



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### HB2284

Introduced 2/18/2009, by Rep. LaShawn K. Ford

#### SYNOPSIS AS INTRODUCED:

240 ILCS 10/1	from Ch. 111 2/3, par. 119
240 ILCS 10/1.1	from Ch. 111 2/3, par. 119.1
240 ILCS 10/2	from Ch. 111 2/3, par. 120
240 ILCS 10/4	from Ch. 111 2/3, par. 122
240 ILCS 10/5	from Ch. 111 2/3, par. 123
240 ILCS 10/6	from Ch. 111 2/3, par. 124
240 ILCS 10/7	from Ch. 111 2/3, par. 125
240 ILCS 10/8	from Ch. 111 2/3, par. 126
240 ILCS 10/10	from Ch. 111 2/3, par. 128
240 ILCS 10/12	from Ch. 111 2/3, par. 130
240 ILCS 10/14	from Ch. 111 2/3, par. 132
240 ILCS 10/15	from Ch. 111 2/3, par. 133
240 ILCS 10/16	from Ch. 111 2/3, par. 134
240 ILCS 10/17	from Ch. 111 2/3, par. 135
240 ILCS 10/19	from Ch. 111 2/3, par. 137
240 ILCS 10/20	from Ch. 111 2/3, par. 138
240 ILCS 10/20.1 new	
240 ILCS 10/20.2 new	

Amends the Personal Property Storage Act. Provides for administration of the Act by the Illinois Commerce Commission (instead of the Department of Agriculture). Makes changes concerning applications by limited liability companies, bond or insurance amounts, violation of the Commission's rules, fees set by rule, investigators, civil penalties, license revocation, subpoenas, and oaths. Effective January 1, 2010.

LRB096 11075 RCE 21400 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning warehouses.

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

4 Section 5. The Personal Property Storage Act is amended by  
5 changing Sections 1, 1.1, 2, 4, 5, 6, 7, 8, 10, 12, 14, 15, 16,  
6 17, 19, and 20 and by adding Sections 20.1 and 20.2 as follows:

7 (240 ILCS 10/1) (from Ch. 111 2/3, par. 119)

8 Sec. 1. No person shall operate a warehouse or engage in  
9 the business of storing personal property for a compensation,  
10 or hold himself out as being in the storage or warehouse  
11 business, or as offering storage or warehouse facilities, or  
12 advertise for, solicit or accept personal property for storage,  
13 without a license issued by the Commission ~~Illinois Department~~  
14 ~~of Agriculture~~, except that licenses issued under this Act by  
15 the Illinois Commerce Commission prior to May 4, 1967 shall  
16 remain valid for all purposes unless such license is  
17 terminated, surrendered or revoked as provided in this Act, and  
18 except further that licenses issued by the Illinois Department  
19 of Agriculture under this Act prior to January 1, 2010 shall  
20 remain valid for all purposes unless such license is  
21 terminated, surrendered, or revoked as provided in this Act.  
22 Recognized fair associations shall be licensed as set forth  
23 under the special provisions of Section 1.1. No person shall

1 receive, hold, store or deliver any alcoholic liquors without a  
2 certificate of registration from the Department of Revenue in  
3 accordance with Article VII A of "An Act relating to alcoholic  
4 liquors", approved January 31, 1934, as heretofore and  
5 hereafter amended. The certificate of registration required by  
6 the Department of Revenue is in addition to the license  
7 required under this Act. This Act does not apply to warehouses  
8 licensed under "An Act to regulate refrigerated warehouses in  
9 the handling and storage of certain articles of food, and to  
10 repeal an Act therein named", approved May 25, 1955, as now or  
11 hereafter amended; public warehouses storing grain; garages  
12 customarily housing automobiles for in and out storage; storage  
13 of personal property in safety deposit vaults or boxes, lock  
14 boxes, and check rooms where personal effects, parcels and the  
15 like are received for temporary custody; and to the storage of  
16 personal property while it is being held in storage for  
17 scientific care for repairs or alterations, or is in the  
18 process of repair or alteration, or which is incidental to the  
19 business of manufacturing, selling, repairing, altering,  
20 cleaning, or glazing of furs or of any other garment or article  
21 of which fur forms any part thereof.

22 (Source: P.A. 81-158.)

