vehicle emissions; motor
18 vehicle product alterations, recalls, or advisories;
19 performance monitoring of motor vehicles, motor vehicle
20 parts, and dealers; and removal of non-owner records from
21 the original owner records of motor vehicle manufacturers.

22 (3) For use in the normal course of business by a
23 legitimate business or its agents, employees, or
24 contractors, but only:

25 (A) to verify the accuracy of personal information
26 submitted by an individual to the business or its

1 agents, employees, or contractors; and

2 (B) if such information as so submitted is not
3 correct or is no longer correct, to obtain the correct
4 information, but only for the purposes of preventing
5 fraud by, pursuing legal remedies against, or
6 recovering on a debt or security interest against, the
7 individual.

8 (4) For use in research activities and for use in
9 producing statistical reports, if the personally
10 identifying information is not published, redisclosed, or
11 used to contact individuals.

12 (5) For use in connection with any civil, criminal,
13 administrative, or arbitral proceeding in any federal,
14 State, or local court or agency or before any
15 self-regulatory body, including the service of process,
16 investigation in anticipation of litigation, and the
17 execution or enforcement of judgments and orders, or
18 pursuant to an order of a federal, State, or local court.

19 (6) For use by any insurer or insurance support
20 organization or by a self-insured entity or its agents,
21 employees, or contractors in connection with claims
22 investigation activities, antifraud activities, rating, or
23 underwriting.

24 (7) For use in providing notice to the owners of towed
25 or impounded vehicles.

26 (8) For use by any person licensed as a private

1 detective or firm licensed as a private detective agency
2 under the Private Detective, Private Alarm, Private
3 Security, and Locksmith Act of 1993, private investigative
4 agency or security service licensed in Illinois for any
5 purpose permitted under this subsection.

6 (9) For use by an employer or its agent or insurer to
7 obtain or verify information relating to a holder of a
8 commercial driver's license that is required under chapter
9 313 of title 49 of the United States Code.

10 (10) For use in connection with the operation of
11 private toll transportation facilities.

12 (11) For use by any requester, if the requester
13 demonstrates it has obtained the written consent of the
14 individual to whom the information pertains.

15 (12) For use by members of the news media, as defined
16 in Section 1-148.5, for the purpose of newsgathering when
17 the request relates to the operation of a motor vehicle or
18 public safety.

19 (13) For any other use specifically authorized by law,
20 if that use is related to the operation of a motor vehicle
21 or public safety.

22 (f-6) The Secretary of State shall not disclose or
23 otherwise make available to any person or entity any highly
24 restricted personal information obtained by the Secretary of
25 State in connection with a driver's license, vehicle, or title
26 registration record unless specifically authorized by this

1 Code.

2 (g) 1. The Secretary of State may, upon receipt of a
3 written request and a fee of \$6 before October 1, 2003 and
4 on and after the effective date of this amendatory Act of
5 the 95th General Assembly and a fee of \$12 on and after
6 October 1, 2003 until the effective date of this amendatory
7 Act of the 95th General Assembly, furnish to the person or
8 agency so requesting a driver's record. Such document may
9 include a record of: current driver's license issuance
10 information, except that the information on judicial
11 driving permits shall be available only as otherwise
12 provided by this Code; convictions; orders entered
13 revoking, suspending or cancelling a driver's license or
14 privilege; and notations of accident involvement. All
15 other information, unless otherwise permitted by this
16 Code, shall remain confidential. Information released
17 pursuant to a request for a driver's record shall not
18 contain personally identifying information, unless the
19 request for the driver's record was made for one of the
20 purposes set forth in subsection (f-5) of this Section.

21 2. The Secretary of State shall not disclose or
22 otherwise make available to any person or entity any highly
23 restricted personal information obtained by the Secretary
24 of State in connection with a driver's license, vehicle, or
25 title registration record unless specifically authorized
26 by this Code. The Secretary of State may certify an

1 abstract of a driver's record upon written request
2 therefor. Such certification shall be made under the
3 signature of the Secretary of State and shall be
4 authenticated by the Seal of his office.

5 3. All requests for driving record information shall be
6 made in a manner prescribed by the Secretary and shall set
7 forth the intended use of the requested information.

8 The Secretary of State may notify the affected driver
9 of the request for purchase of his driver's record as the
10 Secretary deems appropriate.

11 No information shall be released to the requester until
12 expiration of a 10 day period. This 10 day period shall not
13 apply to requests for information made by law enforcement
14 officials, government agencies, financial institutions,
15 attorneys, insurers, employers, automobile associated
16 businesses, persons licensed as a private detective or
17 firms licensed as a private detective agency under the
18 Private Detective, Private Alarm, Private Security, and
19 Locksmith Act of 2004, who are employed by or are acting on
20 behalf of law enforcement officials, government agencies,
21 financial institutions, attorneys, insurers, employers,
22 automobile associated businesses, and other business
23 entities for purposes consistent with the Illinois Vehicle
24 Code, the affected driver or other entities as the
25 Secretary may exempt by rule and regulation.

26 Any misrepresentation made by a requestor of driver

1 information shall be punishable as a petty offense, except
2 in the case of persons licensed as a private detective or
3 firms licensed as a private detective agency which shall be
4 subject to disciplinary sanctions under Section 40-10 of
5 the Private Detective, Private Alarm, Private Security,
6 and Locksmith Act of 2004.

7 4. The Secretary of State may furnish without fee, upon
8 the written request of a law enforcement agency, any
9 information from a driver's record on file with the
10 Secretary of State when such information is required in the
11 enforcement of this Code or any other law relating to the
12 operation of motor vehicles, including records of
13 dispositions; documented information involving the use of
14 a motor vehicle; whether such individual has, or previously
15 had, a driver's license; and the address and personal
16 description as reflected on said driver's record.

17 5. Except as otherwise provided in this Section, the
18 Secretary of State may furnish, without fee, information
19 from an individual driver's record on file, if a written
20 request therefor is submitted by any public transit system
21 or authority, public defender, law enforcement agency, a
22 state or federal agency, or an Illinois local
23 intergovernmental association, if the request is for the
24 purpose of a background check of applicants for employment
25 with the requesting agency, or for the purpose of an
26 official investigation conducted by the agency, or to

1 determine a current address for the driver so public funds
2 can be recovered or paid to the driver, or for any other
3 purpose set forth in subsection (f-5) of this Section.

4 The Secretary may also furnish the courts a copy of an
5 abstract of a driver's record, without fee, subsequent to
6 an arrest for a violation of Section 11-501 or a similar
7 provision of a local ordinance. Such abstract may include
8 records of dispositions; documented information involving
9 the use of a motor vehicle as contained in the current
10 file; whether such individual has, or previously had, a
11 driver's license; and the address and personal description
12 as reflected on said driver's record.

13 6. Any certified abstract issued by the Secretary of
14 State or transmitted electronically by the Secretary of
15 State pursuant to this Section, to a court or on request of
16 a law enforcement agency, for the record of a named person
17 as to the status of the person's driver's license shall be
18 prima facie evidence of the facts therein stated and if the
19 name appearing in such abstract is the same as that of a
20 person named in an information or warrant, such abstract
21 shall be prima facie evidence that the person named in such
22 information or warrant is the same person as the person
23 named in such abstract and shall be admissible for any
24 prosecution under this Code and be admitted as proof of any
25 prior conviction or proof of records, notices, or orders
26 recorded on individual driving records maintained by the

1 Secretary of State.

2 7. Subject to any restrictions contained in the
3 Juvenile Court Act of 1987, and upon receipt of a proper
4 request and a fee of \$6 before October 1, 2003 and on and
5 after the effective date of this amendatory Act of the 95th
6 General Assembly and a fee of \$12 on or after October 1,
7 2003 until the effective date of this amendatory Act of the
8 95th General Assembly, the Secretary of State shall provide
9 a driver's record to the affected driver, or the affected
10 driver's attorney, upon verification. Such record shall
11 contain all the information referred to in paragraph 1 of
12 this subsection (g) plus: any recorded accident
13 involvement as a driver; information recorded pursuant to
14 subsection (e) of Section 6-117 and paragraph (4) of
15 subsection (a) of Section 6-204 of this Code. All other
16 information, unless otherwise permitted by this Code,
17 shall remain confidential.

18 (h) The Secretary shall not disclose social security
19 numbers or any associated information obtained from the Social
20 Security Administration except pursuant to a written request
21 by, or with the prior written consent of, the individual
22 except: (1) to officers and employees of the Secretary who have
23 a need to know the social security numbers in performance of
24 their official duties, (2) to law enforcement officials for a
25 lawful, civil or criminal law enforcement investigation, and if
26 the head of the law enforcement agency has made a written

1 request to the Secretary specifying the law enforcement
2 investigation for which the social security numbers are being
3 sought, (3) to the United States Department of Transportation,
4 or any other State, pursuant to the administration and
5 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
6 (4) pursuant to the order of a court of competent jurisdiction,
7 or (5) to the Department of Healthcare and Family Services
8 (formerly Department of Public Aid) for utilization in the
9 child support enforcement duties assigned to that Department
10 under provisions of the Illinois Public Aid Code after the
11 individual has received advanced meaningful notification of
12 what redisclosure is sought by the Secretary in accordance with
13 the federal Privacy Act.

14 (i) (Blank).

15 (j) Medical statements or medical reports received in the
16 Secretary of State's Office shall be confidential. No
17 confidential information may be open to public inspection or
18 the contents disclosed to anyone, except officers and employees
19 of the Secretary who have a need to know the information
20 contained in the medical reports and the Driver License Medical
21 Advisory Board, unless so directed by an order of a court of
22 competent jurisdiction.

23 (k) All fees collected under this Section shall be paid
24 into the Road Fund of the State Treasury, except that (i) for
25 fees collected before October 1, 2003, \$3 of the \$6 fee for a
26 driver's record shall be paid into the Secretary of State

1 Special Services Fund, (ii) for fees collected on and after
2 October 1, 2003 until the effective date of this amendatory Act
3 of the 95th General Assembly, of the \$12 fee for a driver's
4 record, \$3 shall be paid into the Secretary of State Special
5 Services Fund and \$6 shall be paid into the General Revenue
6 Fund, and (iii) for fees collected on and after October 1, 2003
7 until the effective date of this amendatory Act of the 95th
8 General Assembly, 50% of the amounts collected pursuant to
9 subsection (b) shall be paid into the General Revenue Fund.

10 (l) (Blank).

11 (m) Notations of accident involvement that may be disclosed
12 under this Section shall not include notations relating to
13 damage to a vehicle or other property being transported by a
14 tow truck. This information shall remain confidential,
15 provided that nothing in this subsection (m) shall limit
16 disclosure of any notification of accident involvement to any
17 law enforcement agency or official.

18 (n) Requests made by the news media for driver's license,
19 vehicle, or title registration information may be furnished
20 without charge or at a reduced charge, as determined by the
21 Secretary, when the specific purpose for requesting the
22 documents is deemed to be in the public interest. Waiver or
23 reduction of the fee is in the public interest if the principal
24 purpose of the request is to access and disseminate information
25 regarding the health, safety, and welfare or the legal rights
26 of the general public and is not for the principal purpose of

1 gaining a personal or commercial benefit. The information
2 provided pursuant to this subsection shall not contain
3 personally identifying information unless the information is
4 to be used for one of the purposes identified in subsection
5 (f-5) of this Section.

6 (o) The redisclosure of personally identifying information
7 obtained pursuant to this Section is prohibited, except to the
8 extent necessary to effectuate the purpose for which the
9 original disclosure of the information was permitted.

10 (p) The Secretary of State is empowered to adopt rules to
11 effectuate this Section.

12 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
13 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

14 (625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)

15 Sec. 2-124. Audits, interest and penalties.

16 (a) Audits. The Secretary of State or employees and agents
17 designated by him, may audit the books, records, tax returns,
18 reports, and any and all other pertinent records or documents
19 of any person licensed or registered, or required to be
20 licensed or registered, under any provisions of this Act, for
21 the purpose of determining whether such person has not paid any
22 fees or taxes required to be paid to the Secretary of State and
23 due to the State of Illinois. For purposes of this Section,
24 "person" means an individual, corporation, or partnership, or
25 an officer or an employee of any corporation, including a

1 dissolved corporation, or a member or an employee of any
2 partnership, who as an officer, employee, or member under a
3 duty to perform the act in respect to which the violation
4 occurs.

5 (b) Joint Audits. The Secretary of State may enter into
6 reciprocal audit agreements with officers, agents or agencies
7 of another State or States, for joint audits of any person
8 subject to audit under this Act.

9 (c) Special Audits. If the Secretary of State is not
10 satisfied with the books, records and documents made available
11 for an audit, or if the Secretary of State is unable to
12 determine therefrom whether any fees or taxes are due to the
13 State of Illinois, or if there is cause to believe that the
14 person audited has declined or refused to supply the books,
15 records and documents necessary to determine whether a
16 deficiency exists, the Secretary of State may either seek a
17 court order for production of any and all books, records and
18 documents he deems relevant and material, or, in his
19 discretion, the Secretary of State may instead give written
20 notice to such person requiring him to produce any and all
21 books, records and documents necessary to properly audit and
22 determine whether any fees or taxes are due to the State of
23 Illinois. If such person fails, refuses or declines to comply
24 with either the court order or written notice within the time
25 specified, the Secretary of State shall then order a special
26 audit at the expense of the person affected. Upon completion of

1 the special audit, the Secretary of State shall determine if
2 any fees or taxes required to be paid under this Act have not
3 been paid, and make an assessment of any deficiency based upon
4 the books, records and documents available to him, and in an
5 assessment, he may rely upon records of other persons having an
6 operation similar to that of the person audited specially. A
7 person audited specially and subject to a court order and in
8 default thereof, shall in addition, be subject to any penalty
9 or punishment imposed by the court entering the order.

10 (d) Deficiency; Audit Costs. When a deficiency is found and
11 any fees or taxes required to be paid under this Act have not
12 been paid to the State of Illinois, the Secretary of State may
13 impose an audit fee of \$50 ~~\$100~~ per day, or \$25 ~~\$50~~ per
14 half-day, per auditor, plus in the case of out-of-state travel,
15 transportation expenses incurred by the auditor or auditors.
16 Where more than one person is audited on the same out-of-state
17 trip, the additional transportation expenses may be
18 apportioned. The actual costs of a special audit shall be
19 imposed upon the person audited.

20 (e) Interest. When a deficiency is found and any fees or
21 taxes required to be paid under this Act have not been paid to
22 the State of Illinois, the amount of the deficiency, if greater
23 than \$100 for all registration years examined, shall also bear
24 interest at the rate of 1/2 of 1% per month or fraction
25 thereof, from the date when the fee or tax due should have been
26 paid under the provisions of this Act, subject to a maximum of

1 6% per annum.

2 (f) Willful Negligence. When a deficiency is determined by
3 the Secretary to be caused by the willful neglect or negligence
4 of the person audited, an additional 10% penalty, that is 10%
5 of the amount of the deficiency or assessment, shall be
6 imposed, and the 10% penalty shall bear interest at the rate of
7 1/2 of 1% on and after the 30th day after the penalty is
8 imposed until paid in full.

9 (g) Fraud or Evasion. When a deficiency is determined by
10 the Secretary to be caused by fraud or willful evasion of the
11 provisions of this Act, an additional penalty, that is 20% of
12 the amount of the deficiency or assessment, shall be imposed,
13 and the 20% penalty shall bear interest at the rate of 1/2 of
14 1% on and after the 30th day after the penalty is imposed until
15 paid in full.

16 (h) Notice. The Secretary of State shall give written
17 notice to any person audited, of the amount of any deficiency
18 found or assessment made, of the costs of an audit or special
19 audit, and of the penalty imposed, and payment shall be made
20 within 30 days of the date of the notice unless such person
21 petitions for a hearing.

