

**SB0061**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB0061**

Introduced 1/30/2009, by Sen. Bill Brady

**SYNOPSIS AS INTRODUCED:**

See Index

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

LRB096 03567 HLH 13592 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning finance.

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

4 Section 5. The Secretary of State Act is amended by  
5 changing Section 5.5 as follows:

6 (15 ILCS 305/5.5)

7 Sec. 5.5. Secretary of State fees. There shall be paid to  
8 the Secretary of State the following fees:

9 For certificate or apostille, with seal: \$2.

10 For each certificate, without seal: \$1.

11 For each commission to any officer or other person (except  
12 military commissions), with seal: \$2.

13 For copies of exemplifications of records, or for a  
14 certified copy of any document, instrument, or paper when not  
15 otherwise provided by law, and it does not exceed legal size:  
16 \$0.50 per page or any portion of a page; and \$2 for the  
17 certificate, with seal affixed.

18 For copies of exemplifications of records or a certified  
19 copy of any document, instrument, or paper, when not otherwise  
20 provided for by law, that exceeds legal size: \$1 per page or  
21 any portion of a page; and \$2 for the certificate, with seal  
22 affixed.

23 For copies of bills or other papers: \$0.50 per page or any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~Revenue Fund.~~

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

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

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

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

10 (This Section is scheduled to be repealed on June 30, 2012)

11 Sec. 9.02a. To charge contract administration fees used to  
12 administer and process the terms of contracts awarded by this  
13 State. Contract administration fees shall not exceed 1.5% ~~3%~~ of  
14 the contract amount. This Section is repealed June 30, 2012.

15 (Source: P.A. 95-726, eff. 6-30-08.)

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

18 (25 ILCS 170/5)

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

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

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

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

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

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

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

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

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

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

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

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

6 Persons required to register under this Act prior to July  
7 1, 2003 and on or after the effective date of this amendatory  
8 Act of the 96th General Assembly, shall remit a single, annual  
9 and nonrefundable \$50 registration fee. All fees collected for  
10 registrations prior to July 1, 2003, shall be deposited into  
11 the Lobbyist Registration Administration Fund for  
12 administration and enforcement of this Act. Beginning July 1,  
13 2003 and until the effective date of this amendatory Act of the  
14 96th General Assembly, all persons other than entities  
15 qualified under Section 501(c)(3) of the Internal Revenue Code  
16 required to register under this Act shall remit a single,  
17 annual, and nonrefundable \$350 registration fee. ~~Entities~~  
18 ~~required to register under this Act which are qualified under~~  
19 ~~Section 501(c)(3) of the Internal Revenue Code shall remit a~~  
20 ~~single, annual, and nonrefundable \$150 registration fee.~~ Each  
21 individual required to register under this Act shall submit, on  
22 an annual basis, a picture of the registrant. A registrant may,  
23 in lieu of submitting a picture on an annual basis, authorize  
24 the Secretary of State to use any photo identification  
25 available in any database maintained by the Secretary of State  
26 for other purposes. Of each registration fee collected for



1 registrations on or after July 1, 2003 until the effective date  
2 of this amendatory Act of the 96th General Assembly, \$50 shall  
3 be deposited into the Lobbyist Registration Administration  
4 Fund for administration and enforcement of this Act and is  
5 intended to be used to implement and maintain electronic filing  
6 of reports under this Act, the next \$100 shall be deposited  
7 into the Lobbyist Registration Administration Fund for  
8 administration and enforcement of this Act, and any balance  
9 shall be deposited into the General Revenue Fund.

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

12 (30 ILCS 105/8j rep.)

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

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

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

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

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

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

12 Before July 1, 2000 and then beginning on January 1, 2001  
13 and through June 30, 2003 and beginning again on the effective  
14 date of this amendatory Act of the 96th General Assembly, the  
15 Retailers' Occupation Tax paid to the distributor, supplier, or  
16 other reseller shall be an amount equal to \$0.04 per gallon of  
17 the motor fuel, except gasohol as defined in Section 2-10 of  
18 this Act which shall be an amount equal to \$0.03 per gallon,  
19 purchased from the distributor, supplier, or other reseller.

20 Beginning July 1, 2003 and until the effective date of this  
21 amendatory Act of the 96th General Assembly thereafter, the  
22 Retailers' Occupation Tax paid to the distributor, supplier, or  
23 other reseller shall be an amount equal to \$0.06 per gallon of  
24 the motor fuel, except gasohol as defined in Section 2-10 of  
25 this Act which shall be an amount equal to \$0.05 per gallon,  
26 purchased from the distributor, supplier, or other reseller.

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

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

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

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

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

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

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

25 In fiscal year 2002 and fiscal year 2003 and in fiscal year  
26 2009 and thereafter, the first \$4,800,000 from the one-half

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

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

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

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

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

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

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

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

1 filed under this Section, Section 5, and Section 5a of this  
2 Act. The return must be accompanied by appropriate  
3 computer-generated magnetic media supporting schedule data in  
4 the format required by the Department, unless, as provided by  
5 rule, the Department grants an exception upon petition of a  
6 taxpayer. If the return is filed timely, the seller shall take  
7 a discount of 2% through June 30, 2003 and beginning again on  
8 the effective date of this amendatory Act of the 96th General  
9 Assembly and 1.75% for the period beginning on July 1, 2003  
10 until the effective date of this amendatory Act of the 96th  
11 General Assembly ~~thereafter~~ which is allowed to reimburse the  
12 seller for the expenses incurred in keeping records, preparing  
13 and filing returns, collecting and remitting the tax and  
14 supplying data to the Department on request. The discount,  
15 however, shall be applicable only to the amount of payment  
16 which accompanies a return that is filed timely in accordance  
17 with this Section.

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

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

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

1 the time of making a return, the distributor shall pay to the  
2 Department the amount so collected less a discount of 2%  
3 through June 30, 2003 and beginning again on the effective date  
4 of this amendatory Act of the 96th General Assembly and 1.75%  
5 for the period beginning on July 1, 2003 until the effective  
6 date of this amendatory Act of the 96th General Assembly  
7 ~~thereafter~~ which is allowed to reimburse the distributor for  
8 the expenses incurred in keeping records, preparing and filing  
9 returns, collecting and remitting the tax and supplying data to  
10 the Department on request, and shall also pay to the Department  
11 an amount equal to the amount that would be collectible as a  
12 tax in the event of a sale thereof on all such motor fuel used  
13 by said distributor during the period covered by the return.  
14 However, no payment shall be made based upon dyed diesel fuel  
15 used by the distributor for non-highway purposes. The discount  
16 shall only be applicable to the amount of tax payment which  
17 accompanies a return which is filed timely in accordance with  
18 Section 5 of this Act. In each subsequent sale of motor fuel on  
19 which the amount of tax imposed under this Act has been  
20 collected as provided in this Section, the amount so collected  
21 shall be added to the selling price, so that the amount of tax  
22 is paid ultimately by the user of the motor fuel. However, no  
23 collection or payment shall be made in the case of the sale or  
24 use of any motor fuel to the extent to which such sale or use of  
25 motor fuel may not, under the constitution and statutes of the  
26 United States, be made the subject of taxation by this State. A



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

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

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

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

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

1           its instrumentalities.

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

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

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

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

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

3 8. (Blank).

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

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

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

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

12 Sec. 6a. Collection of tax; suppliers. A supplier, other  
13 than a licensed distributor, who sells or distributes any  
14 special fuel, which he is required by Section 5a to report to  
15 the Department when filing a return, shall (except as  
16 hereinafter provided) collect at the time of such sale and  
17 distribution, the amount of tax imposed under this Act on all  
18 such special fuel sold and distributed, and at the time of  
19 making a return, the supplier shall pay to the Department the  
20 amount so collected less a discount of 2% through June 30, 2003  
21 and beginning again on the effective date of this amendatory  
22 Act of the 96th General Assembly and 1.75% for the period  
23 beginning on July 1, 2003 until the effective date of this  
24 amendatory Act of the 96th General Assembly ~~thereafter~~ which is  
25 allowed to reimburse the supplier for the expenses incurred in

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

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

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

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

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

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

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

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

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

14 6. (Blank).

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

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

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

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

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

1 3, and 4b as follows:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (40 ILCS 5/1A-112)

13 Sec. 1A-112. Fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           Sec. 12. Regulatory fees.

2           (1) A credit union regulated by the Department shall pay a  
3 regulatory fee to the Department based upon its total assets as  
4 shown by its Year-end Call Report at the following rates:

| 5  | TOTAL ASSETS                | REGULATORY FEE                  |
|----|-----------------------------|---------------------------------|
| 6  | \$25,000 or less .....      | \$100                           |
| 7  | Over \$25,000 and not over  |                                 |
| 8  | \$100,000 .....             | \$100 plus \$4 per              |
| 9  |                             | \$1,000 of assets in excess of  |
| 10 |                             | \$25,000                        |
| 11 | Over \$100,000 and not over |                                 |
| 12 | \$200,000 .....             | \$400 plus \$3 per              |
| 13 |                             | \$1,000 of assets in excess of  |
| 14 |                             | \$100,000                       |
| 15 | Over \$200,000 and not over |                                 |
| 16 | \$500,000 .....             | \$700 plus \$2 per              |
| 17 |                             | \$1,000 of assets in excess of  |
| 18 |                             | \$200,000                       |
| 19 | Over \$500,000 and not over |                                 |
| 20 | \$1,000,000 .....           | \$1,300 plus \$1.40             |
| 21 |                             | per \$1,000 of assets in excess |
| 22 |                             | of \$500,000                    |
| 23 | Over \$1,000,000 and not    |                                 |
| 24 | over \$5,000,000 .....      | \$2,000 plus \$0.50             |
| 25 |                             | per \$1,000 of assets in        |
| 26 |                             | excess of \$1,000,000           |

1 Over \$5,000,000 and not  
2 over \$30,000,000 ..... \$4,000 ~~\$5,080~~ plus \$0.35 ~~\$0.44~~  
3 per \$1,000 assets  
4 in excess of \$5,000,000  
5 Over \$30,000,000 and not  
6 \$12,750 ~~\$16,192~~ plus \$0.30  
7 over \$100,000,000 ..... ~~\$0.38~~  
8 per \$1,000 of assets in  
9 excess of \$30,000,000  
10 Over \$100,000,000 and not  
11 \$33,750 ~~\$42,862~~ plus \$0.15  
12 over \$500,000,000 ..... ~~\$0.19~~  
13 per \$1,000 of assets in  
14 excess of \$100,000,000  
15 Over \$500,000,000 ..... \$140,625 plus \$0.075  
16 per \$1,000 of assets in  
17 excess of \$500,000,000

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

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



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

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

26 (5) The administrative and operational expenses for any

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

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

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

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

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

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

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

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

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

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

1 number of locations served by it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1 changing Section 2 as follows:

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

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

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

1 means total assets minus total liabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25          Section 80. The Illinois Insurance Code is amended by

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

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

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

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

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

14 (Section scheduled to be repealed on January 1, 2017)

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

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

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

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

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

2 (215 ILCS 5/123B-4) (from Ch. 73, par. 735B-4)

3 (Section scheduled to be repealed on January 1, 2017)

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

9 A. Notice of operations and designation of the Director as  
10 agent.

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

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

22 (2) a copy of its plan of operations or a feasibility  
23 study and revisions of such plan or study submitted to its  
24 state of domicile; provided, however, that the provision  
25 relating to the submission of a plan of operation or a

1 feasibility study shall not apply with respect to any line  
2 or classification of liability insurance which (a) was  
3 defined in the Product Liability Risk Retention Act of 1981  
4 before October 27, 1986, and (b) was offered before such  
5 date by any risk retention group which had been organized  
6 and operating for not less than 3 years before such date;  
7 and

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

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

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

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

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



1           (4) such information as may be required to verify its  
2 continuing qualification as a risk retention group under  
3 subsection (11) of Section 123B-2.

4 C. Taxation.

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

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

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

- 1 (a) the limit of the liability;
- 2 (b) the time period covered;
- 3 (c) the effective date;
- 4 (d) the name of the risk retention group which
- 5 issued the policy;
- 6 (e) the gross premium charged; and
- 7 (f) the amount of return premiums, if any.

8 D. Compliance With unfair claims practices provisions. Any  
9 risk retention group, its agents and representatives shall be  
10 subject to the unfair claims practices provisions of Sections  
11 154.5 through 154.8 of this Code.

12 E. Deceptive, false, or fraudulent practices. Any risk  
13 retention group shall comply with the laws of this State  
14 regarding deceptive, false, or fraudulent acts or practices.  
15 However, if the Director seeks an injunction regarding such  
16 conduct, the injunction must be obtained from a court of  
17 competent jurisdiction.

18 F. Examination regarding financial condition. Any risk  
19 retention group must submit to an examination by the Director  
20 to determine its financial condition if the commissioner of  
21 insurance of the jurisdiction in which the group is organized  
22 and licensed has not initiated an examination or does not  
23 initiate an examination within 60 days after a request by the  
24 Director. Any such examination shall be coordinated to avoid  
25 unjustified repetition and conducted in an expeditious manner  
26 and in accordance with the National Association of Insurance

1 Commissioners' Examiner Handbook.

2 G. Notice to purchasers. Every application form for  
3 insurance from a risk retention group and the front page and  
4 declaration page of every policy issued by a risk retention  
5 group shall contain in 10 point type the following notice:

6 "NOTICE

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

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

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

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

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

26 J. Prohibited coverage. No risk retention group may offer

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

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

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

25 M. Penalties. A risk retention group that violates any  
26 provision of this Article will be subject to fines and

1 penalties applicable to licensed insurers generally, including  
2 revocation of its license or the right to do business in this  
3 State, or both.

4 N. Operations prior to August 3, 1987. In addition to  
5 complying with the requirements of this Section, any risk  
6 retention group operating in this State prior to August 3,  
7 1987, shall within 30 days after such effective date comply  
8 with the provisions of subsection A of this Section.

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

10 (215 ILCS 5/123C-17) (from Ch. 73, par. 735C-17)

11 (Section scheduled to be repealed on January 1, 2017)

12 Sec. 123C-17. Fees.

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

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

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

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

24 C. Any funds collected from captive insurance companies  
25 pursuant to this Section shall be treated in the manner

1 provided in subsection (11) of Section 408.

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

3 (215 ILCS 5/131.24) (from Ch. 73, par. 743.24)

4 Sec. 131.24. Sanctions.

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

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

1 desist immediately any further activity under that transaction  
2 or contract. After notice and hearing the Director may also  
3 order (a) the company to void any such contracts and restore  
4 the status quo if such action is in the best interest of the  
5 policyholders or the public, and (b) any affiliate of the  
6 company, which has received from the company dividends,  
7 distributions, assets, loans, extensions of credit,  
8 guarantees, or investments in violation of any such Section, to  
9 immediately repay, refund or restore to the company such  
10 dividends, distributions, assets, extensions of credit,  
11 guarantees or investments.

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

26 (4) Any officer, director, or employee of an insurance

1 holding company system who willfully and knowingly subscribes  
2 to or makes or causes to be made any false statements or false  
3 reports or false filings with the intent to deceive the  
4 Director in the performance of his duties under this Article,  
5 commits a Class 3 felony and upon conviction thereof, shall be  
6 imprisoned for not less than 2 years nor more than 5 years or  
7 fined \$250,000 ~~\$500,000~~ or both. Any fines imposed shall be  
8 paid by the officer, Director, or employee in his individual  
9 capacity.

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

11 (215 ILCS 5/141a) (from Ch. 73, par. 753a)

12 Sec. 141a. Managing general agents and retrospective  
13 compensation agreements.

14 (a) As used in this Section, the following terms have the  
15 following meanings:

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

18 "Gross direct written premium" means direct premium  
19 including policy and membership fees, net of returns and  
20 cancellations, and prior to any cessions.

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

24 "Managing general agent" means any person, firm,  
25 association, or corporation, either separately or together



1 with affiliates, that:

2 (1) manages all or part of the insurance business of an  
3 insurer (including the management of a separate division,  
4 department, or underwriting office), and

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

7 (3) with or without the authority produces, directly or  
8 indirectly, and underwrites:

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

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

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

19 (5) has the authority to negotiate reinsurance on  
20 behalf of the insurer.

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

24 (1) An employee of the insurer;

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

1           (3) An underwriting manager who, pursuant to a contract  
2 meeting the standards of Section 141.1 manages all or part  
3 of the insurance operations of the insurer, is affiliated  
4 with the insurer, subject to Article VIII 1/2, and whose  
5 compensation is not based on the volume of premiums  
6 written;

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

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

23           "Underwrite" means to accept or reject risk on behalf of  
24 the insurer.

25           (b) Licensure of managing general agents.

26           (1) No person, firm, association, or corporation shall

1 act in the capacity of a managing general agent with  
2 respect to risks located in this State for an insurer  
3 licensed in this State unless the person is a licensed  
4 producer or a registered firm in this State under Article  
5 XXXI of this Code or a licensed third party administrator  
6 in this State under Article XXXI 1/4 of this Code.

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

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

22 (4) The managing general agent must maintain an errors  
23 and omissions policy for the benefit of the insurer with  
24 coverage in an amount equal to the greater of \$1,000,000 or  
25 5% of the gross direct written premium underwritten by the  
26 managing general agent on behalf of the insurer.

1           (5) Evidence of the existence of the bond and the  
2 errors and omissions policy must be made available to the  
3 Director upon his request.

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

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

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

20           (3) All funds collected for the account of an insurer  
21 shall be held by the managing general agent in a fiduciary  
22 capacity in a bank that is a federally or State chartered  
23 bank and that is a member of the Federal Deposit Insurance  
24 Corporation. This account shall be used for all payments on  
25 behalf of the insurer; however, the managing general agent  
26 shall not have authority to draw on any other accounts of

1 the insurer. The managing general agent may retain no more  
2 than 3 months estimated claims payments and allocated loss  
3 adjustment expenses.

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

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

13 (6) The managing general agent shall provide to the  
14 company audited financial statements required under  
15 paragraph (1) of subsection (d).

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

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

26 (8) The insurer shall have the right to: (i) cancel or

1 nonrenew any policy of insurance subject to applicable laws  
2 and regulations concerning those actions; and (ii) require  
3 cancellation of any subproducer's contract after  
4 appropriate notice.

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

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

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

12 (i) has the potential to exceed an amount  
13 determined by the company;

14 (ii) involves a coverage dispute;

15 (iii) may exceed the managing general agent's  
16 claims settlement authority;

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

18 (v) is closed by payment of an amount set by  
19 the company.

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

1 (D) any settlement authority granted to the  
2 managing general agent may be terminated for cause upon  
3 the insurer's written notice to the managing general  
4 agent or upon the termination of the contract. The  
5 insurer may suspend the settlement authority during  
6 the pendency of any dispute regarding the cause for  
7 termination.

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

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

21 (12) The managing general agent shall not:

22 (A) Bind reinsurance or retrocessions on behalf of  
23 the insurer, except that the managing general agent may  
24 bind facultative reinsurance contracts under  
25 obligatory facultative agreements if the contract with  
26 the insurer contains reinsurance underwriting

1 guidelines including, for both reinsurance assumed and  
2 ceded, a list of reinsurers with which automatic  
3 agreements are in effect, the coverages and amounts or  
4 percentages that may be reinsured, and commission  
5 schedules.

6 (B) Appoint any producer without assuring that the  
7 producer is lawfully licensed to transact the type of  
8 insurance for which he is appointed.

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

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

19 (E) Permit its subproducer to serve on its board of  
20 directors.

21 (F) Employ an individual who is also employed by  
22 the insurer.

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

25 (d) Insurers shall have the following duties:

26 (1) The insurer shall have on file the managing general



1 agent's audited financial statements as of the end of the  
2 most recent fiscal year prepared in accordance with  
3 Generally Accepted Accounting Principles. The insurer  
4 shall notify the Director if the auditor's opinion on those  
5 statements is other than an unqualified opinion. That  
6 notice shall be given to the Director within 10 days of  
7 receiving the audited financial statements or becoming  
8 aware that such opinion has been given.

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

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

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

23 (5) Within 30 days of entering into or terminating a  
24 contract with a managing general agent, the insurer shall  
25 provide written notification of the appointment or  
26 termination to the Director. Notices of appointment of a

1 managing general agent shall include a statement of duties  
2 that the applicant is expected to perform on behalf of the  
3 insurer, the lines of insurance for which the applicant is  
4 to be authorized to act, and any other information the  
5 Director may request.

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

14 (7) The insurer shall file any managing general agent  
15 contract for the Director's approval within 45 days after  
16 the contract becomes subject to this Section. Failure of  
17 the Director to disapprove the contract within 45 days  
18 shall constitute approval thereof. Upon expiration of the  
19 contract, the insurer shall submit the replacement  
20 contract for approval. Contracts filed under this Section  
21 shall be exempt from filing under Sections 141, 141.1 and  
22 131.20a.

23 (8) An insurer shall not appoint to its board of  
24 directors an officer, director, employee, or controlling  
25 shareholder of its managing general agents. This provision  
26 shall not apply to relationships governed by Article VIII

1           1/2 of this Code.

2           (e) The acts of a managing general agent are considered to  
3 be the acts of the insurer on whose behalf it is acting. A  
4 managing general agent may be examined in the same manner as an  
5 insurer.

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

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

21           (h) If the Director determines that a managing general  
22 agent has not materially complied with this Section or any  
23 regulation or order promulgated hereunder, after notice and  
24 opportunity to be heard, the Director may order a penalty in an  
25 amount not exceeding \$50,000 ~~\$100,000~~ for each separate  
26 violation and may order the revocation or suspension of the

1 producer's license. If it is found that because of the material  
2 noncompliance the insurer has suffered any loss or damage, the  
3 Director may maintain a civil action brought by or on behalf of  
4 the insurer and its policyholders and creditors for recovery of  
5 compensatory damages for the benefit of the insurer and its  
6 policyholders and creditors or other appropriate relief. This  
7 subsection (h) shall not be construed to prevent any other  
8 person from taking civil action against a managing general  
9 agent.

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

18 Any decision, determination, or order of the Director under  
19 this subsection shall be subject to judicial review under the  
20 Administrative Review Law.

21 Nothing contained in this subsection shall affect the right  
22 of the Director to impose any other penalties provided for in  
23 this Code.

24 Nothing contained in this subsection is intended to or  
25 shall in any manner limit or restrict the rights of  
26 policyholders, claimants, and auditors.

1 (j) A domestic company shall not during any calendar year  
2 write, through a managing general agent or managing general  
3 agents, premiums in an amount equal to or greater than its  
4 capital and surplus as of the preceding December 31st unless  
5 the domestic company requests in writing the Director's  
6 permission to do so and the Director has either approved the  
7 request or has not disapproved the request within 45 days after  
8 the Director received the request.

9 No domestic company with less than \$5,000,000 of capital  
10 and surplus may write any business through a managing general  
11 agent unless the domestic company requests in writing the  
12 Director's permission to do so and the Director has either  
13 approved the request or has not disapproved the request within  
14 45 days after the Director received the request.

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

16 (215 ILCS 5/149) (from Ch. 73, par. 761)

17 Sec. 149. Misrepresentation and defamation prohibited.

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

1 share of the surplus to be received thereon, or shall by the  
2 use of any name or title of any policy or class of policies  
3 misrepresent the nature thereof.

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

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

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

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

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

1 treasury if recovered by the Attorney General.

2 (6) No company shall be held guilty of having violated any  
3 of the provisions of this Section by reason of the act of any  
4 agent, solicitor or employee, not an officer, director or  
5 department head thereof, unless an officer, director or  
6 department head of such company shall have knowingly permitted  
7 such act or shall have had prior knowledge thereof.

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

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

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



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

3 (d) the use of an application for insurance or an offer  
4 to provide insurance coverage for any purpose; or

5 (e) the use of any material which, regardless of the  
6 form and content used or the information imparted, is  
7 intended to result, in the generation of leads for further  
8 solicitations or the preparation of a mailing list which  
9 can be sold to others for such purpose.

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

11 (215 ILCS 5/310.1) (from Ch. 73, par. 922.1)

12 (Section scheduled to be repealed on January 1, 2017)

13 Sec. 310.1. Suspension, Revocation or Refusal to Renew  
14 Certificate of Authority.

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

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

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

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

1 (215 ILCS 5/315.4) (from Ch. 73, par. 927.4)

2 (Section scheduled to be repealed on January 1, 2017)

3 Sec. 315.4. Penalties.

4 (a) Any person who willfully makes a false or fraudulent  
5 statement in or relating to an application for membership or  
6 for the purpose of obtaining money from, or a benefit in, any  
7 society shall upon conviction be fined not less than \$100 ~~\$200~~  
8 nor more than \$5,000 ~~\$10,000~~ or be subject to imprisonment in  
9 the county jail not less than 30 days nor more than one year,  
10 or both.

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

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

23 (d) Any person guilty of a willful violation of, or neglect  
24 or refusal to comply with, the provisions of this amendatory  
25 Act for which a penalty is not otherwise prescribed shall upon

1 conviction be subject to a fine not exceeding \$5,000 ~~\$10,000~~.

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

3 (215 ILCS 5/325) (from Ch. 73, par. 937)

4 Sec. 325. Officers bonds. The officer or officers of the  
5 association entrusted with the custody of its funds shall  
6 within thirty days after the effective date of this Code file  
7 with the Director a bond in favor of the association in the  
8 penalty of double the amount of its benefit account, as defined  
9 in the act mentioned in section 316, as of the end of a  
10 preceding calendar year, exclusive of such amount as the  
11 association may maintain on deposit with the Director, (but in  
12 no event a bond in a penalty of less than \$1,000 ~~\$2,000~~) with  
13 such officer or officers as principal and a duly authorized  
14 surety company as surety, conditioned upon the faithful  
15 performance of his or their duties and the accounting of the  
16 funds entrusted to his or their custody. If the penalty of any  
17 bond filed pursuant to this section shall at any time be less  
18 than twice the largest amount in the benefit fund of the  
19 association not maintained on deposit with the Director during  
20 the preceding calendar year, a new bond in the penalty of  
21 double the largest amount in the benefit fund during said  
22 preceding calendar year, with such officer or officers as  
23 principal and a duly authorized surety company as surety,  
24 conditioned as aforesaid, shall be filed with the Director  
25 within sixty days after the end of such calendar year.

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

2 (215 ILCS 5/363a) (from Ch. 73, par. 975a)

3 Sec. 363a. Medicare supplement policies; disclosure,  
4 advertising, loss ratio standards.

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

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

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

25 (b) It must include a prominent statement to the effect

1           that in providing supplemental coverage the insurer and  
2           agent involved in the solicitation are not in any manner  
3           connected with that program.