23 (240 ILCS 10/1.1) (from Ch. 111 2/3, par. 119.1)

24 Sec. 1.1. Governmental fairs as set forth under the  
25 Agricultural Fairs Act and the Illinois State Fair which store

1 personal property for compensation or hold themselves out as  
2 offering storage or storage facilities for personal property  
3 shall be licensed under a limited special governmental fairs  
4 license. This special license shall be issued for personal  
5 property other than goods, wares, household goods, furniture  
6 and merchandise and shall be of the type of personal property  
7 as set forth by regulation of the Commission ~~Department~~.  
8 Personal property stored by these licensees shall be primarily  
9 boats, farm machinery and other similar tangible personal  
10 property as authorized by regulation of the Commission  
11 ~~Department~~. Each licensee shall have a signed contract with  
12 each depositor on forms as prescribed by the Commission  
13 ~~Department~~ and shall also comply with Section 10. If such  
14 licensee does not have a bond or legal liability policy as set  
15 forth in Section 6, then the receipt shall have stamped across  
16 its face in bold type "Not Insured." If a licensee under this  
17 Section complies with the requirements of Section 6, the  
18 licensee shall provide to the Commission ~~Department~~ evidence of  
19 such compliance as required in Section 6 of this Act. A  
20 governmental fairs licensee shall comply with all other  
21 requirements of this Act.

22 (Source: P.A. 81-158.)

23 (240 ILCS 10/2) (from Ch. 111 2/3, par. 120)

24 Sec. 2. Definitions. When used in this Act:

25 The term "Commission" means the Illinois Commerce

1 Commission.

2 The term "warehouse" means any room, house, structure,  
3 building, place, yard or protected enclosure where personal  
4 property belonging to another is stored for a compensation.

5 The term "personal property" means all goods, wares,  
6 household goods, furniture, merchandise, or any other tangible  
7 personal property, of whatever kind, except that "grain" as  
8 defined in "The Public Grain Warehouse and Warehouse Receipts  
9 Act" is not included.

10 ~~The term "Department" means the Illinois Department of~~  
11 ~~Agriculture.~~

12 The term "operator", "warehouseman", or "personal property  
13 warehouseman" means any person, firm, partnership,  
14 association, or corporation owning, controlling, operating,  
15 managing or leasing any room, house, structure, building,  
16 place, yard or protected enclosure in or on which personal  
17 property is stored for a compensation within this State.

18 The term "person" means any individual, firm, partnership,  
19 association or corporation.

20 The term "depositor" means any person, who, for himself or  
21 another, delivers or causes to be delivered for storage any  
22 personal property in and to a warehouse.

23 The term "for a compensation" means direct or indirect  
24 charge for storage.

25 The term "lot" means the unit or units of property for  
26 which a separate account is kept by the warehouseman.

1           The term "storage" means the safe keeping of personal  
2 property in a warehouse.

3           The term "engaged in the business of storing personal  
4 property" means any person who holds himself out, by any means  
5 whatever, as accepting, or willing to accept, personal property  
6 for storage.

7           The term "receipt" means a warehouse receipt issued in  
8 conformity with the "Uniform Commercial Code", as heretofore  
9 and hereafter amended.

10          The term "warehouse representative" or "warehouse broker"  
11 means any person who, independently and not as a salaried agent  
12 of a duly licensed warehouseman, for a consideration, solicits,  
13 sells or otherwise attempts to procure deposits of personal  
14 property in personal property warehouses.

15          (Source: P.A. 83-1065.)

16           (240 ILCS 10/4) (from Ch. 111 2/3, par. 122)

17          Sec. 4. Applications. No person shall engage in business as  
18 a personal property warehouseman in the State of Illinois  
19 without a license therefor issued by the Commission ~~Department~~.  
20 The application for a license to engage in business as a  
21 personal property warehouseman shall be filed with the  
22 Commission ~~Department~~. Such application shall set forth the  
23 name of the applicant, the principal officers if the applicant  
24 is a corporation, the managers (if manager-managed) or the  
25 members (if member-managed), if the applicant is a limited