22 However, except in the case of fraud or willful evasion, or
23 the inaccessibility of books and records for audit or with the
24 express consent of the person audited, no notice of a
25 deficiency or assessment shall be issued by the Secretary for
26 more than 3 registration years. This limitation shall commence

1 on any January 1 as to calendar year registrations and on any
2 July 1 as to fiscal year registrations. This limitation shall
3 not apply for any period during which the person affected has
4 declined or refuses to make his books and records available for
5 audit, nor during any period of time in which an Order of any
6 Court has the effect of enjoining or restraining the Secretary
7 from making an audit or issuing a notice. Notwithstanding, each
8 person licensed under the International Registration Plan and
9 audited by this State or any member jurisdiction shall follow
10 the assessment and refund procedures as adopted and amended by
11 the International Registration Plan members. The Secretary of
12 State shall have the final decision as to which registrants may
13 be subject to the netting of audit fees as outlined in the
14 International Registration Plan. Persons audited may be
15 subject to a review process to determine the final outcome of
16 the audit finding. This process shall follow the adopted
17 procedure as outlined in the International Registration Plan.
18 All decisions by the IRP designated tribunal shall be binding.

19 (i) Every person subject to licensing or registration and
20 audit under the provisions of this Chapter shall retain all
21 pertinent licensing and registration documents, books,
22 records, tax returns, reports and all supporting records and
23 documents for a period of 4 years.

24 (j) Hearings. Any person receiving written notice of a
25 deficiency or assessment may, within 30 days after the date of
26 the notice, petition for a hearing before the Secretary of

1 State or his duly appointed hearing officer to contest the
2 audit in whole or in part, and the petitioner shall
3 simultaneously file a certified check or money order, or
4 certificate of deposit, or a surety bond approved by the
5 Secretary in the amount of the deficiency or assessment.
6 Hearings shall be held pursuant to the provisions of Section
7 2-118 of this Act.

8 (k) Judgments. The Secretary of State may enforce any
9 notice of deficiency or assessment pursuant to the provisions
10 of Section 3-831 of this Act.

11 (Source: P.A. 92-69, eff. 7-12-01; 93-32, eff. 7-1-03.)

12 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

13 Sec. 3-403. Trip and Short-term permits.

14 (a) The Secretary of State may issue a short-term permit to
15 operate a nonregistered first or second division vehicle within
16 the State of Illinois for a period of not more than 7 days. Any
17 second division vehicle operating on such permit may operate
18 only on empty weight. The fee for the short-term permit shall
19 be \$6 for permits purchased on or before June 30, 2003 and on
20 or after the effective date of this amendatory Act of the 95th
21 General Assembly and \$10 for permits purchased on or after July
22 1, 2003 until the effective date of this amendatory Act of the
23 95th General Assembly. For short-term permits purchased on or
24 after July 1, 2003 until the effective date of this amendatory
25 Act of the 95th General Assembly, \$4 of the fee collected for

1 the purchase of each permit shall be deposited into the General
2 Revenue Fund.

3 This permit may also be issued to operate an unladen
4 registered vehicle which is suspended under the Vehicle
5 Emissions Inspection Law and allow it to be driven on the roads
6 and highways of the State in order to be repaired or when
7 travelling to and from an emissions inspection station.

8 (b) The Secretary of State may, subject to reciprocal
9 agreements, arrangements or declarations made or entered into
10 pursuant to Section 3-402, 3-402.4 or by rule, provide for and
11 issue registration permits for the use of Illinois highways by
12 vehicles of the second division on an occasional basis or for a
13 specific and special short-term use, in compliance with rules
14 and regulations promulgated by the Secretary of State, and upon
15 payment of the prescribed fee as follows:

16 One-trip permits. A registration permit for one trip, or
17 one round-trip into and out of Illinois, for a period not to
18 exceed 72 consecutive hours or 3 calendar days may be provided,
19 for a fee as prescribed in Section 3-811.

20 One-Month permits. A registration permit for 30 days may be
21 provided for a fee of \$13 for registration plus 1/10 of the
22 flat weight tax. The minimum fee for such permit shall be \$31.

23 In-transit permits. A registration permit for one trip may
24 be provided for vehicles in transit by the driveaway or towaway
25 method and operated by a transporter in compliance with the
26 Illinois Motor Carrier of Property Law, for a fee as prescribed

1 in Section 3-811.

2 Illinois Temporary Apportionment Authorization Permits. An
3 apportionment authorization permit for forty-five days for the
4 immediate operation of a vehicle upon application for and prior
5 to receiving apportioned credentials or interstate credentials
6 from the State of Illinois. The fee for such permit shall be
7 \$3.

8 Illinois Temporary Prorate Authorization Permit. A prorate
9 authorization permit for forty-five days for the immediate
10 operation of a vehicle upon application for and prior to
11 receiving prorate credentials or interstate credentials from
12 the State of Illinois. The fee for such permit shall be \$3.

13 (c) The Secretary of State shall promulgate by such rule or
14 regulation, schedules of fees and taxes for such permits and in
15 computing the amount or amounts due, may round off such amount
16 to the nearest full dollar amount.

17 (d) The Secretary of State shall further prescribe the form
18 of application and permit and may require such information and
19 data as necessary and proper, including confirming the status
20 or identity of the applicant and the vehicle in question.

21 (e) Rules or regulations promulgated by the Secretary of
22 State under this Section shall provide for reasonable and
23 proper limitations and restrictions governing the application
24 for and issuance and use of permits, and shall provide for the
25 number of permits per vehicle or per applicant, so as to
26 preclude evasion of annual registration requirements as may be

1 required by this Act.

2 (f) Any permit under this Section is subject to suspension
3 or revocation under this Act, and in addition, any such permit
4 is subject to suspension or revocation should the Secretary of
5 State determine that the vehicle identified in any permit
6 should be properly registered in Illinois. In the event any
7 such permit is suspended or revoked, the permit is then null
8 and void, may not be re-instated, nor is a refund therefor
9 available. The vehicle identified in such permit may not
10 thereafter be operated in Illinois without being properly
11 registered as provided in this Chapter.

12 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

13 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

14 Sec. 3-405.1. Application for vanity and personalized
15 license plates.

16 (a) Vanity license plates mean any license plates, assigned
17 to a passenger motor vehicle of the first division, to a motor
18 vehicle of the second division registered at not more than
19 8,000 pounds or to a recreational vehicle, which display a
20 registration number containing 4 ~~±~~ to 7 letters ~~and no numbers~~
21 ~~or 1, 2, or 3 numbers and no letters~~ as requested by the owner
22 of the vehicle and license plates issued to retired members of
23 Congress under Section 3-610.1 or to retired members of the
24 General Assembly as provided in Section 3-606.1. A license
25 plate consisting of 3 letters and no numbers or of 1, 2, or 3

1 numbers, upon its becoming available, is a vanity license
2 plate. Personalized license plates mean any license plates,
3 assigned to a passenger motor vehicle of the first division, to
4 a motor vehicle of the second division ~~registered at not more~~
5 ~~than 8,000 pounds,~~ or to a recreational vehicle, which display
6 a registration number containing a combination ~~one of the~~
7 ~~following combinations~~ of letters and numbers as prescribed by
8 rule, as requested by the owner of the vehicle. ~~†~~

9 ~~Standard Passenger Plates~~

10 ~~First Division Vehicles~~

11 ~~1 letter plus 0-99~~

12 ~~2 letters plus 0-99~~

13 ~~3 letters plus 0-99~~

14 ~~4 letters plus 0-99~~

15 ~~5 letters plus 0-99~~

16 ~~6 letters plus 0-9~~

17 ~~Second Division Vehicles~~

18 ~~8,000 pounds or less and Recreation Vehicles~~

19 ~~0-999 plus 1 letter~~

20 ~~0-999 plus 2 letters~~

21 ~~0-999 plus 3 letters~~

1 ~~0-99 plus 4 letters~~

2 ~~0-9 plus 5 letters~~

3 (b) For any registration period commencing after the
4 effective date of this amendatory Act of the 95th General
5 Assembly December 31, 2003, any person who is the registered
6 owner of a passenger motor vehicle of the first division, of a
7 motor vehicle of the second division registered at not more
8 than 8,000 pounds or of a recreational vehicle registered with
9 the Secretary of State or who makes application for an original
10 registration of such a motor vehicle or renewal registration of
11 such a motor vehicle may, upon payment of a fee prescribed in
12 Section 3-806.1 ~~or Section 3-806.5~~, apply to the Secretary of
13 State for ~~vanity or~~ personalized license plates.

14 (c) Except as otherwise provided in this Chapter 3, vanity
15 and personalized license plates as issued under this Section
16 shall be the same color and design as other passenger vehicle
17 license plates and shall not in any manner conflict with any
18 other existing passenger, commercial, trailer, motorcycle, or
19 special license plate series. However, special registration
20 plates issued under Sections 3-611 and 3-616 for vehicles
21 operated by or for persons with disabilities may also be vanity
22 or personalized license plates.

23 (d) Vanity and personalized license plates shall be issued
24 only to the registered owner of the vehicle on which they are
25 to be displayed, except as provided in Sections 3-611 and 3-616
26 for special registration plates for vehicles operated by or for

1 persons with disabilities.

2 (e) An applicant for the issuance of vanity or personalized
3 license plates or subsequent renewal thereof shall file an
4 application in such form and manner and by such date as the
5 Secretary of State may, in his discretion, require.

6 No vanity nor personalized license plates shall be
7 approved, manufactured, or distributed that contain any
8 characters, symbols other than the international accessibility
9 symbol for vehicles operated by or for persons with
10 disabilities, foreign words, or letters of punctuation.

11 (f) Vanity and personalized license plates as issued
12 pursuant to this Act may be subject to the Staggered
13 Registration System as prescribed by the Secretary of State.

14 (Source: P.A. 92-651, eff. 7-11-02; 93-32, eff. 7-1-03.)

15 (625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)

16 Sec. 3-811. Drive-away and other permits - Fees.

17 (a) Dealers may obtain drive-away permits for use as
18 provided in this Code, for a fee of \$6 per permit for permits
19 purchased on or before June 30, 2003 and on and after the
20 effective date of this amendatory Act of the 95th General
21 Assembly and \$10 for permits purchased on or after July 1, 2003
22 until the effective date of this amendatory Act of the 95th
23 General Assembly. For drive-away permits purchased on or after
24 July 1, 2003 until the effective date of this amendatory Act of
25 the 95th General Assembly, \$4 of the fee collected for the

1 purchase of each permit shall be deposited into the General
2 Revenue Fund.

3 (b) Transporters may obtain one-trip permits for vehicles
4 in transit for use as provided in this Code, for a fee of \$6 per
5 permit for permits purchased on or before June 30, 2003 and on
6 and after the effective date of this amendatory Act of the 95th
7 General Assembly and \$10 for permits purchased on or after July
8 1, 2003 until the effective date of this amendatory Act of the
9 95th General Assembly. For one-trip permits purchased on or
10 after July 1, 2003 until the effective date of this amendatory
11 Act of the 95th General Assembly, \$4 of the fee collected from
12 the purchase of each permit shall be deposited into the General
13 Revenue Fund.

14 (c) Non-residents may likewise obtain a drive-away permit
15 from the Secretary of State to export a motor vehicle purchased
16 in Illinois, for a fee of \$6 per permit for permits purchased
17 on or before June 30, 2003 and on and after the effective date
18 of this amendatory Act of the 95th General Assembly and \$10 for
19 permits purchased on or after July 1, 2003 until the effective
20 date of this amendatory Act of the 95th General Assembly. For
21 drive-away permits purchased on or after July 1, 2003 until the
22 effective date of this amendatory Act of the 95th General
23 Assembly, \$4 of the fee collected for the purchase of each
24 permit shall be deposited into the General Revenue Fund.

25 (d) One-trip permits may be obtained for an occasional
26 single trip by a vehicle as provided in this Code, upon payment

1 of a fee of \$19.

2 (e) One month permits may likewise be obtained for the fees
3 and taxes prescribed in this Code and as promulgated by the
4 Secretary of State.

5 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

6 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

7 Sec. 5-101. New vehicle dealers must be licensed.

8 (a) No person shall engage in this State in the business of
9 selling or dealing in, on consignment or otherwise, new
10 vehicles of any make, or act as an intermediary or agent or
11 broker for any licensed dealer or vehicle purchaser other than
12 as a salesperson, or represent or advertise that he is so
13 engaged or intends to so engage in such business unless
14 licensed to do so in writing by the Secretary of State under
15 the provisions of this Section.

16 (b) An application for a new vehicle dealer's license shall
17 be filed with the Secretary of State, duly verified by oath, on
18 such form as the Secretary of State may by rule or regulation
19 prescribe and shall contain:

20 1. The name and type of business organization of the
21 applicant and his established and additional places of
22 business, if any, in this State.

23 2. If the applicant is a corporation, a list of its
24 officers, directors, and shareholders having a ten percent
25 or greater ownership interest in the corporation, setting

1 forth the residence address of each; if the applicant is a
2 sole proprietorship, a partnership, an unincorporated
3 association, a trust, or any similar form of business
4 organization, the name and residence address of the
5 proprietor or of each partner, member, officer, director,
6 trustee, or manager.

7 3. The make or makes of new vehicles which the
8 applicant will offer for sale at retail in this State.

9 4. The name of each manufacturer or franchised
10 distributor, if any, of new vehicles with whom the
11 applicant has contracted for the sale of such new vehicles.
12 As evidence of this fact, the application shall be
13 accompanied by a signed statement from each such
14 manufacturer or franchised distributor. If the applicant
15 is in the business of offering for sale new conversion
16 vehicles, trucks or vans, except for trucks modified to
17 serve a special purpose which includes but is not limited
18 to the following vehicles: street sweepers, fertilizer
19 spreaders, emergency vehicles, implements of husbandry or
20 maintenance type vehicles, he must furnish evidence of a
21 sales and service agreement from both the chassis
22 manufacturer and second stage manufacturer.

23 5. A statement that the applicant has been approved for
24 registration under the Retailers' Occupation Tax Act by the
25 Department of Revenue: Provided that this requirement does
26 not apply to a dealer who is already licensed hereunder

1 with the Secretary of State, and who is merely applying for
2 a renewal of his license. As evidence of this fact, the
3 application shall be accompanied by a certification from
4 the Department of Revenue showing that that Department has
5 approved the applicant for registration under the
6 Retailers' Occupation Tax Act.

7 6. A statement that the applicant has complied with the
8 appropriate liability insurance requirement. A Certificate
9 of Insurance in a solvent company authorized to do business
10 in the State of Illinois shall be included with each
11 application covering each location at which he proposes to
12 act as a new vehicle dealer. The policy must provide
13 liability coverage in the minimum amounts of \$100,000 for
14 bodily injury to, or death of, any person, \$300,000 for
15 bodily injury to, or death of, two or more persons in any
16 one accident, and \$50,000 for damage to property. Such
17 policy shall expire not sooner than December 31 of the year
18 for which the license was issued or renewed. The expiration
19 of the insurance policy shall not terminate the liability
20 under the policy arising during the period for which the
21 policy was filed. Trailer and mobile home dealers are
22 exempt from this requirement.

23 If the permitted user has a liability insurance policy
24 that provides automobile liability insurance coverage of
25 at least \$100,000 for bodily injury to or the death of any
26 person, \$300,000 for bodily injury to or the death of any 2

1 or more persons in any one accident, and \$50,000 for damage
2 to property, then the permitted user's insurer shall be the
3 primary insurer and the dealer's insurer shall be the
4 secondary insurer. If the permitted user does not have a
5 liability insurance policy that provides automobile
6 liability insurance coverage of at least \$100,000 for
7 bodily injury to or the death of any person, \$300,000 for
8 bodily injury to or the death of any 2 or more persons in
9 any one accident, and \$50,000 for damage to property, or
10 does not have any insurance at all, then the dealer's
11 insurer shall be the primary insurer and the permitted
12 user's insurer shall be the secondary insurer.

13 When a permitted user is "test driving" a new vehicle
14 dealer's automobile, the new vehicle dealer's insurance
15 shall be primary and the permitted user's insurance shall
16 be secondary.

17 As used in this paragraph 6, a "permitted user" is a
18 person who, with the permission of the new vehicle dealer
19 or an employee of the new vehicle dealer, drives a vehicle
20 owned and held for sale or lease by the new vehicle dealer
21 which the person is considering to purchase or lease, in
22 order to evaluate the performance, reliability, or
23 condition of the vehicle. The term "permitted user" also
24 includes a person who, with the permission of the new
25 vehicle dealer, drives a vehicle owned or held for sale or
26 lease by the new vehicle dealer for loaner purposes while

1 the user's vehicle is being repaired or evaluated.