4           (c) It must prominently disclose that it is an  
5           advertisement for insurance or is intended to obtain  
6           insurance prospects.

7           (d) It must prominently identify and set forth the  
8           actual address of the insurer or insurers that issue the  
9           coverage.

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

13          The Director may issue reasonable rules and regulations for  
14          the purpose of establishing criteria and guidelines for the  
15          advertising of Medicare supplement insurance.

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

26                 (a) Identify himself as an insurance agent.

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

3 (c) Provide the purchaser with a clearly printed or  
4 typed identification of his name, address, telephone  
5 number, and the name of the insurer in which the insurance  
6 is to be written.

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

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

13 (f) Complete a Policy Check List in duplicate as  
14 follows:

15 POLICY CHECK LIST

16 Applicant's Name:

17 Policy Number:

18 Name of Existing Insurer:

19 Expiration Date of Existing Insurance:

| 20 Medicare  | Existing | Supplement | Insured's      |
|--------------|----------|------------|----------------|
| 21 Pays      | Coverage | Pays       | Responsibility |
| 22 Service   |          |            |                |
| 23 Hospital  |          |            |                |
| 24 Skilled   |          |            |                |
| 25 Nursing   |          |            |                |
| 26 Home Care |          |            |                |

1 Prescription

2 Drugs

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

6 Signature of Applicant

7 Signature of Agent

8 This Policy Check List is to be completed in the  
9 presence of the purchaser at the point of sale, and copies  
10 of it, completed and duly signed, are to be provided to the  
11 purchaser and to the company.

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

19 (h) Deliver to the purchaser, along with every policy  
20 issued pursuant to Section 363 of this Code, an Outline of  
21 Coverage as described in paragraph (b) of subsection (6) of  
22 this Section.

23 (4) Prohibited agent practices.

24 (a) No insurance agent engaged in a home solicitation  
25 sale of a Medicare supplement policy or other policy of  
26 accident and health insurance, subject to subsection (1) of



1           this Section, sold to individuals eligible for Medicare  
2           shall use any false, deceptive, or misleading  
3           representation to induce a sale, or use any plan, scheme,  
4           or ruse, that misrepresents the true status or mission of  
5           the person making the call, or represent directly or by  
6           implication that the agent:

7                   (i) Is offering insurance that is approved or  
8                   recommended by the State or federal government to  
9                   supplement Medicare.

10                   (ii) Is in any way representing, working for, or  
11                   compensated by a local, State, or federal government  
12                   agency.

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

19                   (iv) Will provide a continuing service to the  
20                   purchaser of the policy unless he does provide services  
21                   to the purchaser beyond the sale and renewal of  
22                   policies.

23           (b) No agent engaged in a home solicitation sale of a  
24           Medicare supplement policy or other policy of accident and  
25           health insurance sold to individuals eligible for Medicare  
26           shall misrepresent, directly or by implication, any of the

1 following:

2 (i) The identity of the insurance company or  
3 companies he represents.

4 (ii) That the assistance programs of the State or  
5 county or the federal Medicare programs for medical  
6 insurance are to be discontinued or are increasing in  
7 cost to the prospective buyer or are in any way  
8 endangered.

9 (iii) That an insurance company in which the  
10 prospective purchaser is insured is financially  
11 unstable, cancelling its outstanding policies,  
12 merging, or withdrawing from the State.

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

14 (v) The effective date of coverage under the  
15 policy.

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

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

20 (5) Mandatory company practices. Any company involved in  
21 the sale of Medicare supplement policies or any policies of  
22 accident and health insurance (subject to subsection (1) of  
23 this Section) sold to individuals eligible for Medicare shall  
24 do the following:

25 (a) Be able to readily determine the number of accident  
26 and health policies in force with the company on each

1 insured eligible for Medicare.

2 (b) Make certain that policies of Medicare supplement  
3 insurance are not issued, and any premium collected for  
4 those policies is refunded, when they are deemed  
5 duplicative, inappropriate, or not suitable considering  
6 existing coverage with the company.

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

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

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

22 (b) Outline of coverage requirements for Medicare  
23 supplement policies.

24 (i) Insurers issuing Medicare supplement policies  
25 or certificates for delivery in this State shall  
26 provide an outline of coverage to all applicants at the

1 time application is made and, except for direct  
2 response policies, shall obtain an acknowledgement of  
3 receipt of the outline from the applicant.

4 (ii) If an outline of coverage is provided at the  
5 time of application and the Medicare supplement policy  
6 or certificate is issued on a basis that would require  
7 revision of the outline, a substitute outline of  
8 coverage properly describing the policy or certificate  
9 must accompany the policy or certificate when it is  
10 delivered and shall contain immediately above the  
11 company name, in no less than 12 point type, the  
12 following statement:

13 "NOTICE: Read this outline of coverage carefully.  
14 It is not identical to the outline of coverage provided  
15 upon application and the coverage originally applied  
16 for has not been issued."

17 (iii) The outline of coverage provided to  
18 applicants shall be in the form prescribed by rule by  
19 the Department.

20 (c) Insurers issuing policies that provide hospital or  
21 medical expense coverage on an expense incurred or  
22 indemnity basis, other than incidentally, to a person or  
23 persons eligible for Medicare shall provide to the  
24 policyholder a buyer's guide approved by the Director.  
25 Delivery of the buyer's guide shall be made whether or not  
26 the policy qualifies as a "Medicare Supplement Coverage" in

1           accordance with Section 363 of this Code. Except in the  
2           case of direct response insurers, delivery of the buyer's  
3           guide shall be made at the time of application, and  
4           acknowledgement of receipt of certification of delivery of  
5           the buyer's guide shall be provided to the insurer. Direct  
6           response insurers shall deliver the buyer's guide upon  
7           request, but not later than at the time the policy is  
8           delivered.

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

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

24           (e) In the case wherein a policy, as defined in  
25          paragraph (a) of subsection (2) of Section 355a of this  
26          Code, being sold to a person eligible for Medicare provides

1 one or more but not all of the minimum standards for  
2 Medicare supplements set forth in Section 363 of this Code,  
3 disclosure must be provided that the policy is not a  
4 Medicare supplement and does not meet the minimum benefit  
5 standards set for those policies in this State.

6 (7) Loss ratio standards.

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

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

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

24 (ii) In the case of individual policies, at least  
25 60% of the aggregate amount of premiums earned; and  
26 beginning November 5, 1991, at least 65% of the

1 aggregate amount of premiums earned.

2 (iii) In the case of sponsored group policies in  
3 which coverage is marketed on an individual basis by  
4 direct response to eligible individuals in that group  
5 only, at least 65% of the aggregate amount of premiums  
6 earned.

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

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

24 (9) Penalties.

25 (a) Any company or agent who is found to have violated  
26 any of the provisions of this Section may be required by

1 order of the Director of Insurance to forfeit by civil  
2 penalty not less than \$250 ~~\$500~~ nor more than \$2,500 ~~\$5,000~~  
3 for each offense. Written notice will be issued and an  
4 opportunity for a hearing will be granted pursuant to  
5 subsection (2) of Section 403A of this Code.

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

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

25 (10) Replacement. Application forms shall include a  
26 question designed to elicit information as to whether a



1 Medicare supplement policy or certificate is intended to  
2 replace any similar accident and sickness policy or certificate  
3 presently in force. A supplementary application or other form  
4 to be signed by the applicant containing the question may be  
5 used. Upon determining that a sale of Medicare supplement  
6 coverage will involve replacement, an insurer, other than a  
7 direct response insurer, or its agent, shall furnish the  
8 applicant, prior to issuance or delivery of the Medicare  
9 supplement policy or certificate, a notice regarding  
10 replacement of Medicare supplement coverage. One copy of the  
11 notice shall be provided to the applicant, and an additional  
12 copy signed by the applicant shall be retained by the insurer.  
13 A direct response insurer shall deliver to the applicant at the  
14 time of the issuance of the policy the notice regarding  
15 replacement of Medicare supplement coverage.

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

17 (215 ILCS 5/370) (from Ch. 73, par. 982)

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

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

23 (2) The Director may revoke the license of any foreign or  
24 alien company, or of the agent thereof wilfully violating any  
25 provision of this article or suspend such license for any

1 period of time up to, but not to exceed, two years; or may by  
2 order require such insurance company or agent to pay to the  
3 people of the State of Illinois a penalty in a sum not  
4 exceeding \$500 ~~\$1,000~~, and upon the failure of such insurance  
5 company or agent to pay such penalty within twenty days after  
6 the mailing of such order, postage prepaid, registered, and  
7 addressed to the last known place of business of such insurance  
8 company or agent, unless such order is stayed by an order of a  
9 court of competent jurisdiction, the Director of Insurance may  
10 revoke or suspend the license of such insurance company or  
11 agent for any period of time up to, but not exceeding a period  
12 of, two years.

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

14 (215 ILCS 5/403) (from Ch. 73, par. 1015)

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

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

25 (2) If a person subpoenaed to attend such inquiry fails to

1 obey the command of the subpoena without reasonable excuse, or  
2 if a person in attendance upon such inquiry shall, without  
3 reasonable cause, refuse to be sworn or to be examined or to  
4 answer a question or to produce a book or paper when ordered to  
5 do so by any officer conducting such inquiry, or if any person  
6 fails to perform any act required hereunder to be performed, he  
7 or she shall be required to pay a penalty of not more than  
8 \$1,000 ~~\$2,000~~ to be recovered in the name of the People of the  
9 State of Illinois by the State's Attorney of the county in  
10 which the violation occurs, and the penalty so recovered shall  
11 be paid into the county treasury.

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

1 order the attendance of such person, the production of books  
2 and papers and the giving of testimony before the Director or  
3 any of his or her actuaries, supervisors, deputies or  
4 examiners. If such person shall fail or refuse to obey the  
5 order of the court and it shall appear to the court that the  
6 failure or refusal of such person to obey its order is wilful,  
7 and without lawful excuse, the court shall punish such person  
8 by fine or imprisonment in the county jail, or both, as the  
9 nature of the case may require, as is now, or as may hereafter  
10 be lawful for the court to do in cases of contempt of court.

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

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

24 (215 ILCS 5/403A) (from Ch. 73, par. 1015A)

25 Sec. 403A. Violations; Notice of Apparent Liability;

1 Limitation of Forfeiture Liability.

2 (1) Any company or person, agent or broker, officer or  
3 director and any other person subject to this Code and as may  
4 be defined in Section 2 of this Code, who willfully or  
5 repeatedly fails to observe or who otherwise violates any of  
6 the provisions of this Code or any rule or regulation  
7 promulgated by the Director under authority of this Code or any  
8 final order of the Director entered under the authority of this  
9 Code shall by civil penalty forfeit to the State of Illinois a  
10 sum not to exceed \$1,000 ~~\$2,000~~. Each day during which a  
11 violation occurs constitutes a separate offense. The civil  
12 penalty provided for in this Section shall apply only to those  
13 Sections of this Code or administrative regulations thereunder  
14 that do not otherwise provide for a monetary civil penalty.

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

1 provision of the Code, rule, regulation or order of which a  
2 violation is charged.

3 (3) No forfeiture liability under paragraph (1) of this  
4 Section may attach for any violation occurring more than 2  
5 years prior to the date of issuance of the notice of apparent  
6 liability and in no event may the total civil penalty  
7 forfeiture imposed for the acts or omissions set forth in any  
8 one notice of apparent liability exceed \$250,000 ~~\$500,000~~.

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

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

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

24 (215 ILCS 5/408) (from Ch. 73, par. 1020)

25 Sec. 408. Fees and charges.

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

3           (a) For filing all documents submitted for the  
4 incorporation or organization or certification of a  
5 domestic company, except for a fraternal benefit society,  
6 \$1,000 ~~\$2,000~~.

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

10          (c) For filing amendments to articles of incorporation  
11 and amendments to declaration of organization, except for a  
12 fraternal benefit society, a mutual benefit association, a  
13 burial society or a farm mutual, \$100 ~~\$200~~.

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

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

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

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

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

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

26           (iii) for a fraternal benefit society, a mutual

1 benefit association, a burial society, or a farm  
2 mutual, \$100 ~~\$200~~.

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

5 (i) For filing all documents submitted by a foreign or  
6 alien company to be admitted to transact business or  
7 accredited as a reinsurer in this State, except for a  
8 fraternal benefit society, \$2,500 ~~\$5,000~~.

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

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

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

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

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

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

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

25 (q) For issuing an amended certificate of authority,  
26 \$25 ~~\$50~~.



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

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

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

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

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

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

17 (i) in connection with a public stock offering,  
18 \$150 ~~\$300~~;

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

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

22 (y) For filing a plan of exchange of the stock of a  
23 domestic stock insurance company, a plan of  
24 demutualization of a domestic mutual company, or a plan of  
25 reorganization under Article XII, \$1,000 ~~\$2,000~~.

26 (z) For filing a statement of acquisition of a domestic

1 company as defined in Section 131.4 of this Code, \$1,000  
2 ~~\$2,000~~.

3 (aa) For filing an agreement to purchase the business  
4 of an organization authorized under the Dental Service Plan  
5 Act or the Voluntary Health Services Plans Act or of a  
6 health maintenance organization or a limited health  
7 service organization, \$1,000 ~~\$2,000~~.

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

11 (cc) For filing a registration statement as required in  
12 Sections 131.13 and 131.14, the notification as required by  
13 Sections 131.16, 131.20a, or 141.4, or an agreement or  
14 transaction required by Sections 124.2(2), 141, 141a, or  
15 141.1, \$100 ~~\$200~~.

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

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

19 (ii) a workers' compensation service company, \$250  
20 ~~\$500~~;

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

22 or

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

25 (ee) For filing articles of incorporation for a  
26 syndicate to engage in the business of insurance through

1 the Illinois Insurance Exchange, \$1,000 ~~\$2,000~~.

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

5 (gg) For filing articles of incorporation for a limited  
6 syndicate to join with other subscribers or limited  
7 syndicates to do business through the Illinois Insurance  
8 Exchange, \$500 ~~\$1,000~~.

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

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

14 (jj) For the filing of each form as required in Section  
15 143 of this Code, \$50 per form. The fee for advisory and  
16 rating organizations shall be \$100 ~~\$200~~ per form.

17 (i) For the purposes of the form filing fee,  
18 filings made on insert page basis will be considered  
19 one form at the time of its original submission.  
20 Changes made to a form subsequent to its approval shall  
21 be considered a new filing.

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

25 (iii) (Blank).

26 (iv) The Director may by rule exempt forms from

1 such fees.

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

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

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

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

1 subsistence expenses incurred during official travel. All  
2 lodging and travel expenses may be reimbursed directly upon  
3 authorization of the Director. With the exception of the direct  
4 reimbursements authorized by the Director, all performance  
5 examination charges collected by the Department shall be paid  
6 to the Insurance Producers Administration Fund, however, the  
7 electronic data processing costs incurred by the Department in  
8 the performance of any examination shall be billed directly to  
9 the company being examined for payment to the Statistical  
10 Services Revolving Fund.

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

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

25 (b) For purposes of this subsection (5) costs incurred  
26 shall mean the hearing officer fees, court reporter fees, and

1 travel expenses of Department of Insurance officers and  
2 employees; provided however, that costs incurred shall not  
3 include hearing officer fees or court reporter fees unless the  
4 Department has retained the services of independent  
5 contractors or outside experts to perform such functions.

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

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

25 (6) The Director shall charge and collect an annual  
26 financial regulation fee from every domestic company for

1 examination and analysis of its financial condition and to fund  
2 the internal costs and expenses of the Interstate Insurance  
3 Receivership Commission as may be allocated to the State of  
4 Illinois and companies doing an insurance business in this  
5 State pursuant to Article X of the Interstate Insurance  
6 Receivership Compact. The fee shall be the greater fixed amount  
7 based upon the combination of nationwide direct premium income  
8 and nationwide reinsurance assumed premium income or upon  
9 admitted assets calculated under this subsection as follows:

10 (a) Combination of nationwide direct premium income  
11 and nationwide reinsurance assumed premium.

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

14 (ii) \$500 ~~\$750~~, if the premium is \$500,000 or more,  
15 but less than \$5,000,000 and there is no reinsurance  
16 assumed premium; or if the premium is less than  
17 \$5,000,000 and the reinsurance assumed premium is less  
18 than \$10,000,000;

19 (iii) \$2,500 ~~\$3,750~~, if the premium is less than  
20 \$5,000,000 and the reinsurance assumed premium is  
21 \$10,000,000 or more;

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

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

26 (vi) \$15,000 ~~\$22,500~~, if the premium is

1 \$25,000,000 or more, but less than \$50,000,000;

2 (vii) \$20,000 ~~\$30,000~~, if the premium is

3 \$50,000,000 or more, but less than \$100,000,000;

4 (viii) \$25,000 ~~\$37,500~~, if the premium is

5 \$100,000,000 or more.

6 (b) Admitted assets.

7 (i) \$100 ~~\$150~~, if admitted assets are less than

8 \$1,000,000;

9 (ii) \$500 ~~\$750~~, if admitted assets are \$1,000,000

10 or more, but less than \$5,000,000;

11 (iii) \$2,500 ~~\$3,750~~, if admitted assets are

12 \$5,000,000 or more, but less than \$25,000,000;

13 (iv) \$5,000 ~~\$7,500~~, if admitted assets are

14 \$25,000,000 or more, but less than \$50,000,000;

15 (v) \$12,000 ~~\$18,000~~, if admitted assets are

16 \$50,000,000 or more, but less than \$100,000,000;

17 (vi) \$15,000 ~~\$22,500~~, if admitted assets are

18 \$100,000,000 or more, but less than \$500,000,000;

19 (vii) \$20,000 ~~\$30,000~~, if admitted assets are

20 \$500,000,000 or more, but less than \$1,000,000,000;

21 (viii) \$25,000 ~~\$37,500~~, if admitted assets are

22 \$1,000,000,000 or more.

23 (c) The sum of financial regulation fees charged to the

24 domestic companies of the same affiliated group shall not

25 exceed \$100,000 ~~\$250,000~~ in the aggregate in any single

26 year and shall be billed by the Director to the member



1 company designated by the group.

2 (7) The Director shall charge and collect an annual  
3 financial regulation fee from every foreign or alien company,  
4 except fraternal benefit societies, for the examination and  
5 analysis of its financial condition and to fund the internal  
6 costs and expenses of the Interstate Insurance Receivership  
7 Commission as may be allocated to the State of Illinois and  
8 companies doing an insurance business in this State pursuant to  
9 Article X of the Interstate Insurance Receivership Compact. The  
10 fee shall be a fixed amount based upon Illinois direct premium  
11 income and nationwide reinsurance assumed premium income in  
12 accordance with the following schedule:

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

15 (b) \$500 ~~\$750~~, if the premium is \$500,000 or more, but  
16 less than \$5,000,000 and there is no reinsurance assumed  
17 premium; or if the premium is less than \$5,000,000 and the  
18 reinsurance assumed premium is less than \$10,000,000;

19 (c) \$2,500 ~~\$3,750~~, if the premium is less than  
20 \$5,000,000 and the reinsurance assumed premium is  
21 \$10,000,000 or more;

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

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

26 (f) \$15,000 ~~\$22,500~~, if the premium is \$25,000,000 or

1 more, but less than \$50,000,000;

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

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

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

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

24 (9) In addition to the financial regulation fee required by  
25 this Section, a company undergoing any financial examination  
26 authorized by law shall pay the following costs and expenses

1 incurred by the Department: electronic data processing costs,  
2 the expenses authorized under Section 131.21 and subsection (d)  
3 of Section 132.4 of this Code, and lodging and travel expenses.

4 Electronic data processing costs incurred by the  
5 Department in the performance of any examination shall be  
6 billed directly to the company undergoing examination for  
7 payment to the Statistical Services Revolving Fund. Except for  
8 direct reimbursements authorized by the Director or direct  
9 payments made under Section 131.21 or subsection (d) of Section  
10 132.4 of this Code, all financial regulation fees and all  
11 financial examination charges collected by the Department  
12 shall be paid to the Insurance Financial Regulation Fund.

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

24 In the case of an organization or person not subject to the  
25 financial regulation fee, the expenses incurred in any  
26 financial examination authorized by law shall be paid by the

1 organization or person being examined. The charge shall be  
2 reasonably related to the cost of the examination including,  
3 but not limited to, compensation of examiners and other costs  
4 described in this subsection.

5 (10) Any company, person, or entity failing to make any  
6 payment of \$100 ~~\$150~~ or more as required under this Section  
7 shall be subject to the penalty and interest provisions  
8 provided for in subsections (4) and (7) of Section 412.

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

12 (12) For purposes of this Section:

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

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

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

4 (d) "Fraternal benefit society" means a corporation,  
5 society, order, lodge or voluntary association as defined  
6 in Section 282.1 of this Code.

7 (e) "Mutual benefit association" means a company,  
8 association or corporation authorized by the Director to do  
9 business in this State under the provisions of Article  
10 XVIII of this Code.

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

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

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

20 (215 ILCS 5/412) (from Ch. 73, par. 1024)

21 Sec. 412. Refunds; penalties; collection.

22 (1) (a) Whenever it appears to the satisfaction of the  
23 Director that because of some mistake of fact, error in  
24 calculation, or erroneous interpretation of a statute of  
25 this or any other state, any authorized company has paid to

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

26 (b) Beginning January 1, 2000 and thereafter, the

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

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

1 have been deposited and retained in the Insurance Premium  
2 Tax Refund Fund.

3 (d) This Section shall constitute an irrevocable and  
4 continuing appropriation from the Insurance Premium Tax  
5 Refund Fund for the purpose of paying cash refunds pursuant  
6 to the provisions of this Section.

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

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

22 (b) If such failure to pay is determined by the  
23 Director to be wilful, after a hearing under Sections 402  
24 and 403, there shall be added to the tax as a penalty an  
25 amount equal to the greater of 25% ~~50%~~ of the deficiency or  
26 5% ~~10%~~ of the amount due and unpaid for each month or part



1 of a month that the deficiency remains unpaid commencing  
2 with the date that the amount becomes due. Such amount  
3 shall be in lieu of any determined under paragraph (a).

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

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

20 (6) In the event that the certificate of authority of a  
21 foreign or alien company is revoked for any cause or the  
22 company withdraws from this State prior to the renewal date of  
23 the certificate of authority as provided in Section 114, the  
24 company may recover the amount of any such tax paid in advance.  
25 Except as provided in this subsection, no revocation or  
26 withdrawal excuses payment of or constitutes grounds for the

1 recovery of any taxes or penalties imposed by this Code.

2 (7) When an insurance company or domestic affiliated group  
3 fails to pay the full amount of any fee of \$100 ~~\$200~~ or more due  
4 under Section 408 of this Code, there shall be added to the  
5 amount due as a penalty the greater of \$50 ~~\$100~~ or an amount  
6 equal to 5% ~~10%~~ of the deficiency for each month or part of a  
7 month that the deficiency remains unpaid.

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

9 (215 ILCS 5/431) (from Ch. 73, par. 1038)

10 Sec. 431. Penalty. Any person who violates a cease and  
11 desist order of the Director under Section 427, after it has  
12 become final, and while such order is in effect, or who  
13 violates an order of the Circuit Court under Section 429,  
14 shall, upon proof thereof to the satisfaction of the court,  
15 forfeit and pay to the State of Illinois, a sum not to exceed  
16 \$500 ~~\$1,000~~, which may be recovered in a civil action, for each  
17 violation.

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

19 (215 ILCS 5/445) (from Ch. 73, par. 1057)

20 Sec. 445. Surplus line.

21 (1) Surplus line defined; surplus line insurer  
22 requirements. "Surplus line insurance" means insurance on an  
23 Illinois risk of the kinds specified in Classes 2 and 3 of  
24 Section 4 of this Code procured from an unauthorized insurer

1 after the insurance producer representing the insured or the  
2 surplus line producer is unable, after diligent effort, to  
3 procure said insurance from authorized insurers.

4 "Authorized insurer" means an insurer that holds a  
5 certificate of authority issued by the Director but, for the  
6 purposes of this Section, does not include a domestic surplus  
7 line insurer as defined in Section 445a or any residual market  
8 mechanism.

9 "Residual market mechanism" means an association,  
10 organization, or other entity described in Article XXXIII of  
11 this Code or Section 7-501 of the Illinois Vehicle Code or any  
12 similar association, organization, or other entity.

13 "Unauthorized insurer" means an insurer that does not hold  
14 a valid certificate of authority issued by the Director but,  
15 for the purposes of this Section, shall also include a domestic  
16 surplus line insurer as defined in Section 445a.

17 Insurance producers may procure surplus line insurance  
18 only if licensed as a surplus line producer under this Section  
19 and may procure that insurance only from an unauthorized  
20 insurer:

21 (a) that based upon information available to the  
22 surplus line producer has a policyholders surplus of not  
23 less than \$15,000,000 determined in accordance with  
24 accounting rules that are applicable to authorized  
25 insurers; and

26 (b) that has standards of solvency and management that

1 are adequate for the protection of policyholders; and

2 (c) where an unauthorized insurer does not meet the  
3 standards set forth in (a) and (b) above, a surplus line  
4 producer may, if necessary, procure insurance from that  
5 insurer only if prior written warning of such fact or  
6 condition is given to the insured by the insurance producer  
7 or surplus line producer.

8 Insurance producers shall not procure from an unauthorized  
9 insurer an insurance policy:

10 (i) that is designed to satisfy the proof of financial  
11 responsibility and insurance requirements in any Illinois  
12 law where the law requires that the proof of insurance is  
13 issued by an authorized insurer or residual market  
14 mechanism;

15 (ii) that covers the risk of accidental injury to  
16 employees arising out of and in the course of employment  
17 according to the provisions of the Workers' Compensation  
18 Act; or

19 (iii) that insures any Illinois personal lines risk, as  
20 defined in subsection (a), (b), or (c) of Section 143.13 of  
21 this Code, that is eligible for residual market mechanism  
22 coverage, unless the insured or prospective insured  
23 requests limits of liability greater than the limits  
24 provided by the residual market mechanism. In the course of  
25 making a diligent effort to procure insurance from  
26 authorized insurers, an insurance producer shall not be

1 required to submit a risk to a residual market mechanism  
2 when the risk is not eligible for coverage or exceeds the  
3 limits available in the residual market mechanism.

4 Where there is an insurance policy issued by an authorized  
5 insurer or residual market mechanism insuring a risk described  
6 in item (i), (ii), or (iii) above, nothing in this paragraph  
7 shall be construed to prohibit a surplus line producer from  
8 procuring from an unauthorized insurer a policy insuring the  
9 risk on an excess or umbrella basis where the excess or  
10 umbrella policy is written over one or more underlying  
11 policies.