1 liability company, or the active members of a partnership if  
2 the applicant is a partnership, the location of the principal  
3 office or place of business of the applicant and the location  
4 or locations in this State at which the applicant proposes to  
5 engage in business as a personal property warehouseman, and  
6 such additional information as the Commission ~~Department~~, by  
7 regulation, may require. The application shall also set forth  
8 the location, character, and description of the building or  
9 place of the proposed warehouse, the kind of property, goods,  
10 ware, and merchandise expected to be stored therein, and the  
11 approximate number of square feet of floor space, or, if  
12 applicable, the total cubic capacity devoted to storage  
13 purposes. The Commission ~~Department~~ shall require information  
14 showing that the property to be used is reasonably suitable for  
15 warehouse purposes, that the applicant is qualified to conduct  
16 the business of storing personal property under this Act, and  
17 the applicant proposes to conduct the business in accordance  
18 with the laws of this State and the rules and regulations of  
19 the Commission ~~Department~~.

20 (Source: P.A. 83-1065.)

21 (240 ILCS 10/5) (from Ch. 111 2/3, par. 123)

22 Sec. 5. Inspections. Upon the filing of an application, the  
23 Commission ~~Department~~ shall cause an inspection to be made of  
24 each ~~the~~ warehouse described in the application. Additional  
25 inspections of any warehouse may be made from time to time as

1 the Commission ~~Department~~ deems necessary, in order to  
2 effectuate the purposes of this Act.

3 Such inspection or inspections may include not only the  
4 building or premises used for storage purposes but the  
5 arrangement of the goods stored, nature of goods stored, safety  
6 of the building, accessibility to goods stored, precaution  
7 against fire hazards; whether fire extinguishers, fire  
8 apparatus, or hose are in good condition; whether all lots for  
9 which warehouse receipts have been issued are in storage; and  
10 any other things necessary to determine whether the warehouse  
11 is being operated in compliance with this Act. Investigators in  
12 the Commission's Transportation Bureau ~~The inspector~~ shall  
13 have the right to enter the property of any warehouseman at any  
14 reasonable time, for the purpose of making an inspection or  
15 performing any duties in connection with this Act.

16 If the inspection of any warehouse discloses a hazardous  
17 condition or conditions or any other violation of this Act or  
18 the Commission's rules, the operator shall, upon written notice  
19 from the Commission ~~Department~~, take proper and immediate steps  
20 to correct the condition or conditions. Failure to comply with  
21 the notice shall be grounds for rejecting an application or for  
22 revoking a license.

23 (Source: P.A. 83-1065.)

24 (240 ILCS 10/6) (from Ch. 111 2/3, par. 124)

25 Sec. 6. Bond or legal liability insurance policy. Prior to



1 the issuance of a license, the personal property warehouseman  
2 shall file with the Commission ~~Department~~ a surety bond, or  
3 legal liability insurance policy on a form prescribed by the  
4 Commission ~~Department~~, signed by the warehouseman as principal  
5 and by a responsible company authorized to execute surety bonds  
6 within the State of Illinois. The bond shall contain provisions  
7 for faithful performance by the applicant of his duties as a  
8 warehouseman in accordance with this Act, the rules and  
9 regulations thereof, and the "Uniform Commercial Code", as now  
10 or hereafter amended. Such bond shall also contain provisions  
11 for the payment of any loss or damage sustained by any  
12 depositor of property stored.

13 The ~~amount of such~~ bond or insurance policy shall be in the  
14 amount set by the Commission by rule. ~~is determined upon the~~  
15 ~~following basis:~~

16 ~~For less than 20,000 net square feet of floor space or for~~  
17 ~~less than 50,000 net cubic feet of volume devoted to the~~  
18 ~~storage of personal property, \$5,000;~~

19 ~~For 20,000 and less than 50,000 net square feet of floor~~  
20 ~~space or for 50,000 and less than 100,000 net cubic feet of~~  
21 ~~volume devoted to the storage of personal property, \$10,000;~~

22 ~~For 50,000 and less than 100,000 net square feet of floor~~  
23 ~~space or for 100,000 and less than 200,000 net cubic feet of~~  
24 ~~volume devoted to the storage of personal property, \$15,000;~~

25 ~~For 100,000 and less than 200,000 net square feet of floor~~  
26 ~~space or for 200,000 and less than 300,000 net cubic feet of~~