2 As used in this paragraph 6, "test driving" occurs when
3 a permitted user who, with the permission of the new
4 vehicle dealer or an employee of the new vehicle dealer,
5 drives a vehicle owned and held for sale or lease by a new
6 vehicle dealer that the person is considering to purchase
7 or lease, in order to evaluate the performance,
8 reliability, or condition of the vehicle.

9 As used in this paragraph 6, "loaner purposes" means
10 when a person who, with the permission of the new vehicle
11 dealer, drives a vehicle owned or held for sale or lease by
12 the new vehicle dealer while the user's vehicle is being
13 repaired or evaluated.

14 7. (A) An application for a new motor vehicle dealer's
15 license shall be accompanied by the following license fees:

16 \$100 ~~\$1,000~~ for applicant's established place of
17 business, and \$50 ~~\$100~~ for each additional place of
18 business, if any, to which the application pertains;
19 but if the application is made after June 15 of any
20 year, the license fee shall be \$50 ~~\$500~~ for applicant's
21 established place of business plus \$25 ~~\$50~~ for each
22 additional place of business, if any, to which the
23 application pertains. License fees shall be returnable
24 only in the event that the application is denied by the
25 Secretary of State. All moneys received by the
26 Secretary of State as license fees under paragraph

1 (7) (A) of subsection (b) of this Section prior to
2 applications for the 2004 licensing year and received
3 on or after the effective date of this amendatory Act
4 of the 95th General Assembly shall be deposited into
5 the Motor Vehicle Review Board Fund and shall be used
6 to administer the Motor Vehicle Review Board under the
7 Motor Vehicle Franchise Act. Of the money received by
8 the Secretary of State as license fees under paragraph
9 (7) (A) of subsection (b) of this Section for the 2004
10 licensing year and until the effective date of this
11 amendatory Act of the 95th General Assembly
12 ~~thereafter~~, 10% shall be deposited into the Motor
13 Vehicle Review Board Fund and shall be used to
14 administer the Motor Vehicle Review Board under the
15 Motor Vehicle Franchise Act and 90% shall be deposited
16 into the General Revenue Fund.

17 (B) An application for a new vehicle dealer's
18 license, other than for a new motor vehicle dealer's
19 license, shall be accompanied by the following license
20 fees:

21 \$50 ~~\$1,000~~ for applicant's established place of
22 business, and \$50 for each additional place of
23 business, if any, to which the application pertains;
24 but if the application is made after June 15 of any
25 year, the license fee shall be \$25 ~~\$500~~ for applicant's
26 established place of business plus \$12.50 ~~\$25~~ for each

1 additional place of business, if any, to which the
2 application pertains. License fees shall be returnable
3 only in the event that the application is denied by the
4 Secretary of State. Of the money received by the
5 Secretary of State as license fees under this
6 subsection for the 2004 licensing year and until the
7 effective date of this amendatory Act of the 95th
8 General Assembly thereafter, 95% shall be deposited
9 into the General Revenue Fund.

10 8. A statement that the applicant's officers,
11 directors, shareholders having a 10% or greater ownership
12 interest therein, proprietor, a partner, member, officer,
13 director, trustee, manager or other principals in the
14 business have not committed in the past 3 years any one
15 violation as determined in any civil, criminal or
16 administrative proceedings of any one of the following
17 Acts:

18 (A) The Anti Theft Laws of the Illinois Vehicle
19 Code;

20 (B) The Certificate of Title Laws of the Illinois
21 Vehicle Code;

22 (C) The Offenses against Registration and
23 Certificates of Title Laws of the Illinois Vehicle
24 Code;

25 (D) The Dealers, Transporters, Wreckers and
26 Rebuilders Laws of the Illinois Vehicle Code;

1 (E) Section 21-2 of the Criminal Code of 1961,
2 Criminal Trespass to Vehicles; or

3 (F) The Retailers' Occupation Tax Act.

4 9. A statement that the applicant's officers,
5 directors, shareholders having a 10% or greater ownership
6 interest therein, proprietor, partner, member, officer,
7 director, trustee, manager or other principals in the
8 business have not committed in any calendar year 3 or more
9 violations, as determined in any civil, criminal or
10 administrative proceedings, of any one or more of the
11 following Acts:

12 (A) The Consumer Finance Act;

13 (B) The Consumer Installment Loan Act;

14 (C) The Retail Installment Sales Act;

15 (D) The Motor Vehicle Retail Installment Sales
16 Act;

17 (E) The Interest Act;

18 (F) The Illinois Wage Assignment Act;

19 (G) Part 8 of Article XII of the Code of Civil
20 Procedure; or

21 (H) The Consumer Fraud Act.

22 10. A bond or certificate of deposit in the amount of
23 \$20,000 for each location at which the applicant intends to
24 act as a new vehicle dealer. The bond shall be for the term
25 of the license, or its renewal, for which application is
26 made, and shall expire not sooner than December 31 of the

1 year for which the license was issued or renewed. The bond
2 shall run to the People of the State of Illinois, with
3 surety by a bonding or insurance company authorized to do
4 business in this State. It shall be conditioned upon the
5 proper transmittal of all title and registration fees and
6 taxes (excluding taxes under the Retailers' Occupation Tax
7 Act) accepted by the applicant as a new vehicle dealer.

8 11. Such other information concerning the business of
9 the applicant as the Secretary of State may by rule or
10 regulation prescribe.

11 12. A statement that the applicant understands Chapter
12 One through Chapter Five of this Code.

13 (c) Any change which renders no longer accurate any
14 information contained in any application for a new vehicle
15 dealer's license shall be amended within 30 days after the
16 occurrence of such change on such form as the Secretary of
17 State may prescribe by rule or regulation, accompanied by an
18 amendatory fee of \$2.

19 (d) Anything in this Chapter 5 to the contrary
20 notwithstanding no person shall be licensed as a new vehicle
21 dealer unless:

22 1. He is authorized by contract in writing between
23 himself and the manufacturer or franchised distributor of
24 such make of vehicle to so sell the same in this State, and

25 2. Such person shall maintain an established place of
26 business as defined in this Act.

1 (e) The Secretary of State shall, within a reasonable time
2 after receipt, examine an application submitted to him under
3 this Section and unless he makes a determination that the
4 application submitted to him does not conform with the
5 requirements of this Section or that grounds exist for a denial
6 of the application, under Section 5-501 of this Chapter, grant
7 the applicant an original new vehicle dealer's license in
8 writing for his established place of business and a
9 supplemental license in writing for each additional place of
10 business in such form as he may prescribe by rule or regulation
11 which shall include the following:

12 1. The name of the person licensed;

13 2. If a corporation, the name and address of its
14 officers or if a sole proprietorship, a partnership, an
15 unincorporated association or any similar form of business
16 organization, the name and address of the proprietor or of
17 each partner, member, officer, director, trustee or
18 manager;

19 3. In the case of an original license, the established
20 place of business of the licensee;

21 4. In the case of a supplemental license, the
22 established place of business of the licensee and the
23 additional place of business to which such supplemental
24 license pertains;

25 5. The make or makes of new vehicles which the licensee
26 is licensed to sell.

1 (f) The appropriate instrument evidencing the license or a
2 certified copy thereof, provided by the Secretary of State,
3 shall be kept posted conspicuously in the established place of
4 business of the licensee and in each additional place of
5 business, if any, maintained by such licensee.

6 (g) Except as provided in subsection (h) hereof, all new
7 vehicle dealer's licenses granted under this Section shall
8 expire by operation of law on December 31 of the calendar year
9 for which they are granted unless sooner revoked or cancelled
10 under the provisions of Section 5-501 of this Chapter.

11 (h) A new vehicle dealer's license may be renewed upon
12 application and payment of the fee required herein, and
13 submission of proof of coverage under an approved bond under
14 the "Retailers' Occupation Tax Act" or proof that applicant is
15 not subject to such bonding requirements, as in the case of an
16 original license, but in case an application for the renewal of
17 an effective license is made during the month of December, the
18 effective license shall remain in force until the application
19 is granted or denied by the Secretary of State.

20 (i) All persons licensed as a new vehicle dealer are
21 required to furnish each purchaser of a motor vehicle:

22 1. In the case of a new vehicle a manufacturer's
23 statement of origin and in the case of a used motor vehicle
24 a certificate of title, in either case properly assigned to
25 the purchaser;

26 2. A statement verified under oath that all identifying

1 numbers on the vehicle agree with those on the certificate
2 of title or manufacturer's statement of origin;

3 3. A bill of sale properly executed on behalf of such
4 person;

5 4. A copy of the Uniform Invoice-transaction reporting
6 return referred to in Section 5-402 hereof;

7 5. In the case of a rebuilt vehicle, a copy of the
8 Disclosure of Rebuilt Vehicle Status; and

9 6. In the case of a vehicle for which the warranty has
10 been reinstated, a copy of the warranty.

11 (j) Except at the time of sale or repossession of the
12 vehicle, no person licensed as a new vehicle dealer may issue
13 any other person a newly created key to a vehicle unless the
14 new vehicle dealer makes a copy of the driver's license or
15 State identification card of the person requesting or obtaining
16 the newly created key. The new vehicle dealer must retain the
17 copy for 30 days.

18 A new vehicle dealer who violates this subsection (j) is
19 guilty of a petty offense. Violation of this subsection (j) is
20 not cause to suspend, revoke, cancel, or deny renewal of the
21 new vehicle dealer's license.

22 This amendatory Act of 1983 shall be applicable to the 1984
23 registration year and thereafter.

24 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32,
25 eff. 7-1-03.)

1 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

2 Sec. 5-102. Used vehicle dealers must be licensed.

3 (a) No person, other than a licensed new vehicle dealer,
4 shall engage in the business of selling or dealing in, on
5 consignment or otherwise, 5 or more used vehicles of any make
6 during the year (except house trailers as authorized by
7 paragraph (j) of this Section and rebuilt salvage vehicles sold
8 by their rebuilders to persons licensed under this Chapter), or
9 act as an intermediary, agent or broker for any licensed dealer
10 or vehicle purchaser (other than as a salesperson) or represent
11 or advertise that he is so engaged or intends to so engage in
12 such business unless licensed to do so by the Secretary of
13 State under the provisions of this Section.

14 (b) An application for a used vehicle dealer's license
15 shall be filed with the Secretary of State, duly verified by
16 oath, in such form as the Secretary of State may by rule or
17 regulation prescribe and shall contain:

18 1. The name and type of business organization
19 established and additional places of business, if any, in
20 this State.

21 2. If the applicant is a corporation, a list of its
22 officers, directors, and shareholders having a ten percent
23 or greater ownership interest in the corporation, setting
24 forth the residence address of each; if the applicant is a
25 sole proprietorship, a partnership, an unincorporated
26 association, a trust, or any similar form of business

1 organization, the names and residence address of the
2 proprietor or of each partner, member, officer, director,
3 trustee or manager.

4 3. A statement that the applicant has been approved for
5 registration under the Retailers' Occupation Tax Act by the
6 Department of Revenue. However, this requirement does not
7 apply to a dealer who is already licensed hereunder with
8 the Secretary of State, and who is merely applying for a
9 renewal of his license. As evidence of this fact, the
10 application shall be accompanied by a certification from
11 the Department of Revenue showing that the Department has
12 approved the applicant for registration under the
13 Retailers' Occupation Tax Act.

14 4. A statement that the applicant has complied with the
15 appropriate liability insurance requirement. A Certificate
16 of Insurance in a solvent company authorized to do business
17 in the State of Illinois shall be included with each
18 application covering each location at which he proposes to
19 act as a used vehicle dealer. The policy must provide
20 liability coverage in the minimum amounts of \$100,000 for
21 bodily injury to, or death of, any person, \$300,000 for
22 bodily injury to, or death of, two or more persons in any
23 one accident, and \$50,000 for damage to property. Such
24 policy shall expire not sooner than December 31 of the year
25 for which the license was issued or renewed. The expiration
26 of the insurance policy shall not terminate the liability

1 under the policy arising during the period for which the
2 policy was filed. Trailer and mobile home dealers are
3 exempt from this requirement.

4 If the permitted user has a liability insurance policy
5 that provides automobile liability insurance coverage of
6 at least \$100,000 for bodily injury to or the death of any
7 person, \$300,000 for bodily injury to or the death of any 2
8 or more persons in any one accident, and \$50,000 for damage
9 to property, then the permitted user's insurer shall be the
10 primary insurer and the dealer's insurer shall be the
11 secondary insurer. If the permitted user does not have a
12 liability insurance policy that provides automobile
13 liability insurance coverage of at least \$100,000 for
14 bodily injury to or the death of any person, \$300,000 for
15 bodily injury to or the death of any 2 or more persons in
16 any one accident, and \$50,000 for damage to property, or
17 does not have any insurance at all, then the dealer's
18 insurer shall be the primary insurer and the permitted
19 user's insurer shall be the secondary insurer.

20 When a permitted user is "test driving" a used vehicle
21 dealer's automobile, the used vehicle dealer's insurance
22 shall be primary and the permitted user's insurance shall
23 be secondary.

24 As used in this paragraph 4, a "permitted user" is a
25 person who, with the permission of the used vehicle dealer
26 or an employee of the used vehicle dealer, drives a vehicle

1 owned and held for sale or lease by the used vehicle dealer
2 which the person is considering to purchase or lease, in
3 order to evaluate the performance, reliability, or
4 condition of the vehicle. The term "permitted user" also
5 includes a person who, with the permission of the used
6 vehicle dealer, drives a vehicle owned or held for sale or
7 lease by the used vehicle dealer for loaner purposes while
8 the user's vehicle is being repaired or evaluated.

9 As used in this paragraph 4, "test driving" occurs when
10 a permitted user who, with the permission of the used
11 vehicle dealer or an employee of the used vehicle dealer,
12 drives a vehicle owned and held for sale or lease by a used
13 vehicle dealer that the person is considering to purchase
14 or lease, in order to evaluate the performance,
15 reliability, or condition of the vehicle.

16 As used in this paragraph 4, "loaner purposes" means
17 when a person who, with the permission of the used vehicle
18 dealer, drives a vehicle owned or held for sale or lease by
19 the used vehicle dealer while the user's vehicle is being
20 repaired or evaluated.

21 5. An application for a used vehicle dealer's license
22 shall be accompanied by the following license fees:

23 \$50 ~~\$1,000~~ for applicant's established place of
24 business, and \$25 ~~\$50~~ for each additional place of
25 business, if any, to which the application pertains;
26 however, if the application is made after June 15 of any

1 year, the license fee shall be \$25 ~~\$500~~ for applicant's
2 established place of business plus \$12.50 ~~\$25~~ for each
3 additional place of business, if any, to which the
4 application pertains. License fees shall be returnable
5 only in the event that the application is denied by the
6 Secretary of State. Of the money received by the Secretary
7 of State as license fees under this Section for the 2004
8 licensing year and until the effective date of this
9 amendatory Act of the 95th General Assembly thereafter, 95%
10 shall be deposited into the General Revenue Fund.

11 6. A statement that the applicant's officers,
12 directors, shareholders having a 10% or greater ownership
13 interest therein, proprietor, partner, member, officer,
14 director, trustee, manager or other principals in the
15 business have not committed in the past 3 years any one
16 violation as determined in any civil, criminal or
17 administrative proceedings of any one of the following
18 Acts:

19 (A) The Anti Theft Laws of the Illinois Vehicle
20 Code;

21 (B) The Certificate of Title Laws of the Illinois
22 Vehicle Code;

23 (C) The Offenses against Registration and
24 Certificates of Title Laws of the Illinois Vehicle
25 Code;

26 (D) The Dealers, Transporters, Wreckers and

1 Rebuilders Laws of the Illinois Vehicle Code;

2 (E) Section 21-2 of the Illinois Criminal Code of
3 1961, Criminal Trespass to Vehicles; or

4 (F) The Retailers' Occupation Tax Act.

5 7. A statement that the applicant's officers,
6 directors, shareholders having a 10% or greater ownership
7 interest therein, proprietor, partner, member, officer,
8 director, trustee, manager or other principals in the
9 business have not committed in any calendar year 3 or more
10 violations, as determined in any civil or criminal or
11 administrative proceedings, of any one or more of the
12 following Acts:

13 (A) The Consumer Finance Act;

14 (B) The Consumer Installment Loan Act;

15 (C) The Retail Installment Sales Act;

16 (D) The Motor Vehicle Retail Installment Sales
17 Act;

18 (E) The Interest Act;

19 (F) The Illinois Wage Assignment Act;

20 (G) Part 8 of Article XII of the Code of Civil
21 Procedure; or

22 (H) The Consumer Fraud Act.

