



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0055

Introduced 1/14/2009, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Property Tax Code, the Mobile Home Local Services Tax Enforcement Act, the Liquor Control Act of 1934, the Safety Deposit License Act, the Business Corporation Act of 1983, the Professional Service Corporation Act, the General Not For Profit Corporation Act of 1986, the Limited Liability Company Act, the Assumed Business Name Act, and the Home Repair and Remodeling Act. Provides that, beginning July 1, 2010, certificates of registration of assumed business names shall be filed with the Secretary of State, rather than with county clerks. Provides that county clerks shall accept certificates of registration of assumed business names, supplementary certificates, and proofs of publication for filing through June 30, 2010 and shall submit all certificates of registration of assumed business names, supplementary certificates, proofs of publication, indices, and other records concerning assumed business names to the Secretary of State in accordance with rules adopted by the Secretary of State. Provides that, beginning July 1, 2010, an assumed business name or the name of a corporation or limited liability company shall be distinguishable from any other assumed business name or the name of any other corporation or limited liability company adopted, reserved, or registered in accordance with specified laws. Does not prohibit the use of a name that was adopted, reserved, or registered before July 1, 2010 in accordance with the law in effect when it was adopted, reserved, or registered. Makes other changes. Effective July 1, 2009, except that certain provisions take effect July 1, 2010.

LRB096 02945 KTG 12959 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning business.

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

4 Section 5. The Property Tax Code is amended by changing
5 Sections 21-270 and 21-305 as follows:

6 (35 ILCS 200/21-270)

7 Sec. 21-270. Scavenger sale registration. No person,
8 except a unit of local government, shall be eligible to bid or
9 to receive a certificate of purchase who did not register with
10 the county collector at least 5 business days in advance of the
11 first day of the sale under Section 21-260. The collector may
12 charge, for each registration, a fee of not more than \$50 in
13 counties with less than 3,000,000 inhabitants and not more than
14 \$100 in counties of 3,000,000 or more inhabitants. Registration
15 shall be made upon such forms and according to such regulations
16 as the county collector deems necessary in order to effect
17 complete and accurate disclosure of the identity of all persons
18 beneficially interested, directly or indirectly, in each sale
19 under Section 21-260. The information to be disclosed shall
20 include, but not be limited to, the name, address and telephone
21 number of the purchaser to whom the clerk and collector will be
22 requested to issue a certificate of purchase; if the purchaser
23 is a corporation, the place of incorporation and the names and

1 addresses of its shareholders unless the corporation is
2 publicly held; if the purchaser is a partnership, the names and
3 addresses of all general and limited partners; if the purchaser
4 is doing business under an assumed business name, ~~the county~~
5 ~~where such name is registered and~~ the names, addresses and
6 telephone numbers of all persons having an ownership interest
7 in the business; and the identity and location of any other tax
8 delinquent property owned by the bidder and purchaser.

9 Every application for certificate of purchase and form for
10 registration authorized and required by this Section and
11 Section 21-275 shall be executed under penalty of perjury as
12 though under oath or affirmation, but no acknowledgement is
13 required.

14 (Source: P.A. 86-949; 87-669; 88-455.)

15 (35 ILCS 200/21-305)

16 Sec. 21-305. Payments from Indemnity Fund.

17 (a) Any owner of property sold under any provision of this
18 Code who sustains loss or damage by reason of the issuance of a
19 tax deed under Section 21-445 or 22-40 and who is barred or is
20 in any way precluded from bringing an action for the recovery
21 of the property shall have the right to indemnity for the loss
22 or damage sustained, limited as follows:

23 (1) An owner who resided on property that contained 4
24 or less dwelling units on the last day of the period of
25 redemption and who is equitably entitled to compensation

1 for the loss or damage sustained has the right to
2 indemnity. An equitable indemnity award shall be limited to
3 the fair cash value of the property as of the date the tax
4 deed was issued less any mortgages or liens on the
5 property, and the award will not exceed \$99,000. The Court
6 shall liberally construe this equitable entitlement
7 standard to provide compensation wherever, in the
8 discretion of the Court, the equities warrant the action.

9 An owner of a property that contained 4 or less
10 dwelling units who requests an award in excess of \$99,000
11 must prove that the loss of his or her property was not
12 attributable to his or her own fault or negligence before
13 an award in excess of \$99,000 will be granted.

14 (2) An owner who sustains the loss or damage of any
15 property occasioned by reason of the issuance of a tax
16 deed, without fault or negligence of his or her own, has
17 the right to indemnity limited to the fair cash value of
18 the property less any mortgages or liens on the property.
19 In determining the existence of fault or negligence, the
20 court shall consider whether the owner exercised ordinary
21 reasonable diligence under all of the relevant
22 circumstances.

23 (3) In determining the fair cash value of property less
24 any mortgages or liens on the property, the fair cash value
25 shall be reduced by the principal amount of all taxes paid
26 by the tax purchaser or his or her assignee before the

1 issuance of the tax deed.

2 (4) If an award made under paragraph (1) or (2) is
3 subject to a reduction by the amount of an outstanding
4 mortgage or lien on the property, other than the principal
5 amount of all taxes paid by the tax purchaser or his or her
6 assignee before the issuance of the tax deed and the
7 petitioner would be personally liable to the mortgagee or
8 lienholder for all or part of that reduction amount, the
9 court shall order an additional indemnity award to be paid
10 directly to the mortgagee or lienholder sufficient to
11 discharge the petitioner's personal liability. The court,
12 in its discretion, may order the joinder of the mortgagee
13 or lienholder as an additional party to the indemnity
14 action.

15 (b) Indemnity fund; subrogation.

16 (1) Any person claiming indemnity hereunder shall
17 petition the Court which ordered the tax deed to issue,
18 shall name the County Treasurer, as Trustee of the
19 indemnity fund, as defendant to the petition, and shall ask
20 that judgment be entered against the County Treasurer, as
21 Trustee, in the amount of the indemnity sought. The
22 provisions of the Civil Practice Law shall apply to
23 proceedings under the petition, except that neither the
24 petitioner nor County Treasurer shall be entitled to trial
25 by jury on the issues presented in the petition. The Court
26 shall liberally construe this Section to provide

1 compensation wherever in the discretion of the Court the
2 equities warrant such action.