1 ~~volume devoted to the storage of personal property, \$20,000;~~

2 ~~For 200,000 and less than 300,000 net square feet of floor~~  
3 ~~space or for 300,000 and less than 400,000 net cubic feet of~~  
4 ~~volume devoted to the storage of personal property, \$25,000;~~  
5 ~~and~~

6 ~~For 300,000 or more net square feet of floor space or for~~  
7 ~~400,000 or more net cubic feet of volume devoted to the storage~~  
8 ~~of personal property, \$25,000 plus an additional \$5,000 for~~  
9 ~~each additional 100,000 net square feet, or net cubic feet of~~  
10 ~~volume, or fraction thereof.~~

11 Such bond or insurance policy is to be made payable to the  
12 People of the State of Illinois, for the use and benefit of all  
13 persons aggrieved by the failure of the operator to comply with  
14 this Act, and shall not be cancelled during the period for  
15 which any license is issued, except upon at least 90 days'  
16 notice, in writing, to the Commission ~~Department~~.

17 If bond other than a surety bond is filed, it must be  
18 secured by real estate having a value of not less than double  
19 the amount of such bond over and above all exemptions and liens  
20 thereon. Such bond shall be recorded and be a lien on the real  
21 estate for the amount thereof, and the recording fees paid by  
22 the applicant or operator.

23 Any operator may, in lieu of a bond, file with the  
24 Commission ~~Department~~ a certified copy of a legal liability  
25 insurance policy or a certificate of deposit. The principal  
26 amount of the legal liability insurance policy and the

1 certificate of deposit shall be the same as that required for a  
2 surety bond under this Act. Any certificate of deposit filed  
3 with the Commission Department, in lieu of a surety bond, shall  
4 be payable to the Bureau Chief Director of the Commission's  
5 Transportation Bureau Department as Trustee and the interest  
6 thereon shall be made payable to the purchaser thereof.

7 The legal liability insurance policy shall contain a loss  
8 payable endorsement making such policy payable to the People of  
9 the State of Illinois, with the Bureau Chief of the  
10 Commission's Transportation Bureau Director of the Department  
11 as Trustee. The legal liability insurance policy shall not be  
12 cancelled during the period for which any license is issued,  
13 except upon at least 90 days' notice in writing to the  
14 Commission Department. When in the discretion of the Commission  
15 Department, the legal liability insurance policy or the assets  
16 of a warehouseman appear to be insufficient, when compared to  
17 his storage obligations or to meet the bond requirements of the  
18 United States, or any agency or corporation controlled by the  
19 United States when they have a contract for storage with the  
20 warehouseman, or for any other reason it may appear necessary  
21 to the Commission Department, the Commission Department may  
22 require such additional bond or legal liability insurance  
23 policy as may be reasonable in the circumstances.

24 The Bureau Chief of the Commission's Transportation Bureau  
25 Director of Agriculture as trustee of the bond or policy shall  
26 have the authorities granted him in Section 205-410 of the

1 Department of Agriculture Law (20 ILCS 205/205-410) and the  
2 rules and regulations adopted pursuant thereto.

3 Failure to keep such bond or insurance policy in effect is  
4 cause for the revocation of any license.

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 (240 ILCS 10/7) (from Ch. 111 2/3, par. 125)

7 Sec. 7. Fees. Each applicant shall accompany its ~~his~~  
8 application for a personal property warehouse license with and  
9 thereafter pay to the Commission ~~Department~~ an initial fee of  
10 \$250 and an annual renewal fee of \$150, plus an annual fee of  
11 \$100 for each additional personal property warehouse operated  
12 by the applicant to keep and perpetuate the license, or such  
13 other amounts as the Commission may set by rule. The special  
14 governmental fairs annual license fee shall be \$50, or such  
15 other amount as the Commission may by regulation prescribe.

16 (Source: P.A. 85-528.)

17 (240 ILCS 10/8) (from Ch. 111 2/3, par. 126)

18 Sec. 8. Issuance and period of license. Upon compliance  
19 with this Act by the applicant, the Commission ~~Department~~ shall  
20 issue a license or licenses to such applicant which is valid  
21 for one year from the date of its issuance unless said license  
22 is suspended or revoked after due process in accordance with  
23 this Act.

24 (Source: P.A. 83-1065.)