23 8. A bond or Certificate of Deposit in the amount of
24 \$20,000 for each location at which the applicant intends to
25 act as a used vehicle dealer. The bond shall be for the
26 term of the license, or its renewal, for which application

1 is made, and shall expire not sooner than December 31 of
2 the year for which the license was issued or renewed. The
3 bond shall run to the People of the State of Illinois, with
4 surety by a bonding or insurance company authorized to do
5 business in this State. It shall be conditioned upon the
6 proper transmittal of all title and registration fees and
7 taxes (excluding taxes under the Retailers' Occupation Tax
8 Act) accepted by the applicant as a used vehicle dealer.

9 9. Such other information concerning the business of
10 the applicant as the Secretary of State may by rule or
11 regulation prescribe.

12 10. A statement that the applicant understands Chapter
13 1 through Chapter 5 of this Code.

14 (c) Any change which renders no longer accurate any
15 information contained in any application for a used vehicle
16 dealer's license shall be amended within 30 days after the
17 occurrence of each change on such form as the Secretary of
18 State may prescribe by rule or regulation, accompanied by an
19 amendatory fee of \$2.

20 (d) Anything in this Chapter to the contrary
21 notwithstanding, no person shall be licensed as a used vehicle
22 dealer unless such person maintains an established place of
23 business as defined in this Chapter.

24 (e) The Secretary of State shall, within a reasonable time
25 after receipt, examine an application submitted to him under
26 this Section. Unless the Secretary makes a determination that

1 the application submitted to him does not conform to this
2 Section or that grounds exist for a denial of the application
3 under Section 5-501 of this Chapter, he must grant the
4 applicant an original used vehicle dealer's license in writing
5 for his established place of business and a supplemental
6 license in writing for each additional place of business in
7 such form as he may prescribe by rule or regulation which shall
8 include the following:

9 1. The name of the person licensed;

10 2. If a corporation, the name and address of its
11 officers or if a sole proprietorship, a partnership, an
12 unincorporated association or any similar form of business
13 organization, the name and address of the proprietor or of
14 each partner, member, officer, director, trustee or
15 manager;

16 3. In case of an original license, the established
17 place of business of the licensee;

18 4. In the case of a supplemental license, the
19 established place of business of the licensee and the
20 additional place of business to which such supplemental
21 license pertains.

22 (f) The appropriate instrument evidencing the license or a
23 certified copy thereof, provided by the Secretary of State
24 shall be kept posted, conspicuously, in the established place
25 of business of the licensee and in each additional place of
26 business, if any, maintained by such licensee.

1 (g) Except as provided in subsection (h) of this Section,
2 all used vehicle dealer's licenses granted under this Section
3 expire by operation of law on December 31 of the calendar year
4 for which they are granted unless sooner revoked or cancelled
5 under Section 5-501 of this Chapter.

6 (h) A used vehicle dealer's license may be renewed upon
7 application and payment of the fee required herein, and
8 submission of proof of coverage by an approved bond under the
9 "Retailers' Occupation Tax Act" or proof that applicant is not
10 subject to such bonding requirements, as in the case of an
11 original license, but in case an application for the renewal of
12 an effective license is made during the month of December, the
13 effective license shall remain in force until the application
14 for renewal is granted or denied by the Secretary of State.

15 (i) All persons licensed as a used vehicle dealer are
16 required to furnish each purchaser of a motor vehicle:

17 1. A certificate of title properly assigned to the
18 purchaser;

19 2. A statement verified under oath that all identifying
20 numbers on the vehicle agree with those on the certificate
21 of title;

22 3. A bill of sale properly executed on behalf of such
23 person;

24 4. A copy of the Uniform Invoice-transaction reporting
25 return referred to in Section 5-402 of this Chapter;

26 5. In the case of a rebuilt vehicle, a copy of the

1 Disclosure of Rebuilt Vehicle Status; and

2 6. In the case of a vehicle for which the warranty has
3 been reinstated, a copy of the warranty.

4 (j) A real estate broker holding a valid certificate of
5 registration issued pursuant to "The Real Estate Brokers and
6 Salesmen License Act" may engage in the business of selling or
7 dealing in house trailers not his own without being licensed as
8 a used vehicle dealer under this Section; however such broker
9 shall maintain a record of the transaction including the
10 following:

- 11 (1) the name and address of the buyer and seller,
12 (2) the date of sale,
13 (3) a description of the mobile home, including the
14 vehicle identification number, make, model, and year, and
15 (4) the Illinois certificate of title number.

16 The foregoing records shall be available for inspection by
17 any officer of the Secretary of State's Office at any
18 reasonable hour.

19 (k) Except at the time of sale or repossession of the
20 vehicle, no person licensed as a used vehicle dealer may issue
21 any other person a newly created key to a vehicle unless the
22 used vehicle dealer makes a copy of the driver's license or
23 State identification card of the person requesting or obtaining
24 the newly created key. The used vehicle dealer must retain the
25 copy for 30 days.

26 A used vehicle dealer who violates this subsection (k) is

1 guilty of a petty offense. Violation of this subsection (k) is
2 not cause to suspend, revoke, cancel, or deny renewal of the
3 used vehicle dealer's license.

4 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32,
5 eff. 7-1-03.)

6 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

7 (Text of Section before amendment by P.A. 94-1035)

8 Sec. 6-118. Fees.

9 (a) The fee for licenses and permits under this Article is
10 as follows:

11 Original driver's license \$10

12 Original or renewal driver's license

13 issued to 18, 19 and 20 year olds 5

14 All driver's licenses for persons

15 age 69 through age 80 5

16 All driver's licenses for persons

17 age 81 through age 86 2

18 All driver's licenses for persons

19 age 87 or older 0

20 Renewal driver's license (except for

21 applicants ages 18, 19 and 20 or

22 age 69 and older) 10

23 Original instruction permit issued to

24 persons (except those age 69 and older)

25 who do not hold or have not previously

1 held an Illinois instruction permit or
2 driver's license 20
3 Instruction permit issued to any person
4 holding an Illinois driver's license
5 who wishes a change in classifications,
6 other than at the time of renewal 5
7 Any instruction permit issued to a person
8 age 69 and older 5
9 Instruction permit issued to any person,
10 under age 69, not currently holding a
11 valid Illinois driver's license or
12 instruction permit but who has
13 previously been issued either document
14 in Illinois 10
15 Restricted driving permit 8
16 Duplicate or corrected driver's license
17 or permit 5
18 Duplicate or corrected restricted
19 driving permit 5
20 Original or renewal M or L endorsement 5

21 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

22 The fees for commercial driver licenses and permits
23 under Article V shall be as follows:

24 Commercial driver's license:

25 \$6 for the CDLIS/AAMVAnet Fund

26 (Commercial Driver's License Information

1 System/American Association of Motor Vehicle
 2 Administrators network Trust Fund);
 3 \$20 for the Motor Carrier Safety Inspection Fund;
 4 \$10 for the driver's license;
 5 and \$24 for the CDL: \$60

6 Renewal commercial driver's license:
 7 \$6 for the CDLIS/AAMVAnet Trust Fund;
 8 \$20 for the Motor Carrier Safety Inspection Fund;
 9 \$10 for the driver's license; and
 10 \$24 for the CDL: \$60

11 Commercial driver instruction permit
 12 issued to any person holding a valid
 13 Illinois driver's license for the
 14 purpose of changing to a
 15 CDL classification: \$6 for the
 16 CDLIS/AAMVAnet Trust Fund;
 17 \$20 for the Motor Carrier
 18 Safety Inspection Fund; and
 19 \$24 for the CDL classification \$50

20 Commercial driver instruction permit
 21 issued to any person holding a valid
 22 Illinois CDL for the purpose of
 23 making a change in a classification,
 24 endorsement or restriction \$5

25 CDL duplicate or corrected license \$5

26 In order to ensure the proper implementation of the Uniform

1 Commercial Driver License Act, Article V of this Chapter, the
 2 Secretary of State is empowered to pro-rate the \$24 fee for the
 3 commercial driver's license proportionate to the expiration
 4 date of the applicant's Illinois driver's license.

5 The fee for any duplicate license or permit shall be waived
 6 for any person age 60 or older who presents the Secretary of
 7 State's office with a police report showing that his license or
 8 permit was stolen.

9 No additional fee shall be charged for a driver's license,
 10 or for a commercial driver's license, when issued to the holder
 11 of an instruction permit for the same classification or type of
 12 license who becomes eligible for such license.

13 (b) Any person whose license or privilege to operate a
 14 motor vehicle in this State has been suspended or revoked under
 15 any provision of Chapter 6, Chapter 11, or Section ~~7-205,~~
 16 ~~7-303, or~~ 7-702 of the Family Financial Responsibility Law of
 17 this Code, shall in addition to any other fees required by this
 18 Code, pay a reinstatement fee as follows:

19	Summary suspension under Section 11-501.1	\$250
20	Other suspension	\$70
21	Revocation	\$500

22 However, any person whose license or privilege to operate a
 23 motor vehicle in this State has been suspended or revoked for a
 24 second or subsequent time for a violation of Section 11-501 or
 25 11-501.1 of this Code or a similar provision of a local
 26 ordinance or a similar out-of-state offense or Section 9-3 of

1 the Criminal Code of 1961 and each suspension or revocation was
 2 for a violation of Section 11-501 or 11-501.1 of this Code or a
 3 similar provision of a local ordinance or a similar
 4 out-of-state offense or Section 9-3 of the Criminal Code of
 5 1961 shall pay, in addition to any other fees required by this
 6 Code, a reinstatement fee as follows:

7	Summary suspension under Section 11-501.1	<u>\$250</u> \$500
8	Revocation	<u>\$250</u> \$500

9 (c) All fees collected under the provisions of this Chapter
 10 6 shall be paid into the Road Fund in the State Treasury except
 11 as follows:

12 1. The following amounts shall be paid into the Driver
 13 Education Fund:

14 (A) \$16 of the \$20 fee for an original driver's
 15 instruction permit;

16 (B) \$5 of the \$10 fee for an original driver's
 17 license;

18 (C) \$5 of the \$10 fee for a 4 year renewal driver's
 19 license; and

20 (D) \$4 of the \$8 fee for a restricted driving
 21 permit.

22 2. \$30 of the \$60 ~~\$250~~ fee for reinstatement of a
 23 license summarily suspended under Section 11-501.1 shall
 24 be deposited into the Drunk and Drugged Driving Prevention
 25 Fund. However, for a person whose license or privilege to
 26 operate a motor vehicle in this State has been suspended or

1 revoked for a second or subsequent time for a violation of
2 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
3 the Criminal Code of 1961, \$190 of the \$250 ~~\$500~~ fee for
4 reinstatement of a license summarily suspended under
5 Section 11-501.1, and \$190 of the \$250 ~~\$500~~ fee for
6 reinstatement of a revoked license shall be deposited into
7 the Drunk and Drugged Driving Prevention Fund.

8 3. \$6 of such original or renewal fee for a commercial
9 driver's license and \$6 of the commercial driver
10 instruction permit fee when such permit is issued to any
11 person holding a valid Illinois driver's license, shall be
12 paid into the CDLIS/AAMVAnet Trust Fund.

13 4. The ~~\$30 of the \$70~~ fee for reinstatement of a
14 license suspended under the Family Financial
15 Responsibility Law shall be paid into the Family
16 Responsibility Fund.

17 5. The \$5 fee for each original or renewal M or L
18 endorsement shall be deposited into the Cycle Rider Safety
19 Training Fund.

20 6. \$20 of any original or renewal fee for a commercial
21 driver's license or commercial driver instruction permit
22 shall be paid into the Motor Carrier Safety Inspection
23 Fund.

24 7. (Blank). ~~The following amounts shall be paid into~~
25 ~~the General Revenue Fund:~~

26 ~~(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 (Text of Section after amendment by P.A. 94-1035)
11 Sec. 6-118. Fees.

12 (a) The fee for licenses and permits under this Article is
13 as follows:

14	Original driver's license	\$10
15	Original or renewal driver's license	
16	issued to 18, 19 and 20 year olds	5
17	All driver's licenses for persons	
18	age 69 through age 80	5
19	All driver's licenses for persons	
20	age 81 through age 86	2
21	All driver's licenses for persons	
22	age 87 or older	0
23	Renewal driver's license (except for	
24	applicants ages 18, 19 and 20 or	
25	age 69 and older)	10

1 Original instruction permit issued to
2 persons (except those age 69 and older)
3 who do not hold or have not previously
4 held an Illinois instruction permit or
5 driver's license 20

6 Instruction permit issued to any person
7 holding an Illinois driver's license
8 who wishes a change in classifications,
9 other than at the time of renewal 5

10 Any instruction permit issued to a person
11 age 69 and older 5

12 Instruction permit issued to any person,
13 under age 69, not currently holding a
14 valid Illinois driver's license or
15 instruction permit but who has
16 previously been issued either document
17 in Illinois 10

18 Restricted driving permit 8

19 Duplicate or corrected driver's license
20 or permit 5

21 Duplicate or corrected restricted
22 driving permit 5

23 Original or renewal M or L endorsement 5

24 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

25 The fees for commercial driver licenses and permits
26 under Article V shall be as follows:

1 Commercial driver's license:
 2 \$6 for the CDLIS/AAMVAnet Fund
 3 (Commercial Driver's License Information
 4 System/American Association of Motor Vehicle
 5 Administrators network Trust Fund);
 6 \$20 for the Motor Carrier Safety Inspection Fund;
 7 \$10 for the driver's license;
 8 and \$24 for the CDL: \$60

9 Renewal commercial driver's license:
 10 \$6 for the CDLIS/AAMVAnet Trust Fund;
 11 \$20 for the Motor Carrier Safety Inspection Fund;
 12 \$10 for the driver's license; and
 13 \$24 for the CDL: \$60

14 Commercial driver instruction permit
 15 issued to any person holding a valid
 16 Illinois driver's license for the
 17 purpose of changing to a
 18 CDL classification: \$6 for the
 19 CDLIS/AAMVAnet Trust Fund;
 20 \$20 for the Motor Carrier
 21 Safety Inspection Fund; and
 22 \$24 for the CDL classification \$50

23 Commercial driver instruction permit
 24 issued to any person holding a valid
 25 Illinois CDL for the purpose of
 26 making a change in a classification,

1 endorsement or restriction \$5

2 CDL duplicate or corrected license \$5

3 In order to ensure the proper implementation of the Uniform
4 Commercial Driver License Act, Article V of this Chapter, the
5 Secretary of State is empowered to pro-rate the \$24 fee for the
6 commercial driver's license proportionate to the expiration
7 date of the applicant's Illinois driver's license.

8 The fee for any duplicate license or permit shall be waived
9 for any person age 60 or older who presents the Secretary of
10 State's office with a police report showing that his license or
11 permit was stolen.

12 No additional fee shall be charged for a driver's license,
13 or for a commercial driver's license, when issued to the holder
14 of an instruction permit for the same classification or type of
15 license who becomes eligible for such license.

16 (b) Any person whose license or privilege to operate a
17 motor vehicle in this State has been suspended or revoked under
18 Section 3-707, any provision of Chapter 6, Chapter 11, or
19 Section ~~7-205, 7-303,~~ or 7-702 of the Family Financial
20 Responsibility Law of this Code, shall in addition to any other
21 fees required by this Code, pay a reinstatement fee as follows:

22 Suspension under Section 3-707 \$100

23 Summary suspension under Section 11-501.1 \$60 ~~\$250~~

24 Other suspension \$30 ~~\$70~~

25 Revocation \$60 ~~\$500~~

26 However, any person whose license or privilege to operate a

1 motor vehicle in this State has been suspended or revoked for a
 2 second or subsequent time for a violation of Section 11-501 or
 3 11-501.1 of this Code or a similar provision of a local
 4 ordinance or a similar out-of-state offense or Section 9-3 of
 5 the Criminal Code of 1961 and each suspension or revocation was
 6 for a violation of Section 11-501 or 11-501.1 of this Code or a
 7 similar provision of a local ordinance or a similar
 8 out-of-state offense or Section 9-3 of the Criminal Code of
 9 1961 shall pay, in addition to any other fees required by this
 10 Code, a reinstatement fee as follows:

11	Summary suspension under Section 11-501.1	<u>\$250</u> \$500
12	Revocation	<u>\$250</u> \$500

13 (c) All fees collected under the provisions of this Chapter
 14 6 shall be paid into the Road Fund in the State Treasury except
 15 as follows:

16 1. The following amounts shall be paid into the Driver
 17 Education Fund:

18 (A) \$16 of the \$20 fee for an original driver's
 19 instruction permit;

20 (B) \$5 of the \$10 fee for an original driver's
 21 license;

22 (C) \$5 of the \$10 fee for a 4 year renewal driver's
 23 license; and

24 (D) \$4 of the \$8 fee for a restricted driving
 25 permit.

