

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 15.5, 15.6, 19.5, 20.1
7 and 20.2 as follows:

8 (240 ILCS 10/1) (from Ch. 111 2/3, par. 119)

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

1 under the special provisions of Section 1.1. No person shall
2 receive, hold, store or deliver any alcoholic liquors without a
3 certificate of registration from the Department of Revenue in
4 accordance with Article VII A of "An Act relating to alcoholic
5 liquors", approved January 31, 1934, as heretofore and
6 hereafter amended. The certificate of registration required by
7 the Department of Revenue is in addition to the license
8 required under this Act. This Act does not apply to warehouses
9 licensed under "An Act to regulate refrigerated warehouses in
10 the handling and storage of certain articles of food, and to
11 repeal an Act therein named", approved May 25, 1955, as now or
12 hereafter amended; public warehouses storing grain; garages
13 customarily housing automobiles for in and out storage; storage
14 of personal property in safety deposit vaults or boxes, lock
15 boxes, and check rooms where personal effects, parcels and the
16 like are received for temporary custody; and to the storage of
17 personal property while it is being held in storage for
18 scientific care for repairs or alterations, or is in the
19 process of repair or alteration, or which is incidental to the
20 business of manufacturing, selling, repairing, altering,
21 cleaning, or glazing of furs or of any other garment or article
22 of which fur forms any part thereof.

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

24 (240 ILCS 10/1.1) (from Ch. 111 2/3, par. 119.1)

25 Sec. 1.1. Governmental fairs as set forth under the

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

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

24 (240 ILCS 10/2) (from Ch. 111 2/3, par. 120)

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

1 The term "Commission" means the Illinois Commerce
2 Commission.

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

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

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

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

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

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

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

26 The term "lot" means the unit or units of property for

1 which a separate account is kept by the warehouseman.

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

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

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

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

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

17 (240 ILCS 10/4) (from Ch. 111 2/3, par. 122)

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

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

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

22 (240 ILCS 10/5) (from Ch. 111 2/3, par. 123)

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

1 inspections of any warehouse may be made from time to time as
2 the Commission ~~Department~~ deems necessary, in order to
3 effectuate the purposes of this Act.

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

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

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

25 (240 ILCS 10/6) (from Ch. 111 2/3, par. 124)

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

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

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

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

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

26 ~~For 100,000 and less than 200,000 net square feet of floor~~

1 ~~space or for 200,000 and less than 300,000 net cubic feet of~~
2 ~~volume devoted to the storage of personal property, \$20,000;~~

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

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

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

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

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

1 amount of the legal liability insurance policy and the
2 certificate of deposit shall be the same as that required for a
3 surety bond under this Act. Any certificate of deposit filed
4 with the Commission ~~Department~~, in lieu of a surety bond, shall
5 be payable to the Commission ~~Director of the Department~~ as
6 Trustee and the interest thereon shall be made payable to the
7 purchaser thereof.

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

24 The Commission ~~Director of Agriculture~~ as trustee of the
25 bond or policy shall have the authorities granted him in
26 Section 205-410 of the Department of Agriculture Law (20 ILCS

1 205/205-410) and the rules and regulations adopted pursuant
2 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 Commission staff ~~inspectors~~-Police
11 power.

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

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

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

15 (240 ILCS 10/15.5 new)

16 Sec. 15.5. Jurisdiction. The jurisdiction of the
17 Commission under this Act extends to personal property
18 warehouses, the operators of those warehouses, and to other
19 activities specifically set forth in this Act.

20 (240 ILCS 10/15.6 new)

21 Sec. 15.6. Enumeration of powers. The Commission has the
22 power to:

23 (1) Administer and enforce the provisions of this Act.

24 (2) Regulate the entry, exit, and services of personal

1 property warehouses and operators.

2 (3) Protect the public safety through insurance and safety
3 standards.

4 (4) Adopt appropriate rules setting forth the standards and
5 procedures by which it will administer and enforce this Act.

6 (5) Conduct hearings and investigations, on its own motion
7 or the motion of a person.

8 (6) Adjudicate disputes, hear complaints or other
9 petitions for relief, and settle those matters by stipulation
10 or agreement.

11 (7) Create special procedures for the receipt and handling
12 of consumer complaints.

13 (8) Employ such persons as are needed to administer and
14 enforce this Act, in such capacities as they are needed,
15 whether as hearings examiners, special examiners, enforcement
16 officers, investigators, or otherwise.

17 (9) Initiate and participate in proceedings in the federal
18 or State courts, and in proceedings before federal or other
19 State agencies, to the extent necessary to effectuate the
20 purposes of this Act, provided that participation in specific
21 proceedings is directed, in writing, by the Commission.

22 (240 ILCS 10/16) (from Ch. 111 2/3, par. 134)

23 Sec. 16. Rules and regulations.

24 The Commission ~~Department~~ has the authority to exercise
25 general supervision and regulation over all warehouses

1 included under this Act, and has authority to make all
2 necessary rules and regulations, and adopt forms of
3 application, bond, receipt, and such other forms as may be
4 required to effectuate the purposes of this Act.