3 (2) The County Treasurer, as Trustee of the indemnity
4 fund, shall be subrogated to all parties in whose favor
5 judgment may be rendered against him or her, and by third
6 party complaint may bring in as a defendant any person,
7 other than the tax deed grantee and its successors in
8 title, not a party to the action who is or may be liable to
9 him or her, as subrogee, for all or part of the
10 petitioner's claim against him or her.

11 (c) Any contract involving the proceeds of a judgment for
12 indemnity under this Section, between the tax deed grantee or
13 its successors in title and the indemnity petitioner or his or
14 her successors, shall be in writing. In any action brought
15 under Section 21-305, the Collector shall be entitled to
16 discovery regarding, but not limited to, the following:

17 (1) the identity of all persons beneficially
18 interested in the contract, directly or indirectly,
19 including at least the following information: the names and
20 addresses of any natural persons; the place of
21 incorporation of any corporation and the names and
22 addresses of its shareholders unless it is publicly held;
23 the names and addresses of all general and limited partners
24 of any partnership; the names and addresses of all persons
25 having an ownership interest in any entity doing business
26 under an assumed name, ~~and the county in which the assumed~~

1 ~~business name is registered;~~ and the nature and extent of
2 the interest in the contract of each person identified;

3 (2) the time period during which the contract was
4 negotiated and agreed upon, from the date of the first
5 direct or indirect contact between any of the contracting
6 parties to the date of its execution;

7 (3) the name and address of each natural person who
8 took part in negotiating the contract, and the identity and
9 relationship of the party that the person represented in
10 the negotiations; and

11 (4) the existence of an agreement for payment of
12 attorney's fees by or on behalf of each party.

13 Any information disclosed during discovery may be subject
14 to protective order as deemed appropriate by the court. The
15 terms of the contract shall not be used as evidence of value.

16 (Source: P.A. 91-564, eff. 8-14-99.)

17 Section 10. The Mobile Home Local Services Tax Enforcement
18 Act is amended by changing Sections 210 and 245 as follows:

19 (35 ILCS 516/210)

20 Sec. 210. Scavenger sale registration. No person, except a
21 unit of local government, shall be eligible to bid or to
22 receive a certificate of purchase who did not register with the
23 county collector at least 5 business days in advance of the
24 first day of the sale under Section 200. The collector may

1 charge, for each registration, a fee of not more than \$50 in
2 counties with less than 3,000,000 inhabitants. Registration
3 shall be made upon such forms and according to such regulations
4 as the county collector deems necessary in order to effect
5 complete and accurate disclosure of the identity of all persons
6 beneficially interested, directly or indirectly, in each sale
7 under Section 200. The information to be disclosed shall
8 include, but not be limited to, the name, address, and
9 telephone number of the purchaser to whom the clerk and
10 collector will be requested to issue a certificate of purchase;
11 if the purchaser is a corporation, the place of incorporation
12 and the names and addresses of its shareholders unless the
13 corporation is publicly held; if the purchaser is a
14 partnership, the names and addresses of all general and limited
15 partners; if the purchaser is doing business under an assumed
16 business name, ~~the county where such name is registered and~~ the
17 names, addresses, and telephone numbers of all persons having
18 an ownership interest in the business; and the identity and
19 location of any other tax delinquent mobile home owned by the
20 bidder and purchaser.

21 Every application for certificate of purchase and form for
22 registration authorized and required by this Section and
23 Section 215 shall be executed under penalty of perjury as
24 though under oath or affirmation, but no acknowledgement is
25 required.

26 (Source: P.A. 92-807, eff. 1-1-03.)

1 (35 ILCS 516/245)

2 Sec. 245. Payments from Indemnity Fund.

3 (a) Any owner of a mobile home sold under any provision of
4 this Act who sustains loss or damage by reason of the issuance
5 of a tax certificate of title under Section 360 or 400 and who
6 is barred or is in any way precluded from bringing an action
7 for the recovery of the mobile home shall have the right to
8 indemnity for the loss or damage sustained, limited as follows:

9 (1) An owner who resided in a mobile home on the last
10 day of the period of redemption and who is equitably
11 entitled to compensation for the loss or damage sustained
12 has the right to indemnity. An equitable indemnity award
13 shall be limited to the fair cash value of the mobile home
14 as of the date the tax certificate of title was issued less
15 any liens on the mobile home, and the award will not exceed
16 \$99,000. The court shall liberally construe this equitable
17 entitlement standard to provide compensation wherever, in
18 the discretion of the court, the equities warrant the
19 action.

20 An owner of a mobile home who requests an award in
21 excess of \$99,000 must prove that the loss of his or her
22 mobile home was not attributable to his or her own fault or
23 negligence before an award in excess of \$99,000 will be
24 granted.

25 (2) An owner who sustains the loss or damage of any

1 mobile home occasioned by reason of the issuance of a tax
2 certificate of title, without fault or negligence of his or
3 her own, has the right to indemnity limited to the fair
4 cash value of the mobile home less any liens on the mobile
5 home. In determining the existence of fault or negligence,
6 the court shall consider whether the owner exercised
7 ordinary reasonable diligence under all of the relevant
8 circumstances.

9 (3) In determining the fair cash value of a mobile home
10 less any liens on the mobile home, the fair cash value
11 shall be reduced by the principal amount of all taxes paid
12 by the tax purchaser or his or her assignee before the
13 issuance of the tax certificate of title.

14 (4) If an award made under paragraph (1) or (2) is
15 subject to a reduction by the amount of an outstanding lien
16 on the mobile home, other than the principal amount of all
17 taxes paid by the tax purchaser or his or her assignee
18 before the issuance of the tax certificate of title and the
19 petitioner would be personally liable to the lienholder for
20 all or part of that reduction amount, the court shall order
21 an additional indemnity award to be paid directly to the
22 lienholder sufficient to discharge the petitioner's
23 personal liability. The court, in its discretion, may order
24 the joinder of the lienholder as an additional party to the
25 indemnity action.

26 (b) Indemnity fund; subrogation.

1 (1) Any person claiming indemnity hereunder shall
2 petition the court which ordered the tax certificate of
3 title to issue, shall name the county treasurer, as trustee
4 of the indemnity fund, as defendant to the petition, and
5 shall ask that judgment be entered against the county
6 treasurer, as trustee, in the amount of the indemnity
7 sought. The provisions of the Civil Practice Law shall
8 apply to proceedings under the petition, except that
9 neither the petitioner nor county treasurer shall be
10 entitled to trial by jury on the issues presented in the
11 petition. The court shall liberally construe this Section
12 to provide compensation wherever in the discretion of the
13 Court the equities warrant such action.