26 2. \$30 of the \$60 ~~\$250~~ fee for reinstatement of a

1 license summarily suspended under Section 11-501.1 shall
2 be deposited into the Drunk and Drugged Driving Prevention
3 Fund. However, for a person whose license or privilege to
4 operate a motor vehicle in this State has been suspended or
5 revoked for a second or subsequent time for a violation of
6 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
7 the Criminal Code of 1961, \$190 of the \$250 ~~\$500~~ fee for
8 reinstatement of a license summarily suspended under
9 Section 11-501.1, and \$190 of the \$250 ~~\$500~~ fee for
10 reinstatement of a revoked license shall be deposited into
11 the Drunk and Drugged Driving Prevention Fund.

12 3. \$6 of such original or renewal fee for a commercial
13 driver's license and \$6 of the commercial driver
14 instruction permit fee when such permit is issued to any
15 person holding a valid Illinois driver's license, shall be
16 paid into the CDLIS/AAMVAnet Trust Fund.

17 4. The ~~\$30 of the \$70~~ fee for reinstatement of a
18 license suspended under the Family Financial
19 Responsibility Law shall be paid into the Family
20 Responsibility Fund.

21 5. The \$5 fee for each original or renewal M or L
22 endorsement shall be deposited into the Cycle Rider Safety
23 Training Fund.

24 6. \$20 of any original or renewal fee for a commercial
25 driver's license or commercial driver instruction permit
26 shall be paid into the Motor Carrier Safety Inspection

1 Fund.

2 7. (Blank). ~~The following amounts shall be paid into~~
3 ~~the General Revenue Fund:~~

4 ~~(A) \$190 of the \$250 reinstatement fee for a~~
5 ~~summary suspension under Section 11-501.1;~~

6 ~~(B) \$40 of the \$70 reinstatement fee for any other~~
7 ~~suspension provided in subsection (b) of this Section;~~
8 ~~and~~

9 ~~(C) \$440 of the \$500 reinstatement fee for a first~~
10 ~~offense revocation and \$310 of the \$500 reinstatement~~
11 ~~fee for a second or subsequent revocation.~~

12 (Source: P.A. 93-32, eff. 1-1-04; 93-788, eff. 1-1-05; 94-1035,
13 eff. 7-1-07.)

14 (625 ILCS 5/7-707)

15 Sec. 7-707. Payment of reinstatement fee. When an obligor
16 receives notice from the Secretary of State that the suspension
17 of driving privileges has been terminated based upon receipt of
18 notification from the circuit clerk of the obligor's compliance
19 with a court order of support, the obligor shall pay a \$30 ~~\$70~~
20 reinstatement fee to the Secretary of State as set forth in
21 Section 6-118 of this Code. The ~~\$30 of the \$70~~ fee shall be
22 deposited into the Family Responsibility Fund. In accordance
23 with subsection (e) of Section 6-115 of this Code, the
24 Secretary of State may decline to process a renewal of a
25 driver's license of a person who has not paid this fee.

1 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 1-1-04.)

2 (625 ILCS 5/18c-1501) (from Ch. 95 1/2, par. 18c-1501)

3 Sec. 18c-1501. Franchise, Franchise Renewal, Filing and
4 Other Fees for Motor Carriers of Property.

5 (1) Franchise, Franchise Renewal, Filing, and Other Fee
6 Levels in Effect Absent Commission Regulations Prescribing
7 Different Fee Levels. The levels of franchise, franchise
8 renewal, filing, and other fees for motor carriers of property
9 in effect, absent Commission regulations prescribing different
10 fee levels, shall be:

11 (a) Franchise and franchise renewal fees: \$19 for each
12 motor vehicle operated by a motor carrier of property in
13 intrastate commerce, and \$2 for each motor vehicle operated
14 by a motor carrier of property in interstate commerce.

15 (b) Filing fees: \$100 for each application seeking a
16 Commission license or other authority, the reinstatement
17 of a cancelled license or authority, or authority to
18 establish a rate, other than by special permission,
19 excluding both released rate applications and rate filings
20 which may be investigated or suspended but which require no
21 prior authorization for filing; \$25 for each released rate
22 application and each application to register as an
23 interstate carrier; \$15 for each application seeking
24 special permission in regard to rates; and \$15 for each
25 equipment lease.

1 (2) Adjustment of Fee Levels. The Commission may, by
2 rulemaking in accordance with provisions of The Illinois
3 Administrative Procedure Act, adjust franchise, franchise
4 renewal, filing, and other fees for motor carriers of property
5 by increasing or decreasing them from levels in effect absent
6 Commission regulations prescribing different fee levels.
7 Franchise and franchise renewal fees prescribed by the
8 Commission for motor carriers of property shall not exceed:

9 (a) \$50 for each motor vehicle operated by a household
10 goods carrier in intrastate commerce;

11 (a-5) \$5 ~~\$15~~ for each motor vehicle operated by a
12 public carrier in intrastate commerce; and

13 (b) \$7 for each motor vehicle operated by a motor
14 carrier of property in interstate commerce.

15 (3) Late-Filing Fees.

16 (a) Commission to Prescribe Late-Filing Fees. The
17 Commission may prescribe fees for the late filing of proof
18 of insurance, operating reports, franchise or franchise
19 renewal fee applications, or other documents required to be
20 filed on a periodic basis with the Commission.

21 (b) Late-filing Fees to Accrue Automatically.
22 Late-filing fees shall accrue automatically from the
23 filing deadline set forth in Commission regulations, and
24 all persons or entities required to make such filings shall
25 be on notice of such deadlines.

26 (c) Maximum Fees. Late-filing fees prescribed by the

1 Commission shall not exceed \$100 for an initial period,
2 plus \$10 for each day after the expiration of the initial
3 period. The Commission may provide for waiver of all or
4 part of late-filing fees accrued under this subsection on a
5 showing of good cause.

6 (d) Effect of Failure to Make Timely Filings and Pay
7 Late-Filing Fees. Failure of a person to file proof of
8 continuous insurance coverage or to make other periodic
9 filings required under Commission regulations shall make
10 licenses and registrations held by the person subject to
11 revocation or suspension. The licenses or registrations
12 cannot thereafter be returned to good standing until after
13 payment of all late-filing fees accrued and not waived
14 under this subsection.

15 (4) Payment of Fees.

16 (a) Franchise and Franchise Renewal Fees. Franchise
17 and franchise renewal fees for motor carriers of property
18 shall be due and payable on or before the 31st day of
19 December of the calendar year preceding the calendar year
20 for which the fees are owing, unless otherwise provided in
21 Commission regulations.

22 (b) Filing and Other Fees. Filing and other fees
23 (including late-filing fees) shall be due and payable on
24 the date of filing, or on such other date as is set forth
25 in Commission regulations.

26 (5) When Fees Returnable.

1 (a) Whenever an application to the Illinois Commerce
2 Commission is accompanied by any fee as required by law and
3 such application is refused or rejected, said fee shall be
4 returned to said applicant.

5 (b) The Illinois Commerce Commission may reduce by
6 interlineation the amount of any personal check or
7 corporate check or company check drawn on the account of
8 and delivered by any person for payment of a fee required
9 by the Illinois Commerce Commission.

10 (c) Any check altered pursuant to above shall be
11 endorsed by the Illinois Commerce Commission as follows:
12 "This check is warranted to subsequent holders and to the
13 drawee to be in the amount \$."

14 (d) All applications to the Illinois Commerce
15 Commission requiring fee payment upon reprinting shall
16 contain the following authorization statement: "My
17 signature authorizes the Illinois Commerce Commission to
18 lower the amount of check if fee submitted exceeds correct
19 amount."

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

21 (625 ILCS 5/18c-1502.05)

22 Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers.
23 Beginning with the effective date of this amendatory Act of the
24 95th General Assembly ~~calendar year 2004~~, every rail carrier
25 shall pay to the Commission for each calendar year a route

1 mileage fee of \$37 ~~\$45~~ for each route mile of railroad right of
2 way owned by the rail carrier in Illinois. The fee shall be
3 based on the number of route miles as of January 1 of the year
4 for which the fee is due, and the payment of the route mileage
5 fee shall be due by February 1 of each calendar year.

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

7 (625 ILCS 5/18c-1502.10)

8 Sec. 18c-1502.10. Railroad-Highway Grade Crossing and
9 Grade Separation Fee. Beginning with the effective date of this
10 amendatory Act of the 95th General Assembly ~~calendar year 2004~~,
11 every rail carrier shall pay to the Commission for each
12 calendar year a fee of \$23 ~~\$28~~ for each location at which the
13 rail carrier's track crosses a public road, highway, or street,
14 whether the crossing be at grade, by overhead structure, or by
15 subway. The fee shall be based on the number of the crossings
16 as of January 1 of each calendar year, and the fee shall be due
17 by February 1 of each calendar year.

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

19 (625 ILCS 5/3-806.5 rep.)

20 Section 195. The Illinois Vehicle Code is amended by
21 repealing Section 3-806.5.

22 Section 200. The Boat Registration and Safety Act is
23 amended by changing Sections 3-2 and 3-7 as follows:

1 (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

2 Sec. 3-2. Identification number application. The owner of
3 each watercraft requiring numbering by this State shall file an
4 application for number with the Department on forms approved by
5 it. The application shall be signed by the owner of the
6 watercraft and shall be accompanied by a fee as follows:

7 A. Class A (all canoes, kayaks, and
8 non-motorized paddle boats) \$6

9 B. Class 1 (all watercraft less
10 than 16 feet in length, except
11 canoes, kayaks, and non-motorized paddle boats) .. \$15

12 C. Class 2 (all watercraft 16
13 feet or more but less than 26 feet in length
14 except canoes, kayaks, and non-motorized paddle
15 boats) \$20 ~~\$45~~

16 D. Class 3 (all watercraft 26 feet or more
17 but less than 40 feet in length) \$25 ~~\$75~~

18 E. Class 4 (all watercraft 40 feet in length
19 or more) \$30 ~~\$100~~

20 Upon receipt of the application in approved form, and when
21 satisfied that no tax imposed pursuant to the "Municipal Use
22 Tax Act" or the "County Use Tax Act" is owed, or that such tax
23 has been paid, the Department shall enter the same upon the
24 records of its office and issue to the applicant a certificate
25 of number stating the number awarded to the watercraft and the

1 name and address of the owner.

2 (Source: P.A. 93-32, eff. 7-1-03; 94-45, eff. 1-1-06.)

3 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

4 Sec. 3-7. Loss of certificate. Should a certificate of
5 number or registration expiration decal become lost,
6 destroyed, or mutilated beyond legibility, the owner of the
7 watercraft shall make application to the Department for the
8 replacement of the certificate or decal, giving his name,
9 address, and the number of his boat and shall at the same time
10 pay to the Department a fee of \$1 ~~\$5~~.

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

12 Section 205. The Illinois Controlled Substances Act is
13 amended by changing Section 303 as follows:

14 (720 ILCS 570/303) (from Ch. 56 1/2, par. 1303)

15 Sec. 303. (a) The Department of Professional Regulation
16 shall license an applicant to manufacture, distribute or
17 dispense controlled substances included in Sections 204, 206,
18 208, 210 and 212 of this Act or purchase, store, or administer
19 euthanasia drugs unless it determines that the issuance of that
20 license would be inconsistent with the public interest. In
21 determining the public interest, the Department of
22 Professional Regulation shall consider the following:

23 (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

1 the public health and safety; and

2 (10) evidence from court, medical disciplinary and
3 pharmacy board records and those of State and Federal
4 investigatory bodies that the applicant has not or does not
5 prescribe controlled substances within the provisions of
6 this Act.

7 (b) No license shall be granted to or renewed for any
8 person who has within 5 years been convicted of a wilful
9 violation of any law of the United States or any law of any
10 State relating to controlled substances, or who is found to be
11 deficient in any of the matters enumerated in subsections
12 (a) (1) through (a) (8).

13 (c) Licensure under subsection (a) does not entitle a
14 registrant to manufacture, distribute or dispense controlled
15 substances in Schedules I or II other than those specified in
16 the registration.

17 (d) Practitioners who are licensed to dispense any
18 controlled substances in Schedules II through V are authorized
19 to conduct instructional activities with controlled substances
20 in Schedules II through V under the law of this State.

21 (e) If an applicant for registration is registered under
22 the Federal law to manufacture, distribute or dispense
23 controlled substances, or purchase, store, or administer
24 euthanasia drugs, upon filing a completed application for
25 licensure in this State and payment of all fees due hereunder,
26 he shall be licensed in this State to the same extent as his

1 Federal registration, unless, within 30 days after completing
2 his application in this State, the Department of Professional
3 Regulation notifies the applicant that his application has not
4 been granted. A practitioner who is in compliance with the
5 Federal law with respect to registration to dispense controlled
6 substances in Schedules II through V need only send a current
7 copy of that Federal registration to the Department of
8 Professional Regulation and he shall be deemed in compliance
9 with the registration provisions of this State.

10 (e-5) Beginning July 1, 2003 and until the effective date
11 of this amendatory Act of the 95th General Assembly, all of the
12 fees and fines collected under this Section 303 shall be
13 deposited into the Illinois State Pharmacy Disciplinary Fund.

14 (f) The fee for registration as a manufacturer or wholesale
15 distributor of controlled substances shall be \$50.00 per year,
16 except that the fee for registration as a manufacturer or
17 wholesale distributor of controlled substances that may be
18 dispensed without a prescription under this Act shall be \$15.00
19 per year. The expiration date and renewal period for each
20 controlled substance license issued under this Act shall be set
21 by rule.

22 (Source: P.A. 93-32, eff. 7-1-03; 93-626, eff. 12-23-03.)

23 Section 210. The Unified Code of Corrections is amended by
24 changing Section 5-9-1 as follows:

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

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

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

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

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

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

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

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

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

19 (c) There shall be added to every fine imposed in
20 sentencing for a criminal or traffic offense, except an offense
21 relating to parking or registration, or offense by a
22 pedestrian, an additional penalty of \$10 for each \$40, or
23 fraction thereof, of fine imposed. The additional penalty of
24 \$10 for each \$40, or fraction thereof, of fine imposed, if not
25 otherwise assessed, shall also be added to every fine imposed
26 upon a plea of guilty, stipulation of facts or findings of

1 guilty, resulting in a judgment of conviction, or order of
2 supervision in criminal, traffic, local ordinance, county
3 ordinance, and conservation cases (except parking,
4 registration, or pedestrian violations), or upon a sentence of
5 probation without entry of judgment under Section 10 of the
6 Cannabis Control Act, Section 410 of the Illinois Controlled
7 Substances Act, or Section 70 of the Methamphetamine Control
8 and Community Protection Act.