12 (2) Surplus line producer; license. Any licensed producer  
13 who is a resident of this State, or any nonresident who  
14 qualifies under Section 500-40, may be licensed as a surplus  
15 line producer upon:

16 (a) completing a prelicensing course of study. The  
17 course provided for by this Section shall be conducted  
18 under rules and regulations prescribed by the Director. The  
19 Director may administer the course or may make  
20 arrangements, including contracting with an outside  
21 educational service, for administering the course and  
22 collecting the non-refundable application fee provided for  
23 in this subsection. Any charges assessed by the Director or  
24 the educational service for administering the course shall  
25 be paid directly by the individual applicants. Each  
26 applicant required to take the course shall enclose with

1 the application a non-refundable \$10 ~~\$20~~ application fee  
2 payable to the Director plus a separate course  
3 administration fee. An applicant who fails to appear for  
4 the course as scheduled, or appears but fails to complete  
5 the course, shall not be entitled to any refund, and shall  
6 be required to submit a new request to attend the course  
7 together with all the requisite fees before being  
8 rescheduled for another course at a later date; and

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

10 (c) procurement of the surety bond required in  
11 subsection (4) of this Section.

12 A surplus line producer so licensed shall keep a separate  
13 account of the business transacted thereunder which shall be  
14 open at all times to the inspection of the Director or his  
15 representative.

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

19 (3) Taxes and reports.

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

21 A surplus line producer shall file with the Director on  
22 or before February 1 and August 1 of each year a report in  
23 the form prescribed by the Director on all surplus line  
24 insurance procured from unauthorized insurers during the  
25 preceding 6 month period ending December 31 or June 30  
26 respectively, and on the filing of such report shall pay to

1 the Director for the use and benefit of the State a sum  
2 equal to 3% ~~3.5%~~ of the gross premiums less returned  
3 premiums upon all surplus line insurance procured or  
4 cancelled during the preceding 6 months.

5 Any surplus line producer who fails to pay the full  
6 amount due under this subsection is liable, in addition to  
7 the amount due, for such penalty and interest charges as  
8 are provided for under Section 412 of this Code. The  
9 Director, through the Attorney General, may institute an  
10 action in the name of the People of the State of Illinois,  
11 in any court of competent jurisdiction, for the recovery of  
12 the amount of such taxes and penalties due, and prosecute  
13 the same to final judgment, and take such steps as are  
14 necessary to collect the same.

15 (b) Fire Marshal Tax.

16 Each surplus line producer shall file with the Director  
17 on or before March 31 of each year a report in the form  
18 prescribed by the Director on all fire insurance procured  
19 from unauthorized insurers subject to tax under Section 12  
20 of the Fire Investigation Act and shall pay to the Director  
21 the fire marshal tax required thereunder.

22 (c) Taxes and fees charged to insured. The taxes  
23 imposed under this subsection and the countersigning fees  
24 charged by the Surplus Line Association of Illinois may be  
25 charged to and collected from surplus line insureds.

26 (4) Bond. Each surplus line producer, as a condition to

1 receiving a surplus line producer's license, shall execute and  
2 deliver to the Director a surety bond to the People of the  
3 State in the penal sum of \$20,000, with a surety which is  
4 authorized to transact business in this State, conditioned that  
5 the surplus line producer will pay to the Director the tax,  
6 interest and penalties levied under subsection (3) of this  
7 Section.

8 (5) Submission of documents to Surplus Line Association of  
9 Illinois. A surplus line producer shall submit every insurance  
10 contract issued under his or her license to the Surplus Line  
11 Association of Illinois for recording and countersignature.  
12 The submission and countersignature may be effected through  
13 electronic means. The submission shall set forth:

14 (a) the name of the insured;

15 (b) the description and location of the insured  
16 property or risk;

17 (c) the amount insured;

18 (d) the gross premiums charged or returned;

19 (e) the name of the unauthorized insurer from whom  
20 coverage has been procured;

21 (f) the kind or kinds of insurance procured; and

22 (g) amount of premium subject to tax required by  
23 Section 12 of the Fire Investigation Act.

24 Proposals, endorsements, and other documents which are  
25 incidental to the insurance but which do not affect the premium  
26 charged are exempted from filing and countersignature.



1           The submission of insuring contracts to the Surplus Line  
2 Association of Illinois constitutes a certification by the  
3 surplus line producer or by the insurance producer who  
4 presented the risk to the surplus line producer for placement  
5 as a surplus line risk that after diligent effort the required  
6 insurance could not be procured from authorized insurers and  
7 that such procurement was otherwise in accordance with the  
8 surplus line law.

9           (6) Countersignature required. It shall be unlawful for an  
10 insurance producer to deliver any unauthorized insurer  
11 contract unless such insurance contract is countersigned by the  
12 Surplus Line Association of Illinois.

13           (7) Inspection of records. A surplus line producer shall  
14 maintain separate records of the business transacted under his  
15 or her license, including complete copies of surplus line  
16 insurance contracts maintained on paper or by electronic means,  
17 which records shall be open at all times for inspection by the  
18 Director and by the Surplus Line Association of Illinois.

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

26           (9) Director may declare insurer ineligible. If the

1 Director determines that the further assumption of risks might  
2 be hazardous to the policyholders of an unauthorized insurer,  
3 the Director may order the Surplus Line Association of Illinois  
4 not to countersign insurance contracts evidencing insurance in  
5 such insurer and order surplus line producers to cease  
6 procuring insurance from such insurer.

7 (10) Service of process upon Director. Insurance contracts  
8 delivered under this Section from unauthorized insurers, other  
9 than domestic surplus line insurers as defined in Section 445a,  
10 shall contain a provision designating the Director and his  
11 successors in office the true and lawful attorney of the  
12 insurer upon whom may be served all lawful process in any  
13 action, suit or proceeding arising out of such insurance.  
14 Service of process made upon the Director to be valid hereunder  
15 must state the name of the insured, the name of the  
16 unauthorized insurer and identify the contract of insurance.  
17 The Director at his option is authorized to forward a copy of  
18 the process to the Surplus Line Association of Illinois for  
19 delivery to the unauthorized insurer or the Director may  
20 deliver the process to the unauthorized insurer by other means  
21 which he considers to be reasonably prompt and certain.

22 (10.5) Insurance contracts delivered under this Section  
23 from unauthorized insurers, other than domestic surplus line  
24 insurers as defined in Section 445a, shall have stamped or  
25 imprinted on the first page thereof in not less than 12-pt.  
26 bold face type the following legend: "Notice to Policyholder:

1 This contract is issued, pursuant to Section 445 of the  
2 Illinois Insurance Code, by a company not authorized and  
3 licensed to transact business in Illinois and as such is not  
4 covered by the Illinois Insurance Guaranty Fund." Insurance  
5 contracts delivered under this Section from domestic surplus  
6 line insurers as defined in Section 445a shall have stamped or  
7 imprinted on the first page thereof in not less than 12-pt.  
8 bold face type the following legend: "Notice to Policyholder:  
9 This contract is issued by a domestic surplus line insurer, as  
10 defined in Section 445a of the Illinois Insurance Code,  
11 pursuant to Section 445, and as such is not covered by the  
12 Illinois Insurance Guaranty Fund."

13 (11) The Illinois Surplus Line law does not apply to  
14 insurance of property and operations of railroads or aircraft  
15 engaged in interstate or foreign commerce, insurance of  
16 vessels, crafts or hulls, cargoes, marine builder's risks,  
17 marine protection and indemnity, or other risks including  
18 strikes and war risks insured under ocean or wet marine forms  
19 of policies.

20 (12) Surplus line insurance procured under this Section,  
21 including insurance procured from a domestic surplus line  
22 insurer, is not subject to the provisions of the Illinois  
23 Insurance Code other than Sections 123, 123.1, 401, 401.1, 402,  
24 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all  
25 of the provisions of Article XXXI to the extent that the  
26 provisions of Article XXXI are not inconsistent with the terms

1 of this Act.

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

4 (215 ILCS 5/500-70)

5 (Section scheduled to be repealed on January 1, 2017)

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

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

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

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

17 (3) obtaining or attempting to obtain a license through  
18 misrepresentation or fraud;

19 (4) improperly withholding, misappropriating or  
20 converting any moneys or properties received in the course  
21 of doing insurance business;

22 (5) intentionally misrepresenting the terms of an  
23 actual or proposed insurance contract or application for  
24 insurance;

25 (6) having been convicted of a felony;

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

3           (8) using fraudulent, coercive, or dishonest  
4 practices, or demonstrating incompetence,  
5 untrustworthiness or financial irresponsibility in the  
6 conduct of business in this State or elsewhere;

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

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

12          (11) improperly using notes or any other reference  
13 material to complete an examination for an insurance  
14 license;

15          (12) knowingly accepting insurance business from an  
16 individual who is not licensed;

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

19          (14) failing to pay state income tax or penalty or  
20 interest or comply with any administrative or court order  
21 directing payment of state income tax or failed to file a  
22 return or to pay any final assessment of any tax due to the  
23 Department of Revenue; or

24          (15) failing to make satisfactory repayment to the  
25 Illinois Student Assistance Commission for a delinquent or  
26 defaulted student loan.

1           (b) If the action by the Director is to nonrenew, suspend,  
2 or revoke a license or to deny an application for a license,  
3 the Director shall notify the applicant or licensee and advise,  
4 in writing, the applicant or licensee of the reason for the  
5 suspension, revocation, denial or nonrenewal of the  
6 applicant's or licensee's license. The applicant or licensee  
7 may make written demand upon the Director within 30 days after  
8 the date of mailing for a hearing before the Director to  
9 determine the reasonableness of the Director's action. The  
10 hearing must be held within not fewer than 20 days nor more  
11 than 30 days after the mailing of the notice of hearing and  
12 shall be held pursuant to 50 Ill. Adm. Code 2402.

13           (c) The license of a business entity may be suspended,  
14 revoked, or refused if the Director finds, after hearing, that  
15 an individual licensee's violation was known or should have  
16 been known by one or more of the partners, officers, or  
17 managers acting on behalf of the partnership, corporation,  
18 limited liability company, or limited liability partnership  
19 and the violation was neither reported to the Director nor  
20 corrective action taken.

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

26           (e) The Director has the authority to enforce the

1 provisions of and impose any penalty or remedy authorized by  
2 this Article against any person who is under investigation for  
3 or charged with a violation of this Code or rules even if the  
4 person's license or registration has been surrendered or has  
5 lapsed by operation of law.

6 (f) Upon the suspension, denial, or revocation of a  
7 license, the licensee or other person having possession or  
8 custody of the license shall promptly deliver it to the  
9 Director in person or by mail. The Director shall publish all  
10 suspensions, denials, or revocations after the suspensions,  
11 denials, or revocations become final in a manner designed to  
12 notify interested insurance companies and other persons.

13 (g) A person whose license is revoked or whose application  
14 is denied pursuant to this Section is ineligible to apply for  
15 any license for 3 years after the revocation or denial. A  
16 person whose license as an insurance producer has been revoked,  
17 suspended, or denied may not be employed, contracted, or  
18 engaged in any insurance related capacity during the time the  
19 revocation, suspension, or denial is in effect.

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

21 (215 ILCS 5/500-110)

22 (Section scheduled to be repealed on January 1, 2017)

23 Sec. 500-110. Regulatory examinations.

24 (a) The Director may examine any applicant for or holder of  
25 an insurance producer license, limited line producer license or

1 temporary insurance producer license or any business entity.

2 (b) All persons being examined, as well as their officers,  
3 directors, insurance producers, limited lines producers, and  
4 temporary insurance producers must provide to the Director  
5 convenient and free access, at all reasonable hours at their  
6 offices, to all books, records, documents, and other papers  
7 relating to the persons' insurance business affairs. The  
8 officers, directors, insurance producers, limited lines  
9 producers, temporary insurance producers, and employees must  
10 facilitate and aid the Director in the examinations as much as  
11 it is in their power to do so.

12 (c) The Director may designate an examiner or examiners to  
13 conduct any examination under this Section. The Director or his  
14 or her designee may administer oaths and examine under oath any  
15 individual relative to the business of the person being  
16 examined.

17 (d) The examiners designated by the Director under this  
18 Section may make reports to the Director. A report alleging  
19 substantive violations of this Article or any rules prescribed  
20 by the Director must be in writing and be based upon facts  
21 ascertained from the books, records, documents, papers, and  
22 other evidence obtained by the examiners or from sworn or  
23 affirmed testimony of or written affidavits from the person's  
24 officers, directors, insurance producers, limited lines  
25 producer, temporary insurance producers, or employees or other  
26 individuals, as given to the examiners. The report of an



1 examination must be verified by the examiners.

2 (e) If a report is made, the Director must either deliver a  
3 duplicate of the report to the person being examined or send  
4 the duplicate by certified or registered mail to the person's  
5 address of record. The Director shall afford the person an  
6 opportunity to demand a hearing with reference to the facts and  
7 other evidence contained in the report. The person may request  
8 a hearing within 14 calendar days after he or she receives the  
9 duplicate of the examination report by giving the Director  
10 written notice of that request, together with a written  
11 statement of the person's objections to the report. The  
12 Director must, if requested to do so, conduct a hearing in  
13 accordance with Sections 402 and 403 of this Code. The Director  
14 must issue a written order based upon the examination report  
15 and upon the hearing, if a hearing is held, within 90 days  
16 after the report is filed, or within 90 days after the hearing  
17 if a hearing is held. If the report is refused or otherwise  
18 undeliverable, or a hearing is not requested in a timely  
19 fashion, the right to a hearing is waived. After the hearing or  
20 the expiration of the time period in which a person may request  
21 a hearing, if the examination reveals that the person is  
22 operating in violation of any law, rule, or prior order, the  
23 Director in the written order may require the person to take  
24 any action the Director considers necessary or appropriate in  
25 accordance with the report or examination hearing. The order is  
26 subject to review under the Administrative Review Law.

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

3 (g) A person who violates or aids and abets any violation  
4 of a written order issued under this Section shall be guilty of  
5 a business offense and his or her license may be revoked or  
6 suspended pursuant to Section 500-70 of this Article and he or  
7 she may be subjected to a civil penalty of not more than  
8 \$10,000 ~~\$20,000~~.

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

10 (215 ILCS 5/500-120)

11 (Section scheduled to be repealed on January 1, 2017)

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

13 (a) A person, partnership, association, or corporation  
14 licensed by the Department who, due to employment with any unit  
15 of government that would cause a conflict of interest with the  
16 holding of that license, notifies the Director in writing on  
17 forms prescribed by the Department and, subject to rules of the  
18 Department, makes payment of applicable licensing renewal  
19 fees, may elect to place the license on an inactive status.

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

25 (c) A license may be placed on inactive status for a 2-year

1 period, and upon request, the inactive status may be extended  
2 for a successive 2-year period not to exceed a cumulative  
3 4-year inactive period. After a license has been on inactive  
4 status for 4 years or more, the licensee must meet all of the  
5 standards required of a new applicant before the license may be  
6 restored to active status.

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

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

11 (215 ILCS 5/500-135)

12 (Section scheduled to be repealed on January 1, 2017)

13 Sec. 500-135. Fees.

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

15 (1) a fee of \$150 ~~\$180~~ ~~for a person who is a resident~~  
16 ~~of Illinois, and \$250 for a person who is not a resident of~~  
17 ~~Illinois~~, payable once every 2 years for an insurance  
18 producer license;

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

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

23 (4) an annual \$25 ~~\$50~~ fee for a limited line producer  
24 license issued under items (1) through (7) of subsection

25 (a) of Section 500-100;

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

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

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

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

14 (9) a fee of \$150 ~~\$200~~ payable once every 2 years for a  
15 limited lines license other than the licenses issued under  
16 items (1) through (7) of subsection (a) of Section 500-100,  
17 a car rental limited line license, or a self-service  
18 storage facility limited line license;

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

21 (b) Except as otherwise provided, all fees paid to and  
22 collected by the Director under this Section shall be paid  
23 promptly after receipt thereof, together with a detailed  
24 statement of such fees, into a special fund in the State  
25 Treasury to be known as the Insurance Producer Administration  
26 Fund. The moneys deposited into the Insurance Producer

1 Administration Fund may be used only for payment of the  
2 expenses of the Department in the execution, administration,  
3 and enforcement of the insurance laws of this State, and shall  
4 be appropriated as otherwise provided by law for the payment of  
5 those expenses with first priority being any expenses incident  
6 to or associated with the administration and enforcement of  
7 this Article.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 (215 ILCS 5/511.103) (from Ch. 73, par. 1065.58-103)

10 (Section scheduled to be repealed on January 1, 2017)

11 Sec. 511.103. Application. The applicant for a license  
12 shall file with the Director an application upon a form  
13 prescribed by the Director, which shall include or have  
14 attached the following:

15 (1) The names, addresses and official positions of the  
16 individuals who are responsible for the conduct of the  
17 affairs of the administrator, including but not limited to  
18 all members of the board of directors, board of trustees,  
19 executive committee, or other governing board or  
20 committee, the principal officers in the case of a  
21 corporation or the partners in the case of a partnership;  
22 and

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

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

2 (215 ILCS 5/511.105) (from Ch. 73, par. 1065.58-105)

3 (Section scheduled to be repealed on January 1, 2017)

4 Sec. 511.105. License.

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

8 (b) Each administrator license shall remain in effect as  
9 long as the holder of the license maintains in force and effect  
10 the bond required by Section 511.104 and pays the annual fee of  
11 \$100 ~~\$200~~ prior to the anniversary date of the license, unless  
12 the license is revoked or suspended pursuant to Section  
13 511.107.

14 (c) Each license shall contain the name, business address  
15 and identification number of the licensee, the date the license  
16 was issued and any other information the Director considers  
17 proper.

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

19 (215 ILCS 5/511.110) (from Ch. 73, par. 1065.58-110)

20 (Section scheduled to be repealed on January 1, 2017)

21 Sec. 511.110. Administrative Fine.

22 (a) If the Director finds that one or more grounds exist  
23 for the revocation or suspension of a license issued under this  
24 Article, the Director may, in lieu of or in addition to such

1 suspension or revocation, impose a fine upon the administrator.

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

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

12 (215 ILCS 5/512.63) (from Ch. 73, par. 1065.59-63)

13 (Section scheduled to be repealed on January 1, 2017)

14 Sec. 512.63. Fees.

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

16 (1) Public Insurance Adjuster license annual fee, \$30  
17 ~~\$100~~;

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

19 (3) Application Fee for processing each request to take  
20 the written examination for a Public Adjuster license, \$10  
21 ~~\$20~~.

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

23 (215 ILCS 5/513a3) (from Ch. 73, par. 1065.60a3)

24 Sec. 513a3. License required.

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

6           (b) An insurance producer shall be deemed to be engaged in  
7 the business of financing insurance premiums if 10% or more of  
8 the producer's total premium accounts receivable are more than  
9 90 days past due.

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

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

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

22           (215 ILCS 5/513a4) (from Ch. 73, par. 1065.60a4)

23           Sec. 513a4. Application and license.

24           (a) Each application for a premium finance license shall be  
25 made on a form specified by the Director and shall be signed by



1 the applicant declaring under penalty of refusal, suspension,  
2 or revocation of the license that the statements made in the  
3 application are true, correct, and complete to the best of the  
4 applicant's knowledge and belief. The Director shall cause to  
5 be issued a license to each applicant that has demonstrated to  
6 the Director that the applicant:

7 (1) is competent and trustworthy and of a good business  
8 reputation;

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

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

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

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

15 (2) certify that the premium finance agreement or other  
16 forms being used are in compliance with the requirements of  
17 this Article;

18 (3) certify that he or she has a minimum net worth of  
19 \$50,000; and

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

22 (c) An applicant who has met the requirements of subsection  
23 (a) and subsection (b) shall be issued a premium finance  
24 license.

25 (d) Each premium finance license shall remain in effect as  
26 long as the holder of the license annually continues to meet

1 the requirements of subsections (a) and (b) by the due date  
2 unless the license is revoked or suspended by the Director.

3 (e) The individual holder of a premium finance license  
4 shall inform the Director in writing of a change in residence  
5 address within 30 days of the change, and a corporation,  
6 partnership, or association holder of a premium finance license  
7 shall inform the Director in writing of a change in business  
8 address within 30 days of the change.

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

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

16 (215 ILCS 5/513a7) (from Ch. 73, par. 1065.60a7)

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

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

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

23 (2) has intentionally made a material misstatement in  
24 the application for a license;

25 (3) has obtained or attempted to obtain a license

1 through misrepresentation or fraud;

2 (4) has misappropriated or converted to his own use or  
3 improperly withheld monies;

4 (5) has used fraudulent, coercive, or dishonest  
5 practices or has demonstrated incompetence,  
6 untrustworthiness, or financial irresponsibility;

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

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

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

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

17 (b) Suspension, revocation, or denial of a license under  
18 this Section shall be by written order sent to the licensee or  
19 applicant by certified or registered mail at the address  
20 specified in the records of the Department. The licensee or  
21 applicant may in writing request a hearing within 30 days from  
22 the date of mailing. If no written request is made the order  
23 shall be final upon the expiration of that 30 day period.

24 (c) If the licensee or applicant requests a hearing under  
25 this Section, the Director shall issue a written notice of  
26 hearing sent to the licensee or applicant by certified or

1 registered mail at his address, as specified in the records of  
2 the Department, and stating:

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

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

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

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

17 (e) Any person whose license is revoked or denied under  
18 this Section shall be ineligible to apply for any license for 2  
19 years. A suspension under this Section may be for a period of  
20 up to 2 years.

21 (f) In addition to or instead of a denial, suspension, or  
22 revocation of a license under this Section, the licensee may be  
23 subjected to a civil penalty of up to \$1,000 ~~\$2,000~~ for each  
24 cause for denial, suspension, or revocation. The penalty is  
25 enforceable under subsection (5) of Section 403A of this Code.

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

1 (215 ILCS 5/529.5) (from Ch. 73, par. 1065.76-5)

2 Sec. 529.5. The Industry Placement Facility shall compile  
3 an annual operating report, and publish such report in at least  
4 2 newspapers having widespread circulation in the State, which  
5 report shall include:

6 (1) a description of the origin and purpose of the Illinois  
7 Fair Plan and its relationship to the property and casualty  
8 insurance industry in Illinois;

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

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

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

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

20 (215 ILCS 5/1020) (from Ch. 73, par. 1065.720)

21 Sec. 1020. Penalties.

22 (A) In any case where a hearing pursuant to Section 1016  
23 results in the finding of a knowing violation of this Article,  
24 the Director may, in addition to the issuance of a cease and

1 desist order as prescribed in Section 1018, order payment of a  
2 monetary penalty of not more than \$500 ~~\$1,000~~ for each  
3 violation but not to exceed \$10,000 ~~\$20,000~~ in the aggregate  
4 for multiple violations.

5 (B) Any person who violates a cease and desist order of the  
6 Director under Section 1018 of this Article may, after notice  
7 and hearing and upon order of the Director, be subject to one  
8 or more of the following penalties, at the discretion of the  
9 Director:

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

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

16 (3) suspension or revocation of an insurance  
17 institution's or agent's license.

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

19 (215 ILCS 5/1108) (from Ch. 73, par. 1065.808)

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

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

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

24 (b) The trust agreement between the trust sponsor and  
25 the trustees, detailing the organization and

1 administration of the trust and fiduciary  
2 responsibilities.

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

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

20 (e) The name of a bank or trust company with whom the  
21 trust will enter into an escrow agreement which shall state  
22 that the contingency reserve fund will be maintained at the  
23 levels prescribed in this Article.

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

25 (2) The Director of Insurance shall charge, collect and  
26 give proper acquittances for the payment of the following fees

1 and charges:

2 (a) For filing trust instruments, amendments thereto  
3 and financial statement and report of the trustees, \$25  
4 ~~\$50~~.

5 (b) For copies of papers or records per page, \$1 ~~\$2~~.

6 (c) For certificate to copy of paper, \$5 ~~\$10~~.

7 (d) For filing an application for the licensing of a  
8 risk retention trust, \$500 ~~\$1,000~~.

9 (3) The trust shall keep its books and records in  
10 accordance with the provisions of Section 133 of this Code. The  
11 Director may examine such books and records from time to time  
12 as provided in Sections 132 through 132.7 of this Code and may  
13 charge the expense of such examination to the trust as provided  
14 in subsection (3) of Section 408 of this Code.

15 (4) Trust funds established under this Section and all  
16 persons interest therein or dealing therewith shall be subject  
17 to the provisions of Sections 133, 144.1, 149, 401, 401.1, 402,  
18 403, 403A, 412, and all of the provisions of Articles VII,  
19 VIII, XII 1/2 and XIII of the Code, as amended. Except as  
20 otherwise provided in this Section, trust funds established  
21 under and which fully comply with this Section, shall not be  
22 subjected to any other provision of the Code.

23 (5) The Director of Insurance may make reasonable rules and  
24 regulations pertaining to the standards of coverage and  
25 administration of the trust authorized by this Section. Such  
26 rules may include but need not be limited to reasonable



1 standards for fiduciary duties of the trustees, standards for  
2 the investment of funds, limitation of risks assumed, minimum  
3 size, capital, surplus, reserves, and contingency reserves.  
4 (Source: P.A. 93-32, eff. 7-1-03.)

5 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

6 Sec. 1204. (A) The Secretary shall promulgate rules and  
7 regulations which shall require each insurer licensed to write  
8 property or casualty insurance in the State and each syndicate  
9 doing business on the Illinois Insurance Exchange to record and  
10 report its loss and expense experience and other data as may be  
11 necessary to assess the relationship of insurance premiums and  
12 related income as compared to insurance costs and expenses. The  
13 Secretary may designate one or more rate service organizations  
14 or advisory organizations to gather and compile such experience  
15 and data. The Secretary shall require each insurer licensed to  
16 write property or casualty insurance in this State and each  
17 syndicate doing business on the Illinois Insurance Exchange to  
18 submit a report, on a form furnished by the Secretary, showing  
19 its direct writings in this State and companywide.