14 (2) The county treasurer, as trustee of the indemnity
15 fund, shall be subrogated to all parties in whose favor
16 judgment may be rendered against him or her, and by third
17 party complaint may bring in as a defendant any person,
18 other than the tax certificate of title grantee and its
19 successors in title, not a party to the action who is or
20 may be liable to him or her, as subrogee, for all or part
21 of the petitioner's claim against him or her.

22 (c) Any contract involving the proceeds of a judgment for
23 indemnity under this Section, between the tax certificate of
24 title grantee or its successors in title and the indemnity
25 petitioner or his or her successors, shall be in writing. In
26 any action brought under this Section, the Collector shall be

1 entitled to discovery regarding, but not limited to, the
2 following:

3 (1) the identity of all persons beneficially
4 interested in the contract, directly or indirectly,
5 including at least the following information: the names and
6 addresses of any natural persons; the place of
7 incorporation of any corporation and the names and
8 addresses of its shareholders unless it is publicly held;
9 the names and addresses of all general and limited partners
10 of any partnership; the names and addresses of all persons
11 having an ownership interest in any entity doing business
12 under an assumed name, ~~and the county in which the assumed~~
13 ~~business name is registered~~; and the nature and extent of
14 the interest in the contract of each person identified;

15 (2) the time period during which the contract was
16 negotiated and agreed upon, from the date of the first
17 direct or indirect contact between any of the contracting
18 parties to the date of its execution;

19 (3) the name and address of each natural person who
20 took part in negotiating the contract, and the identity and
21 relationship of the party that the person represented in
22 the negotiations; and

23 (4) the existence of an agreement for payment of
24 attorney's fees by or on behalf of each party.

25 Any information disclosed during discovery may be subject
26 to protective order as deemed appropriate by the court. The

1 terms of the contract shall not be used as evidence of value.

2 (Source: P.A. 92-807, eff. 1-1-03.)

3 Section 15. The Liquor Control Act of 1934 is amended by
4 changing Section 7-1 as follows:

5 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

6 Sec. 7-1. An applicant for a retail license from the State
7 Commission shall submit to the State Commission an application
8 in writing under oath stating:

9 (1) The applicant's name and mailing address;

10 (2) The name and address of the applicant's business;

11 (3) If applicable, the date of the filing of the
12 "assumed name" of the business ~~with the County Clerk;~~

13 (4) In case of a copartnership, the date of the
14 formation of the partnership; in the case of an Illinois
15 corporation, the date of its incorporation; or in the case
16 of a foreign corporation, the State where it was
17 incorporated and the date of its becoming qualified under
18 the Business Corporation Act of 1983 to transact business
19 in the State of Illinois;

20 (5) The number, the date of issuance and the date of
21 expiration of the applicant's current local retail liquor
22 license;

23 (6) The name of the city, village, or county that
24 issued the local retail liquor license;

1 (7) The name and address of the landlord if the
2 premises are leased;

3 (8) The date of the applicant's first request for a
4 State liquor license and whether it was granted, denied or
5 withdrawn;

6 (9) The address of the applicant when the first
7 application for a State liquor license was made;

8 (10) The applicant's current State liquor license
9 number;

10 (11) The date the applicant began liquor sales at his
11 place of business;

12 (12) The address of the applicant's warehouse if he
13 warehouses liquor;

14 (13) The applicant's Retailer's Occupation Tax (ROT)
15 Registration Number;

16 (14) The applicant's document locator number on his
17 Federal Special Tax Stamp;

18 (15) Whether the applicant is delinquent in the payment
19 of the Retailer's Occupational Tax (Sales Tax), and if so,
20 the reasons therefor;

21 (16) Whether the applicant is delinquent under the cash
22 beer law, and if so, the reasons therefor;

23 (17) In the case of a retailer, whether he is
24 delinquent under the 30 day credit law, and if so, the
25 reasons therefor;

26 (18) In the case of a distributor, whether he is

1 delinquent under the 15 day credit law, and if so, the
2 reasons therefor;

3 (19) Whether the applicant has made an application for
4 a liquor license which has been denied, and if so, the
5 reasons therefor;

6 (20) Whether the applicant has ever had any previous
7 liquor license suspended or revoked, and if so, the reasons
8 therefor;

9 (21) Whether the applicant has ever been convicted of a
10 gambling offense or felony, and if so, the particulars
11 thereof;

12 (22) Whether the applicant possesses a current Federal
13 Wagering Stamp, and if so, the reasons therefor;

14 (23) Whether the applicant, or any other person,
15 directly in his place of business is a public official, and
16 if so, the particulars thereof;

17 (24) The applicant's name, sex, date of birth, social
18 security number, position and percentage of ownership in
19 the business; and the name, sex, date of birth, social
20 security number, position and percentage of ownership in
21 the business of every sole owner, partner, corporate
22 officer, director, manager and any person who owns 5% or
23 more of the shares of the applicant business entity or
24 parent corporations of the applicant business entity; and

25 (25) That he has not received or borrowed money or
26 anything else of value, and that he will not receive or

1 borrow money or anything else of value (other than
2 merchandising credit in the ordinary course of business for
3 a period not to exceed 90 days as herein expressly
4 permitted under Section 6-5 hereof), directly or
5 indirectly, from any manufacturer, importing distributor
6 or distributor or from any representative of any such
7 manufacturer, importing distributor or distributor, nor be
8 a party in any way, directly or indirectly, to any
9 violation by a manufacturer, distributor or importing
10 distributor of Section 6-6 of this Act.

11 In addition to any other requirement of this Section, an
12 applicant for a special use permit license and a special event
13 retailer's license shall also submit (A) proof satisfactory to
14 the Commission that the applicant has a resale number issued
15 under Section 2c of the Retailer's Occupation Tax Act or that
16 the applicant is registered under Section 2a of the Retailer's
17 Occupation Tax Act, (B) proof satisfactory to the Commission
18 that the applicant has a current, valid exemption
19 identification number issued under Section 1g of the Retailers'
20 Occupation Tax Act and a certification to the Commission that
21 the purchase of alcoholic liquors will be a tax-exempt
22 purchase, or (C) a statement that the applicant is not
23 registered under Section 2a of the Retailers' Occupation Tax
24 Act, does not hold a resale number under Section 2c of the
25 Retailers' Occupation Tax Act, and does not hold an exemption
26 number under Section 1g of the Retailers' Occupation Tax Act.