1 (240 ILCS 10/10) (from Ch. 111 2/3, par. 128)

2 Sec. 10. Warehouse Receipts. Every operator shall, upon the  
3 receipt of personal property for storage, issue and deliver to  
4 the depositor a negotiable or a non-negotiable warehouse  
5 receipt.

6 Negotiable warehouse receipt forms, complying in every  
7 respect with subsection (2) of Section 7-202 of the "Uniform  
8 Commercial Code", approved July 31, 1961, as amended, must be  
9 printed in a form prescribed by the Commission ~~Department~~, and  
10 prenumbered by a bonded printer. Negotiable warehouse receipt  
11 forms must be kept under lock and key at the office of the  
12 warehouse operator. A register must be kept of each negotiable  
13 warehouse receipt issued. Endorsements shall be made on the  
14 negotiable warehouse receipt of any partial deliveries of goods  
15 covered by such receipt. Delivery of goods covered by a  
16 negotiable warehouse receipt without surrender of such  
17 negotiable warehouse receipt shall be prohibited.

18 Non-negotiable warehouse receipts shall conform with  
19 subsection (2) of Section 7-202 of the "Uniform Commercial  
20 Code", approved July 31, 1961, as amended.

21 The property of each depositor shall be specifically  
22 designated under a lot, product code, batch, or other control  
23 unit agreed upon by the warehouseman and depositor. Said  
24 designation shall also appear on the receipt for the purpose of  
25 identification, and a separate account and record shall be kept

1 for each customer's property.

2 No operator shall issue any receipt unless the same shall  
3 state on the face thereof in conspicuous type whether or not  
4 such goods are insured for the benefit of the depositor against  
5 fire or any other casualty.

6 (Source: P.A. 83-1065.)

7 (240 ILCS 10/12) (from Ch. 111 2/3, par. 130)

8 Sec. 12. Advertisements.

9 It is unlawful for any person, firm, partnership,  
10 association, limited liability company, or corporation to hold  
11 himself, themselves, or itself out as a warehouseman or  
12 advertise for, or solicit business as a warehouseman without  
13 first complying with this Act; or advertising as being an  
14 insured warehouse unless the insurance is for the benefit of  
15 the depositor against fire or other casualties; or to use any  
16 stationery, cards, signs or other advertisements of a false,  
17 fraudulent, deceptive or misleading nature; or use the word  
18 storage, in any way, in connection with the business unless  
19 engaged in the storage business and licensed as a warehouse  
20 operator under this Act.

21 A personal property warehouseman has authority to use the  
22 services of warehouse representatives or warehouse brokers in  
23 Illinois provided the names and addresses of such warehouse  
24 representatives or warehouse brokers are listed on the license  
25 application of the personal property warehouseman.

1 No person shall set himself out to be a warehouse  
2 representative or a warehouse broker, or do business as such,  
3 without first being so listed by a duly licensed warehouseman.  
4 A warehouseman may, by giving written notice in duplicate to  
5 the Commission ~~Department~~, amend his license application at any  
6 time to add or delete the name or names of warehouse  
7 representatives or warehouse brokers retained by him.

8 (Source: P.A. 77-1341.)

9 (240 ILCS 10/14) (from Ch. 111 2/3, par. 132)

10 Sec. 14. Authority of investigator's ~~inspectors~~-Police  
11 power.

12 Investigators ~~Inspectors~~ of the Commission's  
13 Transportation Bureau ~~Department~~ have full power and authority  
14 in the performance of their official duties to enter into or  
15 upon any place, building or premises of any warehouse at any  
16 reasonable time for the purpose of inspecting such warehouse  
17 operating under this Act, and the books and records of the  
18 operator thereof, or for the purpose of obtaining any  
19 information pertaining to the manner in which such warehouse  
20 business is being conducted. Any such investigator ~~inspector~~  
21 has the same powers as are now held by or hereafter conferred  
22 upon, any regular law enforcement officer to arrest, with or  
23 without formal warrant, any violator or violators of this Act.

24 (Source: Laws 1967, p. 451.)