20 (B) Such report required by subsection (A) of this Section  
21 may include, but not be limited to, the following specific  
22 types of insurance written by such insurer:

23 (1) Political subdivision liability insurance reported  
24 separately in the following categories:

25 (a) municipalities;

- 1 (b) school districts;
- 2 (c) other political subdivisions;
- 3 (2) Public official liability insurance;
- 4 (3) Dram shop liability insurance;
- 5 (4) Day care center liability insurance;
- 6 (5) Labor, fraternal or religious organizations
- 7 liability insurance;
- 8 (6) Errors and omissions liability insurance;
- 9 (7) Officers and directors liability insurance
- 10 reported separately as follows:
- 11 (a) non-profit entities;
- 12 (b) for-profit entities;
- 13 (8) Products liability insurance;
- 14 (9) Medical malpractice insurance;
- 15 (10) Attorney malpractice insurance;
- 16 (11) Architects and engineers malpractice insurance;
- 17 and
- 18 (12) Motor vehicle insurance reported separately for
- 19 commercial and private passenger vehicles as follows:
- 20 (a) motor vehicle physical damage insurance;
- 21 (b) motor vehicle liability insurance.
- 22 (C) Such report may include, but need not be limited to the
- 23 following data, both specific to this State and companywide, in
- 24 the aggregate or by type of insurance for the previous year on
- 25 a calendar year basis:
- 26 (1) Direct premiums written;

- 1 (2) Direct premiums earned;
- 2 (3) Number of policies;
- 3 (4) Net investment income, using appropriate estimates
- 4 where necessary;
- 5 (5) Losses paid;
- 6 (6) Losses incurred;
- 7 (7) Loss reserves:
  - 8 (a) Losses unpaid on reported claims;
  - 9 (b) Losses unpaid on incurred but not reported
  - 10 claims;
- 11 (8) Number of claims:
  - 12 (a) Paid claims;
  - 13 (b) Arising claims;
- 14 (9) Loss adjustment expenses:
  - 15 (a) Allocated loss adjustment expenses;
  - 16 (b) Unallocated loss adjustment expenses;
- 17 (10) Net underwriting gain or loss;
- 18 (11) Net operation gain or loss, including net
- 19 investment income;
- 20 (12) Any other information requested by the Secretary.

21 (C-3) Additional information by an advisory organization  
22 as defined in Section 463 of this Code.

- 23 (1) An advisory organization as defined in Section 463
- 24 of this Code shall report annually the following
- 25 information in such format as may be prescribed by the
- 26 Secretary:

1 (a) paid and incurred losses for each of the past  
2 10 years;

3 (b) medical payments and medical charges, if  
4 collected, for each of the past 10 years;

5 (c) the following indemnity payment information:  
6 cumulative payments by accident year by calendar year  
7 of development. This array will show payments made and  
8 frequency of claims in the following categories:  
9 medical only, permanent partial disability (PPD),  
10 permanent total disability (PTD), temporary total  
11 disability (TTD), and fatalities;

12 (d) injuries by frequency and severity;

13 (e) by class of employee.

14 (2) The report filed with the Secretary of Financial  
15 and Professional Regulation under paragraph (1) of this  
16 subsection (C-3) shall be made available, on an aggregate  
17 basis, to the General Assembly and to the general public.  
18 The identity of the petitioner, the respondent, the  
19 attorneys, and the insurers shall not be disclosed.

20 (3) Reports required under this subsection (C-3) shall  
21 be filed with the Secretary no later than September 1 in  
22 2006 and no later than September 1 of each year thereafter.

23 (C-5) Additional information required from medical  
24 malpractice insurers.

25 (1) In addition to the other requirements of this  
26 Section, the following information shall be included in the

1 report required by subsection (A) of this Section in such  
2 form and under such terms and conditions as may be  
3 prescribed by the Secretary:

4 (a) paid and incurred losses by county for each of  
5 the past 10 policy years;

6 (b) earned exposures by ISO code, policy type, and  
7 policy year by county for each of the past 10 years;  
8 and

9 (c) the following actuarial information:

10 (i) Base class and territory equivalent  
11 exposures by report year by relative accident  
12 year.

13 (ii) Cumulative loss array by accident year by  
14 calendar year of development. This array will show  
15 frequency of claims in the following categories:  
16 open, closed with indemnity (CWI), closed with  
17 expense (CWE), and closed no pay (CNP); paid  
18 severity in the following categories: indemnity  
19 and allocated loss adjustment expenses (ALAE) on  
20 closed claims; and indemnity and expense reserves  
21 on pending claims.

22 (iii) Cumulative loss array by report year by  
23 calendar year of development. This array will show  
24 frequency of claims in the following categories:  
25 open, closed with indemnity (CWI), closed with  
26 expense (CWE), and closed no pay (CNP); paid

1 severity in the following categories: indemnity  
2 and allocated loss adjustment expenses (ALAE) on  
3 closed claims; and indemnity and expense reserves  
4 on pending claims.

5 (iv) Maturity year and tail factors.

6 (v) Any expense, contingency ddr (death,  
7 disability, and retirement), commission, tax,  
8 and/or off-balance factors.

9 (2) The following information must also be annually  
10 provided to the Department:

11 (a) copies of the company's reserve and surplus  
12 studies; and

13 (b) consulting actuarial report and data  
14 supporting the company's rate filing.

15 (3) All information collected by the Secretary under  
16 paragraphs (1) and (2) shall be made available, on a  
17 company-by-company basis, to the General Assembly and the  
18 general public. This provision shall supersede any other  
19 provision of State law that may otherwise protect such  
20 information from public disclosure as confidential.

21 (D) In addition to the information which may be requested  
22 under subsection (C), the Secretary may also request on a  
23 companywide, aggregate basis, Federal Income Tax recoverable,  
24 net realized capital gain or loss, net unrealized capital gain  
25 or loss, and all other expenses not requested in subsection (C)  
26 above.

1 (E) Violations - Suspensions - Revocations.

2 (1) Any company or person subject to this Article, who  
3 willfully or repeatedly fails to observe or who otherwise  
4 violates any of the provisions of this Article or any rule  
5 or regulation promulgated by the Secretary under authority  
6 of this Article or any final order of the Secretary entered  
7 under the authority of this Article shall by civil penalty  
8 forfeit to the State of Illinois a sum not to exceed \$1,000  
9 ~~\$2,000~~. Each day during which a violation occurs  
10 constitutes a separate offense.

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

25 (3) No forfeiture liability under paragraph (1) of this  
26 subsection may attach for any violation occurring more than

1           2 years prior to the date of issuance of the notice of  
2           apparent liability and in no event may the total civil  
3           penalty forfeiture imposed for the acts or omissions set  
4           forth in any one notice of apparent liability exceed  
5           \$50,000 ~~\$100,000~~.

6           (4) All administrative hearings conducted pursuant to  
7           this Article are subject to 50 Ill. Adm. Code 2402 and all  
8           administrative hearings are subject to the Administrative  
9           Review Law.

10          (5) The civil penalty forfeitures provided for in this  
11          Section are payable to the General Revenue Fund of the  
12          State of Illinois, and may be recovered in a civil suit in  
13          the name of the State of Illinois brought in the Circuit  
14          Court in Sangamon County or in the Circuit Court of the  
15          county where the respondent is domiciled or has its  
16          principal operating office.

17          (6) In any case where the Secretary issues a notice of  
18          apparent liability looking toward the imposition of a civil  
19          penalty forfeiture under this Section that fact may not be  
20          used in any other proceeding before the Secretary to the  
21          prejudice of the respondent to whom the notice was issued,  
22          unless (a) the civil penalty forfeiture has been paid, or  
23          (b) a court has ordered payment of the civil penalty  
24          forfeiture and that order has become final.

25          (7) When any person or company has a license or  
26          certificate of authority under this Code and knowingly



1 fails or refuses to comply with a lawful order of the  
2 Secretary requiring compliance with this Article, entered  
3 after notice and hearing, within the period of time  
4 specified in the order, the Secretary may, in addition to  
5 any other penalty or authority provided, revoke or refuse  
6 to renew the license or certificate of authority of such  
7 person or company, or may suspend the license or  
8 certificate of authority of such person or company until  
9 compliance with such order has been obtained.

10 (8) When any person or company has a license or  
11 certificate of authority under this Code and knowingly  
12 fails or refuses to comply with any provisions of this  
13 Article, the Secretary may, after notice and hearing, in  
14 addition to any other penalty provided, revoke or refuse to  
15 renew the license or certificate of authority of such  
16 person or company, or may suspend the license or  
17 certificate of authority of such person or company, until  
18 compliance with such provision of this Article has been  
19 obtained.

20 (9) No suspension or revocation under this Section may  
21 become effective until 5 days from the date that the notice  
22 of suspension or revocation has been personally delivered  
23 or delivered by registered or certified mail to the company  
24 or person. A suspension or revocation under this Section is  
25 stayed upon the filing, by the company or person, of a  
26 petition for judicial review under the Administrative

1 Review Law.

2 (Source: P.A. 94-277, eff. 7-20-05; 94-677, eff. 8-25-05;  
3 95-331, eff. 8-21-07.)

4 Section 85. The Reinsurance Intermediary Act is amended by  
5 changing Section 55 as follows:

6 (215 ILCS 100/55) (from Ch. 73, par. 1655)

7 Sec. 55. Penalties and liabilities.

8 (a) If the Director determines that a reinsurance  
9 intermediary has not materially complied with this Act or any  
10 regulation or Order promulgated hereunder, after notice and  
11 opportunity to be heard, the Director may order a penalty in an  
12 amount not exceeding \$50,000 ~~\$100,000~~ for each separate  
13 violation and may order the revocation or suspension of the  
14 reinsurance intermediary's license. If it is found that because  
15 of the material noncompliance the insurer or reinsurer has  
16 suffered any loss or damage, the Director may maintain a civil  
17 action brought by or on behalf of the reinsurer or insurer and  
18 its policyholders and creditors for recovery of compensatory  
19 damages for the benefit of the reinsurer or insurer and its  
20 policyholders and creditors or seek other appropriate relief.  
21 This subsection (a) shall not be construed to prevent any other  
22 person from taking civil action against a reinsurance  
23 intermediary.

24 (b) If an Order of Rehabilitation or Liquidation of the

1 insurer is entered under Article XIII of the Illinois Insurance  
2 Code and the receiver appointed under that Order determines  
3 that the reinsurance intermediary or any other person has not  
4 materially complied with this Act or any regulation or Order  
5 promulgated hereunder and the insurer has suffered any loss or  
6 damage therefrom, the receiver may maintain a civil action for  
7 recovery of damages or other appropriate sanctions for the  
8 benefit of the insurer.

9 (c) The decision, determination, or order of the Director  
10 under subsection (a) of this Section shall be subject to  
11 judicial review under the Administrative Review Law.

12 (d) Nothing contained in this Act shall affect the right of  
13 the Director to impose any other penalties provided in the  
14 Illinois Insurance Code.

15 (e) Nothing contained in this Act is intended to or shall  
16 in any manner limit or restrict the rights of policyholders,  
17 claimants, creditors, or other third parties or confer any  
18 rights to those persons.

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

20 Section 90. The Employee Leasing Company Act is amended by  
21 changing Section 20 as follows:

22 (215 ILCS 113/20)

23 Sec. 20. Registration.

24 (a) A lessor shall register with the Department prior to

1 becoming a qualified self-insured for workers' compensation or  
2 becoming eligible to be issued a workers' compensation and  
3 employers' liability insurance policy. The registration shall:

4 (1) identify the name of the lessor;

5 (2) identify the address of the principal place of  
6 business of the lessor;

7 (3) include the lessor's taxpayer or employer  
8 identification number;

9 (4) include a list by jurisdiction of each and every  
10 name that the lessor has operated under in the preceding 5  
11 years including any alternative names and names of  
12 predecessors;

13 (5) include a list of the officers and directors of the  
14 lessor and its predecessors, successors, or alter egos in  
15 the preceding 5 years; and

16 (6) include a \$500 ~~\$1,000~~ fee for the registration and  
17 each annual renewal thereafter.

18 Amounts received as registration fees shall be deposited  
19 into the Insurance Producer Administration Fund.

20 (b) (Blank).

21 (c) Lessors registering pursuant to this Section shall  
22 notify the Department within 30 days as to any changes in any  
23 information provided pursuant to this Section.

24 (d) The Department shall maintain a list of those lessors  
25 who are registered with the Department.

26 (e) The Department may prescribe any forms that are

1 necessary to promote the efficient administration of this  
2 Section.

3 (f) Any lessor that was doing business in this State prior  
4 to enactment of this Act shall register with the Department  
5 within 60 days of the effective date of this Act.

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

7 Section 95. The Health Care Purchasing Group Act is amended  
8 by changing Section 20 as follows:

9 (215 ILCS 123/20)

10 Sec. 20. HPG sponsors. Except as provided by Sections 15  
11 and 25 of this Act, only a corporation authorized by the  
12 Secretary of State to transact business in Illinois may sponsor  
13 one or more HPGs with no more than 100,000 covered individuals  
14 by negotiating, soliciting, or servicing health insurance  
15 contracts for HPGs and their members. Such a corporation may  
16 assert and maintain authority to act as an HPG sponsor by  
17 complying with all of the following requirements:

18 (1) The principal officers and directors responsible  
19 for the conduct of the HPG sponsor must perform their HPG  
20 sponsor related functions in Illinois.

21 (2) No insurance risk may be borne or retained by the  
22 HPG sponsor; all health insurance contracts issued to HPGs  
23 through the HPG sponsor must be delivered in Illinois.

24 (3) No HPG sponsor may collect premium in its name or

1 hold or manage premium or claim fund accounts unless duly  
2 qualified and licensed as a managing general agent pursuant  
3 to Section 141a of the Illinois Insurance Code or as a  
4 third party administrator pursuant to Section 511.105 of  
5 the Illinois Insurance Code.

6 (4) If the HPG gives an offer, application, notice, or  
7 proposal of insurance to an employer, it must disclose the  
8 total cost of the insurance. Dues, fees, or charges to be  
9 paid to the HPG, HPG sponsor, or any other entity as a  
10 condition to purchasing the insurance must be itemized. The  
11 HPG shall also disclose to its members the amount of any  
12 dividends, experience refunds, or other such payments it  
13 receives from the risk-bearer.

14 (5) An HPG sponsor must register with the Director  
15 before negotiating or soliciting any group or master health  
16 insurance contract for any HPG and must renew the  
17 registration annually on forms and at times prescribed by  
18 the Director in rules specifying, at minimum, (i) the  
19 identity of the officers and directors of the HPG sponsor  
20 corporation; (ii) a certification that those persons have  
21 not been convicted of any felony offense involving a breach  
22 of fiduciary duty or improper manipulation of accounts;  
23 (iii) the number of employer members then enrolled in each  
24 HPG sponsored; (iv) the date on which each HPG was issued a  
25 group or master health insurance contract, if any; and (v)  
26 the date on which each such contract, if any, was

1 terminated.

2 (6) At the time of initial registration and each  
3 renewal thereof an HPG sponsor shall pay a fee of \$100 ~~\$200~~  
4 to the Director.

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

6 Section 100. The Service Contract Act is amended by  
7 changing Section 25 as follows:

8 (215 ILCS 152/25)

9 Sec. 25. Registration requirements for service contract  
10 providers.

11 (a) No service contract shall be issued or sold in this  
12 State until the following information has been submitted to the  
13 Department:

14 (1) the name of the service contract provider;

15 (2) a list identifying the service contract provider's  
16 executive officer or officers directly responsible for the  
17 service contract provider's service contract business;

18 (3) the name and address of the service contract  
19 provider's agent for service of process in this State, if  
20 other than the service contract provider;

21 (4) a true and accurate copy of all service contracts  
22 to be sold in this State; and

23 (5) a statement indicating under which provision of  
24 Section 15 the service contract provider qualifies to do

1 business in this State as a service contract provider.

2 (b) The service contract provider shall pay an initial  
3 registration fee of \$500 ~~\$1,000~~ and a renewal fee of \$75 ~~\$150~~  
4 each year thereafter. All fees and penalties collected under  
5 this Act shall be paid to the Director and deposited in the  
6 Insurance Financial Regulation Fund.

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

8 Section 105. The Title Insurance Act is amended by changing  
9 Section 14 as follows:

10 (215 ILCS 155/14) (from Ch. 73, par. 1414)

11 Sec. 14. Fees.

12 (a) Every title insurance company and every independent  
13 escrowee subject to this Act shall pay the following fees:

14 (1) for filing the original application for a  
15 certificate of authority and receiving the deposit  
16 required under this Act, \$500;

17 (2) for the certificate of authority, \$10;

18 (3) for every copy of a paper filed in the Department  
19 under this Act, \$1 per folio;

20 (4) for affixing the seal of the Department and  
21 certifying a copy, \$2; and

22 (5) for filing the annual statement, \$50.

23 (b) Each title insurance company shall pay, for all of its  
24 title insurance agents subject to this Act for filing an annual



1 registration of its agents, an amount equal to \$1 ~~\$3~~ for each  
2 policy issued by all of its agents in the immediately preceding  
3 calendar year, provided such sum shall not exceed \$20,000 per  
4 annum.

5 (Source: P.A. 93-32, eff. 7-1-03; 94-893, eff. 6-20-06.)

6 Section 110. The Viatical Settlements Act is amended by  
7 changing Section 10 as follows:

8 (215 ILCS 158/10)

9 Sec. 10. License requirements.

10 (a) No individual, partnership, corporation, or other  
11 entity may act as a viatical settlement provider without first  
12 having obtained a license from the Director.

13 (b) Application for a viatical settlement provider license  
14 shall be made to the Director by the applicant on a form  
15 prescribed by the Director. The application shall be  
16 accompanied by a fee of \$1,500 ~~\$3,000~~, which shall be deposited  
17 into the Insurance Producer Administration Fund.

18 (c) Viatical settlement providers' licenses may be renewed  
19 from year to year on the anniversary date upon (1) submission  
20 of renewal forms prescribed by the Director and (2) payment of  
21 the annual renewal fee of \$750 ~~\$1,500~~, which shall be deposited  
22 into the Insurance Producer Administration Fund. Failure to pay  
23 the fee within the terms prescribed by the Director shall  
24 result in the expiration of the license.

1 (d) Applicants for a viatical settlement provider's  
2 license shall provide such information as the Director may  
3 require. The Director shall have authority, at any time, to  
4 require the applicant to fully disclose the identity of all  
5 stockholders, partners, officers, and employees. The Director  
6 may, in the exercise of discretion, refuse to issue a license  
7 in the name of any firm, partnership, or corporation if not  
8 satisfied that an officer, employee, stockholder, or partner  
9 thereof who may materially influence the applicant's conduct  
10 meets the standards of this Act.

11 (e) A viatical settlement provider's license issued to a  
12 partnership, corporation, or other entity authorizes all  
13 members, officers, and designated employees to act as viatical  
14 settlement providers under the license. All those persons must  
15 be named in the application and any supplements thereto.

16 (f) Upon the filing of an application for a viatical  
17 settlement provider's license and the payment of the license  
18 fee, the Director shall make an investigation of the applicant  
19 and may issue a license if the Director finds that the  
20 applicant:

21 (1) has provided a detailed plan of operation;

22 (2) is competent and trustworthy and intends to act in  
23 good faith in the capacity authorized by the license  
24 applied for;

25 (3) has a good business reputation and has had  
26 experience, training, or education so as to be qualified in

1 the business for which the license is applied for; and

2 (4) if a corporation, is a corporation incorporated  
3 under the laws of this State or a foreign corporation  
4 authorized to transact business in this State.

5 (g) The Director may not issue a license to a nonresident  
6 applicant, unless a written designation of an agent for service  
7 of process is filed and maintained with the Director or the  
8 applicant has filed with the Director the applicant's written  
9 irrevocable consent that any action against the applicant may  
10 be commenced against the applicant by service of process on the  
11 Director.

12 (h) A viatical settlement provider must assume  
13 responsibility for all actions of its appointed viatical  
14 settlement agents associated with a viatical settlement.

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

16 Section 115. The Public Utilities Act is amended by  
17 changing Section 6-108 as follows:

18 (220 ILCS 5/6-108) (from Ch. 111 2/3, par. 6-108)

19 Sec. 6-108. The Commission shall charge every public  
20 utility receiving permission under this Act for the issue of  
21 stocks, bonds, notes and other evidences of indebtedness an  
22 amount equal to 10 ~~12~~ cents for every \$100 of the par or stated  
23 value of stocks, and 20 ~~24~~ cents for every \$100 of the  
24 principal amount of bonds, notes or other evidences of

1 indebtedness, authorized by the Commission, which shall be paid  
2 to the Commission no later than 30 days after service of the  
3 Commission order authorizing the issuance of those stocks,  
4 bonds, notes or other evidences of indebtedness. Provided, that  
5 if any such stock, bonds, notes or other evidences of  
6 indebtedness constitutes or creates a lien or charge on, or  
7 right to profits from, any property not situated in this State,  
8 this fee shall be paid only on the amount of any such issue  
9 which is the same proportion of the whole issue as the property  
10 situated in this State is of the total property on which such  
11 securities issue creates a lien or charge, or from which a  
12 right to profits is established; and provided further, that no  
13 public utility shall be required to pay any fee for permission  
14 granted to it by the Commission in any of the following cases:

15 (1) To guarantee bonds or other securities.

16 (2) To issue bonds, notes or other evidences of  
17 indebtedness issued for the purpose of converting, exchanging,  
18 taking over, refunding, discharging or retiring any bonds,  
19 notes or other evidences of indebtedness except:

20 (a) When issued for an aggregate period of longer than  
21 2 years for the purpose of converting, exchanging, taking  
22 over, refunding, discharging or retiring any note, or  
23 renewals thereof, issued without the consent of the State  
24 Public Utilities Commission of Illinois or the Public  
25 Utilities Commission or the Illinois Commerce Commission;  
26 or

1           (b) When issued for the purpose of converting,  
2           exchanging, taking over, refunding, discharging or  
3           retiring bonds, notes or other evidences of indebtedness  
4           issued prior to January 1, 1914, and upon which no fee has  
5           been previously paid.

6           (3) To issue shares of stock upon the conversion of  
7           convertible bonds, notes or other evidences of indebtedness or  
8           upon the conversion of convertible stock of another class in  
9           accordance with a conversion privilege contained in such  
10          convertible bonds, notes or other evidences of indebtedness or  
11          contained in such convertible stock, as the case may be, where  
12          a fee (in the amount payable under this Section in the case of  
13          evidences of indebtedness) has been previously paid for the  
14          issuance of such convertible bonds, notes or other evidences of  
15          indebtedness, or where a fee (in the amount payable under this  
16          Section in the case of stocks) has been previously paid for the  
17          issuance of such convertible stock, or where such convertible  
18          stock was issued prior to July 1, 1951 and upon which no fee  
19          has been previously paid, as the case may be.

20          (4) To issue shares of stocks for the purpose of redeeming  
21          or otherwise retiring, or in exchange for, other stocks, where  
22          the fee for the issuance of such other stocks has been  
23          previously paid, or where such other stocks were issued prior  
24          to July 1, 1951 and upon which no fee has been previously paid,  
25          as the case may be, but only to the extent that the par or  
26          stated value of the shares of stock so issued does not exceed

1 the par or stated value of the other stocks redeemed or  
2 otherwise retired or exchanged.

3 All fees collected by the Commission under this Section  
4 shall be paid within 10 days after the receipt of the same,  
5 accompanied by a detailed statement of the same, into the  
6 Public Utility Fund in the State treasury.

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

8 Section 120. The Professional Boxing Act is amended by  
9 changing Section 23 as follows:

10 (225 ILCS 105/23) (from Ch. 111, par. 5023)

11 (Section scheduled to be repealed on January 1, 2012)

12 Sec. 23. Fees. The fees for the administration and  
13 enforcement of this Act including, but not limited to, original  
14 licensure, renewal, and restoration shall be set by rule. The  
15 fees shall not be refundable. Beginning July 1, 2003 and until  
16 the effective date of this amendatory Act of the 96th General  
17 Assembly , all of the fees, taxes, and fines collected under  
18 this Act shall be deposited into the General Professions  
19 Dedicated Fund.

20 (Source: P.A. 92-16, eff. 6-28-01; 92-499, eff. 1-1-02; 93-32,  
21 eff. 7-1-03.)

22 Section 125. The Illinois Certified Shorthand Reporters  
23 Act of 1984 is amended by changing Section 17 as follows:

1 (225 ILCS 415/17) (from Ch. 111, par. 6217)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 17. Fees; returned checks; expiration while in  
4 military.

5 (a) The fees for the administration and enforcement of this  
6 Act, including but not limited to, original certification,  
7 renewal and restoration, shall be set by rule.

8 (b) Beginning July 1, 2003 and until the effective date of  
9 this amendatory Act of the 96th General Assembly, all of the  
10 fees and fines collected under this Act shall be deposited into  
11 the General Professions Dedicated Fund.

12 (c) Any person who delivers a check or other payment to the  
13 Department that is returned to the Department unpaid by the  
14 financial institution upon which it is drawn shall pay to the  
15 Department, in addition to the amount already owed to the  
16 Department, a fine of \$50. The fines imposed by this Section  
17 are in addition to any other discipline provided under this Act  
18 prohibiting unlicensed practice or practice on a nonrenewed  
19 license. The Department shall notify the person that payment of  
20 fees and fines shall be paid to the Department by certified  
21 check or money order within 30 calendar days of the  
22 notification. If, after the expiration of 30 days from the date  
23 of the notification, the person has failed to submit the  
24 necessary remittance, the Department shall automatically  
25 terminate the license or certificate or deny the application,

1 without hearing. If, after termination or denial, the person  
2 seeks a license or certificate, he or she shall apply to the  
3 Department for restoration or issuance of the license or  
4 certificate and pay all fees and fines due to the Department.  
5 The Department may establish a fee for the processing of an  
6 application for restoration of a license or certificate to pay  
7 all expenses of processing this application. The Director may  
8 waive the fines due under this Section in individual cases  
9 where the Director finds that the fines would be unreasonable  
10 or unnecessarily burdensome.

11 However, any person whose license has expired while he has  
12 been engaged (1) in federal or state service active duty, or  
13 (2) in training or education under the supervision of the  
14 United States preliminary to induction into the military  
15 service, may have his license renewed, reinstated or restored  
16 without paying any lapsed renewal and restoration fees, if  
17 within 2 years after termination of such service, training or  
18 education other than by dishonorable discharge, he furnishes  
19 the Department with satisfactory proof that he has been so  
20 engaged and that his service, training or education has been so  
21 terminated.

22 (Source: P.A. 92-146, eff. 1-1-02; 93-32, eff. 7-1-03; 93-460,  
23 eff. 8-8-03.)

24 Section 130. The Weights and Measures Act is amended by  
25 changing Section 8.1 as follows:



1 (225 ILCS 470/8.1) (from Ch. 147, par. 108.1)

2 Sec. 8.1. Registration of servicepersons, service agents,  
3 and special sealers. No person, firm, or corporation shall  
4 sell, install, service, recondition or repair a weighing or  
5 measuring device used in trade or commerce without first  
6 obtaining a certificate of registration. Applications by  
7 individuals for a certificate of registration shall be made to  
8 the Department, shall be in writing on forms prescribed by the  
9 Department, and shall be accompanied by the required fee.