9 Such additional amounts shall be assessed by the court
10 imposing the fine and shall be collected by the Circuit Clerk
11 in addition to the fine and costs in the case. Each such
12 additional penalty shall be remitted by the Circuit Clerk
13 within one month after receipt to the State Treasurer. The
14 State Treasurer shall deposit \$1 for each \$40, or fraction
15 thereof, of fine imposed into the LEADS Maintenance Fund. The
16 State Treasurer shall deposit \$1 for each \$40, or fraction
17 thereof, of fine imposed into the Law Enforcement Camera Grant
18 Fund. The remaining surcharge amount shall be deposited into
19 the Traffic and Criminal Conviction Surcharge Fund, unless the
20 fine, costs or additional amounts are subject to disbursement
21 by the circuit clerk under Section 27.5 of the Clerks of Courts
22 Act. Such additional penalty shall not be considered a part of
23 the fine for purposes of any reduction in the fine for time
24 served either before or after sentencing. Not later than March
25 1 of each year the Circuit Clerk shall submit a report of the
26 amount of funds remitted to the State Treasurer under this

1 subsection (c) during the preceding calendar year. Except as
2 otherwise provided by Supreme Court Rules, if a court in
3 imposing a fine against an offender levies a gross amount for
4 fine, costs, fees and penalties, the amount of the additional
5 penalty provided for herein shall be computed on the amount
6 remaining after deducting from the gross amount levied all fees
7 of the Circuit Clerk, the State's Attorney and the Sheriff.
8 After deducting from the gross amount levied the fees and
9 additional penalty provided for herein, less any other
10 additional penalties provided by law, the clerk shall remit the
11 net balance remaining to the entity authorized by law to
12 receive the fine imposed in the case. For purposes of this
13 Section "fees of the Circuit Clerk" shall include, if
14 applicable, the fee provided for under Section 27.3a of the
15 Clerks of Courts Act and the fee, if applicable, payable to the
16 county in which the violation occurred pursuant to Section
17 5-1101 of the Counties Code.

18 (c-5) In addition to the fines imposed by subsection (c),
19 any person convicted or receiving an order of supervision for
20 driving under the influence of alcohol or drugs shall pay an
21 additional \$100 fee to the clerk. This additional fee, less 2
22 1/2% that shall be used to defray administrative costs incurred
23 by the clerk, shall be remitted by the clerk to the Treasurer
24 within 60 days after receipt for deposit into the Trauma Center
25 Fund. This additional fee of \$100 shall not be considered a
26 part of the fine for purposes of any reduction in the fine for

1 time served either before or after sentencing. Not later than
2 March 1 of each year the Circuit Clerk shall submit a report of
3 the amount of funds remitted to the State Treasurer under this
4 subsection (c-5) during the preceding calendar year.

5 The Circuit Clerk may accept payment of fines and costs by
6 credit card from an offender who has been convicted of a
7 traffic offense, petty offense or misdemeanor and may charge
8 the service fee permitted where fines and costs are paid by
9 credit card provided for in Section 27.3b of the Clerks of
10 Courts Act.

11 (c-7) In addition to the fines imposed by subsection (c),
12 any person convicted or receiving an order of supervision for
13 driving under the influence of alcohol or drugs shall pay an
14 additional \$5 fee to the clerk. This additional fee, less 2
15 1/2% that shall be used to defray administrative costs incurred
16 by the clerk, shall be remitted by the clerk to the Treasurer
17 within 60 days after receipt for deposit into the Spinal Cord
18 Injury Paralysis Cure Research Trust Fund. This additional fee
19 of \$5 shall not be considered a part of the fine for purposes
20 of any reduction in the fine for time served either before or
21 after sentencing. Not later than March 1 of each year the
22 Circuit Clerk shall submit a report of the amount of funds
23 remitted to the State Treasurer under this subsection (c-7)
24 during the preceding calendar year.

25 (c-9) (Blank).

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

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

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

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

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

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

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

22 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;
23 94-652, eff. 8-22-05; 94-987, eff. 6-30-06.)

24 Section 215. The Business Corporation Act of 1983 is
25 amended by changing Sections 15.10, 15.12, 15.15, 15.45, 15.75,

1 and 15.95 as follows:

2 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

3 Sec. 15.10. Fees for filing documents. The Secretary of
4 State shall charge and collect for:

5 (a) Filing articles of incorporation, \$75 ~~\$150~~.

6 (b) Filing articles of amendment, \$25 ~~\$50~~, unless the
7 amendment is a restatement of the articles of incorporation, in
8 which case the fee shall be \$100 ~~\$150~~.

9 (c) Filing articles of merger or consolidation, \$100, but
10 if the merger or consolidation involves more than 2
11 corporations, \$50 for each additional corporation.

12 (d) Filing articles of share exchange, \$100.

13 (e) Filing articles of dissolution, \$5.

14 (f) Filing application to reserve a corporate name, \$25.

15 (g) Filing a notice of transfer of a reserved corporate
16 name, \$25.

17 (h) Filing statement of change of address of registered
18 office or change of registered agent, or both, \$5 ~~\$25~~.

19 (i) Filing statement of the establishment of a series of
20 shares, \$25.

21 (j) Filing an application of a foreign corporation for
22 authority to transact business in this State, \$75 ~~\$150~~.

23 (k) Filing an application of a foreign corporation for
24 amended authority to transact business in this State, \$25.

25 (l) Filing a copy of amendment to the articles of

1 incorporation of a foreign corporation holding authority to
2 transact business in this State, \$25 ~~\$50~~, unless the amendment
3 is a restatement of the articles of incorporation, in which
4 case the fee shall be \$100 ~~\$150~~.

5 (m) Filing a copy of articles of merger of a foreign
6 corporation holding a certificate of authority to transact
7 business in this State, \$100, but if the merger involves more
8 than 2 corporations, \$50 for each additional corporation.

9 (n) Filing an application for withdrawal and final report
10 or a copy of articles of dissolution of a foreign corporation,
11 \$25.

12 (o) Filing an annual report, interim annual report, or
13 final transition annual report of a domestic or foreign
14 corporation, \$25 ~~\$75~~.

15 (p) Filing an application for reinstatement of a domestic
16 or a foreign corporation, \$100 ~~\$200~~.

17 (q) Filing an application for use of an assumed corporate
18 name, \$150 for each year or part thereof ending in 0 or 5, \$120
19 for each year or part thereof ending in 1 or 6, \$90 for each
20 year or part thereof ending in 2 or 7, \$60 for each year or part
21 thereof ending in 3 or 8, \$30 for each year or part thereof
22 ending in 4 or 9, between the date of filing the application
23 and the date of the renewal of the assumed corporate name; and
24 a renewal fee for each assumed corporate name, \$150.

25 (r) To change an assumed corporate name for the period
26 remaining until the renewal date of the original assumed name,

1 \$25.

2 (s) Filing an application for cancellation of an assumed
3 corporate name, \$5.

4 (t) Filing an application to register the corporate name of
5 a foreign corporation, \$50; and an annual renewal fee for the
6 registered name, \$50.

7 (u) Filing an application for cancellation of a registered
8 name of a foreign corporation, \$25.

9 (v) Filing a statement of correction, \$25 ~~\$50~~.

10 (w) Filing a petition for refund or adjustment, \$5.

11 (x) Filing a statement of election of an extended filing
12 month, \$25.

13 (y) Filing any other statement or report, \$5.

14 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
15 eff. 7-1-03; revised 9-5-03.)

16 (805 ILCS 5/15.12)

17 Sec. 15.12. Disposition of fees. Of the total money
18 collected for the filing of an annual report under this Act,
19 \$10 ~~\$15~~ of the filing fee shall be paid into the Secretary of
20 State Special Services Fund. The remaining \$15 ~~\$60~~ shall be
21 deposited into the General Revenue Fund in the State Treasury.

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

23 (805 ILCS 5/15.15) (from Ch. 32, par. 15.15)

24 Sec. 15.15. Miscellaneous charges. The Secretary of State

1 shall charge and collect;

2 (a) For furnishing a copy or certified copy of any
3 document, instrument, or paper relating to a corporation, \$0.50
4 per page, not not less than \$5, and \$5 for the certificate and
5 for affixing the seal thereto ~~or for a certificate, \$25.~~

6 (b) At the time of any service of process, notice or demand
7 on him or her as resident agent of a corporation, \$10, which
8 amount may be recovered as taxable costs by the party to the
9 suit or action causing such service to be made if such party
10 prevails in the suit or action.

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

12 (805 ILCS 5/15.45) (from Ch. 32, par. 15.45)

13 Sec. 15.45. Rate of franchise taxes payable by domestic
14 corporations.

15 (a) The annual franchise tax payable by each domestic
16 corporation shall be computed at the rate of 1/12 of 1/10 of 1%
17 for each calendar month or fraction thereof for the period
18 commencing on the first day of July 1983 to the first day of
19 the anniversary month in 1984, but in no event shall the amount
20 of the annual franchise tax be less than \$2.08333 per month
21 assessed on a minimum of \$25 per annum or more than
22 \$83,333.333333 per month; commencing on January 1, 1984 to the
23 first day of the anniversary month in 2004 and beginning again
24 on the effective date of this amendatory Act of the 95th
25 General Assembly, the annual franchise tax payable by each

1 domestic corporation shall be computed at the rate of 1/10 of
2 1% for the 12-months' period commencing on the first day of the
3 anniversary month or, in cases where a corporation has
4 established an extended filing month, the extended filing month
5 of the corporation, but in no event shall the amount of the
6 annual franchise tax be less than \$25 nor more than \$1,000,000
7 per annum; commencing with the first anniversary month that
8 occurs after December, 2003 until the effective date of this
9 amendatory Act of the 95th General Assembly, the annual
10 franchise tax payable by each domestic corporation shall be
11 computed at the rate of 1/10 of 1% for the 12-months' period
12 commencing on the first day of the anniversary month or, in
13 cases where a corporation has established an extended filing
14 month, the extended filing month of the corporation, but in no
15 event shall the amount of the annual franchise tax be less than
16 \$25 nor more than \$2,000,000 per annum.

17 (b) The annual franchise tax payable by each domestic
18 corporation at the time of filing a statement of election and
19 interim annual report in connection with an anniversary month
20 prior to January, 2004 and in connection with an anniversary
21 month on or after the effective date of this amendatory Act of
22 the 95th General Assembly shall be computed at the rate of 1/10
23 of 1% for the 12 month period commencing on the first day of
24 the anniversary month of the corporation next following such
25 filing, but in no event shall the amount of the annual
26 franchise tax be less than \$25 nor more than \$1,000,000 per

1 annum; commencing with the first anniversary month that occurs
2 after December, 2003 until the effective date of this
3 amendatory Act of the 95th General Assembly, the annual
4 franchise tax payable by each domestic corporation at the time
5 of filing a statement of election and interim annual report
6 shall be computed at the rate of 1/10 of 1% for the 12-month
7 period commencing on the first day of the anniversary month of
8 the corporation next following such filing, but in no event
9 shall the amount of the annual franchise tax be less than \$25
10 nor more than \$2,000,000 per annum.

11 (c) The annual franchise tax payable at the time of filing
12 the final transition annual report in connection with an
13 anniversary month prior to January, 2004 and in connection with
14 an anniversary month on or after the effective date of this
15 amendatory Act of the 95th General Assembly shall be an amount
16 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of
17 paid-in capital represented in this State as shown in the final
18 transition annual report multiplied by (ii) the number of
19 months commencing with the anniversary month next following the
20 filing of the statement of election until, but excluding, the
21 second extended filing month, less the annual franchise tax
22 theretofore paid at the time of filing the statement of
23 election, but in no event shall the amount of the annual
24 franchise tax be less than \$2.08333 per month assessed on a
25 minimum of \$25 per annum or more than \$83,333.333333 per month;
26 commencing with the first anniversary month that occurs after

1 December, 2003 until the effective date of this amendatory Act
2 of the 95th General Assembly, the annual franchise tax payable
3 at the time of filing the final transition annual report shall
4 be an amount equal to (i) 1/12 of 1/10 of 1% per month of the
5 proportion of paid-in capital represented in this State as
6 shown in the final transition annual report multiplied by (ii)
7 the number of months commencing with the anniversary month next
8 following the filing of the statement of election until, but
9 excluding, the second extended filing month, less the annual
10 franchise tax theretofore paid at the time of filing the
11 statement of election, but in no event shall the amount of the
12 annual franchise tax be less than \$2.08333 per month assessed
13 on a minimum of \$25 per annum or more than \$166,666.666666 per
14 month.

15 (d) The initial franchise tax payable after January 1,
16 1983, but prior to January 1, 1991, by each domestic
17 corporation shall be computed at the rate of 1/10 of 1% for the
18 12 months' period commencing on the first day of the
19 anniversary month in which the certificate of incorporation is
20 issued to the corporation under Section 2.10 of this Act, but
21 in no event shall the franchise tax be less than \$25 nor more
22 than \$1,000,000 per annum. The initial franchise tax payable on
23 or after January 1, 1991, but prior to January 1, 2004 and
24 payable on or after the effective date of this amendatory Act
25 of the 95th General Assembly, by each domestic corporation
26 shall be computed at the rate of 15/100 of 1% for the 12 month

1 period commencing on the first day of the anniversary month in
2 which the certificate ~~articles~~ of incorporation is issued to
3 the corporation under ~~are filed in accordance with~~ Section 2.10
4 of this Act, but in no event shall the initial franchise tax be
5 less than \$25 nor more than \$1,000,000 per annum plus 1/20th of
6 1% of the basis therefor. The initial franchise tax payable on
7 or after January 1, 2004 until the effective date of this
8 amendatory Act of the 95th General Assembly, by each domestic
9 corporation shall be computed at the rate of 15/100 of 1% for
10 the 12-month period commencing on the first day of the
11 anniversary month in which the articles of incorporation are
12 filed in accordance with Section 2.10 of this Act, but in no
13 event shall the initial franchise tax be less than \$25 nor more
14 than \$2,000,000 per annum plus 1/10th of 1% of the basis
15 therefor.

16 (e) Each additional franchise tax payable by each domestic
17 corporation for the period beginning January 1, 1983 through
18 December 31, 1983 shall be computed at the rate of 1/12 of 1/10
19 of 1% for each calendar month or fraction thereof, between the
20 date of each respective increase in its paid-in capital and its
21 anniversary month in 1984; thereafter until the last day of the
22 month that is both after December 31, 1990 and the third month
23 immediately preceding the anniversary month in 1991, each
24 additional franchise tax payable by each domestic corporation
25 shall be computed at the rate of 1/12 of 1/10 of 1% for each
26 calendar month, or fraction thereof, between the date of each

1 respective increase in its paid-in capital and its next
2 anniversary month; however, if the increase occurs within the 2
3 month period immediately preceding the anniversary month, the
4 tax shall be computed to the anniversary month of the next
5 succeeding calendar year. Commencing with increases in paid-in
6 capital that occur subsequent to both December 31, 1990 and the
7 last day of the third month immediately preceding the
8 anniversary month in 1991, the additional franchise tax payable
9 by a domestic corporation shall be computed at the rate of
10 15/100 of 1%.

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

12 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

13 Sec. 15.75. Rate of franchise taxes payable by foreign
14 corporations.

15 (a) The annual franchise tax payable by each foreign
16 corporation shall be computed at the rate of 1/12 of 1/10 of 1%
17 for each calendar month or fraction thereof for the period
18 commencing on the first day of July 1983 to the first day of
19 the anniversary month in 1984, but in no event shall the amount
20 of the annual franchise tax be less than \$2.083333 per month
21 based on a minimum of \$25 per annum or more than \$83,333.333333
22 per month; commencing on January 1, 1984 to the first day of
23 the anniversary month in 2004 and commencing on or after the
24 effective date of this amendatory Act of the 95th General
25 Assembly, the annual franchise tax payable by each foreign

1 corporation shall be computed at the rate of 1/10 of 1% for the
2 12-months' period commencing on the first day of the
3 anniversary month or, in the case of a corporation that has
4 established an extended filing month, the extended filing month
5 of the corporation, but in no event shall the amount of the
6 annual franchise tax be less than \$25 nor more than \$1,000,000
7 per annum; commencing on January 1, 2004 until the effective
8 date of this amendatory Act of the 95th General Assembly, the
9 annual franchise tax payable by each foreign corporation shall
10 be computed at the rate of 1/10 of 1% for the 12-month period
11 commencing on the first day of the anniversary month or, in the
12 case of a corporation that has established an extended filing
13 month, the extended filing month of the corporation, but in no
14 event shall the amount of the annual franchise tax be less than
15 \$25 nor more then \$2,000,000 per annum.