1 (240 ILCS 10/15) (from Ch. 111 2/3, par. 133)

2 Sec. 15. Interference with or impersonation of  
3 investigator ~~inspector~~.

4 No person shall in any way or manner obstruct, hinder or  
5 molest any warehouse investigator ~~inspector~~ in the performance  
6 of his duties as required by this Act. It is unlawful for any  
7 person to falsely represent that he is a warehouse investigator  
8 ~~inspector~~ or to falsely represent that he is authorized to  
9 inspect warehouses on behalf of the Commission ~~Department~~, or  
10 to demand of any operator the examination or production of the  
11 records of such operator unless he is a duly authorized  
12 investigator ~~inspector~~ of the Commission's Transportation  
13 Bureau ~~Department~~.

14 (Source: Laws 1967, p. 451.)

15 (240 ILCS 10/16) (from Ch. 111 2/3, par. 134)

16 Sec. 16. Rules and regulations.

17 The Commission ~~Department~~ has the authority to exercise  
18 general supervision and regulation over all warehouses  
19 included under this Act, and has authority to make all  
20 necessary rules and regulations, and adopt forms of  
21 application, bond, receipt, and such other forms as may be  
22 required to effectuate the purposes of this Act.

23 (Source: Laws 1967, p. 451.)

24 (240 ILCS 10/17) (from Ch. 111 2/3, par. 135)



1           Sec. 17. Violations, Administrative Action and Review.

2           Violations of this Act shall be classified as follows:

3           (a) Category I Violations, which include:

4           (i) Technical violations causing no harm to persons or  
5           property.

6           (ii) Prior practices or conditions that have been  
7           voluntarily remedied.

8           Category I violations shall be handled by a warning notice  
9           issued by the Commission ~~Department~~ to the warehouseman stating  
10          that such practices shall not be allowed to recur. Receipt of  
11          such notice shall be acknowledged by the warehouseman.

12          (b) Category II Violations, which include:

13          (i) Practices or conditions that if continued could cause  
14          significant loss to depositors.

15          (ii) Practices or conditions that if continued could cause  
16          serious hazard to public health or safety.

17          (iii) Operating a personal property warehouse without a  
18          license.

19          The Commission ~~Department~~ may, upon its own motion and shall  
20          upon the verified complaint in writing of any person setting  
21          forth facts which if proved would constitute a Category II  
22          violation, investigate the actions of any person or persons  
23          operating a personal property warehouse. The Commission  
24          ~~Department~~ shall issue a formal notice to the warehouse  
25          operator that he is required to take proper and immediate steps  
26          to correct the practices or conditions, and that failure to do

1 so could be cause for revocation of license and other legal  
2 penalties as provided in this Act. The warehouse operator  
3 shall, if he believes that the complaint is improper, unjust,  
4 or unfounded, request a hearing which shall be set up in  
5 conformance with established practice for Commission  
6 administrative hearings. If the warehouse operator fails to  
7 correct the alleged practices or conditions, or fails to  
8 request a hearing within a stipulated time, his license shall  
9 be revoked, and the Commission may impose civil penalties in  
10 the amount provided under the Illinois Commercial  
11 Transportation Law. The Commission ~~Department~~ may also seek  
12 appropriate judicial action. In the case of practices or  
13 conditions that constitute serious hazard to public health or  
14 safety, the Commission ~~Department~~ shall cooperate with the  
15 appropriate federal, state, and local agencies or authorities.

16 (c) Category III Violations, which include:

17 (i) Conversion of a depositor's goods to the warehouseman's  
18 own use.

19 (ii) Practices or conditions that have caused significant  
20 loss or damage to depositors.

21 The Commission ~~Department~~ may, upon its own motion and shall  
22 upon the verified complaint in writing of any person setting  
23 forth facts which if proved would constitute a Category III  
24 violation, investigate the actions of any person or persons  
25 operating a personal property warehouse. The Commission  
26 ~~Department~~ shall issue a formal notice to the warehouse

1 operator that he is required to take proper and immediate steps  
2 to correct the practices or conditions, and that failure to do  
3 so will be cause for revocation of license and additional legal  
4 penalties as provided in this Act. The warehouse operator  
5 shall, if he believes that the alleged violation is unfounded,  
6 request a hearing which shall be set up in conformance with  
7 established practice for administrative hearings. If the  
8 warehouse operator fails to correct the alleged practices or  
9 conditions, or fails to request a hearing within a stipulated  
10 time, the operator's license shall be revoked, and the  
11 Commission may impose civil penalties in the amount provided  
12 under the Illinois Commercial Transportation Law. The  
13 Commission may also seek appropriate judicial action.