1 The applicant shall also submit proof of adequate dram shop
2 insurance for the special event prior to being issued a
3 license.

4 In addition to the foregoing information, such application
5 shall contain such other and further information as the State
6 Commission and the local commission may, by rule or regulation
7 not inconsistent with law, prescribe.

8 If the applicant reports a felony conviction as required
9 under paragraph (21) of this Section, such conviction may be
10 considered by the Commission in determining qualifications for
11 licensing, but shall not operate as a bar to licensing.

12 If said application is made in behalf of a partnership,
13 firm, association, club or corporation, then the same shall be
14 signed by one member of such partnership or the president or
15 secretary of such corporation or an authorized agent of said
16 partnership or corporation.

17 All other applications shall be on forms prescribed by the
18 State Commission, and which may exclude any of the above
19 requirements which the State Commission rules to be
20 inapplicable.

21 (Source: P.A. 90-596, eff. 6-24-98; 91-357, eff. 7-29-99.)

22 Section 20. The Safety Deposit License Act is amended by
23 changing Section 6 as follows:

24 (240 ILCS 5/6) (from Ch. 17, par. 1456)

1 Sec. 6. If applicant is an unincorporated entity of any
2 type, a partnership or sole proprietorship, and the business
3 name or title used is such as to require registration of such
4 name or title under the Assumed Business Name Act ~~"An Act in
5 relation to the use of an assumed name and the conduct or
6 transaction of business in this State", approved July 17, 1941,~~
7 the date on ~~of and the county in~~ which the required filing was
8 effected shall be stated.

9 (Source: Laws 1945, p. 1711.)

10 Section 25. The Business Corporation Act of 1983 is amended
11 by changing Section 4.05 as follows:

12 (805 ILCS 5/4.05) (from Ch. 32, par. 4.05)

13 Sec. 4.05. Corporate name of domestic or foreign
14 corporation.

15 (a) The corporate name of a domestic corporation or of a
16 foreign corporation organized, existing or subject to the
17 provisions of this Act:

18 (1) Shall contain, separate and apart from any other
19 word or abbreviation in such name, the word "corporation",
20 "company", "incorporated", or "limited", or an
21 abbreviation of one of such words, and if the name of a
22 foreign corporation does not contain, separate and apart
23 from any other word or abbreviation, one of such words or
24 abbreviations, the corporation shall add at the end of its

1 name, as a separate word or abbreviation, one of such words
2 or an abbreviation of one of such words.

3 (2) Shall not contain any word or phrase which
4 indicates or implies that the corporation (i) is authorized
5 or empowered to conduct the business of insurance,
6 assurance, indemnity, or the acceptance of savings
7 deposits; (ii) is authorized or empowered to conduct the
8 business of banking unless otherwise permitted by the
9 Commissioner of Banks and Real Estate pursuant to Section
10 46 of the Illinois Banking Act; or (iii) is authorized or
11 empowered to be in the business of a corporate fiduciary
12 unless otherwise permitted by the Commissioner of Banks and
13 Real Estate under Section 1-9 of the Corporate Fiduciary
14 Act. The word "trust", "trustee", or "fiduciary" may be
15 used by a corporation only if it has first complied with
16 Section 1-9 of the Corporate Fiduciary Act. The word
17 "bank", "banker" or "banking" may only be used by a
18 corporation if it has first complied with Section 46 of the
19 Illinois Banking Act.

20 (3) Shall be distinguishable upon the records in the
21 office of the Secretary of State from any assumed name
22 registered under the Assumed Business Name Act, the name or
23 assumed name of any domestic corporation or limited
24 liability company organized under the Limited Liability
25 Company Act, whether profit or not for profit, existing
26 under any Act of this State or of the name or assumed name

1 of any foreign corporation or foreign limited liability
2 company registered under the Limited Liability Company
3 Act, whether profit or not for profit, authorized to
4 transact business in this State, or a name the exclusive
5 right to which is, at the time, reserved or registered in
6 the manner provided in this Act or Section 1-15 of the
7 Limited Liability Company Act, except that, subject to the
8 discretion of the Secretary of State, a foreign corporation
9 that has a name prohibited by this paragraph may be issued
10 a certificate of authority to transact business in this
11 State, if the foreign corporation:

12 (i) Elects to adopt an assumed corporate name or
13 names in accordance with Section 4.15 of this Act; and

14 (ii) Agrees in its application for a certificate of
15 authority to transact business in this State only under
16 such assumed corporate name or names.

17 (4) Shall contain the word "trust", if it be a domestic
18 corporation organized for the purpose of accepting and
19 executing trusts, shall contain the word "pawners", if it
20 be a domestic corporation organized as a pawners' society,
21 and shall contain the word "cooperative", if it be a
22 domestic corporation organized as a cooperative
23 association for pecuniary profit.

24 (5) Shall not contain a word or phrase, or an
25 abbreviation or derivation thereof, the use of which is
26 prohibited or restricted by any other statute of this State

1 unless such restriction has been complied with.

2 (6) Shall consist of letters of the English alphabet,
3 Arabic or Roman numerals, or symbols capable of being
4 readily reproduced by the office of the Secretary of State.

5 (7) Shall be the name under which the corporation shall
6 transact business in this State unless the corporation
7 shall also elect to adopt an assumed corporate name or
8 names as provided in this Act; provided, however, that the
9 corporation may use any divisional designation or trade
10 name without complying with the requirements of this Act,
11 provided the corporation also clearly discloses its
12 corporate name.

13 (8) (Blank).

14 (b) The Secretary of State shall determine whether a name
15 is "distinguishable" from another name for purposes of this
16 Act. Without excluding other names which may not constitute
17 distinguishable names in this State, a name is not considered
18 distinguishable, for purposes of this Act, solely because it
19 contains one or more of the following:

20 (1) the word "corporation", "company", "incorporated",
21 or "limited", "limited liability" or an abbreviation of one
22 of such words;

23 (2) articles, conjunctions, contractions,
24 abbreviations, different tenses or number of the same word;

25 (c) Nothing in this Section or Sections 4.15 or 4.20 shall:

26 (1) Require any domestic corporation existing or any

1 foreign corporation having a certificate of authority on
2 the effective date of this Act, to modify or otherwise
3 change its corporate name or assumed corporate name, if
4 any.

5 (2) Abrogate or limit the common law or statutory law
6 of unfair competition or unfair trade practices, nor
7 derogate from the common law or principles of equity or the
8 statutes of this State or of the United States with respect
9 to the right to acquire and protect copyrights, trade
10 names, trade marks, service names, service marks, or any
11 other right to the exclusive use of names or symbols.