16 (b) The annual franchise tax payable by each foreign
17 corporation at the time of filing a statement of election and
18 interim annual report in connection with an anniversary month
19 prior to January, 2004 and in connection with an anniversary
20 month on or after the effective date of this amendatory Act of
21 the 95th General Assembly shall be computed at the rate of 1/10
22 of 1% for the 12 month period commencing on the first day of
23 the anniversary month of the corporation next following the
24 filing, but in no event shall the amount of the annual
25 franchise tax be less than \$25 nor more than \$1,000,000 per
26 annum; commencing with the first anniversary month that occurs

1 after December, 2003 until the effective date of this
2 amendatory Act of the 95th General Assembly, the annual
3 franchise tax payable by each foreign corporation at the time
4 of filing a statement of election and interim annual report
5 shall be computed at the rate of 1/10 of 1% for the 12-month
6 period commencing on the first day of the anniversary month of
7 the corporation next following such filing, but in no event
8 shall the amount of the annual franchise tax be less than \$25
9 nor more than \$2,000,000 per annum.

10 (c) The annual franchise tax payable at the time of filing
11 the final transition annual report in connection with an
12 anniversary month prior to January, 2004 and in connection with
13 an anniversary month on or after the effective date of this
14 amendatory Act of the 95th General Assembly shall be an amount
15 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of
16 paid-in capital represented in this State as shown in the final
17 transition annual report multiplied by (ii) the number of
18 months commencing with the anniversary month next following the
19 filing of the statement of election until, but excluding, the
20 second extended filing month, less the annual franchise tax
21 theretofore paid at the time of filing the statement of
22 election, but in no event shall the amount of the annual
23 franchise tax be less than \$2.083333 per month based on a
24 minimum of \$25 per annum or more than \$83,333.333333 per month;
25 commencing with the first anniversary month that occurs after
26 December, 2003 until the effective date of this amendatory Act

1 of the 95th General Assembly, the annual franchise tax payable
2 at the time of filing the final transition annual report shall
3 be an amount equal to (i) 1/12 of 1/10 of 1% per month of the
4 proportion of paid-in capital represented in this State as
5 shown in the final transition annual report multiplied by (ii)
6 the number of months commencing with the anniversary month next
7 following the filing of the statement of election until, but
8 excluding, the second extended filing month, less the annual
9 franchise tax theretofore paid at the time of filing the
10 statement of election, but in no event shall the amount of the
11 annual franchise tax be less than \$2.083333 per month based on
12 a minimum of \$25 per annum or more than \$166,666.666666 per
13 month.

14 (d) The initial franchise tax payable after January 1,
15 1983, but prior to January 1, 1991, by each foreign corporation
16 shall be computed at the rate of 1/10 of 1% for the 12 months'
17 period commencing on the first day of the anniversary month in
18 which the application for authority is filed by the corporation
19 under Section 13.15 of this Act, but in no event shall the
20 franchise tax be less than \$25 nor more than \$1,000,000 per
21 annum. Except in the case of a foreign corporation that has
22 begun transacting business in Illinois prior to January 1,
23 1991, the initial franchise tax payable on or after January 1,
24 1991, by each foreign corporation, shall be computed at the
25 rate of 15/100 of 1% for the 12-month period commencing on the
26 first day of the anniversary month in which the application for

1 authority is filed by the corporation under Section 13.15 of
2 this Act, but in no event shall the franchise tax for a taxable
3 year commencing prior to January 1, 2004 or commencing on or
4 after the effective date of this amendatory Act of the 95th
5 General Assembly be less than \$25 nor more than \$1,000,000 per
6 annum plus 1/20 of 1% of the basis therefor and in no event
7 shall the franchise tax for a taxable year commencing on or
8 after January 1, 2004 or commencing before the effective date
9 of this amendatory Act of the 95th General Assembly be less
10 than \$25 or more than \$2,000,000 per annum plus 1/20 of 1% of
11 the basis therefor.

12 (e) Whenever the application for authority indicates that
13 the corporation commenced transacting business:

14 (1) prior to January 1, 1991, the initial franchise tax
15 shall be computed at the rate of 1/12 of 1/10 of 1% for
16 each calendar month; or

17 (2) after December 31, 1990, the initial franchise tax
18 shall be computed at the rate of 1/12 of 15/100 of 1% for
19 each calendar month.

20 (f) Each additional franchise tax payable by each foreign
21 corporation for the period beginning January 1, 1983 through
22 December 31, 1983 shall be computed at the rate of 1/12 of 1/10
23 of 1% for each calendar month or fraction thereof between the
24 date of each respective increase in its paid-in capital and its
25 anniversary month in 1984; thereafter until the last day of the
26 month that is both after December 31, 1990 and the third month

1 immediately preceding the anniversary month in 1991, each
2 additional franchise tax payable by each foreign corporation
3 shall be computed at the rate of 1/12 of 1/10 of 1% for each
4 calendar month, or fraction thereof, between the date of each
5 respective increase in its paid-in capital and its next
6 anniversary month; however, if the increase occurs within the 2
7 month period immediately preceding the anniversary month, the
8 tax shall be computed to the anniversary month of the next
9 succeeding calendar year. Commencing with increases in paid-in
10 capital that occur subsequent to both December 31, 1990 and the
11 last day of the third month immediately preceding the
12 anniversary month in 1991, the additional franchise tax payable
13 by a foreign corporation shall be computed at the rate of
14 15/100 of 1%.

15 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03.)

16 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

17 Sec. 15.95. Department of Business Services Special
18 Operations Fund.

19 (a) A special fund in the State treasury known as the
20 Division of Corporations Special Operations Fund is renamed the
21 Department of Business Services Special Operations Fund.
22 Moneys deposited into the Fund shall, subject to appropriation,
23 be used by the Department of Business Services of the Office of
24 the Secretary of State, hereinafter "Department", to create and
25 maintain the capability to perform expedited services in

1 response to special requests made by the public for same day or
2 24 hour service. Moneys deposited into the Fund shall be used
3 for, but not limited to, expenditures for personal services,
4 retirement, social security, contractual services, equipment,
5 electronic data processing, 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 taxes 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 or fact made to
20 the Department's Springfield Office in person or by telephone,
21 or requests for certificates of good standing or fact made in
22 person or by telephone to the Department's Chicago Office.

23 (e) Fees for expedited services shall be as follows:

24 Restatement of articles, \$100 ~~\$200~~;

25 Merger, consolidation or exchange, \$100 ~~\$200~~;

26 Articles of incorporation, \$50 ~~\$100~~;

1 Articles of amendment, \$50 ~~\$100~~;
2 Revocation of dissolution, \$50 ~~\$100~~;
3 Reinstatement, \$50 ~~\$100~~;
4 Application for authority, \$50 ~~\$100~~;
5 Cumulative report of changes in issued shares or paid-in
6 capital, \$50 ~~\$100~~;
7 Report following merger or consolidation, \$50 ~~\$100~~;
8 Certificate of good standing or fact, \$10 ~~\$20~~;
9 All other filings, copies of documents, annual reports
10 filed on or after January 1, 1984, and copies of documents of
11 dissolved or revoked corporations having a file number over
12 5199, \$25 ~~\$50~~.

13 (f) Expedited services shall not be available for a
14 statement of correction, a petition for refund or adjustment,
15 or a request involving annual reports filed before January 1,
16 1984 or involving dissolved corporations with a file number
17 below 5200.

18 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,
19 eff. 7-1-03; revised 9-5-03.)

20 (805 ILCS 15/5.1 rep.)

21 Section 220. The Medical Corporation Act is amended by
22 repealing Section 5.1.

23 Section 225. The Limited Liability Company Act is amended
24 by changing Sections 45-45, 50-10, 50-15, and 50-50 as follows:

1 (805 ILCS 180/45-45)

2 Sec. 45-45. Transaction of business without admission.

3 (a) A foreign limited liability company transacting
4 business in this State may not maintain a civil action in any
5 court of this State until the limited liability company is
6 admitted to transact business in this State.

7 (b) The failure of a foreign limited liability company to
8 be admitted to transact business in this State does not impair
9 the validity of any contract or act of the foreign limited
10 liability company or prevent the foreign limited liability
11 company from defending any civil action in any court of this
12 State.

13 (c) A foreign limited liability company, by transacting
14 business in this State without being admitted to do so,
15 appoints the Secretary of State as its agent upon whom any
16 notice, process, or demand may be served.

17 (d) A foreign limited liability company that transacts
18 business in this State without being admitted to do so shall be
19 liable to the State for the years or parts thereof during which
20 it transacted business in this State without being admitted in
21 an amount equal to all fees that would have been imposed by
22 this Article upon that limited liability company had it been
23 duly admitted, filed all reports required by this Article, and
24 paid all penalties imposed by this Article. If a limited
25 liability company fails to be admitted to do business in this

1 State within 60 days after it commences transacting business in
2 Illinois, it is liable for a penalty of \$1,000 ~~\$2,000~~ plus \$50
3 ~~\$100~~ for each month or fraction thereof in which it has
4 continued to transact business in this State without being
5 admitted to do so. The Attorney General shall bring proceedings
6 to recover all amounts due this State under this Article.

7 (e) A member of a foreign limited liability company is not
8 liable for the debts and obligations of the limited liability
9 company solely by reason of the company's having transacted
10 business in this State without being admitted to do so.

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

12 (805 ILCS 180/50-10)

13 Sec. 50-10. Fees.

14 (a) The Secretary of State shall charge and collect in
15 accordance with the provisions of this Act and rules
16 promulgated under its authority all of the following:

17 (1) Fees for filing documents.

18 (2) Miscellaneous charges.

19 (3) Fees for the sale of lists of filings and for
20 copies of any documents.

21 (b) The Secretary of State shall charge and collect for all
22 of the following:

23 (1) Filing articles of organization (domestic),
24 application for admission (foreign), and restated articles
25 of organization (domestic), \$400 ~~\$500~~. Notwithstanding the

1 foregoing, the fee for filing articles of organization
2 (domestic), application for admission (foreign), and
3 restated articles of organization (domestic) in connection
4 with a limited liability company with a series pursuant to
5 Section 37-40 of this Act is \$750.

6 (2) Filing amendments (domestic or foreign), \$100
7 ~~\$150~~.

8 (3) Filing articles of dissolution or application for
9 withdrawal, \$100.

10 (4) Filing an application to reserve a name, \$300.

11 (5) Renewal fee for reserved name, \$100.

12 (6) Filing a notice of a transfer of a reserved name,
13 \$100.

14 (7) Registration of a name, \$300.

15 (8) Renewal of registration of a name, \$100.

16 (9) Filing an application for use of an assumed name
17 under Section 1-20 of this Act, \$150 for each year or part
18 thereof ending in 0 or 5, \$120 for each year or part
19 thereof ending in 1 or 6, \$90 for each year or part thereof
20 ending in 2 or 7, \$60 for each year or part thereof ending
21 in 3 or 8, \$30 for each year or part thereof ending in 4 or
22 9, and a renewal for each assumed name, \$150.

23 (10) Filing an application for change of an assumed
24 name, \$100.

25 (11) Filing an annual report of a limited liability
26 company or foreign limited liability company, \$200 \$250, if

1 filed as required by this Act, plus a penalty if
2 delinquent. Notwithstanding the foregoing, the fee for
3 filing an annual report of a limited liability company or
4 foreign limited liability company is \$250 plus \$50 for each
5 series for which a certificate of designation has been
6 filed pursuant to Section 37-40 of this Act, plus a penalty
7 if delinquent.

8 (12) Filing an application for reinstatement of a
9 limited liability company or foreign limited liability
10 company \$500.

11 (13) Filing Articles of Merger, \$100 plus \$50 for each
12 party to the merger in excess of the first 2 parties.

13 (14) Filing an Agreement of Conversion or Statement of
14 Conversion, \$100.

15 (15) Filing a statement of change of address of
16 registered office or change of registered agent, or both,
17 or filing a statement of correction, \$25.

18 (16) Filing a petition for refund, \$15.

19 (17) Filing any other document, \$100.

20 (18) Filing a certificate of designation of a limited
21 liability company with a series pursuant to Section 37-40
22 of this Act, \$50.

23 (c) The Secretary of State shall charge and collect all of
24 the following:

25 (1) For furnishing a copy or certified copy of any
26 document, instrument, or paper relating to a limited

1 liability company or foreign limited liability company, or
2 for a certificate, \$25.

3 (2) For the transfer of information by computer process
4 media to any purchaser, fees established by rule.

5 (Source: P.A. 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; 94-605,
6 eff. 1-1-06; 94-607, eff. 8-16-05; revised 8-29-05.)

7 (805 ILCS 180/50-15)

8 Sec. 50-15. Penalty.

9 (a) The Secretary of State shall declare any limited
10 liability company or foreign limited liability company to be
11 delinquent and not in good standing if any of the following
12 occur:

13 (1) It has failed to file its annual report and pay the
14 requisite fee as required by this Act before the first day
15 of the anniversary month in the year in which it is due.

16 (2) It has failed to appoint and maintain a registered
17 agent in Illinois within 60 days of notification of the
18 Secretary of State by the resigning registered agent.

19 (3) (Blank).

20 (b) If the limited liability company or foreign limited
21 liability company has not corrected the default within the time
22 periods prescribed by this Act, the Secretary of State shall be
23 empowered to invoke any of the following penalties:

24 (1) For failure or refusal to comply with subsection

25 (a) of this Section within 60 days after the due date, a

1 penalty of \$100 plus \$50 for each month or fraction thereof
2 until returned to good standing or until administratively
3 dissolved by the Secretary of State ~~\$300 plus \$100 for each~~
4 ~~year or fraction thereof beginning with the second year of~~
5 ~~delinquency until returned to good standing or until~~
6 ~~reinstatement is effected.~~

7 (2) The Secretary of State shall not file any
8 additional documents, amendments, reports, or other papers
9 relating to any limited liability company or foreign
10 limited liability company organized under or subject to the
11 provisions of this Act until any delinquency under
12 subsection (a) is satisfied.

13 (3) In response to inquiries received in the Office of
14 the Secretary of State from any party regarding a limited
15 liability company that is delinquent, the Secretary of
16 State may show the limited liability company as not in good
17 standing.

18 (Source: P.A. 93-32, eff. 12-1-03; 94-605, eff. 1-1-06.)

19 (805 ILCS 180/50-50)

20 Sec. 50-50. Department of Business Services Special
21 Operations Fund.

22 (a) A special fund in the State treasury is created and
23 shall be known as the Department of Business Services Special
24 Operations Fund. Moneys deposited into the Fund shall, subject
25 to appropriation, be used by the Department of Business

1 Services of the Office of the Secretary of State, hereinafter
2 "Department", to create and maintain the capability to perform
3 expedited services in response to special requests made by the
4 public for same-day or 24-hour service. Moneys deposited into
5 the Fund shall be used for, but not limited to, expenditures
6 for personal services, retirement, Social Security,
7 contractual services, equipment, electronic data processing,
8 and telecommunications.

9 (b) The balance in the Fund at the end of any fiscal year
10 shall not exceed \$400,000 ~~\$600,000~~, and any amount in excess
11 thereof shall be transferred to the General Revenue Fund.

12 (c) All fees payable to the Secretary of State under this
13 Section shall be deposited into the Fund. No other fees or
14 charges collected under this Act shall be deposited into the
15 Fund.

16 (d) "Expedited services" means services rendered within
17 the same day, or within 24 hours from the time, the request
18 therefor is submitted by the filer, law firm, service company,
19 or messenger physically in person or, at the Secretary of
20 State's discretion, by electronic means, to the Department's
21 Springfield Office and includes requests for certified copies,
22 photocopies, and certificates of good standing made to the
23 Department's Springfield Office in person or by telephone, or
24 requests for certificates of good standing made in person or by
25 telephone to the Department's Chicago Office.

26 (e) Fees for expedited services shall be as follows:

1 Restated articles of organization, \$100 ~~\$200~~;
2 Merger or conversion, \$100 ~~\$200~~;
3 Articles of organization, \$50 ~~\$100~~;
4 Articles of amendment, \$50 ~~\$100~~;
5 Reinstatement, \$50 ~~\$100~~;
6 Application for admission to transact business, \$50 ~~\$100~~;
7 Certificate of good standing or abstract of computer
8 record, \$10 ~~\$20~~;
9 All other filings, copies of documents, annual reports, and
10 copies of documents of dissolved or revoked limited liability
11 companies, \$25 ~~\$50~~.
12 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03.)

13 Section 230. The Revised Uniform Limited Partnership Act is
14 amended by changing Sections 1102 and 1111 as follows:

15 (805 ILCS 210/1102) (from Ch. 106 1/2, par. 161-2)
16 (Section scheduled to be repealed on January 1, 2008)
17 Sec. 1102. Fees.