10 Each application shall provide such information that will  
11 enable the Department to pass on the qualifications of the  
12 applicant for the certificate of registration. The information  
13 requests shall include present residence, location of the  
14 business to be licensed under this Act, whether the applicant  
15 has had any previous registration under this Act or any  
16 federal, state, county, or local law, ordinance, or regulation  
17 relating to servicepersons and service Agencies, whether the  
18 applicant has ever had a registration suspended or revoked,  
19 whether the applicant has been convicted of a felony, and such  
20 other information as the Department deems necessary to  
21 determine if the applicant is qualified to receive a  
22 certificate of registration.

23 Before any certificate of registration is issued, the  
24 Department shall require the registrant to meet the following  
25 qualifications:

1 (1) Has possession of or available for use weights and  
2 measures, standards, and testing equipment appropriate in  
3 design and adequate in amount to provide the services for  
4 which the person is requesting registration.

5 (2) Passes a qualifying examination for each type of  
6 weighing or measuring device he intends to install,  
7 service, recondition, or repair.

8 (3) Demonstrates a working knowledge of weighing and  
9 measuring devices for which he intends to be registered.

10 (4) Has a working knowledge of all appropriate weights  
11 and measures laws and their rules and regulations.

12 (5) Has available a current copy of National Institute  
13 of Standards and Technology Handbook 44.

14 (6) Pays the prescribed registration fee for the type  
15 of registration:

16 (A) The annual fee for a Serviceperson Certificate  
17 of Registration shall be \$5 ~~\$25~~.

18 (B) The annual fee for a Special Sealer Certificate  
19 of Registration shall be \$25 ~~\$50~~.

20 (C) The annual fee for a Service Agency Certificate  
21 of Registration shall be \$25 ~~\$50~~.

22 "Registrant" means any individual, partnership,  
23 corporation, agency, firm, or company registered by the  
24 Department who installs, services, repairs, or reconditions,  
25 for hire, award, commission, or any other payment of any kind,  
26 any commercial weighing or measuring device.

1 "Commercial weighing and measuring device" means any  
2 weight or measure or weighing or measuring device commercially  
3 used or employed (i) in establishing size, quantity, extent,  
4 area, or measurement of quantities, things, produce, or  
5 articles for distribution or consumption which are purchased,  
6 offered, or submitted for sale, hire, or award, or (ii) in  
7 computing any basic charge or payment for services rendered,  
8 except as otherwise excluded by Section 2 of this Act, and  
9 shall also include any accessory attached to or used in  
10 connection with a commercial weighing or measuring device when  
11 the accessory is so designed or installed that its operation  
12 affects, or may affect, the accuracy of the device.

13 "Serviceperson" means any individual who sells, installs,  
14 services, repairs, or reconditions, for hire, award,  
15 commission, or any other payment of kind, a commercial weighing  
16 or measuring device.

17 "Service agency" means any individual, agency, firm,  
18 company, or corporation that, for hire, award, commission, or  
19 any other payment of any kind, sells, installs, services,  
20 repairs, or reconditions a commercial weighing or measuring  
21 device.

22 "Special sealer" means any serviceperson who is allowed to  
23 service only one service agency's liquid petroleum meters or  
24 liquid petroleum measuring devices.

25 Each registered service agency and serviceperson shall  
26 have report forms, known as "Placed in Service Reports". These

1 forms shall be executed in triplicate, shall include the  
2 assigned registration number (in the case where a registered  
3 serviceperson is representing a registered service agency both  
4 assigned registration numbers shall be included), and shall be  
5 signed by a registered serviceperson or by a registered  
6 serviceperson representing a registered service agency for  
7 each rejected or repaired device restored to service and for  
8 each newly installed device placed in service. Whenever a  
9 registered serviceperson or special sealer places into service  
10 a weighing or measuring device, there shall be affixed to the  
11 device indicator a decal provided by the Department that  
12 indicates the device accuracy.

13       Within 5 days after a device is restored to service or  
14 placed in service, the original of a properly executed "Placed  
15 in Service Report", together with any official rejection tag or  
16 seal removed from the device, shall be mailed to the  
17 Department. The duplicate copy of the report shall be handed to  
18 the owner or operator of the device and the triplicate copy of  
19 the report shall be retained by the service agency or  
20 serviceperson.

21       A registered service agency and a registered serviceperson  
22 shall submit, at least once every 2 years to the Department for  
23 examination and certification, any standards and testing  
24 equipment that are used, or are to be used, in the performance  
25 of the service and testing functions with respect to weighing  
26 and measuring devices for which competence is registered. A

1 registered serviceperson or agency shall not use in servicing  
2 commercial weighing and measuring devices any standards or  
3 testing equipment that have not been certified by the  
4 Department.

5 When a serviceperson's or service agency's weights and  
6 measures are carried to a National Institute of Standards and  
7 Technology approved out-of-state weights and measures  
8 laboratory for inspection and testing, the serviceperson or  
9 service agency shall be responsible for providing the  
10 Department a copy of the current certification of all weights  
11 and measures used in the repair, service, or testing of  
12 weighing or measuring devices within the State of Illinois.

13 All registered servicepersons placing into service scales  
14 in excess of 30,000 pounds shall have a minimum of 10,000  
15 pounds of State approved certified test weights to accurately  
16 test a scale.

17 Persons working as apprentices are not subject to  
18 registration if they work with and under the supervision of a  
19 registered serviceperson.

20 The Director is authorized to promulgate, after public  
21 hearing, rules and regulations necessary to enforce the  
22 provisions of this Section.

23 For good cause and after a hearing upon reasonable notice,  
24 the Director may deny any application for registration or any  
25 application for renewal of registration, or may revoke or  
26 suspend the registration of any registrant.

1 The Director may publish from time to time as he deems  
2 appropriate, and may supply upon request, lists of registered  
3 servicepersons and registered service agencies.

4 All final administrative decisions of the Director under  
5 this Section shall be subject to judicial review under the  
6 Administrative Review Law. The term "administrative decision"  
7 is defined as in Section 1 of the Administrative Review Law.

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

9 Section 135. The Liquor Control Act of 1934 is amended by  
10 changing Section 5-3 as follows:

11 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

12 Sec. 5-3. License fees. Except as otherwise provided  
13 herein, at the time application is made to the State Commission  
14 for a license of any class, the applicant shall pay to the  
15 State Commission the fee hereinafter provided for the kind of  
16 license applied for.

17 The fee for licenses issued by the State Commission shall  
18 be as follows:

19 For a manufacturer's license:

|    |  |         |
|----|--|---------|
| 20 | Class 1. Distiller .....                     | \$3,600 |
| 21 | Class 2. Rectifier .....                     | 3,600   |
| 22 | Class 3. Brewer .....                        | 900     |
| 23 | Class 4. First-class Wine Manufacturer ..... | 600     |
| 24 | Class 5. Second-class                        |         |

|    |  |                           |
|----|--|---------------------------|
| 1  | Wine Manufacturer .....                      | 1,200                     |
| 2  | Class 6. First-class wine-maker .....        | 600                       |
| 3  | Class 7. Second-class wine-maker .....       | 1200                      |
| 4  | Class 8. Limited Wine Manufacturer .....     | 120                       |
| 5  | For a Brew Pub License .....                 | 1,050                     |
| 6  | For a caterer retailer's license .....       | 200                       |
| 7  | For a foreign importer's license .....       | 25                        |
| 8  | For an importing distributor's license ..... | 25                        |
| 9  | For a distributor's license .....            | 270                       |
| 10 | For a non-resident dealer's license          |                           |
| 11 | (500,000 gallons or over) .....              | 270                       |
| 12 | For a non-resident dealer's license          |                           |
| 13 | (under 500,000 gallons) .....                | 90                        |
| 14 | For a wine-maker's premises license .....    | 100                       |
| 15 | For a winery shipper's license               |                           |
| 16 | (under 250,000 gallons) .....                | 150                       |
| 17 | For a winery shipper's license               |                           |
| 18 | (250,000 or over, but under 500,000 gallons) | 500                       |
| 19 | For a winery shipper's license               |                           |
| 20 | (500,000 gallons or over) .....              | 1,000                     |
| 21 | For a wine-maker's premises license,         |                           |
| 22 | second location .....                        | 350                       |
| 23 | For a wine-maker's premises license,         |                           |
| 24 | third location .....                         | 350                       |
| 25 | For a retailer's license .....               | <u>175</u> <del>500</del> |
| 26 | For a special event retailer's license,      |                           |

|    |   |     |
|----|---|-----|
| 1  | (not-for-profit) .....                  | 25  |
| 2  | For a special use permit license,       |     |
| 3  | one day only .....                      | 50  |
| 4  | 2 days or more .....                    | 100 |
| 5  | For a railroad license .....            | 60  |
| 6  | For a boat license .....                | 180 |
| 7  | For an airplane license, times the      |     |
| 8  | licensee's maximum number of aircraft   |     |
| 9  | in flight, serving liquor over the      |     |
| 10 | State at any given time, which either   |     |
| 11 | originate, terminate, or make           |     |
| 12 | an intermediate stop in the State ..... | 60  |
| 13 | For a non-beverage user's license:      |     |
| 14 | Class 1 .....                           | 24  |
| 15 | Class 2 .....                           | 60  |
| 16 | Class 3 .....                           | 120 |
| 17 | Class 4 .....                           | 240 |
| 18 | Class 5 .....                           | 600 |
| 19 | For a broker's license .....            | 600 |
| 20 | For an auction liquor license .....     | 50  |

21 Fees collected under this Section shall be paid into the  
 22 Dram Shop Fund. On and after July 1, 2003, and until the  
 23 effective date of this amendatory Act of the 96th General  
 24 Assembly, of the funds received for a retailer's license, in  
 25 addition to the first \$175, an additional \$75 shall be paid  
 26 into the Dram Shop Fund, and \$250 shall be paid into the



1 General Revenue Fund. Beginning June 30, 1990 and beginning  
2 again on the effective date of this amendatory Act of the 96th  
3 General Assembly and on June 30 of each subsequent year  
4 thereafter ~~through June 29, 2003~~, any balance over \$5,000,000  
5 remaining in the Dram Shop Fund shall be credited to State  
6 liquor licensees and applied against their fees for State  
7 liquor licenses for the following year. The amount credited to  
8 each licensee shall be a proportion of the balance in the Dram  
9 Fund that is the same as the proportion of the license fee paid  
10 by the licensee under this Section for the period in which the  
11 balance was accumulated to the aggregate fees paid by all  
12 licensees during that period.

13 No fee shall be paid for licenses issued by the State  
14 Commission to the following non-beverage users:

15 (a) Hospitals, sanitariums, or clinics when their use  
16 of alcoholic liquor is exclusively medicinal, mechanical  
17 or scientific.

18 (b) Universities, colleges of learning or schools when  
19 their use of alcoholic liquor is exclusively medicinal,  
20 mechanical or scientific.

21 (c) Laboratories when their use is exclusively for the  
22 purpose of scientific research.

23 (Source: P.A. 95-634, eff. 6-1-08.)

24 Section 140. The Environmental Protection Act is amended by  
25 changing Section 9.6, 12.2, 16.1, 22.8, 22.15, 22.44, 39.5,

1 55.8, 56.4, 56.5, and 56.6 as follows:

2 (415 ILCS 5/9.6) (from Ch. 111 1/2, par. 1009.6)

3 Sec. 9.6. Air pollution operating permit fee.

4 (a) For any site for which an air pollution operating  
5 permit is required, other than a site permitted solely as a  
6 retail liquid dispensing facility that has air pollution  
7 control equipment or an agrichemical facility with an endorsed  
8 permit pursuant to Section 39.4, the owner or operator of that  
9 site shall pay an initial annual fee to the Agency within 30  
10 days of receipt of the permit and an annual fee each year  
11 thereafter for as long as a permit is in effect. The owner or  
12 operator of a portable emission unit, as defined in 35 Ill.  
13 Adm. Code 201.170, may change the site of any unit previously  
14 permitted without paying an additional fee under this Section  
15 for each site change, provided that no further change to the  
16 permit is otherwise necessary or requested.

17 (b) ~~The Notwithstanding any rules to the contrary, the~~  
18 following fee amounts shall apply:

19 (1) The fee for a site permitted to emit less than 25  
20 tons per year of any combination of regulated air  
21 pollutants, as defined in Section 39.5 of this Act, is \$100  
22 per year beginning July 1, 1993 and on and after the  
23 effective date of this amendatory Act of the 96th General  
24 Assembly, and increases to \$200 per year beginning on July  
25 1, 2003, except as provided in subsection (c) of this

1 Section.

2 (2) The fee for a site permitted to emit at least 25  
3 tons per year but less than 100 tons per year of any  
4 combination of regulated air pollutants, as defined in  
5 Section 39.5 of this Act, is \$1,000 per year beginning July  
6 1, 1993 and on and after the effective date of this  
7 amendatory Act of the 96th General Assembly, and increases  
8 to \$1,800 per year beginning on July 1, 2003 and until the  
9 effective date of this amendatory Act of the 96th General  
10 Assembly, except as provided in subsection (c) of this  
11 Section.

12 (3) The fee for a site permitted to emit at least 100  
13 tons per year of any combination of regulated air  
14 pollutants is \$2,500 per year beginning July 1, 1993, and  
15 increases to \$3,500 per year beginning on July 1, 2003,  
16 except as provided in subsection (c) of this Section;  
17 provided, however, that the fee shall not exceed the amount  
18 that would be required for the site if it were subject to  
19 the fee requirements of Section 39.5 of this Act.

20 (c) The owner or operator of any source subject to  
21 paragraphs (b) (1), (b) (2), or (b) (3) of this Section that  
22 becomes subject to Section 39.5 of this Act shall continue to  
23 pay the fee set forth in this Section until the source becomes  
24 subject to the fee set forth within subsection 18 of Section  
25 39.5 of this Act. In the event a site has paid a fee under this  
26 Section during the 12 month period following the effective date

1 of the CAAPP ~~for that site~~, the fee amount shall be deducted  
2 from any amount due under subsection 18 of Section 39.5 of this  
3 Act. Owners or operators that are subject to paragraph (b)(1),  
4 (b)(2), or (b)(3) of this Section, but that are not also  
5 subject to Section 39.5, or excluded pursuant to subsection 1.1  
6 or subsection 3(c) of Section 39.5 shall continue to pay the  
7 fee amounts set forth within paragraphs (b)(1), (b)(2), or  
8 (b)(3), whichever is applicable.

9 (d) Only one air pollution site fee may be collected from  
10 any site, even if such site receives more than one air  
11 pollution control permit.

12 (e) The Agency shall establish procedures for the  
13 collection of air pollution site fees. Air pollution site fees  
14 may be paid annually, or in advance for the number of years for  
15 which the permit is issued, at the option of the owner or  
16 operator. ~~Payment in advance does not exempt the owner or~~  
17 ~~operator from paying any increase in the fee that may occur~~  
18 ~~during the term of the permit; the owner or operator must pay~~  
19 ~~the amount of the increase upon and from the effective date of~~  
20 ~~the increase.~~

21 (f) The Agency may deny an application for the issuance,  
22 ~~transfer,~~ or renewal of an air pollution operating permit if  
23 any air pollution site fee owed by the applicant has not been  
24 paid within 60 days of the due date, unless the applicant, at  
25 the time of application, pays to the Agency in advance the air  
26 pollution site fee for the site that is the subject of the

1 operating permit, plus any other air pollution site fees then  
2 owed by the applicant. The denial of an air pollution operating  
3 permit for failure to pay an air pollution site fee shall be  
4 subject to review by the Board pursuant to the provisions of  
5 subsection (a) of Section 40 of this Act.

6 (g) (Blank). ~~If the Agency determines that an owner or~~  
7 ~~operator of a site was required, but failed, to timely obtain~~  
8 ~~an air pollution operating permit, and as a result avoided the~~  
9 ~~payment of permit fees, the Agency may collect the avoided~~  
10 ~~permit fees with or without pursuing enforcement under Section~~  
11 ~~31 of this Act. The avoided permit fees shall be calculated as~~  
12 ~~double the amount that would have been owed had a permit been~~  
13 ~~timely obtained. Fees collected pursuant to this subsection (g)~~  
14 ~~shall be deposited into the Environmental Protection Permit and~~  
15 ~~Inspection Fund.~~

16 (h) (Blank). ~~If the Agency determines that an owner or~~  
17 ~~operator of a site was required, but failed, to timely obtain~~  
18 ~~an air pollution operating permit and as a result avoided the~~  
19 ~~payment of permit fees, an enforcement action may be brought~~  
20 ~~under Section 31 of this Act. In addition to any other relief~~  
21 ~~that may be obtained as part of this action, the Agency may~~  
22 ~~seek to recover the avoided permit fees. The avoided permit~~  
23 ~~fees shall be calculated as double the amount that would have~~  
24 ~~been owed had a permit been timely obtained. Fees collected~~  
25 ~~pursuant to this subsection (h) shall be deposited into the~~  
26 ~~Environmental Protection Permit and Inspection Fund.~~

1           (i) (Blank). ~~If a permittee subject to a fee under this~~  
2 ~~Section fails to pay the fee within 90 days of its due date, or~~  
3 ~~makes the fee payment from an account with insufficient funds~~  
4 ~~to cover the amount of the fee payment, the Agency shall notify~~  
5 ~~the permittee of the failure to pay the fee. If the permittee~~  
6 ~~fails to pay the fee within 60 days after such notification,~~  
7 ~~the Agency may, by written notice, immediately revoke the air~~  
8 ~~pollution operating permit. Failure of the Agency to notify the~~  
9 ~~permittee of failure to pay a fee due under this Section, or~~  
10 ~~the payment of the fee from an account with insufficient funds~~  
11 ~~to cover the amount of the fee payment, does not excuse or~~  
12 ~~alter the duty of the permittee to comply with the provisions~~  
13 ~~of this Section.~~

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

15           (415 ILCS 5/12.2) (from Ch. 111 1/2, par. 1012.2)

16           Sec. 12.2. Water pollution construction permit fees.

17           (a) Beginning July 1, 2003, the Agency shall collect a fee  
18 in the amount set forth in this Section for any sewer which  
19 requires a construction permit under paragraph (b) of Section  
20 12, from each applicant for a sewer construction permit under  
21 paragraph (b) of Section 12 or regulations adopted hereunder.+

22           ~~(1) for any sewer which requires a construction permit~~  
23 ~~under paragraph (b) of Section 12, from each applicant for~~  
24 ~~a sewer construction permit under paragraph (b) of Section~~  
25 ~~12 or regulations adopted hereunder; and~~

1           ~~(2) for any treatment works, industrial pretreatment~~  
2           ~~works, or industrial wastewater source that requires a~~  
3           ~~construction permit under paragraph (b) of Section 12, from~~  
4           ~~the applicant for the construction permit. However, no fee~~  
5           ~~shall be required for a treatment works or wastewater~~  
6           ~~source directly covered and authorized under an NPDES~~  
7           ~~permit issued by the Agency, nor for any treatment works,~~  
8           ~~industrial pretreatment works, or industrial wastewater~~  
9           ~~source (i) that is under or pending construction authorized~~  
10           ~~by a valid construction permit issued by the Agency prior~~  
11           ~~to July 1, 2003, during the term of that construction~~  
12           ~~permit, or (ii) for which a completed construction permit~~  
13           ~~application has been received by the Agency prior to July~~  
14           ~~1, 2003, with respect to the permit issued under that~~  
15           ~~application.~~

16           (b) Each applicant or person required to pay a fee under  
17 this Section shall submit the fee to the Agency along with the  
18 permit application. The Agency shall deny any construction  
19 permit application for which a fee is required under this  
20 Section that does not contain the appropriate fee.

21           (c) The amount of the fee is as follows:

22           (1) A \$50 ~~\$100~~ fee shall be required for any sewer  
23 constructed with a design population of 1.

24           (2) A \$200 ~~\$400~~ fee shall be required for any sewer  
25 constructed with a design population of 2 to 20.

26           (3) A \$400 ~~\$800~~ fee shall be required for any sewer

1 constructed with a design population greater than 20 but  
2 less than 101.

3 (4) A \$600 ~~\$1200~~ fee shall be required for any sewer  
4 constructed with a design population greater than 100 but  
5 less than 500.

6 (5) A \$1,200 ~~\$2400~~ fee shall be required for any sewer  
7 constructed with a design population of 500 or more.

8 ~~(6) A \$1,000 fee shall be required for any industrial~~  
9 ~~wastewater source that does not require pretreatment of the~~  
10 ~~wastewater prior to discharge to the publicly owned~~  
11 ~~treatment works or publicly regulated treatment works.~~

12 ~~(7) A \$3,000 fee shall be required for any industrial~~  
13 ~~wastewater source that requires pretreatment of the~~  
14 ~~wastewater for non-toxic pollutants prior to discharge to~~  
15 ~~the publicly owned treatment works or publicly regulated~~  
16 ~~treatment works.~~

17 ~~(8) A \$6,000 fee shall be required for any industrial~~  
18 ~~wastewater source that requires pretreatment of the~~  
19 ~~wastewater for toxic pollutants prior to discharge to the~~  
20 ~~publicly owned treatment works or publicly regulated~~  
21 ~~treatment works.~~

22 ~~(9) A \$2,500 fee shall be required for construction~~  
23 ~~relating to land application of industrial sludge or spray~~  
24 ~~irrigation of industrial wastewater.~~

25 All fees collected by the Agency under this Section shall  
26 be deposited into the Environmental Protection Permit and



1 Inspection Fund in accordance with Section 22.8.

2 (d) Prior to a final Agency decision on a permit  
3 application for which a fee has been paid under this Section,  
4 the applicant may propose modification to the application in  
5 accordance with this Act and regulations adopted hereunder  
6 without any additional fee becoming due, unless the proposed  
7 modifications cause an increase in the design population served  
8 by the sewer specified in the permit application before the  
9 modifications ~~or the modifications cause a change in the~~  
10 ~~applicable fee category stated in subsection (c)~~. If the  
11 modifications cause such an increase ~~or change the fee category~~  
12 and the increase results in additional fees being due under  
13 subsection (c), the applicant shall submit the additional fee  
14 to the Agency with the proposed modifications.

15 (e) No fee shall be due under this Section from:

16 (1) any department, agency or unit of State government  
17 for installing or extending a sewer;

18 (2) any unit of local government with which the Agency  
19 has entered into a written delegation agreement under  
20 Section 4 which allows such unit to issue construction  
21 permits under this Title, or regulations adopted  
22 hereunder, for installing or extending a sewer; or

23 (3) any unit of local government or school district for  
24 installing or extending a sewer where both of the following  
25 conditions are met:

26 (i) the cost of the installation or extension is

1           paid wholly from monies of the unit of local government  
2           or school district, State grants or loans, federal  
3           grants or loans, or any combination thereof; and

4                   (ii) the unit of local government or school  
5           district is not given monies, reimbursed or paid,  
6           either in whole or in part, by another person (except  
7           for State grants or loans or federal grants or loans)  
8           for the installation or extension.

9           (f) The Agency may establish procedures relating to the  
10          collection of fees under this Section. The Agency shall not  
11          refund any fee paid to it under this Section. ~~Notwithstanding~~  
12          ~~the provisions of any rule adopted before July 1, 2003~~  
13          ~~concerning fees under this Section, the Agency shall assess and~~  
14          ~~collect the fees imposed under subdivision (a) (2) of this~~  
15          ~~Section and the increases in the fees imposed under subdivision~~  
16          ~~(a) (1) of this Section beginning on July 1, 2003, for all~~  
17          ~~completed applications received on or after that date.~~

18          (g) Notwithstanding any other provision of this Act, the  
19          Agency shall, not later than 45 days following the receipt of  
20          both an application for a construction permit and the fee  
21          required by this Section, either approve that application and  
22          issue a permit or tender to the applicant a written statement  
23          setting forth with specificity the reasons for the disapproval  
24          of the application and denial of a permit. If the Agency takes  
25          no final action within 45 days after the filing of the  
26          application for a permit, the applicant may deem the permit

1 issued.

2 (h) (Blank). ~~For purposes of this Section:~~

3 ~~"Toxic pollutants" means those pollutants defined in~~  
4 ~~Section 502(13) of the federal Clean Water Act and regulations~~  
5 ~~adopted pursuant to that Act.~~

6 ~~"Industrial" refers to those industrial users referenced~~  
7 ~~in Section 502(13) of the federal Clean Water Act and~~  
8 ~~regulations adopted pursuant to that Act.~~

9 ~~"Pretreatment" means the reduction of the amount of~~  
10 ~~pollutants, the elimination of pollutants, or the alteration of~~  
11 ~~the nature of pollutant properties in wastewater prior to or in~~  
12 ~~lieu of discharging or otherwise introducing those pollutants~~  
13 ~~into a publicly owned treatment works or publicly regulated~~  
14 ~~treatment works.~~

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

16 (415 ILCS 5/16.1) (from Ch. 111 1/2, par. 1016.1)

17 Sec. 16.1. Permit fees.

18 (a) Except as provided in subsection (f), the Agency shall  
19 collect a fee in the amount set forth in subsection (d) from:

20 (1) each applicant for a construction permit under this Title,  
21 or regulations adopted hereunder, to install or extend water  
22 main; and (2) each person who submits as-built plans under this  
23 Title, or regulations adopted hereunder, to install or extend  
24 water main.

25 (b) Except as provided in subsection (c), each applicant or

1 person required to pay a fee under this Section shall submit  
2 the fee to the Agency along with the permit application or  
3 as-built plans. The Agency shall deny any construction permit  
4 application for which a fee is required under this Section that  
5 does not contain the appropriate fee. The Agency shall not  
6 approve any as-built plans for which a fee is required under  
7 this Section that do not contain the appropriate fee.

8 (c) Each applicant for an emergency construction permit  
9 under this Title, or regulations adopted hereunder, to install  
10 or extend a water main shall submit the appropriate fee to the  
11 Agency within 10 calendar days from the date of issuance of the  
12 emergency construction permit.

13 (d) The amount of the fee is as follows:

14 (1) \$120 ~~\$240~~ if the construction permit application is  
15 to install or extend water main that is more than 200 feet,  
16 but not more than 1,000 feet in length;

17 (2) \$360 ~~\$720~~ if the construction permit application is  
18 to install or extend water main that is more than 1,000  
19 feet but not more than 5,000 feet in length;

20 (3) 600 ~~\$1200~~ if the construction permit application is  
21 to install or extend water main that is more than 5,000  
22 feet in length.