12 (d) Nothing in this amendatory Act of the 96th General
13 Assembly shall be construed to prohibit the use of a name that
14 was adopted, reserved, or registered before July 1, 2010 in
15 accordance with the law in effect when it was adopted,
16 reserved, or registered.

17 (Source: P.A. 92-33, eff. 7-1-01.)

18 Section 30. The Professional Service Corporation Act is
19 amended by changing Section 9 as follows:

20 (805 ILCS 10/9) (from Ch. 32, par. 415-9)

21 Sec. 9. A professional corporation shall adopt a name
22 consisting of the full or last name of one or more of its
23 shareholders; except that if not otherwise prohibited by law,
24 rules of a regulating authority or the canons of ethics of the

1 profession concerned, a professional corporation may adopt a
2 fictitious name. If the corporation does adopt a fictitious
3 name or continues to use the name of a deceased shareholder,
4 the name of a member of a predecessor organization, it shall
5 file ~~with the county clerk of the county where its principal~~
6 ~~place of business is located,~~ under the Assumed Business Name
7 Act ~~"An Act in relation to the use of an assumed name in the~~
8 ~~conduct or transaction of business in this State,"~~ approved
9 July 17, 1941, as now or hereafter amended. It shall be
10 permissible for a professional corporation to continue to use
11 the name of a deceased shareholder for a period of one year
12 after his death without recording the name of the corporation
13 ~~with the county clerk~~ as hereinabove provided. A professional
14 corporation may continue to use the name of a shareholder who
15 voluntarily withdraws from the corporation if the withdrawing
16 shareholder files with the regulating authority his written
17 permission for the continued use of his name by the
18 professional corporation. This permission shall remain in
19 effect until written revocation has been received by the
20 regulating authority from the former shareholder.

21 The corporate name shall end with the word "chartered" or
22 "Limited" or the abbreviation "Ltd.", or with the words
23 "Professional Corporation" or the abbreviation "Prof. Corp."
24 or the initials "P. C."

25 (Source: P.A. 81-1509.)

1 Section 35. The General Not For Profit Corporation Act of
2 1986 is amended by changing Section 104.05 as follows:

3 (805 ILCS 105/104.05) (from Ch. 32, par. 104.05)

4 Sec. 104.05. Corporate name of domestic or foreign
5 corporation.

6 (a) The corporate name of a domestic corporation or of a
7 foreign corporation organized, existing or subject to the
8 provisions of this Act:

9 (1) May contain, separate and apart from any other word
10 or abbreviation in such name, the word "corporation,"
11 "company," "incorporated," or "limited," or an
12 abbreviation of one of such words;

13 (2) Must end with the letters "NFP" if the corporate
14 name contains any word or phrase which indicates or implies
15 that the corporation is organized for any purpose other
16 than a purpose for which corporations may be organized
17 under this Act or a purpose other than a purpose set forth
18 in the corporation's articles of incorporation;

19 (3) Shall be distinguishable upon the records in the
20 ~~the~~ office of the Secretary of State from any assumed name
21 registered under the Assumed Business Name Act, the name or
22 assumed name of any domestic corporation or limited
23 liability company organized under the Limited Liability
24 Company Act, whether for profit or not for profit, existing
25 under any Act of this State or the name or assumed name of

1 any foreign corporation or foreign limited liability
2 company registered under the Limited Liability Company
3 Act, whether for profit or not for profit, authorized to
4 transact business or conduct affairs in this State, or a
5 name the exclusive right to which is, at the time, reserved
6 or registered in the manner provided in this Act or Section
7 1-15 of the Limited Liability Company Act, except that,
8 subject to the discretion of the Secretary of State, a
9 foreign corporation that has a name prohibited by this
10 paragraph may be issued a certificate of authority to
11 conduct its affairs in this State, if the foreign
12 corporation:

13 (i) Elects to adopt an assumed corporation name or
14 names in accordance with Section 104.15 of this Act;
15 and

16 (ii) Agrees in its application for a certificate of
17 authority to conduct affairs in this State only under
18 such assumed corporate name or names;

19 (4) Shall not contain a word or phrase, or an
20 abbreviation or derivation thereof, the use of which is
21 prohibited or restricted by any other statute of this State
22 unless such restriction has been complied with;

23 (5) Shall consist of letters of the English alphabet,
24 Arabic or Roman numerals, or symbols capable of being
25 readily reproduced by the office of the Secretary of State;

26 (6) Shall not contain the words "regular democrat,"

1 "regular democratic," "regular republican," "democrat,"
2 "democratic," or "republican," nor the name of any other
3 established political party, unless consent to usage of
4 such words or name is given to the corporation by the State
5 central committee of such established political party;
6 notwithstanding any other provisions of this Act, any
7 corporation, whose name at the time this amendatory Act
8 takes effect contains any of the words listed in this
9 paragraph shall certify to the Secretary of State no later
10 than January 1, 1989, that consent has been given by the
11 State central committee; consent given to a corporation by
12 the State central committee to use the above listed words
13 may be revoked upon notification to the corporation and the
14 Secretary of State; and

15 (7) Shall be the name under which the corporation shall
16 conduct affairs in this State unless the corporation shall
17 also elect to adopt an assumed corporate name or names as
18 provided in this Act; provided, however, that the
19 corporation may use any divisional designation or trade
20 name without complying with the requirements of this Act,
21 provided the corporation also clearly discloses its
22 corporate name.

23 (b) The Secretary of State shall determine whether a name
24 is "distinguishable" from another name for purposes of this
25 Act. Without excluding other names which may not constitute
26 distinguishable names in this State, a name is not considered

1 distinguishable, for purposes of this Act, solely because it
2 contains one or more of the following:

3 (1) The word "corporation," "company," "incorporated,"
4 or "limited" or an abbreviation of one of such words;

5 (2) Articles, conjunctions, contractions,
6 abbreviations, different tenses or number of the same word.

7 (c) Nothing in this Section or Sections 104.15 or 104.20 of
8 this Act shall:

9 (1) Require any domestic corporation existing or any
10 foreign corporation having a certificate of authority on
11 the effective date of this Act, to modify or otherwise
12 change its corporate name or assumed corporate name, if
13 any; or

14 (2) Abrogate or limit the common law or statutory law
15 of unfair competition or unfair trade practices, nor
16 derogate from the common law or principles of equity or the
17 statutes of this State or of the United States with respect
18 to the right to acquire and protect copyrights, trade
19 names, trade marks, service names, service marks, or any
20 other right to the exclusive use of name or symbols.