14 In connection with any investigation or hearing conducted  
15 by the Commission ~~Department~~ under this Act, the Commission  
16 ~~Department~~, over the signature of the Bureau Chief of the  
17 Commission's Transportation Bureau or any Transportation  
18 Bureau Hearing Examiner ~~Director~~, is authorized to issue  
19 subpoenas and to bring before the Commission ~~Department~~ any  
20 person or persons in this State and to take testimony either  
21 orally or by deposition or by exhibit. The Bureau Chief of the  
22 Commission's Transportation Bureau or any Transportation  
23 Bureau Hearing Examiner ~~Director~~ is authorized to issue  
24 subpoenas for any or all documents relating to complainant  
25 records. The Bureau Chief of the Commission's Transportation  
26 Bureau or any Transportation Bureau Hearing Examiner ~~Director~~

1 ~~or his designee~~ may administer oaths to witnesses at any  
2 hearing which the Commission ~~Department~~ is authorized by law to  
3 conduct.

4 The Illinois Administrative Procedure Act, as amended, and  
5 the rules and regulations adopted thereunder shall apply to and  
6 govern all administrative actions taken by the Commission  
7 ~~Department~~, where applicable, unless otherwise prescribed by  
8 this Act. Judicial review of final administrative decisions may  
9 be had in accordance with the provisions of the Administrative  
10 Review Law, as now or hereafter amended.

11 (Source: P.A. 83-1065.)

12 (240 ILCS 10/19) (from Ch. 111 2/3, par. 137)

13 Sec. 19. Penalty. Any person who engages in business as a  
14 personal property warehouseman without securing a license or  
15 who does not have a valid license, or who commits one or more  
16 Category II or Category III violations of this Act, or who  
17 shall impede, obstruct, hinder or otherwise prevent or attempt  
18 to prevent the Commission ~~Director or his duly authorized agent~~  
19 in the performance of its ~~his~~ duty in connection with this Act,  
20 or who refuses to permit inspection of his premises or records  
21 as provided in this Act shall be guilty of a Class B  
22 misdemeanor for the first violation, and be guilty of a Class A  
23 misdemeanor for each subsequent violation. In addition, the  
24 Commission may impose civil penalties in the amount provided  
25 under the Illinois Commercial Transportation Law. In case of a

1 continuing violation or violations, each day that each  
2 violation occurs constitutes a separate and distinct offense.

3 It shall be the duty of each State's Attorney to whom any  
4 violation is reported to cause appropriate proceedings to be  
5 instituted and prosecuted in the circuit court without delay,  
6 provided that the Bureau Chief of the Commission's  
7 Transportation Bureau Director has previously given the  
8 warehouseman involved an administrative hearing as provided  
9 for in this Act.

10 The Commission Director may apply for and the circuit court  
11 may grant a temporary restraining order or preliminary or  
12 permanent injunction restraining any person from committing or  
13 continuing to commit a Category II or III violation.

14 (Source: P.A. 83-1065.)

15 (240 ILCS 10/20) (from Ch. 111 2/3, par. 138)

16 Sec. 20. Power to enforce.

17 The Commission Department has full power and authority to  
18 carry out this Act.

19 (Source: Laws 1967, p. 451.)

20 (240 ILCS 10/20.1 new)

21 Sec. 20.1. Grandfathered rules. Rules promulgated by the  
22 Illinois Department of Agriculture under this Act shall remain  
23 valid until amended or repealed by the Commission. All  
24 references in those rules to the "Department" shall, on and

1 after the effective date of this amendatory Act of the 96th  
2 General Assembly, be deemed references to the "Commission". All  
3 references in those rules to the "Director" shall, on and after  
4 the effective date of this amendatory Act of the 96th General  
5 Assembly, be deemed references to the "Bureau Chief of the  
6 Commission's Transportation Bureau.

7 (240 ILCS 10/20.2 new)

8 Sec. 20.2. Applicability of Illinois Commercial  
9 Transportation Law. Except as provided elsewhere in this Act,  
10 Subchapter I, Articles II, III, V, VI, & VII, and Subchapter II  
11 of the Illinois Commercial Transportation Law apply to the  
12 Commission in the administration and enforcement of this Act.

13 Section 99. Effective date. This Act takes effect January  
14 1, 2010.