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

6 (240 ILCS 10/17) (from Ch. 111 2/3, par. 135)

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

8 Violations of this Act shall be classified as follows:

9 (a) Category I Violations, which include:

10 (i) Technical violations causing no harm to persons or
11 property.

12 (ii) Prior practices or conditions that have been
13 voluntarily remedied.

14 Category I violations shall be handled by a warning notice
15 issued by the Commission ~~Department~~ to the warehouseman stating
16 that such practices shall not be allowed to recur. Receipt of
17 such notice shall be acknowledged by the warehouseman.

18 (b) Category II Violations, which include:

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

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

23 (iii) Operating a personal property warehouse without a
24 license.

25 The Commission ~~Department~~ may, upon its own motion and shall

1 upon the verified complaint in writing of any person setting
2 forth facts which if proved would constitute a Category II
3 violation, investigate the actions of any person or persons
4 operating a personal property warehouse. The Commission
5 ~~Department~~ shall issue a formal notice to the warehouse
6 operator that he is required to take proper and immediate steps
7 to correct the practices or conditions, and that failure to do
8 so could be cause for revocation of license and other legal
9 penalties as provided in this Act. The warehouse operator
10 shall, if he believes that the complaint is improper, unjust,
11 or unfounded, request a hearing which shall be set up in
12 conformance with established practice for Commission
13 administrative hearings. If the warehouse operator fails to
14 correct the alleged practices or conditions, or fails to
15 request a hearing within a stipulated time, his license shall
16 be revoked, and the Commission may impose civil penalties in
17 the amount provided under the Illinois Commercial
18 Transportation Law. The Commission ~~Department~~ may also seek
19 appropriate judicial action. In the case of practices or
20 conditions that constitute serious hazard to public health or
21 safety, the Commission ~~Department~~ shall cooperate with the
22 appropriate federal, state, and local agencies or authorities.

23 (c) Category III Violations, which include:

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

26 (ii) Practices or conditions that have caused significant

1 loss or damage to depositors.

2 The Commission ~~Department~~ may, upon its own motion and shall
3 upon the verified complaint in writing of any person setting
4 forth facts which if proved would constitute a Category III
5 violation, investigate the actions of any person or persons
6 operating a personal property warehouse. The Commission
7 ~~Department~~ shall issue a formal notice to the warehouse
8 operator that he is required to take proper and immediate steps
9 to correct the practices or conditions, and that failure to do
10 so will be cause for revocation of license and additional legal
11 penalties as provided in this Act. The warehouse operator
12 shall, if he believes that the alleged violation is unfounded,
13 request a hearing which shall be set up in conformance with
14 established practice for administrative hearings. If the
15 warehouse operator fails to correct the alleged practices or
16 conditions, or fails to request a hearing within a stipulated
17 time, the operator's license shall be revoked, and the
18 Commission may impose civil penalties in the amount provided
19 under the Illinois Commercial Transportation Law. The
20 Commission may also seek appropriate judicial action.

21 In connection with any investigation or hearing conducted
22 by the Commission ~~Department~~ under this Act, the Commission
23 ~~Department~~, over the signature of the Chairman of the
24 Commission ~~Director~~, is authorized to issue subpoenas and to
25 bring before the Commission ~~Department~~ any person or persons in
26 this State and to take testimony either orally or by deposition

1 or by exhibit. The Chairman of the Commission ~~Director~~ is
2 authorized to issue subpoenas for any or all documents relating
3 to complainant records. The Chairman of the Commission ~~Director~~
4 or his designee may administer oaths to witnesses at any
5 hearing which the Commission ~~Department~~ is authorized by law to
6 conduct.

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

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

15 (240 ILCS 10/19) (from Ch. 111 2/3, par. 137)

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

1 misdemeanor for each subsequent violation. In addition, the
2 Commission may impose civil penalties in the amount provided
3 under the Illinois Commercial Transportation Law. In case of a
4 continuing violation or violations, each day that each
5 violation occurs constitutes a separate and distinct offense.

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

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

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

17 (240 ILCS 10/19.5 new)

18 Sec. 19.5. Disposition of funds. All fees and fines
19 collected by the Commission under this Act shall be paid into
20 the Transportation Regulatory Fund in the State treasury. The
21 money in that fund may be used to defray the expenses of the
22 administration of this Act.

23 (240 ILCS 10/20) (from Ch. 111 2/3, par. 138)

24 Sec. 20. Power to enforce.

1 The Commission ~~Department~~ has full power and authority to
2 carry out this Act.

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

4 (240 ILCS 10/20.1 new)

5 Sec. 20.1. Grandfathered rules. Rules promulgated by the
6 Illinois Department of Agriculture under this Act shall remain
7 valid until amended or repealed by the Commission. All
8 references in those rules to the "Department" shall, on and
9 after the effective date of this amendatory Act of the 96th
10 General Assembly, be deemed references to the "Commission". All
11 references in those rules to the "Director" shall, on and after
12 the effective date of this amendatory Act of the 96th General
13 Assembly, be deemed references to the "Executive Director of
14 the Commission.