23 (e) Prior to a final Agency decision on a permit  
24 application for which a fee has been paid under this Section,  
25 the applicant may propose modifications to the application in  
26 accordance with this Act and regulations adopted hereunder

1 without any additional fee becoming due unless the proposed  
2 modifications cause the length of water main to increase beyond  
3 the length specified in the permit application before the  
4 modifications. If the modifications cause such an increase and  
5 the increase results in additional fees being due under  
6 subsection (d), the applicant shall submit the additional fee  
7 to the Agency with the proposed modifications.

8 (f) No fee shall be due under this Section from (1) any  
9 department, agency or unit of State government for installing  
10 or extending a water main; (2) any unit of local government  
11 with which the Agency has entered into a written delegation  
12 agreement under Section 4 of this Act which allows such unit to  
13 issue construction permits under this Title, or regulations  
14 adopted hereunder, for installing or extending a water main; or  
15 (3) any unit of local government or school district for  
16 installing or extending a water main where both of the  
17 following conditions are met: (i) the cost of the installation  
18 or extension is paid wholly from monies of the unit of local  
19 government or school district, State grants or loans, federal  
20 grants or loans, or any combination thereof; and (ii) the unit  
21 of local government or school district is not given monies,  
22 reimbursed or paid, either in whole or in part, by another  
23 person (except for State grants or loans or federal grants or  
24 loans) for the installation or extension.

25 (g) The Agency may establish procedures relating to the  
26 collection of fees under this Section. The Agency shall not

1 refund any fee paid to it under this Section.

2 (h) For the purposes of this Section, the term "water main"  
3 means any pipe that is to be used for the purpose of  
4 distributing potable water which serves or is accessible to  
5 more than one property, dwelling or rental unit, and that is  
6 exterior to buildings.

7 (i) Notwithstanding any other provision of this Act, the  
8 Agency shall, not later than 45 days following the receipt of  
9 both an application for a construction permit and the fee  
10 required by this Section, either approve that application and  
11 issue a permit or tender to the applicant a written statement  
12 setting forth with specificity the reasons for the disapproval  
13 of the application and denial of a permit. If there is no final  
14 action by the Agency within 45 days after the filing of the  
15 application for a permit, the applicant may deem the permit  
16 issued.

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

18 (415 ILCS 5/22.8) (from Ch. 111 1/2, par. 1022.8)

19 Sec. 22.8. Environmental Protection Permit and Inspection  
20 Fund.

21 (a) There is hereby created in the State Treasury a special  
22 fund to be known as the Environmental Protection Permit and  
23 Inspection Fund. All fees collected by the Agency pursuant to  
24 this Section, Section 9.6, 12.2, 16.1, 22.2 (j) (6) (E) (v) (IV),  
25 56.4, 56.5, 56.6, and subsection (f) of Section 5 of this Act

1 or pursuant to Section 22 of the Public Water Supply Operations  
2 Act and funds collected under subsection (b.5) of Section 42 of  
3 this Act shall be deposited into the Fund. In addition to any  
4 monies appropriated from the General Revenue Fund, monies in  
5 the Fund shall be appropriated by the General Assembly to the  
6 Agency in amounts deemed necessary for manifest, permit, and  
7 inspection activities and for processing requests under  
8 Section 22.2 (j) (6) (E) (v) (IV).

9 The General Assembly may appropriate monies in the Fund  
10 deemed necessary for Board regulatory and adjudicatory  
11 proceedings.

12 (b) The Agency shall collect from the owner or operator of  
13 any of the following types of hazardous waste disposal sites or  
14 management facilities which require a RCRA permit under  
15 subsection (f) of Section 21 of this Act, or a UIC permit under  
16 subsection (g) of Section 12 of this Act, an annual fee in the  
17 amount of:

18 (1) \$35,000 (\$70,000 beginning in 2004 and until the  
19 effective date of this amendatory Act of the 96th General  
20 Assembly) for a hazardous waste disposal site receiving  
21 hazardous waste if the hazardous waste disposal site is  
22 located off the site where such waste was produced;

23 (2) \$9,000 (\$18,000 beginning in 2004 and until the  
24 effective date of this amendatory Act of the 96th General  
25 Assembly) for a hazardous waste disposal site receiving  
26 hazardous waste if the hazardous waste disposal site is

1 located on the site where such waste was produced;

2 (3) \$7,000 (\$14,000 beginning in 2004 and until the  
3 effective date of this amendatory Act of the 96th General  
4 Assembly) for a hazardous waste disposal site receiving  
5 hazardous waste if the hazardous waste disposal site is an  
6 underground injection well;

7 (4) \$2,000 (\$4,000 beginning in 2004 and until the  
8 effective date of this amendatory Act of the 96th General  
9 Assembly) for a hazardous waste management facility  
10 treating hazardous waste by incineration;

11 (5) \$1,000 (\$2,000 beginning in 2004 and until the  
12 effective date of this amendatory Act of the 96th General  
13 Assembly) for a hazardous waste management facility  
14 treating hazardous waste by a method, technique or process  
15 other than incineration;

16 (6) \$1,000 (\$2,000 beginning in 2004 and until the  
17 effective date of this amendatory Act of the 96th General  
18 Assembly) for a hazardous waste management facility  
19 storing hazardous waste in a surface impoundment or pile;

20 (7) \$250 (\$500 beginning in 2004 and until the  
21 effective date of this amendatory Act of the 96th General  
22 Assembly) for a hazardous waste management facility  
23 storing hazardous waste other than in a surface impoundment  
24 or pile; and

25 (8) (Blank). ~~Beginning in 2004, \$500 for a large~~  
26 ~~quantity hazardous waste generator required to submit an~~



1 ~~annual or biennial report for hazardous waste generation.~~

2 (c) Where two or more operational units are located within  
3 a single hazardous waste disposal site, the Agency shall  
4 collect from the owner or operator of such site an annual fee  
5 equal to the highest fee imposed by subsection (b) of this  
6 Section upon any single operational unit within the site.

7 (d) The fee imposed upon a hazardous waste disposal site  
8 under this Section shall be the exclusive permit and inspection  
9 fee applicable to hazardous waste disposal at such site,  
10 provided that nothing in this Section shall be construed to  
11 diminish or otherwise affect any fee imposed upon the owner or  
12 operator of a hazardous waste disposal site by Section 22.2.

13 (e) The Agency shall establish procedures, no later than  
14 December 1, 1984, relating to the collection of the hazardous  
15 waste disposal site fees authorized by this Section. Such  
16 procedures shall include, but not be limited to the time and  
17 manner of payment of fees to the Agency, which shall be  
18 quarterly, payable at the beginning of each quarter for  
19 hazardous waste disposal site fees. Annual fees required under  
20 paragraph (7) of subsection (b) of this Section shall accompany  
21 the annual report required by Board regulations for the  
22 calendar year for which the report applies.

23 (f) For purposes of this Section, a hazardous waste  
24 disposal site consists of one or more of the following  
25 operational units:

26 (1) a landfill receiving hazardous waste for disposal;

1 (2) a waste pile or surface impoundment, receiving  
2 hazardous waste, in which residues which exhibit any of the  
3 characteristics of hazardous waste pursuant to Board  
4 regulations are reasonably expected to remain after  
5 closure;

6 (3) a land treatment facility receiving hazardous  
7 waste; or

8 (4) a well injecting hazardous waste.

9 (g) On and after the effective date of this amendatory Act  
10 of the 96th General Assembly, the Agency shall assess a fee of  
11 \$1 for each manifest provided by the Agency shall furnish up to  
12 20 manifests requested by any generator at no charge and no  
13 generator shall be required to pay more than \$500 per year in  
14 such manifest fees. The Agency shall assess a fee for each  
15 manifest provided by the Agency. For manifests provided on or  
16 after January 1, 1989 but before July 1, 2003, the fee shall be  
17 \$1 per manifest. For manifests provided on or after July 1,  
18 2003, the fee shall be \$3 per manifest.

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

20 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

21 Sec. 22.15. Solid Waste Management Fund; fees.

22 (a) There is hereby created within the State Treasury a  
23 special fund to be known as the "Solid Waste Management Fund",  
24 to be constituted from the fees collected by the State pursuant  
25 to this Section and from repayments of loans made from the Fund

1 for solid waste projects. Moneys received by the Department of  
2 Commerce and Economic Opportunity in repayment of loans made  
3 pursuant to the Illinois Solid Waste Management Act shall be  
4 deposited into the General Revenue Fund.

5 (b) The Agency shall assess and collect a fee in the amount  
6 set forth herein from the owner or operator of each sanitary  
7 landfill permitted or required to be permitted by the Agency to  
8 dispose of solid waste if the sanitary landfill is located off  
9 the site where such waste was produced and if such sanitary  
10 landfill is owned, controlled, and operated by a person other  
11 than the generator of such waste. The Agency shall deposit all  
12 fees collected into the Solid Waste Management Fund. If a site  
13 is contiguous to one or more landfills owned or operated by the  
14 same person, the volumes permanently disposed of by each  
15 landfill shall be combined for purposes of determining the fee  
16 under this subsection.

17 (1) If more than 150,000 cubic yards of non-hazardous  
18 solid waste is permanently disposed of at a site in a  
19 calendar year, the owner or operator shall either pay a fee  
20 of \$0.45 ~~95 cents~~ per cubic yard or, alternatively, the  
21 owner or operator may weigh the quantity of the solid waste  
22 permanently disposed of with a device for which  
23 certification has been obtained under the Weights and  
24 Measures Act and pay a fee of \$0.95 ~~\$2.00~~ per ton of solid  
25 waste permanently disposed of. In no case shall the fee  
26 collected or paid by the owner or operator under this

1 paragraph exceed \$1.05 ~~\$1.55~~ per cubic yard or \$2.22 ~~\$3.27~~  
2 per ton.

3 (2) If more than 100,000 cubic yards but not more than  
4 150,000 cubic yards of non-hazardous waste is permanently  
5 disposed of at a site in a calendar year, the owner or  
6 operator shall pay a fee of \$25,000 ~~\$52,630~~.

7 (3) If more than 50,000 cubic yards but not more than  
8 100,000 cubic yards of non-hazardous solid waste is  
9 permanently disposed of at a site in a calendar year, the  
10 owner or operator shall pay a fee of \$11,300 ~~\$23,790~~.

11 (4) If more than 10,000 cubic yards but not more than  
12 50,000 cubic yards of non-hazardous solid waste is  
13 permanently disposed of at a site in a calendar year, the  
14 owner or operator shall pay a fee of \$3,450 ~~\$7,260~~.

15 (5) If not more than 10,000 cubic yards of  
16 non-hazardous solid waste is permanently disposed of at a  
17 site in a calendar year, the owner or operator shall pay a  
18 fee of \$500 ~~\$1050~~.

19 (c) (Blank.)

20 (d) The Agency shall establish rules relating to the  
21 collection of the fees authorized by this Section. Such rules  
22 shall include, but not be limited to:

23 (1) necessary records identifying the quantities of  
24 solid waste received or disposed;

25 (2) the form and submission of reports to accompany the  
26 payment of fees to the Agency;

1           (3) the time and manner of payment of fees to the  
2           Agency, which payments shall not be more often than  
3           quarterly; and

4           (4) procedures setting forth criteria establishing  
5           when an owner or operator may measure by weight or volume  
6           during any given quarter or other fee payment period.

7           (e) Pursuant to appropriation, all monies in the Solid  
8           Waste Management Fund shall be used by the Agency and the  
9           Department of Commerce and Economic Opportunity for the  
10          purposes set forth in this Section and in the Illinois Solid  
11          Waste Management Act, including for the costs of fee collection  
12          and administration.

13          (f) The Agency is authorized to enter into such agreements  
14          and to promulgate such rules as are necessary to carry out its  
15          duties under this Section and the Illinois Solid Waste  
16          Management Act.

17          (g) On the first day of January, April, July, and October  
18          of each year, beginning on July 1, 1996, the State Comptroller  
19          and Treasurer shall transfer \$500,000 from the Solid Waste  
20          Management Fund to the Hazardous Waste Fund. Moneys transferred  
21          under this subsection (g) shall be used only for the purposes  
22          set forth in item (1) of subsection (d) of Section 22.2.

23          (h) The Agency is authorized to provide financial  
24          assistance to units of local government for the performance of  
25          inspecting, investigating and enforcement activities pursuant  
26          to Section 4(r) at nonhazardous solid waste disposal sites.

1           (i) The Agency is authorized to support the operations of  
2 an industrial materials exchange service, and to conduct  
3 household waste collection and disposal programs.

4           (j) A unit of local government, as defined in the Local  
5 Solid Waste Disposal Act, in which a solid waste disposal  
6 facility is located may establish a fee, tax, or surcharge with  
7 regard to the permanent disposal of solid waste. All fees,  
8 taxes, and surcharges collected under this subsection shall be  
9 utilized for solid waste management purposes, including  
10 long-term monitoring and maintenance of landfills, planning,  
11 implementation, inspection, enforcement and other activities  
12 consistent with the Solid Waste Management Act and the Local  
13 Solid Waste Disposal Act, or for any other environment-related  
14 purpose, including but not limited to an environment-related  
15 public works project, but not for the construction of a new  
16 pollution control facility other than a household hazardous  
17 waste facility. However, the total fee, tax or surcharge  
18 imposed by all units of local government under this subsection  
19 (j) upon the solid waste disposal facility shall not exceed:

20           (1) 60¢ per cubic yard if more than 150,000 cubic yards  
21 of non-hazardous solid waste is permanently disposed of at  
22 the site in a calendar year, unless the owner or operator  
23 weighs the quantity of the solid waste received with a  
24 device for which certification has been obtained under the  
25 Weights and Measures Act, in which case the fee shall not  
26 exceed \$1.27 per ton of solid waste permanently disposed

1 of.

2 (2) \$33,350 if more than 100,000 cubic yards, but not  
3 more than 150,000 cubic yards, of non-hazardous waste is  
4 permanently disposed of at the site in a calendar year.

5 (3) \$15,500 if more than 50,000 cubic yards, but not  
6 more than 100,000 cubic yards, of non-hazardous solid waste  
7 is permanently disposed of at the site in a calendar year.

8 (4) \$4,650 if more than 10,000 cubic yards, but not  
9 more than 50,000 cubic yards, of non-hazardous solid waste  
10 is permanently disposed of at the site in a calendar year.

11 (5) \$650 if not more than 10,000 cubic yards of  
12 non-hazardous solid waste is permanently disposed of at the  
13 site in a calendar year.

14 The corporate authorities of the unit of local government  
15 may use proceeds from the fee, tax, or surcharge to reimburse a  
16 highway commissioner whose road district lies wholly or  
17 partially within the corporate limits of the unit of local  
18 government for expenses incurred in the removal of  
19 nonhazardous, nonfluid municipal waste that has been dumped on  
20 public property in violation of a State law or local ordinance.

21 A county or Municipal Joint Action Agency that imposes a  
22 fee, tax, or surcharge under this subsection may use the  
23 proceeds thereof to reimburse a municipality that lies wholly  
24 or partially within its boundaries for expenses incurred in the  
25 removal of nonhazardous, nonfluid municipal waste that has been  
26 dumped on public property in violation of a State law or local

1 ordinance.

2 If the fees are to be used to conduct a local sanitary  
3 landfill inspection or enforcement program, the unit of local  
4 government must enter into a written delegation agreement with  
5 the Agency pursuant to subsection (r) of Section 4. The unit of  
6 local government and the Agency shall enter into such a written  
7 delegation agreement within 60 days after the establishment of  
8 such fees. At least annually, the Agency shall conduct an audit  
9 of the expenditures made by units of local government from the  
10 funds granted by the Agency to the units of local government  
11 for purposes of local sanitary landfill inspection and  
12 enforcement programs, to ensure that the funds have been  
13 expended for the prescribed purposes under the grant.

14 The fees, taxes or surcharges collected under this  
15 subsection (j) shall be placed by the unit of local government  
16 in a separate fund, and the interest received on the moneys in  
17 the fund shall be credited to the fund. The monies in the fund  
18 may be accumulated over a period of years to be expended in  
19 accordance with this subsection.

20 A unit of local government, as defined in the Local Solid  
21 Waste Disposal Act, shall prepare and distribute to the Agency,  
22 in April of each year, a report that details spending plans for  
23 monies collected in accordance with this subsection. The report  
24 will at a minimum include the following:

25 (1) The total monies collected pursuant to this  
26 subsection.



1           (2) The most current balance of monies collected  
2 pursuant to this subsection.

3           (3) An itemized accounting of all monies expended for  
4 the previous year pursuant to this subsection.

5           (4) An estimation of monies to be collected for the  
6 following 3 years pursuant to this subsection.

7           (5) A narrative detailing the general direction and  
8 scope of future expenditures for one, 2 and 3 years.

9           The exemptions granted under Sections 22.16 and 22.16a, and  
10 under subsections (c) and (k) of this Section, shall be  
11 applicable to any fee, tax or surcharge imposed under this  
12 subsection (j); except that the fee, tax or surcharge  
13 authorized to be imposed under this subsection (j) may be made  
14 applicable by a unit of local government to the permanent  
15 disposal of solid waste after December 31, 1986, under any  
16 contract lawfully executed before June 1, 1986 under which more  
17 than 150,000 cubic yards (or 50,000 tons) of solid waste is to  
18 be permanently disposed of, even though the waste is exempt  
19 from the fee imposed by the State under subsection (b) of this  
20 Section pursuant to an exemption granted under Section 22.16.

21           (k) In accordance with the findings and purposes of the  
22 Illinois Solid Waste Management Act, beginning January 1, 1989  
23 the fee under subsection (b) and the fee, tax or surcharge  
24 under subsection (j) shall not apply to:

25           (1) Waste which is hazardous waste; or

26           (2) Waste which is pollution control waste; or

1           (3) Waste from recycling, reclamation or reuse  
2 processes which have been approved by the Agency as being  
3 designed to remove any contaminant from wastes so as to  
4 render such wastes reusable, provided that the process  
5 renders at least 50% of the waste reusable; or

6           (4) Non-hazardous solid waste that is received at a  
7 sanitary landfill and composted or recycled through a  
8 process permitted by the Agency; or

9           (5) Any landfill which is permitted by the Agency to  
10 receive only demolition or construction debris or  
11 landscape waste.

12 (Source: P.A. 93-32, eff. 7-1-03; 94-91, eff. 7-1-05.)

13           (415 ILCS 5/22.44)

14           Sec. 22.44. Subtitle D management fees.

15           (a) There is created within the State treasury a special  
16 fund to be known as the "Subtitle D Management Fund"  
17 constituted from the fees collected by the State under this  
18 Section.

19           (b) The Agency shall assess and collect a fee in the amount  
20 set forth in this subsection from the owner or operator of each  
21 sanitary landfill permitted or required to be permitted by the  
22 Agency to dispose of solid waste if the sanitary landfill is  
23 located off the site where the waste was produced and if the  
24 sanitary landfill is owned, controlled, and operated by a  
25 person other than the generator of the waste. The Agency shall

1 deposit all fees collected under this subsection into the  
2 Subtitle D Management Fund. If a site is contiguous to one or  
3 more landfills owned or operated by the same person, the  
4 volumes permanently disposed of by each landfill shall be  
5 combined for purposes of determining the fee under this  
6 subsection.

7 (1) If more than 150,000 cubic yards of non-hazardous  
8 solid waste is permanently disposed of at a site in a  
9 calendar year, the owner or operator shall either pay a fee  
10 of \$0.055 ~~10.1 cents~~ per cubic yard or, alternatively, the  
11 owner or operator may weigh the quantity of the solid waste  
12 permanently disposed of with a device for which  
13 certification has been obtained under the Weights and  
14 Measures Act and pay a fee of \$0.12 ~~22~~ cents per ton of  
15 waste permanently disposed of.

16 (2) If more than 100,000 cubic yards, but not more than  
17 150,000 cubic yards, of non-hazardous waste is permanently  
18 disposed of at a site in a calendar year, the owner or  
19 operator shall pay a fee of \$3,825 ~~\$7,020~~.

20 (3) If more than 50,000 cubic yards, but not more than  
21 100,000 cubic yards, of non-hazardous solid waste is  
22 permanently disposed of at a site in a calendar year, the  
23 owner or operator shall pay a fee of \$1,700 ~~\$3,120~~.

24 (4) If more than 10,000 cubic yards, but not more than  
25 50,000 cubic yards, of non-hazardous solid waste is  
26 permanently disposed of at a site in a calendar year, the

1 owner or operator shall pay a fee of \$530 ~~\$975~~.

2 (5) If not more than 10,000 cubic yards of  
3 non-hazardous solid waste is permanently disposed of at a  
4 site in a calendar year, the owner or operator shall pay a  
5 fee of \$110 ~~\$210~~.

6 (c) The fee under subsection (b) shall not apply to any of  
7 the following:

8 (1) Hazardous waste.

9 (2) Pollution control waste.

10 (3) Waste from recycling, reclamation, or reuse  
11 processes that have been approved by the Agency as being  
12 designed to remove any contaminant from wastes so as to  
13 render the wastes reusable, provided that the process  
14 renders at least 50% of the waste reusable.

15 (4) Non-hazardous solid waste that is received at a  
16 sanitary landfill and composted or recycled through a  
17 process permitted by the Agency.

18 (5) Any landfill that is permitted by the Agency to  
19 receive only demolition or construction debris or  
20 landscape waste.

21 (d) The Agency shall establish rules relating to the  
22 collection of the fees authorized by this Section. These rules  
23 shall include, but not be limited to the following:

24 (1) Necessary records identifying the quantities of  
25 solid waste received or disposed.

26 (2) The form and submission of reports to accompany the

1 payment of fees to the Agency.

2 (3) The time and manner of payment of fees to the  
3 Agency, which payments shall not be more often than  
4 quarterly.

5 (4) Procedures setting forth criteria establishing  
6 when an owner or operator may measure by weight or volume  
7 during any given quarter or other fee payment period.

8 (e) Fees collected under this Section shall be in addition  
9 to any other fees collected under any other Section.

10 (f) The Agency shall not refund any fee paid to it under  
11 this Section.

12 (g) Pursuant to appropriation, all moneys in the Subtitle D  
13 Management Fund shall be used by the Agency to administer the  
14 United States Environmental Protection Agency's Subtitle D  
15 Program provided in Sections 4004 and 4010 of the Resource  
16 Conservation and Recovery Act of 1976 (P.L. 94-580) as it  
17 relates to a municipal solid waste landfill program in Illinois  
18 and to fund a delegation of inspecting, investigating, and  
19 enforcement functions, within the municipality only, pursuant  
20 to subsection (r) of Section 4 of this Act to a municipality  
21 having a population of more than 1,000,000 inhabitants. The  
22 Agency shall execute a delegation agreement pursuant to  
23 subsection (r) of Section 4 of this Act with a municipality  
24 having a population of more than 1,000,000 inhabitants within  
25 90 days of September 13, 1993 and shall on an annual basis  
26 distribute from the Subtitle D Management Fund to that

1 municipality no less than \$150,000. Pursuant to appropriation,  
2 moneys in the Subtitle D Management Fund may also be used by  
3 the Agency for activities conducted under Section 22.15a of  
4 this Act.

5 (Source: P.A. 93-32, eff. 7-1-03; 94-272, eff. 7-19-05.)

6 (415 ILCS 5/39.5) (from Ch. 111 1/2, par. 1039.5)

7 Sec. 39.5. Clean Air Act Permit Program.

8 1. Definitions.

9 For purposes of this Section:

10 "Administrative permit amendment" means a permit revision  
11 subject to subsection 13 of this Section.

12 "Affected source for acid deposition" means a source that  
13 includes one or more affected units under Title IV of the Clean  
14 Air Act.

15 "Affected States" for purposes of formal distribution of a  
16 draft CAAPP permit to other States for comments prior to  
17 issuance, means all States:

18 (1) Whose air quality may be affected by the source  
19 covered by the draft permit and that are contiguous to  
20 Illinois; or

21 (2) That are within 50 miles of the source.

22 "Affected unit for acid deposition" shall have the meaning  
23 given to the term "affected unit" in the regulations  
24 promulgated under Title IV of the Clean Air Act.

25 "Applicable Clean Air Act requirement" means all of the

1 following as they apply to emissions units in a source  
2 (including regulations that have been promulgated or approved  
3 by USEPA pursuant to the Clean Air Act which directly impose  
4 requirements upon a source and other such federal requirements  
5 which have been adopted by the Board. These may include  
6 requirements and regulations which have future effective  
7 compliance dates. Requirements and regulations will be exempt  
8 if USEPA determines that such requirements need not be  
9 contained in a Title V permit):

10 (1) Any standard or other requirement provided for in  
11 the applicable state implementation plan approved or  
12 promulgated by USEPA under Title I of the Clean Air Act  
13 that implement the relevant requirements of the Clean Air  
14 Act, including any revisions to the state Implementation  
15 Plan promulgated in 40 CFR Part 52, Subparts A and O and  
16 other subparts applicable to Illinois. For purposes of this  
17 subsection (1) of this definition, "any standard or other  
18 requirement" shall mean only such standards or  
19 requirements directly enforceable against an individual  
20 source under the Clean Air Act.

21 (2) (i) Any term or condition of any preconstruction  
22 permits issued pursuant to regulations approved or  
23 promulgated by USEPA under Title I of the Clean Air  
24 Act, including Part C or D of the Clean Air Act.

25 (ii) Any term or condition as required pursuant to  
26 Section 39.5 of any federally enforceable State

1 operating permit issued pursuant to regulations  
2 approved or promulgated by USEPA under Title I of the  
3 Clean Air Act, including Part C or D of the Clean Air  
4 Act.

5 (3) Any standard or other requirement under Section 111  
6 of the Clean Air Act, including Section 111(d).

7 (4) Any standard or other requirement under Section 112  
8 of the Clean Air Act, including any requirement concerning  
9 accident prevention under Section 112(r)(7) of the Clean  
10 Air Act.

11 (5) Any standard or other requirement of the acid rain  
12 program under Title IV of the Clean Air Act or the  
13 regulations promulgated thereunder.

14 (6) Any requirements established pursuant to Section  
15 504(b) or Section 114(a)(3) of the Clean Air Act.

16 (7) Any standard or other requirement governing solid  
17 waste incineration, under Section 129 of the Clean Air Act.

18 (8) Any standard or other requirement for consumer and  
19 commercial products, under Section 183(e) of the Clean Air  
20 Act.

21 (9) Any standard or other requirement for tank vessels,  
22 under Section 183(f) of the Clean Air Act.