21 (d) Nothing in this amendatory Act of the 96th General
22 Assembly shall be construed to prohibit the use of a name that
23 was adopted, reserved, or registered before July 1, 2010 in
24 accordance with the law in effect when it was adopted,
25 reserved, or registered.

26 (Source: P.A. 92-33, eff. 7-1-01; revised 10-28-08.)

1 Section 40. The Limited Liability Company Act is amended by
2 changing Section 1-10 as follows:

3 (805 ILCS 180/1-10)

4 Sec. 1-10. Limited liability company name.

5 (a) The name of each limited liability company as set forth
6 in its articles of organization:

7 (1) shall contain the terms "limited liability
8 company", "L.L.C.", or "LLC";

9 (2) may not contain a word or phrase, or an
10 abbreviation or derivation thereof, the use of which is
11 prohibited or restricted by any other statute of this State
12 unless the restriction has been complied with;

13 (3) shall consist of letters of the English alphabet,
14 Arabic or Roman numerals, or symbols capable of being
15 readily reproduced by the Office of the Secretary of State;

16 (4) shall not contain any of the following terms:
17 "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.,"
18 "Co.," "Limited Partnership" or "L.P.";

19 (5) shall be the name under which the limited liability
20 company transacts business in this State unless the limited
21 liability company also elects to adopt an assumed name or
22 names as provided in this Act; provided, however, that the
23 limited liability company may use any divisional
24 designation or trade name without complying with the

1 requirements of this Act, provided the limited liability
2 company also clearly discloses its name;

3 (6) shall not contain any word or phrase that indicates
4 or implies that the limited liability company is authorized
5 or empowered to be in the business of a corporate fiduciary
6 unless otherwise permitted by the Commissioner of the
7 Office of Banks and Real Estate under Section 1-9 of the
8 Corporate Fiduciary Act. The word "trust", "trustee", or
9 "fiduciary" may be used by a limited liability company only
10 if it has first complied with Section 1-9 of the Corporate
11 Fiduciary Act; and

12 (7) shall contain the word "trust", if it is a limited
13 liability company organized for the purpose of accepting
14 and executing trusts.

15 (b) Nothing in this Section or Section 1-20 shall abrogate
16 or limit the common law or statutory law of unfair competition
17 or unfair trade practices, nor derogate from the common law or
18 principles of equity or the statutes of this State or of the
19 United States of America with respect to the right to acquire
20 and protect copyrights, trade names, trademarks, service
21 marks, service names, or any other right to the exclusive use
22 of names or symbols.

23 (c) (Blank).

24 (d) The name shall be distinguishable upon the records in
25 the Office of the Secretary of State from all of the following:

26 (1) Any limited liability company that has articles of

1 organization filed with the Secretary of State under
2 Section 5-5.

3 (2) Any foreign limited liability company admitted to
4 transact business in this State.

5 (3) Any name for which an exclusive right has been
6 reserved in the Office of the Secretary of State under
7 Section 1-15.

8 (4) Any assumed name that is registered with the
9 Secretary of State under Section 1-20.

10 (5) Any corporate name or assumed corporate name of a
11 domestic or foreign corporation subject to the provisions
12 of Section 4.05 of the Business Corporation Act of 1983 or
13 Section 104.05 of the General Not For Profit Corporation
14 Act of 1986.

15 (6) Any assumed name registered under the Assumed
16 Business Name Act.

17 (e) The provisions of subsection (d) of this Section shall
18 not apply if the organizer files with the Secretary of State a
19 certified copy of a final decree of a court of competent
20 jurisdiction establishing the prior right of the applicant to
21 the use of that name in this State.

22 (f) The Secretary of State shall determine whether a name
23 is "distinguishable" from another name for the purposes of this
24 Act. Without excluding other names that may not constitute
25 distinguishable names in this State, a name is not considered
26 distinguishable, for purposes of this Act, solely because it

1 contains one or more of the following:

2 (1) The word "limited", "liability" or "company" or an
3 abbreviation of one of those words.

4 (2) Articles, conjunctions, contractions,
5 abbreviations, or different tenses or number of the same
6 word.

7 (g) Nothing in this amendatory Act of the 96th General
8 Assembly shall be construed to prohibit the use of a name that
9 was adopted, reserved, or registered before July 1, 2010 in
10 accordance with the law in effect when it was adopted,
11 reserved, or registered.

12 (Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03.)

13 Section 45. The Assumed Business Name Act is amended by
14 changing Sections 1, 3, 3a, and 4 and by adding Section 3c as
15 follows:

16 (805 ILCS 405/1) (from Ch. 96, par. 4)

17 Sec. 1. Certificate; misrepresentation.

18 (a) No person or persons shall conduct or transact business
19 in this State under an assumed name, or under any designation,
20 name or style, corporate or otherwise, other than the real name
21 or names of the individual or individuals conducting or
22 transacting such business, unless such person or persons shall
23 file in the office of the Secretary of State ~~County Clerk of~~
24 ~~the County in which such person or persons conduct or transact~~

1 ~~or intend to conduct or transact such business,~~ a certificate
2 setting forth the name under which the business is, or is to
3 be, conducted or transacted, and the true or real full name or
4 names of the person or persons owning, conducting or
5 transacting the same, with the post office address or addresses
6 of such person or persons and every address where such business
7 is, or is to be, conducted or transacted in the county. The
8 certificate shall be executed and duly acknowledged by the
9 person or persons so conducting or intending to conduct the
10 business.

11 (b) The assumed name shall be distinguishable upon the
12 records in the office of the Secretary of State from any other
13 assumed name registered under this Act, the name or assumed
14 name of any domestic corporation or limited liability company
15 organized under the Limited Liability Company Act, whether
16 profit or not for profit, existing under any Act of this State
17 or of the name or assumed name of any foreign corporation or
18 foreign limited liability company registered under the Limited
19 Liability Company Act, whether profit or not for profit,
20 authorized to transact business in this State, or a name the
21 exclusive right to which is, at the time, reserved or
22 registered in the manner provided in this Act or Section 1-15
23 of the Limited Liability Company Act. The Secretary of State
24 shall determine whether a name is distinguishable from another
25 name for purposes of this Act. If the Secretary of State
26 determines that a name is not distinguishable from another

1 name, the Secretary shall so inform the person who submitted
2 the certificate, and the certificate shall be declared void.
3 However, nothing in this subsection (b) shall be construed to
4 invalidate a certificate that was filed before July 1, 2010 in
5 accordance with the law in effect at the time it was filed and
6 nothing in this subsection (b) shall be construed to prohibit
7 the use of an assumed name under a certificate that was filed
8 before July 1, 2010 in accordance with the law in effect at the
9 time it was filed.