15 (240 ILCS 10/20.2 new)

16 Sec. 20.2. Applicability of Illinois Commercial
17 Transportation Law. Except as provided elsewhere in this Act,
18 Subchapter I, Articles II, III, V, VI, & VII, and Subchapter II
19 of the Illinois Commercial Transportation Law apply to the
20 Commission in the administration and enforcement of this Act.

21 Section 10. The Illinois Vehicle Code is amended by
22 changing Section 18c-1603 as follows:

1 (625 ILCS 5/18c-1603) (from Ch. 95 1/2, par. 18c-1603)
2 Sec. 18c-1603. Expenditures from the Transportation
3 Regulatory Fund.

4 (1) Authorization of Expenditures from the Fund. Monies
5 deposited in the Transportation Regulatory Fund shall be
6 expended only for the administration and enforcement of this
7 Chapter and Chapter 18a. Moneys in the Fund may also be used to
8 administer the Personal Property Storage Act.

9 (2) Allocation of Expenses to the Fund.

10 (a) Expenses Allocated Entirely to the Transportation
11 Regulatory Fund. All expenses of the Transportation
12 Division shall be allocated to the Transportation
13 Regulatory Fund, provided that they were:

14 (i) Incurred by and for staff employed within the
15 Transportation Division and accountable, directly or
16 through a program director or staff supervisor, to the
17 Transportation Division manager;

18 (ii) Incurred exclusively in the administration
19 and enforcement of this Chapter and Chapter 18a; and

20 (iii) Authorized by the Transportation Division
21 manager.

22 (b) Expenses Partially Allocated to the Transportation
23 Regulatory Fund. A portion of expenses for the following
24 persons and activities may be allocated to the
25 Transportation Regulatory Fund:

26 (i) The Executive Director, his deputies and

1 personal assistants, and their clerical support;

2 (ii) The legislative liaison activities of the
3 Office of Legislative Affairs, its constituent
4 elements and successors;

5 (iii) The activities of the Bureau of Planning and
6 Operations on the effective date of this amendatory Act
7 of the 94th General Assembly, exclusive of the Chief
8 Clerk's office;

9 (iv) The payroll expenses of Commissioners'
10 assistants;

11 (v) The internal auditor;

12 (vi) The in-state travel expenses of the
13 Commissioners to and from the offices of the
14 Commission; and

15 (vii) The Public Affairs Group, its constituent
16 elements, and its successors.

17 (c) Allocation Methodology for Expenses Other Than
18 Commissioners' Assistants. The portion of total expenses
19 (other than commissioners' assistants' expenses) allocated
20 to the Transportation Regulatory Fund under paragraph (b)
21 of this subsection shall be the portion of staff time spent
22 exclusively on administration and enforcement of this
23 Chapter and Chapter 18a, as shown by a time study updated
24 at least once each 6 months.

25 (d) (Blank).

26 (e) Allocation methodology for Commissioners'

1 Assistants Expenses. Five percent of the payroll expenses
2 of commissioners' assistants may be allocated to the
3 Transportation Regulatory Fund.

4 (f) Expenses not allocable to the Transportation
5 Regulatory Fund. No expenses shall be allocated to or paid
6 from the Transportation Regulatory Fund except as
7 expressly authorized in paragraphs (a) through (e) of this
8 subsection. In particular, no expenses shall be allocated
9 to the Fund which were incurred by or in relation to the
10 following persons and activities:

11 (i) Commissioners' travel, except as otherwise
12 provided in paragraphs (b) and (c) of this subsection;

13 (ii) Commissioners' assistants except as otherwise
14 provided in paragraphs (b) and (e) of this subsection;

15 (iii) The Policy Analysis and Research Division,
16 its constituent elements and successors;

17 (iv) The Chief Clerk's office, its constituent
18 elements and successors;

19 (v) The Hearing Examiners Division, its
20 constituent elements and successors, and any hearing
21 examiners or hearings conducted, in whole or in part,
22 outside the Transportation Division;

23 (vi) (Blank);

24 (vii) The Office of General Counsel, its
25 constituent elements and successors, including but not
26 limited to the Office of Public Utility Counsel and any

1 legal staff in the office of the executive director,
2 but not including the personal assistant serving as
3 staff counsel to the executive director as provided in
4 Section 18c-1204(2) and the Office of Transportation
5 Counsel; and

6 (viii) Any other expenses or portion thereof not
7 expressly authorized in this subsection to be
8 allocated to the Fund.

9 The constituent elements of the foregoing shall, for
10 purposes of this Section be their constituent elements on
11 the effective date of this amendatory Act of 1987.

12 (3) (Blank).

13 (4) (Blank).

14 (Source: P.A. 94-839, eff. 6-6-06.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2010.