23 (10) Any standard or other requirement of the program  
24 to control air pollution from Outer Continental Shelf  
25 sources, under Section 328 of the Clean Air Act.

26 (11) Any standard or other requirement of the



1 regulations promulgated to protect stratospheric ozone  
2 under Title VI of the Clean Air Act, unless USEPA has  
3 determined that such requirements need not be contained in  
4 a Title V permit.

5 (12) Any national ambient air quality standard or  
6 increment or visibility requirement under Part C of Title I  
7 of the Clean Air Act, but only as it would apply to  
8 temporary sources permitted pursuant to Section 504(e) of  
9 the Clean Air Act.

10 "Applicable requirement" means all applicable Clean Air  
11 Act requirements and any other standard, limitation, or other  
12 requirement contained in this Act or regulations promulgated  
13 under this Act as applicable to sources of air contaminants  
14 (including requirements that have future effective compliance  
15 dates).

16 "CAAPP" means the Clean Air Act Permit Program, developed  
17 pursuant to Title V of the Clean Air Act.

18 "CAAPP application" means an application for a CAAPP  
19 permit.

20 "CAAPP Permit" or "permit" (unless the context suggests  
21 otherwise) means any permit issued, renewed, amended, modified  
22 or revised pursuant to Title V of the Clean Air Act.

23 "CAAPP source" means any source for which the owner or  
24 operator is required to obtain a CAAPP permit pursuant to  
25 subsection 2 of this Section.

26 "Clean Air Act" means the Clean Air Act, as now and

1 hereafter amended, 42 U.S.C. 7401, et seq.

2 "Designated representative" shall have the meaning given  
3 to it in Section 402(26) of the Clean Air Act and the  
4 regulations promulgated thereunder which states that the term  
5 'designated representative' shall mean a responsible person or  
6 official authorized by the owner or operator of a unit to  
7 represent the owner or operator in all matters pertaining to  
8 the holding, transfer, or disposition of allowances allocated  
9 to a unit, and the submission of and compliance with permits,  
10 permit applications, and compliance plans for the unit.

11 "Draft CAAPP permit" means the version of a CAAPP permit  
12 for which public notice and an opportunity for public comment  
13 and hearing is offered by the Agency.

14 "Effective date of the CAAPP" means the date that USEPA  
15 approves Illinois' CAAPP.

16 "Emission unit" means any part or activity of a stationary  
17 source that emits or has the potential to emit any air  
18 pollutant. This term is not meant to alter or affect the  
19 definition of the term "unit" for purposes of Title IV of the  
20 Clean Air Act.

21 "Federally enforceable" means enforceable by USEPA.

22 "Final permit action" means the Agency's granting with  
23 conditions, refusal to grant, renewal of, or revision of a  
24 CAAPP permit, the Agency's determination of incompleteness of a  
25 submitted CAAPP application, or the Agency's failure to act on  
26 an application for a permit, permit renewal, or permit revision

1 within the time specified in paragraph 5(j), subsection 13, or  
2 subsection 14 of this Section.

3 "General permit" means a permit issued to cover numerous  
4 similar sources in accordance with subsection 11 of this  
5 Section.

6 "Major source" means a source for which emissions of one or  
7 more air pollutants meet the criteria for major status pursuant  
8 to paragraph 2(c) of this Section.

9 "Maximum achievable control technology" or "MACT" means  
10 the maximum degree of reductions in emissions deemed achievable  
11 under Section 112 of the Clean Air Act.

12 "Owner or operator" means any person who owns, leases,  
13 operates, controls, or supervises a stationary source.

14 "Permit modification" means a revision to a CAAPP permit  
15 that cannot be accomplished under the provisions for  
16 administrative permit amendments under subsection 13 of this  
17 Section.

18 "Permit revision" means a permit modification or  
19 administrative permit amendment.

20 "Phase II" means the period of the national acid rain  
21 program, established under Title IV of the Clean Air Act,  
22 beginning January 1, 2000, and continuing thereafter.

23 "Phase II acid rain permit" means the portion of a CAAPP  
24 permit issued, renewed, modified, or revised by the Agency  
25 during Phase II for an affected source for acid deposition.

26 "Potential to emit" means the maximum capacity of a

1 stationary source to emit any air pollutant under its physical  
2 and operational design. Any physical or operational limitation  
3 on the capacity of a source to emit an air pollutant, including  
4 air pollution control equipment and restrictions on hours of  
5 operation or on the type or amount of material combusted,  
6 stored, or processed, shall be treated as part of its design if  
7 the limitation is enforceable by USEPA. This definition does  
8 not alter or affect the use of this term for any other purposes  
9 under the Clean Air Act, or the term "capacity factor" as used  
10 in Title IV of the Clean Air Act or the regulations promulgated  
11 thereunder.

12 "Preconstruction Permit" or "Construction Permit" means a  
13 permit which is to be obtained prior to commencing or beginning  
14 actual construction or modification of a source or emissions  
15 unit.

16 "Proposed CAAPP permit" means the version of a CAAPP permit  
17 that the Agency proposes to issue and forwards to USEPA for  
18 review in compliance with applicable requirements of the Act  
19 and regulations promulgated thereunder.

20 "Regulated air pollutant" means the following:

21 (1) Nitrogen oxides (NO<sub>x</sub>) or any volatile organic  
22 compound.

23 (2) Any pollutant for which a national ambient air  
24 quality standard has been promulgated.

25 (3) Any pollutant that is subject to any standard  
26 promulgated under Section 111 of the Clean Air Act.

1           (4) Any Class I or II substance subject to a standard  
2 promulgated under or established by Title VI of the Clean  
3 Air Act.

4           (5) Any pollutant subject to a standard promulgated  
5 under Section 112 or other requirements established under  
6 Section 112 of the Clean Air Act, including Sections  
7 112(g), (j) and (r).

8           (i) Any pollutant subject to requirements under  
9 Section 112(j) of the Clean Air Act. Any pollutant  
10 listed under Section 112(b) for which the subject  
11 source would be major shall be considered to be  
12 regulated 18 months after the date on which USEPA was  
13 required to promulgate an applicable standard pursuant  
14 to Section 112(e) of the Clean Air Act, if USEPA fails  
15 to promulgate such standard.

16           (ii) Any pollutant for which the requirements of  
17 Section 112(g)(2) of the Clean Air Act have been met,  
18 but only with respect to the individual source subject  
19 to Section 112(g)(2) requirement.

20           "Renewal" means the process by which a permit is reissued  
21 at the end of its term.

22           "Responsible official" means one of the following:

23           (1) For a corporation: a president, secretary,  
24 treasurer, or vice-president of the corporation in charge  
25 of a principal business function, or any other person who  
26 performs similar policy or decision-making functions for

1 the corporation, or a duly authorized representative of  
2 such person if the representative is responsible for the  
3 overall operation of one or more manufacturing,  
4 production, or operating facilities applying for or  
5 subject to a permit and either (i) the facilities employ  
6 more than 250 persons or have gross annual sales or  
7 expenditures exceeding \$25 million (in second quarter 1980  
8 dollars), or (ii) the delegation of authority to such  
9 representative is approved in advance by the Agency.

10 (2) For a partnership or sole proprietorship: a general  
11 partner or the proprietor, respectively, or in the case of  
12 a partnership in which all of the partners are  
13 corporations, a duly authorized representative of the  
14 partnership if the representative is responsible for the  
15 overall operation of one or more manufacturing,  
16 production, or operating facilities applying for or  
17 subject to a permit and either (i) the facilities employ  
18 more than 250 persons or have gross annual sales or  
19 expenditures exceeding \$25 million (in second quarter 1980  
20 dollars), or (ii) the delegation of authority to such  
21 representative is approved in advance by the Agency.

22 (3) For a municipality, State, Federal, or other public  
23 agency: either a principal executive officer or ranking  
24 elected official. For the purposes of this part, a  
25 principal executive officer of a Federal agency includes  
26 the chief executive officer having responsibility for the

1 overall operations of a principal geographic unit of the  
2 agency (e.g., a Regional Administrator of USEPA).

3 (4) For affected sources for acid deposition:

4 (i) The designated representative shall be the  
5 "responsible official" in so far as actions,  
6 standards, requirements, or prohibitions under Title  
7 IV of the Clean Air Act or the regulations promulgated  
8 thereunder are concerned.

9 (ii) The designated representative may also be the  
10 "responsible official" for any other purposes with  
11 respect to air pollution control.

12 "Section 502(b)(10) changes" means changes that contravene  
13 express permit terms. "Section 502(b)(10) changes" do not  
14 include changes that would violate applicable requirements or  
15 contravene federally enforceable permit terms or conditions  
16 that are monitoring (including test methods), recordkeeping,  
17 reporting, or compliance certification requirements.

18 "Solid waste incineration unit" means a distinct operating  
19 unit of any facility which combusts any solid waste material  
20 from commercial or industrial establishments or the general  
21 public (including single and multiple residences, hotels, and  
22 motels). The term does not include incinerators or other units  
23 required to have a permit under Section 3005 of the Solid Waste  
24 Disposal Act. The term also does not include (A) materials  
25 recovery facilities (including primary or secondary smelters)  
26 which combust waste for the primary purpose of recovering

1 metals, (B) qualifying small power production facilities, as  
2 defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C.  
3 769(17)(C)), or qualifying cogeneration facilities, as defined  
4 in Section 3(18)(B) of the Federal Power Act (16 U.S.C.  
5 796(18)(B)), which burn homogeneous waste (such as units which  
6 burn tires or used oil, but not including refuse-derived fuel)  
7 for the production of electric energy or in the case of  
8 qualifying cogeneration facilities which burn homogeneous  
9 waste for the production of electric energy and steam or forms  
10 of useful energy (such as heat) which are used for industrial,  
11 commercial, heating or cooling purposes, or (C) air curtain  
12 incinerators provided that such incinerators only burn wood  
13 wastes, yard waste and clean lumber and that such air curtain  
14 incinerators comply with opacity limitations to be established  
15 by the USEPA by rule.

16 "Source" means any stationary source (or any group of  
17 stationary sources) that are located on one or more contiguous  
18 or adjacent properties that are under common control of the  
19 same person (or persons under common control) and that belongs  
20 to a single major industrial grouping. For the purposes of  
21 defining "source," a stationary source or group of stationary  
22 sources shall be considered part of a single major industrial  
23 grouping if all of the pollutant emitting activities at such  
24 source or group of sources located on contiguous or adjacent  
25 properties and under common control belong to the same Major  
26 Group (i.e., all have the same two-digit code) as described in



1 the Standard Industrial Classification Manual, 1987, or such  
2 pollutant emitting activities at a stationary source (or group  
3 of stationary sources) located on contiguous or adjacent  
4 properties and under common control constitute a support  
5 facility. The determination as to whether any group of  
6 stationary sources are located on contiguous or adjacent  
7 properties, and/or are under common control, and/or whether the  
8 pollutant emitting activities at such group of stationary  
9 sources constitute a support facility shall be made on a case  
10 by case basis.

11 "Stationary source" means any building, structure,  
12 facility, or installation that emits or may emit any regulated  
13 air pollutant or any pollutant listed under Section 112(b) of  
14 the Clean Air Act.

15 "Support facility" means any stationary source (or group of  
16 stationary sources) that conveys, stores, or otherwise assists  
17 to a significant extent in the production of a principal  
18 product at another stationary source (or group of stationary  
19 sources). A support facility shall be considered to be part of  
20 the same source as the stationary source (or group of  
21 stationary sources) that it supports regardless of the 2-digit  
22 Standard Industrial Classification code for the support  
23 facility.

24 "USEPA" means the Administrator of the United States  
25 Environmental Protection Agency (USEPA) or a person designated  
26 by the Administrator.

1           1.1. Exclusion From the CAAPP.

2           a. An owner or operator of a source which determines  
3 that the source could be excluded from the CAAPP may seek  
4 such exclusion prior to the date that the CAAPP application  
5 for the source is due but in no case later than 9 months  
6 after the effective date of the CAAPP through the  
7 imposition of federally enforceable conditions limiting  
8 the "potential to emit" of the source to a level below the  
9 major source threshold for that source as described in  
10 paragraph 2(c) of this Section, within a State operating  
11 permit issued pursuant to Section 39(a) of this Act. After  
12 such date, an exclusion from the CAAPP may be sought under  
13 paragraph 3(c) of this Section.

14           b. An owner or operator of a source seeking exclusion  
15 from the CAAPP pursuant to paragraph (a) of this subsection  
16 must submit a permit application consistent with the  
17 existing State permit program which specifically requests  
18 such exclusion through the imposition of such federally  
19 enforceable conditions.

20           c. Upon such request, if the Agency determines that the  
21 owner or operator of a source has met the requirements for  
22 exclusion pursuant to paragraph (a) of this subsection and  
23 other applicable requirements for permit issuance under  
24 Section 39(a) of this Act, the Agency shall issue a State  
25 operating permit for such source under Section 39(a) of

1       this Act, as amended, and regulations promulgated  
2       thereunder with federally enforceable conditions limiting  
3       the "potential to emit" of the source to a level below the  
4       major source threshold for that source as described in  
5       paragraph 2(c) of this Section.

6             d. The Agency shall provide an owner or operator of a  
7       source which may be excluded from the CAAPP pursuant to  
8       this subsection with reasonable notice that the owner or  
9       operator may seek such exclusion.

10            e. The Agency shall provide such sources with the  
11       necessary permit application forms.

## 12       2. Applicability.

13            a. Sources subject to this Section shall include:

14                i. Any major source as defined in paragraph (c) of  
15       this subsection.

16                ii. Any source subject to a standard or other  
17       requirements promulgated under Section 111 (New Source  
18       Performance Standards) or Section 112 (Hazardous Air  
19       Pollutants) of the Clean Air Act, except that a source  
20       is not required to obtain a permit solely because it is  
21       subject to regulations or requirements under Section  
22       112(r) of the Clean Air Act.

23                iii. Any affected source for acid deposition, as  
24       defined in subsection 1 of this Section.

25                iv. Any other source subject to this Section under

1 the Clean Air Act or regulations promulgated  
2 thereunder, or applicable Board regulations.

3 b. Sources exempted from this Section shall include:

4 i. All sources listed in paragraph (a) of this  
5 subsection which are not major sources, affected  
6 sources for acid deposition or solid waste  
7 incineration units required to obtain a permit  
8 pursuant to Section 129(e) of the Clean Air Act, until  
9 the source is required to obtain a CAAPP permit  
10 pursuant to the Clean Air Act or regulations  
11 promulgated thereunder.

12 ii. Nonmajor sources subject to a standard or other  
13 requirements subsequently promulgated by USEPA under  
14 Section 111 or 112 of the Clean Air Act which are  
15 determined by USEPA to be exempt at the time a new  
16 standard is promulgated.

17 iii. All sources and source categories that would  
18 be required to obtain a permit solely because they are  
19 subject to Part 60, Subpart AAA - Standards of  
20 Performance for New Residential Wood Heaters (40 CFR  
21 Part 60).

22 iv. All sources and source categories that would be  
23 required to obtain a permit solely because they are  
24 subject to Part 61, Subpart M - National Emission  
25 Standard for Hazardous Air Pollutants for Asbestos,  
26 Section 61.145 (40 CFR Part 61).

1 v. Any other source categories exempted by USEPA  
2 regulations pursuant to Section 502(a) of the Clean Air  
3 Act.

4 c. For purposes of this Section the term "major source"  
5 means any source that is:

6 i. A major source under Section 112 of the Clean  
7 Air Act, which is defined as:

8 A. For pollutants other than radionuclides,  
9 any stationary source or group of stationary  
10 sources located within a contiguous area and under  
11 common control that emits or has the potential to  
12 emit, in the aggregate, 10 tons per year (tpy) or  
13 more of any hazardous air pollutant which has been  
14 listed pursuant to Section 112(b) of the Clean Air  
15 Act, 25 tpy or more of any combination of such  
16 hazardous air pollutants, or such lesser quantity  
17 as USEPA may establish by rule. Notwithstanding  
18 the preceding sentence, emissions from any oil or  
19 gas exploration or production well (with its  
20 associated equipment) and emissions from any  
21 pipeline compressor or pump station shall not be  
22 aggregated with emissions from other similar  
23 units, whether or not such units are in a  
24 contiguous area or under common control, to  
25 determine whether such stations are major sources.

26 B. For radionuclides, "major source" shall

1           have the meaning specified by the USEPA by rule.

2           ii. A major stationary source of air pollutants, as  
3 defined in Section 302 of the Clean Air Act, that  
4 directly emits or has the potential to emit, 100 tpy or  
5 more of any air pollutant (including any major source  
6 of fugitive emissions of any such pollutant, as  
7 determined by rule by USEPA). For purposes of this  
8 subsection, "fugitive emissions" means those emissions  
9 which could not reasonably pass through a stack,  
10 chimney, vent, or other functionally-equivalent  
11 opening. The fugitive emissions of a stationary source  
12 shall not be considered in determining whether it is a  
13 major stationary source for the purposes of Section  
14 302(j) of the Clean Air Act, unless the source belongs  
15 to one of the following categories of stationary  
16 source:

- 17           A. Coal cleaning plants (with thermal dryers).  
18           B. Kraft pulp mills.  
19           C. Portland cement plants.  
20           D. Primary zinc smelters.  
21           E. Iron and steel mills.  
22           F. Primary aluminum ore reduction plants.  
23           G. Primary copper smelters.  
24           H. Municipal incinerators capable of charging  
25 more than 250 tons of refuse per day.  
26           I. Hydrofluoric, sulfuric, or nitric acid

1 plants.

2 J. Petroleum refineries.

3 K. Lime plants.

4 L. Phosphate rock processing plants.

5 M. Coke oven batteries.

6 N. Sulfur recovery plants.

7 O. Carbon black plants (furnace process).

8 P. Primary lead smelters.

9 Q. Fuel conversion plants.

10 R. Sintering plants.

11 S. Secondary metal production plants.

12 T. Chemical process plants.

13 U. Fossil-fuel boilers (or combination  
14 thereof) totaling more than 250 million British  
15 thermal units per hour heat input.

16 V. Petroleum storage and transfer units with a  
17 total storage capacity exceeding 300,000 barrels.

18 W. Taconite ore processing plants.

19 X. Glass fiber processing plants.

20 Y. Charcoal production plants.

21 Z. Fossil fuel-fired steam electric plants of  
22 more than 250 million British thermal units per  
23 hour heat input.

24 AA. All other stationary source categories,  
25 which as of August 7, 1980 are being regulated by a  
26 standard promulgated under Section 111 or 112 of

1 the Clean Air Act.

2 BB. Any other stationary source category  
3 designated by USEPA by rule.

4 iii. A major stationary source as defined in part D  
5 of Title I of the Clean Air Act including:

6 A. For ozone nonattainment areas, sources with  
7 the potential to emit 100 tons or more per year of  
8 volatile organic compounds or oxides of nitrogen  
9 in areas classified as "marginal" or "moderate",  
10 50 tons or more per year in areas classified as  
11 "serious", 25 tons or more per year in areas  
12 classified as "severe", and 10 tons or more per  
13 year in areas classified as "extreme"; except that  
14 the references in this clause to 100, 50, 25, and  
15 10 tons per year of nitrogen oxides shall not apply  
16 with respect to any source for which USEPA has made  
17 a finding, under Section 182(f)(1) or (2) of the  
18 Clean Air Act, that requirements otherwise  
19 applicable to such source under Section 182(f) of  
20 the Clean Air Act do not apply. Such sources shall  
21 remain subject to the major source criteria of  
22 paragraph 2(c)(ii) of this subsection.

23 B. For ozone transport regions established  
24 pursuant to Section 184 of the Clean Air Act,  
25 sources with the potential to emit 50 tons or more  
26 per year of volatile organic compounds (VOCs).



1           C. For carbon monoxide nonattainment areas (1)  
2           that are classified as "serious", and (2) in which  
3           stationary sources contribute significantly to  
4           carbon monoxide levels as determined under rules  
5           issued by USEPA, sources with the potential to emit  
6           50 tons or more per year of carbon monoxide.

7           D. For particulate matter (PM-10)  
8           nonattainment areas classified as "serious",  
9           sources with the potential to emit 70 tons or more  
10          per year of PM-10.

11          3. Agency Authority To Issue CAAPP Permits and Federally  
12          Enforceable State Operating Permits.

13           a. The Agency shall issue CAAPP permits under this  
14           Section consistent with the Clean Air Act and regulations  
15           promulgated thereunder and this Act and regulations  
16           promulgated thereunder.

17           b. The Agency shall issue CAAPP permits for fixed terms  
18           of 5 years, except CAAPP permits issued for solid waste  
19           incineration units combusting municipal waste which shall  
20           be issued for fixed terms of 12 years and except CAAPP  
21           permits for affected sources for acid deposition which  
22           shall be issued for initial terms to expire on December 31,  
23           1999, and for fixed terms of 5 years thereafter.

24           c. The Agency shall have the authority to issue a State  
25           operating permit for a source under Section 39(a) of this

1 Act, as amended, and regulations promulgated thereunder,  
2 which includes federally enforceable conditions limiting  
3 the "potential to emit" of the source to a level below the  
4 major source threshold for that source as described in  
5 paragraph 2(c) of this Section, thereby excluding the  
6 source from the CAAPP, when requested by the applicant  
7 pursuant to paragraph 5(u) of this Section. The public  
8 notice requirements of this Section applicable to CAAPP  
9 permits shall also apply to the initial issuance of permits  
10 under this paragraph.

11 d. For purposes of this Act, a permit issued by USEPA  
12 under Section 505 of the Clean Air Act, as now and  
13 hereafter amended, shall be deemed to be a permit issued by  
14 the Agency pursuant to Section 39.5 of this Act.

15 4. Transition.

16 a. An owner or operator of a CAAPP source shall not be  
17 required to renew an existing State operating permit for  
18 any emission unit at such CAAPP source once a CAAPP  
19 application timely submitted prior to expiration of the  
20 State operating permit has been deemed complete. For  
21 purposes other than permit renewal, the obligation upon the  
22 owner or operator of a CAAPP source to obtain a State  
23 operating permit is not removed upon submittal of the  
24 complete CAAPP permit application. An owner or operator of  
25 a CAAPP source seeking to make a modification to a source

1 prior to the issuance of its CAAPP permit shall be required  
2 to obtain a construction and/or operating permit as  
3 required for such modification in accordance with the State  
4 permit program under Section 39(a) of this Act, as amended,  
5 and regulations promulgated thereunder. The application  
6 for such construction and/or operating permit shall be  
7 considered an amendment to the CAAPP application submitted  
8 for such source.

9 b. An owner or operator of a CAAPP source shall  
10 continue to operate in accordance with the terms and  
11 conditions of its applicable State operating permit  
12 notwithstanding the expiration of the State operating  
13 permit until the source's CAAPP permit has been issued.

14 c. An owner or operator of a CAAPP source shall submit  
15 its initial CAAPP application to the Agency no later than  
16 12 months after the effective date of the CAAPP. The Agency  
17 may request submittal of initial CAAPP applications during  
18 this 12 month period according to a schedule set forth  
19 within Agency procedures, however, in no event shall the  
20 Agency require such submittal earlier than 3 months after  
21 such effective date of the CAAPP. An owner or operator may  
22 voluntarily submit its initial CAAPP application prior to  
23 the date required within this paragraph or applicable  
24 procedures, if any, subsequent to the date the Agency  
25 submits the CAAPP to USEPA for approval.

26 d. The Agency shall act on initial CAAPP applications

1 in accordance with subsection 5(j) of this Section.

2 e. For purposes of this Section, the term "initial  
3 CAAPP application" shall mean the first CAAPP application  
4 submitted for a source existing as of the effective date of  
5 the CAAPP.

6 f. The Agency shall provide owners or operators of  
7 CAAPP sources with at least three months advance notice of  
8 the date on which their applications are required to be  
9 submitted. In determining which sources shall be subject to  
10 early submittal, the Agency shall include among its  
11 considerations the complexity of the permit application,  
12 and the burden that such early submittal will have on the  
13 source.

14 g. The CAAPP permit shall upon becoming effective  
15 supersede the State operating permit.

16 h. The Agency shall have the authority to adopt  
17 procedural rules, in accordance with the Illinois  
18 Administrative Procedure Act, as the Agency deems  
19 necessary, to implement this subsection.

20 5. Applications and Completeness.

21 a. An owner or operator of a CAAPP source shall submit  
22 its complete CAAPP application consistent with the Act and  
23 applicable regulations.

24 b. An owner or operator of a CAAPP source shall submit  
25 a single complete CAAPP application covering all emission

1 units at that source.

2 c. To be deemed complete, a CAAPP application must  
3 provide all information, as requested in Agency  
4 application forms, sufficient to evaluate the subject  
5 source and its application and to determine all applicable  
6 requirements, pursuant to the Clean Air Act, and  
7 regulations thereunder, this Act and regulations  
8 thereunder. Such Agency application forms shall be  
9 finalized and made available prior to the date on which any  
10 CAAPP application is required.

11 d. An owner or operator of a CAAPP source shall submit,  
12 as part of its complete CAAPP application, a compliance  
13 plan, including a schedule of compliance, describing how  
14 each emission unit will comply with all applicable  
15 requirements. Any such schedule of compliance shall be  
16 supplemental to, and shall not sanction noncompliance  
17 with, the applicable requirements on which it is based.

18 e. Each submitted CAAPP application shall be certified  
19 for truth, accuracy, and completeness by a responsible  
20 official in accordance with applicable regulations.

21 f. The Agency shall provide notice to a CAAPP applicant  
22 as to whether a submitted CAAPP application is complete.  
23 Unless the Agency notifies the applicant of  
24 incompleteness, within 60 days of receipt of the CAAPP  
25 application, the application shall be deemed complete. The  
26 Agency may request additional information as needed to make

1 the completeness determination. The Agency may to the  
2 extent practicable provide the applicant with a reasonable  
3 opportunity to correct deficiencies prior to a final  
4 determination of completeness.

5 g. If after the determination of completeness the  
6 Agency finds that additional information is necessary to  
7 evaluate or take final action on the CAAPP application, the  
8 Agency may request in writing such information from the  
9 source with a reasonable deadline for response.

10 h. If the owner or operator of a CAAPP source submits a  
11 timely and complete CAAPP application, the source's  
12 failure to have a CAAPP permit shall not be a violation of  
13 this Section until the Agency takes final action on the  
14 submitted CAAPP application, provided, however, where the  
15 applicant fails to submit the requested information under  
16 paragraph 5(g) within the time frame specified by the  
17 Agency, this protection shall cease to apply.