10 (c) Notice of the filing of such certificate shall be
11 published in a newspaper of general circulation published
12 within the county in which the business is, or is to be,
13 conducted or transacted ~~certificate is filed~~. Such notice shall
14 be published once a week for 3 consecutive weeks. The first
15 publication shall be within 15 days after the certificate is
16 filed in the office of the Secretary of State ~~County Clerk~~.
17 Proof of publication shall be filed with the Secretary of State
18 ~~County Clerk~~ within 50 days from the date of filing the
19 certificate. Upon receiving proof of publication, the
20 Secretary of State ~~clerk~~ shall issue a receipt to the person
21 filing such certificate but no additional charge shall be
22 assessed by the Secretary of State ~~clerk~~ for giving such
23 receipt. Unless proof of publication is made to the Secretary
24 of State ~~clerk~~, the certificate of registration of the assumed
25 name is void.

26 (d) If any person changes his name or his residence address

1 or the address of any place of business in the county where
2 such assumed name is being employed after filing a certificate,
3 or if the name of a person is added to any business
4 organization for which a certificate is on file, such person
5 shall file an additional, duly acknowledged certificate in the
6 office of the Secretary of State ~~County Clerk of the county in~~
7 ~~which such person transacts business under an assumed name~~. The
8 certificate shall set out the change or addition as the case
9 may be. Such certificate shall also set out the post office
10 address of the person. If any business organization for which
11 such certificate has been filed ~~in any county of this State~~
12 shall remove its place of business to another county in this
13 State or shall establish an additional location for doing
14 business in another county of this State, an additional ~~a~~
15 certificate shall be filed in the office of the Secretary of
16 State ~~County Clerk of such other county~~ and notice of the
17 filing of such certificate of a change or addition of a name
18 shall be published and proof of publication made pursuant to
19 the provisions of this section in the same manner as is
20 provided for original certificates to do business under an
21 assumed name.

22 (e) A foreign person or foreign entity may not use an
23 assumed or fictitious name in the conduct of its business to
24 intentionally misrepresent the origin or location of the person
25 or entity.

26 (Source: P.A. 91-906, eff. 1-1-01.)

1 (805 ILCS 405/3) (from Ch. 96, par. 6)

2 Sec. 3. The Secretary of State ~~several County Clerks of~~
3 ~~this State~~ shall keep an alphabetical index of all persons
4 filing certificates pursuant to Sections 1 and 2, and for the
5 indexing and filing of such certificate shall receive a fee of
6 \$5.00. A copy of such certificate and receipt for proof of
7 publication, duly certified to by the Secretary of State ~~County~~
8 ~~Clerk in whose office the certificate is filed,~~ shall be
9 presumptive evidence in all courts of law in this State of the
10 facts therein contained.

11 (Source: P.A. 85-186.)

12 (805 ILCS 405/3a) (from Ch. 96, par. 6a)

13 Sec. 3a. Any person who has executed and filed the
14 certificate required by Section 1 or 2 of this Act and who
15 wishes to withdraw his name from the business organization
16 shall have the certificate cancelled in whole or in part by
17 filing in the office of the Secretary of State ~~County Clerk~~
18 ~~where the certificate is filed,~~ a supplementary certificate
19 under oath, showing that such person or persons have ceased
20 doing business under the assumed name, or that the person or
21 persons executing the supplementary certificate have no
22 further connection with or financial interest in the business
23 carried on under such assumed name; whereupon the Secretary of
24 State ~~County Clerk~~ shall note opposite the trade name

1 theretofore registered, the word "cancelled" and the date of
2 cancellation, or, in the case of withdrawal only of one or more
3 but less than all of the registrants, the Secretary of State
4 ~~clerk~~ shall note the word "Withdrawn" after the name of each
5 party filing the supplementary certificate indicating the
6 withdrawal, together with the date of such withdrawal. When
7 such withdrawal effectuates any change in or transfer of the
8 ownership of 25% or more of the total ownership interest in any
9 such business organization doing business under an assumed
10 name, then notice of the filing of such certificate shall be
11 published.

12 For filing a certificate noting the cancellation or
13 withdrawal of one or more names, the Secretary of State County
14 ~~Clerk~~ shall receive a fee of \$1.50.

15 Where a person files a certificate pursuant to Section 1 or
16 2 setting out a change of his name, or that his name is an
17 addition to an organization doing business under an assumed
18 name which has previously been registered, the Secretary of
19 State County Clerk shall note on the index of such person's
20 name the word "changed" or "addition" as the case may be.

21 (Source: Laws 1963, p. 2997.)

22 (805 ILCS 405/3c new)

23 Sec. 3c. Transition. County clerks shall accept
24 certificates, supplementary certificates, and proofs of
25 publication for filing under this Act through June 30, 2010.

1 Each county clerk shall submit all certificates, supplementary
2 certificates, and proofs of publication filed with the county
3 clerk under this Act, together with all indices maintained by
4 the county clerk under this Act and such other records that the
5 Secretary of State may specify. The Secretary of State shall
6 adopt rules specifying the form, manner, and time of submission
7 of the certificates, supplementary certificates, proofs of
8 publication, indices, and other records. Copies of
9 certificates, supplementary certificates, proofs of
10 publication, indices, and other records shall be made so that
11 county clerks may continue to perform their duties under this
12 Act through June 30, 2010. The Secretary of State shall have a
13 statewide system of filing and indexing of certificates in
14 operation beginning July 1, 2010.