18 (a) The Secretary of State shall charge and collect in
19 accordance with the provisions of this Act and rules
20 promulgated pursuant to its authority:

21 (1) fees for filing documents;
22 (2) miscellaneous charges;
23 (3) fees for the sale of lists of filings, copies of
24 any documents, and for the sale or release of any

1 information.

2 (b) The Secretary of State shall charge and collect for:

3 (1) filing certificates of limited partnership
4 (domestic), certificates of admission (foreign), restated
5 certificates of limited partnership (domestic), and
6 restated certificates of admission (foreign), \$75 ~~\$150~~;

7 (2) filing certificates to be governed by this Act, \$25
8 ~~\$50~~;

9 (3) filing amendments and certificates of amendment,
10 \$25 ~~\$50~~;

11 (4) filing certificates of cancellation, \$25;

12 (5) filing an application for use of an assumed name
13 pursuant to Section 108 of this Act, \$150 for each year or
14 part thereof ending in 0 or 5, \$120 for each year or part
15 thereof ending in 1 or 6, \$90 for each year or part thereof
16 ending in 2 or 7, \$60 for each year or part thereof ending
17 in 3 or 8, \$30 for each year or part thereof ending in 4 or
18 9, and a renewal fee for each assumed name, \$150;

19 (6) filing a renewal report of a domestic or foreign
20 limited partnership, \$15 ~~\$150~~ if filed as required by this
21 Act, plus \$100 penalty if delinquent;

22 (7) filing an application for reinstatement of a
23 domestic or foreign limited partnership, and for issuing a
24 certificate of reinstatement, \$100 ~~\$200~~;

25 (8) filing any other document, \$5 ~~\$50~~.

26 (c) The Secretary of State shall charge and collect:

1 (1) for furnishing a copy or certified copy of any
2 document, instrument or paper relating to a domestic
3 limited partnership or foreign limited partnership, \$0.50
4 per page, but not less than \$5, and \$5 for the certificate
5 and for affixing the seal thereto ~~\$25~~; and

6 (2) for the transfer of information by computer process
7 media to any purchaser, fees established by rule.

8 (Source: P.A. 93-32, eff. 7-1-03; 93-967, eff. 1-1-05. Repealed
9 on 1-1-2008 by 805 ILCS 215/1401.)

10 (805 ILCS 210/1111)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 1111. Department of Business Services Special
13 Operations Fund.

14 (a) A special fund in the State Treasury is created and
15 shall be known as the Department of Business Services Special
16 Operations Fund. Moneys deposited into the Fund shall, subject
17 to appropriation, be used by the Department of Business
18 Services of the Office of the Secretary of State, hereinafter
19 "Department", to create and maintain the capability to perform
20 expedited services in response to special requests made by the
21 public for same day or 24 hour service. Moneys deposited into
22 the Fund shall be used for, but not limited to, expenditures
23 for personal services, retirement, social security contractual
24 services, equipment, electronic data processing, and
25 telecommunications.

1 (b) The balance in the Fund at the end of any fiscal year
2 shall not exceed \$400,000 ~~\$600,000~~ and any amount in excess
3 thereof shall be transferred to the General Revenue Fund.

4 (c) All fees payable to the Secretary of State under this
5 Section shall be deposited into the Fund. No other fees or
6 charges collected under this Act shall be deposited into the
7 Fund.

8 (d) "Expedited services" means services rendered within
9 the same day, or within 24 hours from the time, the request
10 therefor is submitted by the filer, law firm, service company,
11 or messenger physically in person, or at the Secretary of
12 State's discretion, by electronic means, to the Department's
13 Springfield Office or Chicago Office and includes requests for
14 certified copies, photocopies, and certificates of existence
15 or abstracts of computer record made to the Department's
16 Springfield Office in person or by telephone, or requests for
17 certificates of existence or abstracts of computer record made
18 in person or by telephone to the Department's Chicago Office.

19 (e) Fees for expedited services shall be as follows:

20 Merger or conversion, \$100 ~~\$200~~;

21 Certificate of limited partnership, \$50 ~~\$100~~;

22 Certificate of amendment, \$50 ~~\$100~~;

23 Reinstatement, \$50 ~~\$100~~;

24 Application for admission to transact business, \$50 ~~\$100~~;

25 Certificate of cancellation of admission, \$50 ~~\$100~~;

26 Certificate of existence or abstract of computer record,

1 \$10 ~~\$20~~.

2 All other filings, copies of documents, biennial renewal
3 reports, and copies of documents of canceled limited
4 partnerships, \$25 ~~\$50~~.

5 (Source: P.A. 93-32, eff. 7-1-03; 93-967, eff. 1-1-05. Repealed
6 on 1-1-2008 by 805 ILCS 215/1401.)

7 (815 ILCS 5/18.1 rep.)

8 Section 235. The Illinois Securities Law of 1953 is amended
9 by repealing Section 18.1.

10 Section 240. The Workers' Compensation Act is amended by
11 changing Section 4d as follows:

12 (820 ILCS 305/4d)

13 Sec. 4d. Illinois Workers' Compensation Commission
14 Operations Fund Fee.

15 (a) As of July 30, 2004 (the effective date of Public Act
16 93-840) and until the effective date of this amendatory Act of
17 the 95th General Assembly ~~this amendatory Act of the 93rd~~
18 ~~General Assembly~~, each employer that self-insures its
19 liabilities arising under this Act or Workers' Occupational
20 Diseases Act shall pay a fee measured by the annual actual
21 wages paid in this State of such an employer in the manner
22 provided in this Section. Such proceeds shall be deposited in
23 the Illinois Workers' Compensation Commission Operations Fund.

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

7 (b) Beginning on July 30, 2004 (the effective date of
8 Public Act 93-840) and until the effective date of this
9 amendatory Act of the 95th General Assembly ~~this amendatory Act~~
10 ~~of 2004~~ and on July 1 of each year thereafter, the Chairman
11 shall charge and collect an annual Illinois Workers'
12 Compensation Commission Operations Fund Fee from every
13 employer subject to subsection (a) of this Section equal to
14 0.0075% of its annual actual wages paid in this State as
15 reported in each employer's annual self-insurance renewal
16 filed for the previous year as required by Section 4 of this
17 Act and Section 4 of the Workers' Occupational Diseases Act.
18 All sums collected by the Commission under the provisions of
19 this Section shall be paid promptly after the receipt of the
20 same, accompanied by a detailed statement thereof, into the
21 Illinois Workers' Compensation Commission Operations Fund. The
22 fee due pursuant to Public Act 93-840 ~~this amendatory Act of~~
23 ~~2004~~ shall be collected instead of the fee due on July 1, 2004
24 under Public Act 93-32. Payment of the fee due under Public Act
25 93-840 ~~this amendatory Act of 2004~~ shall discharge the
26 employer's obligations due on July 1, 2004.

1 (c) In addition to the authority specifically granted under
2 Section 16, the Chairman shall have such authority to adopt
3 rules or establish forms as may be reasonably necessary for
4 purposes of enforcing this Section. The Commission shall have
5 authority to defer, waive, or abate the fee or any penalties
6 imposed by this Section if in the Commission's opinion the
7 employer's solvency and ability to meet its obligations to pay
8 workers' compensation benefits would be immediately threatened
9 by payment of the fee due.

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

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

20 (f) Whenever it appears to the satisfaction of the Chairman
21 that an employer has paid pursuant to this Act an Illinois
22 Workers' Compensation Commission Operations Fund Fee in an
23 amount in excess of the amount legally collectable from the
24 employer, the Chairman shall issue a credit memorandum for an
25 amount equal to the amount of such overpayment. A credit
26 memorandum may be applied for the 2-year period from the date

1 of issuance against the payment of any amount due during that
2 period under the fee imposed by this Section or, subject to
3 reasonable rule of the Commission including requirement of
4 notification, may be assigned to any other employer subject to
5 regulation under this Act. Any application of credit memoranda
6 after the period provided for in this Section is void.

7 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,
8 eff. 7-30-04; revised 10-25-04.)

9 Section 995. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.

1

INDEX

2

Statutes amended in order of appearance

3

15 ILCS 305/5.5

4

20 ILCS 3105/9.02a

from Ch. 127, par. 779.02a

5

25 ILCS 170/5

6

30 ILCS 105/8j rep.

7

35 ILCS 120/2d

from Ch. 120, par. 441d

8

35 ILCS 130/29

from Ch. 120, par. 453.29

9

35 ILCS 505/2b

from Ch. 120, par. 418b

10

35 ILCS 505/6

from Ch. 120, par. 422

11

35 ILCS 505/6a

from Ch. 120, par. 422a

12

35 ILCS 510/1

from Ch. 120, par. 481b.1

13

35 ILCS 510/2

from Ch. 120, par. 481b.2

14

35 ILCS 510/3

from Ch. 120, par. 481b.3

15

35 ILCS 510/4b

from Ch. 120, par. 481b.4b

16

40 ILCS 5/1A-112

17

205 ILCS 105/2B-6

from Ch. 17, par. 3302B-6

18

205 ILCS 305/12

from Ch. 17, par. 4413

19

205 ILCS 405/16

from Ch. 17, par. 4832

20

205 ILCS 635/2-2

from Ch. 17, par. 2322-2

21

205 ILCS 635/2-6

from Ch. 17, par. 2322-6

22

205 ILCS 670/2

from Ch. 17, par. 5402

23

210 ILCS 45/3-103

from Ch. 111 1/2, par. 4153-103

24

215 ILCS 5/121-19

from Ch. 73, par. 733-19

25

215 ILCS 5/123A-4

from Ch. 73, par. 735A-4

1	215 ILCS 5/123B-4	from Ch. 73, par. 735B-4
2	215 ILCS 5/123C-17	from Ch. 73, par. 735C-17
3	215 ILCS 5/131.24	from Ch. 73, par. 743.24
4	215 ILCS 5/141a	from Ch. 73, par. 753a
5	215 ILCS 5/149	from Ch. 73, par. 761
6	215 ILCS 5/310.1	from Ch. 73, par. 922.1
7	215 ILCS 5/315.4	from Ch. 73, par. 927.4
8	215 ILCS 5/325	from Ch. 73, par. 937
9	215 ILCS 5/363a	from Ch. 73, par. 975a
10	215 ILCS 5/370	from Ch. 73, par. 982
11	215 ILCS 5/403	from Ch. 73, par. 1015
12	215 ILCS 5/403A	from Ch. 73, par. 1015A
13	215 ILCS 5/408	from Ch. 73, par. 1020
14	215 ILCS 5/412	from Ch. 73, par. 1024
15	215 ILCS 5/416	
16	215 ILCS 5/431	from Ch. 73, par. 1038
17	215 ILCS 5/445	from Ch. 73, par. 1057
18	215 ILCS 5/500-70	
19	215 ILCS 5/500-110	
20	215 ILCS 5/500-120	
21	215 ILCS 5/500-135	
22	215 ILCS 5/511.103	from Ch. 73, par. 1065.58-103
23	215 ILCS 5/511.105	from Ch. 73, par. 1065.58-105
24	215 ILCS 5/511.110	from Ch. 73, par. 1065.58-110
25	215 ILCS 5/512.63	from Ch. 73, par. 1065.59-63
26	215 ILCS 5/513a3	from Ch. 73, par. 1065.60a3

1	215 ILCS 5/513a4	from Ch. 73, par. 1065.60a4
2	215 ILCS 5/513a7	from Ch. 73, par. 1065.60a7
3	215 ILCS 5/529.5	from Ch. 73, par. 1065.76-5
4	215 ILCS 5/1020	from Ch. 73, par. 1065.720
5	215 ILCS 5/1108	from Ch. 73, par. 1065.808
6	215 ILCS 5/1204	from Ch. 73, par. 1065.904
7	215 ILCS 100/55	from Ch. 73, par. 1655
8	215 ILCS 113/20	
9	215 ILCS 123/20	
10	215 ILCS 152/25	
11	215 ILCS 155/14	from Ch. 73, par. 1414
12	215 ILCS 158/10	
13	220 ILCS 5/6-108	from Ch. 111 2/3, par. 6-108
14	225 ILCS 105/23	from Ch. 111, par. 5023
15	225 ILCS 415/17	from Ch. 111, par. 6217
16	225 ILCS 470/8.1	from Ch. 147, par. 108.1
17	235 ILCS 5/5-3	from Ch. 43, par. 118
18	415 ILCS 5/9.6	from Ch. 111 1/2, par. 1009.6
19	415 ILCS 5/12.2	from Ch. 111 1/2, par. 1012.2
20	415 ILCS 5/16.1	from Ch. 111 1/2, par. 1016.1
21	415 ILCS 5/22.8	from Ch. 111 1/2, par. 1022.8
22	415 ILCS 5/22.15	from Ch. 111 1/2, par. 1022.15
23	415 ILCS 5/22.44	
24	415 ILCS 5/39.5	from Ch. 111 1/2, par. 1039.5
25	415 ILCS 5/55.8	from Ch. 111 1/2, par. 1055.8
26	415 ILCS 5/56.4	from Ch. 111 1/2, par. 1056.4

1	415 ILCS 5/56.5	from Ch. 111 1/2, par. 1056.5
2	415 ILCS 5/56.6	from Ch. 111 1/2, par. 1056.6
3	415 ILCS 5/9.12 rep.	
4	415 ILCS 5/9.13 rep.	
5	415 ILCS 5/12.5 rep.	
6	415 ILCS 5/12.6 rep.	
7	415 ILCS 60/6	from Ch. 5, par. 806
8	415 ILCS 60/22.1	from Ch. 5, par. 822.1
9	415 ILCS 120/35 rep.	
10	415 ILCS 120/40	
11	415 ILCS 125/315	
12	430 ILCS 75/13	from Ch. 111 1/2, par. 3214
13	505 ILCS 30/6	from Ch. 56 1/2, par. 66.6
14	505 ILCS 30/14.3	from Ch. 56 1/2, par. 66.14.3
15	505 ILCS 80/4	from Ch. 5, par. 55.4
16	505 ILCS 80/6	from Ch. 5, par. 55.6
17	625 ILCS 5/2-119	from Ch. 95 1/2, par. 2-119
18	625 ILCS 5/2-123	from Ch. 95 1/2, par. 2-123
19	625 ILCS 5/2-124	from Ch. 95 1/2, par. 2-124
20	625 ILCS 5/3-403	from Ch. 95 1/2, par. 3-403
21	625 ILCS 5/3-405.1	from Ch. 95 1/2, par. 3-405.1
22	625 ILCS 5/3-811	from Ch. 95 1/2, par. 3-811
23	625 ILCS 5/5-101	from Ch. 95 1/2, par. 5-101
24	625 ILCS 5/5-102	from Ch. 95 1/2, par. 5-102
25	625 ILCS 5/6-118	from Ch. 95 1/2, par. 6-118
26	625 ILCS 5/7-707	

1	625 ILCS 5/18c-1501	from Ch. 95 1/2, par. 18c-1501
2	625 ILCS 5/18c-1502.05	
3	625 ILCS 5/18c-1502.10	
4	625 ILCS 5/3-806.5 rep.	
5	625 ILCS 45/3-2	from Ch. 95 1/2, par. 313-2
6	625 ILCS 45/3-7	from Ch. 95 1/2, par. 313-7
7	720 ILCS 570/303	from Ch. 56 1/2, par. 1303
8	730 ILCS 5/5-9-1	from Ch. 38, par. 1005-9-1
9	805 ILCS 5/15.10	from Ch. 32, par. 15.10
10	805 ILCS 5/15.12	
11	805 ILCS 5/15.15	from Ch. 32, par. 15.15
12	805 ILCS 5/15.45	from Ch. 32, par. 15.45
13	805 ILCS 5/15.75	from Ch. 32, par. 15.75
14	805 ILCS 5/15.95	from Ch. 32, par. 15.95
15	805 ILCS 15/5.1 rep.	
16	805 ILCS 180/45-45	
17	805 ILCS 180/50-10	
18	805 ILCS 180/50-15	
19	805 ILCS 180/50-50	
20	805 ILCS 210/1102	from Ch. 106 1/2, par. 161-2
21	805 ILCS 210/1111	
22	815 ILCS 5/18.1 rep.	
23	820 ILCS 305/4d	