15 (805 ILCS 405/4) (from Ch. 96, par. 7)

16 Sec. 4. Except as otherwise provided by law, this ~~This~~ Act
17 shall in no way affect or apply to any corporation, limited
18 liability company, limited partnership, or limited liability
19 partnership duly organized under the laws of this State, or any
20 corporation, limited liability company, limited partnership,
21 or limited liability partnership organized under the laws of
22 any other State and lawfully doing business in this State, nor
23 shall this Act be deemed or construed to prevent the lawful use
24 of a partnership name or designation, provided that such
25 partnership shall include the true, real name of such person or

1 persons transacting said business or partnership nor shall it
2 be construed as in any way affecting Sections 17-12 and 17-19
3 of the Criminal Code of 1961 220 and 220a of Division I of "An
4 Act to revise the law in relation to criminal jurisprudence",
5 approved March 27, 1874, as amended. This Act shall in no way
6 affect or apply to testamentary or other express trusts where
7 the business is carried on in the name of the trust and such
8 trust is created by will or other instrument in writing under
9 which title to the trust property is vested in a designated
10 trustee or trustees for the use and benefit of the cestuis que
11 trustent.

12 (Source: P.A. 90-421, eff. 1-1-98; revised 10-23-08.)

13 Section 50. The Home Repair and Remodeling Act is amended
14 by changing Section 20 as follows:

15 (815 ILCS 513/20)

16 Sec. 20. Consumer rights brochure.

17 (a) For any contract over \$1,000, any person engaging in
18 the business of home repair and remodeling shall provide to its
19 customers a copy of the "Home Repair: Know Your Consumer
20 Rights" pamphlet prior to the execution of any home repair and
21 remodeling contract. The consumer shall sign and date an
22 acknowledgment form entitled "Consumer Rights Acknowledgment
23 Form" that states: "I, the homeowner, have received from the
24 contractor a copy of the pamphlet entitled 'Home Repair: Know

1 Your Consumer Rights.'" The contractor or his or her
2 representative shall also sign and date the acknowledgment
3 form, which includes the name and address of the home repair
4 and remodeling business. The acknowledgment form shall be in
5 duplicate and incorporated into the pamphlet. The original
6 acknowledgment form shall be retained by the contractor and the
7 duplicate copy shall be retained within the pamphlet by the
8 consumer.

9 (b) For any contract for \$1,000 or under, any person
10 engaging in the business of home repair and remodeling shall
11 provide to its customers a copy of the "Home Repair: Know Your
12 Consumer Rights" pamphlet. No written acknowledgment of
13 receipt of the pamphlet is required for a contract of \$1,000 or
14 under.

15 (c) The pamphlet must be a separate document, in at least
16 12 point type, and in legible ink. The pamphlet shall read as
17 follows:

18 "HOME REPAIR: KNOW YOUR CONSUMER RIGHTS

19 As you plan for your home repair/improvement project, it is
20 important to ask the right questions in order to protect your
21 investment. The tips in this fact sheet should allow you to
22 protect yourself and minimize the possibility that a
23 misunderstanding may occur.

1 AVOIDING HOME REPAIR FRAUD

2 Please use extreme caution when confronted with the following
3 warning signs of a potential scam:

4 (1) Door-to-door salespersons with no local connections
5 who offer to do home repair work for substantially less than
6 the market price.

7 (2) Solicitations for repair work from a company that lists
8 only a telephone number or a post-office box number to contact,
9 particularly if it is an out-of-state company.

10 (3) Contractors who fail to provide customers references
11 when requested.

12 (4) Persons offering to inspect your home for free. Do not
13 admit anyone into your home unless he or she can present
14 authentic identification establishing his or her business
15 status. When in doubt, do not hesitate to call the worker's
16 employer to verify his or her identity.

17 (5) Contractors demanding cash payment for a job or who ask
18 you to make a check payable to a person other than the owner or
19 company name.

20 (6) Offers from a contractor to drive you to the bank to
21 withdraw funds to pay for the work.

22 CONTRACTS

23 (1) Get all estimates in writing.

1 (2) Do not be induced into signing a contract by
2 high-pressure sales tactics.

3 (3) Never sign a contract with blank spaces or one you do
4 not fully understand. If you are taking out a loan to finance
5 the work, do not sign the contract before your lender approves
6 the loan.

7 (4) Remember, you have 3 business days from the time you
8 sign your contract to cancel any contract if the sale is made
9 at your home. The contractor cannot deprive you of this right
10 by initiating work, selling your contract to a lender, or any
11 other tactic.

12 (5) If the contractor does business under a name other than
13 the contractor's real name, the business must either be
14 incorporated or registered under the Assumed Business Name Act.
15 Check with the Secretary of State to see if the business is
16 incorporated or ~~with the county clerk to see if the business~~
17 has registered under the Assumed Business Name Act.

18 (6) Homeowners should check with local and county units of
19 government to determine if permits or inspections are required.

20 (7) Determine whether the contractor will guarantee his or
21 her work and products.

22 (8) Determine whether the contractor has the proper
23 insurance.

24 (9) Do not sign a certificate of completion or make final
25 payment until the work is done to your satisfaction.

26 (10) Remember, homeowners should know who provides

1 supplies and labor for any work performed on your home.
2 Suppliers and subcontractors have a right to file a lien
3 against your property if the general contractor fails to pay
4 them. To protect your property, request lien waivers from the
5 general contractor.

6 BASIC TERMS TO BE INCLUDED IN A CONTRACT

7 (1) Contractor's full name, address, and telephone number.
8 Illinois law requires that persons selling home repair and
9 improvement services provide their customers with notice of any
10 change to their business name or address that comes about prior
11 to the agreed dates for beginning or completing the work.

12 (2) A description of the work to be performed.

13 (3) Starting and estimated completion dates.

14 (4) Total cost of work to be performed.

15 (5) Schedule and method of payment, including down payment,
16 subsequent payments, and final payment.

17 (6) A provision stating the grounds for termination of the
18 contract by either party. However, the homeowner must pay the
19 contractor for work completed. If the contractor fails to
20 commence or complete work within the contracted time period,
21 the homeowner may cancel and may be entitled to a refund of any
22 down payment or other payments made towards the work, upon
23 written demand by certified mail.

24 Homeowners should obtain a copy of the signed contract and

1 keep it in a safe place for reference as needed.

2 IF YOU THINK YOU HAVE BEEN DEFRAUDED OR YOU HAVE QUESTIONS

3 If you think you have been defrauded by a contractor or
4 have any questions, please bring it to the attention of your
5 State's Attorney or the Illinois Attorney General's Office.

6 Attorney General Toll-Free Numbers

7 Carbondale (800) 243-0607

8 Springfield (800) 243-0618

9 Chicago (800) 386-5438".

10 (Source: P.A. 91-230, eff. 1-1-00.)

11 Section 99. Effective date. This Act takes effect July 1,
12 2009, except that the provisions adding Section 3c to the
13 Assumed Business Name Act take effect July 1, 2010.

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