18 i. Any applicant who fails to submit any relevant facts  
19 necessary to evaluate the subject source and its CAAPP  
20 application or who has submitted incorrect information in a  
21 CAAPP application shall, upon becoming aware of such  
22 failure or incorrect submittal, submit supplementary facts  
23 or correct information to the Agency. In addition, an  
24 applicant shall provide to the Agency additional  
25 information as necessary to address any requirements which  
26 become applicable to the source subsequent to the date the

1 applicant submitted its complete CAAPP application but  
2 prior to release of the draft CAAPP permit.

3 j. The Agency shall issue or deny the CAAPP permit  
4 within 18 months after the date of receipt of the complete  
5 CAAPP application, with the following exceptions: (i)  
6 permits for affected sources for acid deposition shall be  
7 issued or denied within 6 months after receipt of a  
8 complete application in accordance with subsection 17 of  
9 this Section; (ii) the Agency shall act on initial CAAPP  
10 applications within 24 months after the date of receipt of  
11 the complete CAAPP application; (iii) the Agency shall act  
12 on complete applications containing early reduction  
13 demonstrations under Section 112(i)(5) of the Clean Air Act  
14 within 9 months of receipt of the complete CAAPP  
15 application.

16 Where the Agency does not take final action on the  
17 permit within the required time period, the permit shall  
18 not be deemed issued; rather, the failure to act shall be  
19 treated as a final permit action for purposes of judicial  
20 review pursuant to Sections 40.2 and 41 of this Act.

21 k. The submittal of a complete CAAPP application shall  
22 not affect the requirement that any source have a  
23 preconstruction permit under Title I of the Clean Air Act.

24 l. Unless a timely and complete renewal application has  
25 been submitted consistent with this subsection, a CAAPP  
26 source operating upon the expiration of its CAAPP permit

1 shall be deemed to be operating without a CAAPP permit.  
2 Such operation is prohibited under this Act.

3 m. Permits being renewed shall be subject to the same  
4 procedural requirements, including those for public  
5 participation and federal review and objection, that apply  
6 to original permit issuance.

7 n. For purposes of permit renewal, a timely application  
8 is one that is submitted no less than 9 months prior to the  
9 date of permit expiration.

10 o. The terms and conditions of a CAAPP permit shall  
11 remain in effect until the issuance of a CAAPP renewal  
12 permit provided a timely and complete CAAPP application has  
13 been submitted.

14 p. The owner or operator of a CAAPP source seeking a  
15 permit shield pursuant to paragraph 7(j) of this Section  
16 shall request such permit shield in the CAAPP application  
17 regarding that source.

18 q. The Agency shall make available to the public all  
19 documents submitted by the applicant to the Agency,  
20 including each CAAPP application, compliance plan  
21 (including the schedule of compliance), and emissions or  
22 compliance monitoring report, with the exception of  
23 information entitled to confidential treatment pursuant to  
24 Section 7 of this Act.

25 r. The Agency shall use the standardized forms required  
26 under Title IV of the Clean Air Act and regulations



1 promulgated thereunder for affected sources for acid  
2 deposition.

3 s. An owner or operator of a CAAPP source may include  
4 within its CAAPP application a request for permission to  
5 operate during a startup, malfunction, or breakdown  
6 consistent with applicable Board regulations.

7 t. An owner or operator of a CAAPP source, in order to  
8 utilize the operational flexibility provided under  
9 paragraph 7(1) of this Section, must request such use and  
10 provide the necessary information within its CAAPP  
11 application.

12 u. An owner or operator of a CAAPP source which seeks  
13 exclusion from the CAAPP through the imposition of  
14 federally enforceable conditions, pursuant to paragraph  
15 3(c) of this Section, must request such exclusion within a  
16 CAAPP application submitted consistent with this  
17 subsection on or after the date that the CAAPP application  
18 for the source is due. Prior to such date, but in no case  
19 later than 9 months after the effective date of the CAAPP,  
20 such owner or operator may request the imposition of  
21 federally enforceable conditions pursuant to paragraph  
22 1.1(b) of this Section.

23 v. CAAPP applications shall contain accurate  
24 information on allowable emissions to implement the fee  
25 provisions of subsection 18 of this Section.

26 w. An owner or operator of a CAAPP source shall submit

1 within its CAAPP application emissions information  
2 regarding all regulated air pollutants emitted at that  
3 source consistent with applicable Agency procedures.  
4 Emissions information regarding insignificant activities  
5 or emission levels, as determined by the Agency pursuant to  
6 Board regulations, may be submitted as a list within the  
7 CAAPP application. The Agency shall propose regulations to  
8 the Board defining insignificant activities or emission  
9 levels, consistent with federal regulations, if any, no  
10 later than 18 months after the effective date of this  
11 amendatory Act of 1992, consistent with Section 112(n)(1)  
12 of the Clean Air Act. The Board shall adopt final  
13 regulations defining insignificant activities or emission  
14 levels no later than 9 months after the date of the  
15 Agency's proposal.

16 x. The owner or operator of a new CAAPP source shall  
17 submit its complete CAAPP application consistent with this  
18 subsection within 12 months after commencing operation of  
19 such source. The owner or operator of an existing source  
20 that has been excluded from the provisions of this Section  
21 under subsection 1.1 or subsection 3(c) of this Section and  
22 that becomes subject to the CAAPP solely due to a change in  
23 operation at the source shall submit its complete CAAPP  
24 application consistent with this subsection at least 180  
25 days before commencing operation in accordance with the  
26 change in operation.

1           y. The Agency shall have the authority to adopt  
2 procedural rules, in accordance with the Illinois  
3 Administrative Procedure Act, as the Agency deems  
4 necessary to implement this subsection.

5           6. Prohibitions.

6           a. It shall be unlawful for any person to violate any  
7 terms or conditions of a permit issued under this Section,  
8 to operate any CAAPP source except in compliance with a  
9 permit issued by the Agency under this Section or to  
10 violate any other applicable requirements. All terms and  
11 conditions of a permit issued under this Section are  
12 enforceable by USEPA and citizens under the Clean Air Act,  
13 except those, if any, that are specifically designated as  
14 not being federally enforceable in the permit pursuant to  
15 paragraph 7(m) of this Section.

16           b. After the applicable CAAPP permit or renewal  
17 application submittal date, as specified in subsection 5 of  
18 this Section, no person shall operate a CAAPP source  
19 without a CAAPP permit unless the complete CAAPP permit or  
20 renewal application for such source has been timely  
21 submitted to the Agency.

22           c. No owner or operator of a CAAPP source shall cause  
23 or threaten or allow the continued operation of an emission  
24 source during malfunction or breakdown of the emission  
25 source or related air pollution control equipment if such

1 operation would cause a violation of the standards or  
2 limitations applicable to the source, unless the CAAPP  
3 permit granted to the source provides for such operation  
4 consistent with this Act and applicable Board regulations.

5 7. Permit Content.

6 a. All CAAPP permits shall contain emission  
7 limitations and standards and other enforceable terms and  
8 conditions, including but not limited to operational  
9 requirements, and schedules for achieving compliance at  
10 the earliest reasonable date, which are or will be required  
11 to accomplish the purposes and provisions of this Act and  
12 to assure compliance with all applicable requirements.

13 b. The Agency shall include among such conditions  
14 applicable monitoring, reporting, record keeping and  
15 compliance certification requirements, as authorized by  
16 paragraphs d, e, and f of this subsection, that the Agency  
17 deems necessary to assure compliance with the Clean Air  
18 Act, the regulations promulgated thereunder, this Act, and  
19 applicable Board regulations. When monitoring, reporting,  
20 record keeping, and compliance certification requirements  
21 are specified within the Clean Air Act, regulations  
22 promulgated thereunder, this Act, or applicable  
23 regulations, such requirements shall be included within  
24 the CAAPP permit. The Board shall have authority to  
25 promulgate additional regulations where necessary to

1 accomplish the purposes of the Clean Air Act, this Act, and  
2 regulations promulgated thereunder.

3 c. The Agency shall assure, within such conditions, the  
4 use of terms, test methods, units, averaging periods, and  
5 other statistical conventions consistent with the  
6 applicable emission limitations, standards, and other  
7 requirements contained in the permit.

8 d. To meet the requirements of this subsection with  
9 respect to monitoring, the permit shall:

10 i. Incorporate and identify all applicable  
11 emissions monitoring and analysis procedures or test  
12 methods required under the Clean Air Act, regulations  
13 promulgated thereunder, this Act, and applicable Board  
14 regulations, including any procedures and methods  
15 promulgated by USEPA pursuant to Section 504(b) or  
16 Section 114 (a) (3) of the Clean Air Act.

17 ii. Where the applicable requirement does not  
18 require periodic testing or instrumental or  
19 noninstrumental monitoring (which may consist of  
20 recordkeeping designed to serve as monitoring),  
21 require periodic monitoring sufficient to yield  
22 reliable data from the relevant time period that is  
23 representative of the source's compliance with the  
24 permit, as reported pursuant to paragraph (f) of this  
25 subsection. The Agency may determine that  
26 recordkeeping requirements are sufficient to meet the

1 requirements of this subparagraph.

2 iii. As necessary, specify requirements concerning  
3 the use, maintenance, and when appropriate,  
4 installation of monitoring equipment or methods.

5 e. To meet the requirements of this subsection with  
6 respect to record keeping, the permit shall incorporate and  
7 identify all applicable recordkeeping requirements and  
8 require, where applicable, the following:

9 i. Records of required monitoring information that  
10 include the following:

11 A. The date, place and time of sampling or  
12 measurements.

13 B. The date(s) analyses were performed.

14 C. The company or entity that performed the  
15 analyses.

16 D. The analytical techniques or methods used.

17 E. The results of such analyses.

18 F. The operating conditions as existing at the  
19 time of sampling or measurement.

20 ii. Retention of records of all monitoring data  
21 and support information for a period of at least 5  
22 years from the date of the monitoring sample,  
23 measurement, report, or application. Support  
24 information includes all calibration and maintenance  
25 records, original strip-chart recordings for  
26 continuous monitoring instrumentation, and copies of

1 all reports required by the permit.

2 f. To meet the requirements of this subsection with  
3 respect to reporting, the permit shall incorporate and  
4 identify all applicable reporting requirements and require  
5 the following:

6 i. Submittal of reports of any required monitoring  
7 every 6 months. More frequent submittals may be  
8 requested by the Agency if such submittals are  
9 necessary to assure compliance with this Act or  
10 regulations promulgated by the Board thereunder. All  
11 instances of deviations from permit requirements must  
12 be clearly identified in such reports. All required  
13 reports must be certified by a responsible official  
14 consistent with subsection 5 of this Section.

15 ii. Prompt reporting of deviations from permit  
16 requirements, including those attributable to upset  
17 conditions as defined in the permit, the probable cause  
18 of such deviations, and any corrective actions or  
19 preventive measures taken.

20 g. Each CAAPP permit issued under subsection 10 of this  
21 Section shall include a condition prohibiting emissions  
22 exceeding any allowances that the source lawfully holds  
23 under Title IV of the Clean Air Act or the regulations  
24 promulgated thereunder, consistent with subsection 17 of  
25 this Section and applicable regulations, if any.

26 h. All CAAPP permits shall state that, where another

1 applicable requirement of the Clean Air Act is more  
2 stringent than any applicable requirement of regulations  
3 promulgated under Title IV of the Clean Air Act, both  
4 provisions shall be incorporated into the permit and shall  
5 be State and federally enforceable.

6 i. Each CAAPP permit issued under subsection 10 of this  
7 Section shall include a severability clause to ensure the  
8 continued validity of the various permit requirements in  
9 the event of a challenge to any portions of the permit.

10 j. The following shall apply with respect to owners or  
11 operators requesting a permit shield:

12 i. The Agency shall include in a CAAPP permit, when  
13 requested by an applicant pursuant to paragraph 5(p) of  
14 this Section, a provision stating that compliance with  
15 the conditions of the permit shall be deemed compliance  
16 with applicable requirements which are applicable as  
17 of the date of release of the proposed permit, provided  
18 that:

19 A. The applicable requirement is specifically  
20 identified within the permit; or

21 B. The Agency in acting on the CAAPP  
22 application or revision determines in writing that  
23 other requirements specifically identified are not  
24 applicable to the source, and the permit includes  
25 that determination or a concise summary thereof.

26 ii. The permit shall identify the requirements for



1           which the source is shielded. The shield shall not  
2           extend to applicable requirements which are  
3           promulgated after the date of release of the proposed  
4           permit unless the permit has been modified to reflect  
5           such new requirements.

6           iii. A CAAPP permit which does not expressly  
7           indicate the existence of a permit shield shall not  
8           provide such a shield.

9           iv. Nothing in this paragraph or in a CAAPP permit  
10          shall alter or affect the following:

11           A. The provisions of Section 303 (emergency  
12           powers) of the Clean Air Act, including USEPA's  
13           authority under that section.

14           B. The liability of an owner or operator of a  
15           source for any violation of applicable  
16           requirements prior to or at the time of permit  
17           issuance.

18           C. The applicable requirements of the acid  
19           rain program consistent with Section 408(a) of the  
20           Clean Air Act.

21           D. The ability of USEPA to obtain information  
22           from a source pursuant to Section 114  
23           (inspections, monitoring, and entry) of the Clean  
24           Air Act.

25          k. Each CAAPP permit shall include an emergency  
26          provision providing an affirmative defense of emergency to

1 an action brought for noncompliance with technology-based  
2 emission limitations under a CAAPP permit if the following  
3 conditions are met through properly signed,  
4 contemporaneous operating logs, or other relevant  
5 evidence:

6 i. An emergency occurred and the permittee can  
7 identify the cause(s) of the emergency.

8 ii. The permitted facility was at the time being  
9 properly operated.

10 iii. The permittee submitted notice of the  
11 emergency to the Agency within 2 working days of the  
12 time when emission limitations were exceeded due to the  
13 emergency. This notice must contain a detailed  
14 description of the emergency, any steps taken to  
15 mitigate emissions, and corrective actions taken.

16 iv. During the period of the emergency the  
17 permittee took all reasonable steps to minimize levels  
18 of emissions that exceeded the emission limitations,  
19 standards, or requirements in the permit.

20 For purposes of this subsection, "emergency" means any  
21 situation arising from sudden and reasonably unforeseeable  
22 events beyond the control of the source, such as an act of  
23 God, that requires immediate corrective action to restore  
24 normal operation, and that causes the source to exceed a  
25 technology-based emission limitation under the permit, due  
26 to unavoidable increases in emissions attributable to the

1 emergency. An emergency shall not include noncompliance to  
2 the extent caused by improperly designed equipment, lack of  
3 preventative maintenance, careless or improper operation,  
4 or operation error.

5 In any enforcement proceeding, the permittee seeking  
6 to establish the occurrence of an emergency has the burden  
7 of proof. This provision is in addition to any emergency or  
8 upset provision contained in any applicable requirement.  
9 This provision does not relieve a permittee of any  
10 reporting obligations under existing federal or state laws  
11 or regulations.

12 1. The Agency shall include in each permit issued under  
13 subsection 10 of this Section:

14 i. Terms and conditions for reasonably anticipated  
15 operating scenarios identified by the source in its  
16 application. The permit terms and conditions for each  
17 such operating scenario shall meet all applicable  
18 requirements and the requirements of this Section.

19 A. Under this subparagraph, the source must  
20 record in a log at the permitted facility a record  
21 of the scenario under which it is operating  
22 contemporaneously with making a change from one  
23 operating scenario to another.

24 B. The permit shield described in paragraph  
25 7(j) of this Section shall extend to all terms and  
26 conditions under each such operating scenario.

1           ii. Where requested by an applicant, all terms and  
2 conditions allowing for trading of emissions increases  
3 and decreases between different emission units at the  
4 CAAPP source, to the extent that the applicable  
5 requirements provide for trading of such emissions  
6 increases and decreases without a case-by-case  
7 approval of each emissions trade. Such terms and  
8 conditions:

9           A. Shall include all terms required under this  
10 subsection to determine compliance;

11           B. Must meet all applicable requirements;

12           C. Shall extend the permit shield described in  
13 paragraph 7(j) of this Section to all terms and  
14 conditions that allow such increases and decreases  
15 in emissions.

16           m. The Agency shall specifically designate as not being  
17 federally enforceable under the Clean Air Act any terms and  
18 conditions included in the permit that are not specifically  
19 required under the Clean Air Act or federal regulations  
20 promulgated thereunder. Terms or conditions so designated  
21 shall be subject to all applicable state requirements,  
22 except the requirements of subsection 7 (other than this  
23 paragraph, paragraph q of subsection 7, subsections 8  
24 through 11, and subsections 13 through 16 of this Section.  
25 The Agency shall, however, include such terms and  
26 conditions in the CAAPP permit issued to the source.

1           n. Each CAAPP permit issued under subsection 10 of this  
2 Section shall specify and reference the origin of and  
3 authority for each term or condition, and identify any  
4 difference in form as compared to the applicable  
5 requirement upon which the term or condition is based.

6           o. Each CAAPP permit issued under subsection 10 of this  
7 Section shall include provisions stating the following:

8           i. Duty to comply. The permittee must comply with  
9 all terms and conditions of the CAAPP permit. Any  
10 permit noncompliance constitutes a violation of the  
11 Clean Air Act and the Act, and is grounds for any or  
12 all of the following: enforcement action; permit  
13 termination, revocation and reissuance, or  
14 modification; or denial of a permit renewal  
15 application.

16           ii. Need to halt or reduce activity not a defense.  
17 It shall not be a defense for a permittee in an  
18 enforcement action that it would have been necessary to  
19 halt or reduce the permitted activity in order to  
20 maintain compliance with the conditions of this  
21 permit.

22           iii. Permit actions. The permit may be modified,  
23 revoked, reopened, and reissued, or terminated for  
24 cause in accordance with the applicable subsections of  
25 Section 39.5 of this Act. The filing of a request by  
26 the permittee for a permit modification, revocation

1 and reissuance, or termination, or of a notification of  
2 planned changes or anticipated noncompliance does not  
3 stay any permit condition.

4 iv. Property rights. The permit does not convey any  
5 property rights of any sort, or any exclusive  
6 privilege.

7 v. Duty to provide information. The permittee  
8 shall furnish to the Agency within a reasonable time  
9 specified by the Agency any information that the Agency  
10 may request in writing to determine whether cause  
11 exists for modifying, revoking and reissuing, or  
12 terminating the permit or to determine compliance with  
13 the permit. Upon request, the permittee shall also  
14 furnish to the Agency copies of records required to be  
15 kept by the permit or, for information claimed to be  
16 confidential, the permittee may furnish such records  
17 directly to USEPA along with a claim of  
18 confidentiality.

19 vi. Duty to pay fees. The permittee must pay fees  
20 to the Agency consistent with the fee schedule approved  
21 pursuant to subsection 18 of this Section, and submit  
22 any information relevant thereto.

23 vii. Emissions trading. No permit revision shall  
24 be required for increases in emissions allowed under  
25 any approved economic incentives, marketable permits,  
26 emissions trading, and other similar programs or

1 processes for changes that are provided for in the  
2 permit and that are authorized by the applicable  
3 requirement.

4 p. Each CAAPP permit issued under subsection 10 of this  
5 Section shall contain the following elements with respect  
6 to compliance:

7 i. Compliance certification, testing, monitoring,  
8 reporting, and record keeping requirements sufficient  
9 to assure compliance with the terms and conditions of  
10 the permit. Any document (including reports) required  
11 by a CAAPP permit shall contain a certification by a  
12 responsible official that meets the requirements of  
13 subsection 5 of this Section and applicable  
14 regulations.

15 ii. Inspection and entry requirements that  
16 necessitate that, upon presentation of credentials and  
17 other documents as may be required by law and in  
18 accordance with constitutional limitations, the  
19 permittee shall allow the Agency, or an authorized  
20 representative to perform the following:

21 A. Enter upon the permittee's premises where a  
22 CAAPP source is located or emissions-related  
23 activity is conducted, or where records must be  
24 kept under the conditions of the permit.

25 B. Have access to and copy, at reasonable  
26 times, any records that must be kept under the

1 conditions of the permit.

2 C. Inspect at reasonable times any facilities,  
3 equipment (including monitoring and air pollution  
4 control equipment), practices, or operations  
5 regulated or required under the permit.

6 D. Sample or monitor any substances or  
7 parameters at any location:

8 1. As authorized by the Clean Air Act, at  
9 reasonable times, for the purposes of assuring  
10 compliance with the CAAPP permit or applicable  
11 requirements; or

12 2. As otherwise authorized by this Act.

13 iii. A schedule of compliance consistent with  
14 subsection 5 of this Section and applicable  
15 regulations.

16 iv. Progress reports consistent with an applicable  
17 schedule of compliance pursuant to paragraph 5(d) of  
18 this Section and applicable regulations to be  
19 submitted semiannually, or more frequently if the  
20 Agency determines that such more frequent submittals  
21 are necessary for compliance with the Act or  
22 regulations promulgated by the Board thereunder. Such  
23 progress reports shall contain the following:

24 A. Required dates for achieving the  
25 activities, milestones, or compliance required by  
26 the schedule of compliance and dates when such



1 activities, milestones or compliance were  
2 achieved.

3 B. An explanation of why any dates in the  
4 schedule of compliance were not or will not be met,  
5 and any preventive or corrective measures adopted.

6 v. Requirements for compliance certification with  
7 terms and conditions contained in the permit,  
8 including emission limitations, standards, or work  
9 practices. Permits shall include each of the  
10 following:

11 A. The frequency (annually or more frequently  
12 as specified in any applicable requirement or by  
13 the Agency pursuant to written procedures) of  
14 submissions of compliance certifications.

15 B. A means for assessing or monitoring the  
16 compliance of the source with its emissions  
17 limitations, standards, and work practices.

18 C. A requirement that the compliance  
19 certification include the following:

20 1. The identification of each term or  
21 condition contained in the permit that is the  
22 basis of the certification.

23 2. The compliance status.

24 3. Whether compliance was continuous or  
25 intermittent.

26 4. The method(s) used for determining the

1 compliance status of the source, both  
2 currently and over the reporting period  
3 consistent with subsection 7 of Section 39.5 of  
4 the Act.

5 D. A requirement that all compliance  
6 certifications be submitted to USEPA as well as to  
7 the Agency.

8 E. Additional requirements as may be specified  
9 pursuant to Sections 114(a)(3) and 504(b) of the  
10 Clean Air Act.

11 F. Other provisions as the Agency may require.

12 q. If the owner or operator of CAAPP source can  
13 demonstrate in its CAAPP application, including an  
14 application for a significant modification, that an  
15 alternative emission limit would be equivalent to that  
16 contained in the applicable Board regulations, the Agency  
17 shall include the alternative emission limit in the CAAPP  
18 permit, which shall supersede the emission limit set forth  
19 in the applicable Board regulations, and shall include  
20 conditions that insure that the resulting emission limit is  
21 quantifiable, accountable, enforceable, and based on  
22 replicable procedures.

23 8. Public Notice; Affected State Review.

24 a. The Agency shall provide notice to the public,  
25 including an opportunity for public comment and a hearing,  
26 on each draft CAAPP permit for issuance, renewal or

1 significant modification, subject to Sections 7(a) and 7.1  
2 of this Act.

3 b. The Agency shall prepare a draft CAAPP permit and a  
4 statement that sets forth the legal and factual basis for  
5 the draft CAAPP permit conditions, including references to  
6 the applicable statutory or regulatory provisions. The  
7 Agency shall provide this statement to any person who  
8 requests it.

9 c. The Agency shall give notice of each draft CAAPP  
10 permit to the applicant and to any affected State on or  
11 before the time that the Agency has provided notice to the  
12 public, except as otherwise provided in this Act.

13 d. The Agency, as part of its submittal of a proposed  
14 permit to USEPA (or as soon as possible after the submittal  
15 for minor permit modification procedures allowed under  
16 subsection 14 of this Section), shall notify USEPA and any  
17 affected State in writing of any refusal of the Agency to  
18 accept all of the recommendations for the proposed permit  
19 that an affected State submitted during the public or  
20 affected State review period. The notice shall include the  
21 Agency's reasons for not accepting the recommendations.  
22 The Agency is not required to accept recommendations that  
23 are not based on applicable requirements or the  
24 requirements of this Section.

25 e. The Agency shall make available to the public any  
26 CAAPP permit application, compliance plan (including the

1 schedule of compliance), CAAPP permit, and emissions or  
2 compliance monitoring report. If an owner or operator of a  
3 CAAPP source is required to submit information entitled to  
4 protection from disclosure under Section 7(a) or Section  
5 7.1 of this Act, the owner or operator shall submit such  
6 information separately. The requirements of Section 7(a)  
7 or Section 7.1 of this Act shall apply to such information,  
8 which shall not be included in a CAAPP permit unless  
9 required by law. The contents of a CAAPP permit shall not  
10 be entitled to protection under Section 7(a) or Section 7.1  
11 of this Act.

12 f. The Agency shall have the authority to adopt  
13 procedural rules, in accordance with the Illinois  
14 Administrative Procedure Act, as the Agency deems  
15 necessary, to implement this subsection.

16 9. USEPA Notice and Objection.

17 a. The Agency shall provide to USEPA for its review a  
18 copy of each CAAPP application (including any application  
19 for permit modification), statement of basis as provided in  
20 paragraph 8(b) of this Section, proposed CAAPP permit,  
21 CAAPP permit, and, if the Agency does not incorporate any  
22 affected State's recommendations on a proposed CAAPP  
23 permit, a written statement of this decision and its  
24 reasons for not accepting the recommendations, except as  
25 otherwise provided in this Act or by agreement with USEPA.

1 To the extent practicable, the preceding information shall  
2 be provided in computer readable format compatible with  
3 USEPA's national database management system.

4 b. The Agency shall not issue the proposed CAAPP permit  
5 if USEPA objects in writing within 45 days of receipt of  
6 the proposed CAAPP permit and all necessary supporting  
7 information.

8 c. If USEPA objects in writing to the issuance of the  
9 proposed CAAPP permit within the 45-day period, the Agency  
10 shall respond in writing and may revise and resubmit the  
11 proposed CAAPP permit in response to the stated objection,  
12 to the extent supported by the record, within 90 days after  
13 the date of the objection. Prior to submitting a revised  
14 permit to USEPA, the Agency shall provide the applicant and  
15 any person who participated in the public comment process,  
16 pursuant to subsection 8 of this Section, with a 10-day  
17 period to comment on any revision which the Agency is  
18 proposing to make to the permit in response to USEPA's  
19 objection in accordance with Agency procedures.

20 d. Any USEPA objection under this subsection,  
21 according to the Clean Air Act, will include a statement of  
22 reasons for the objection and a description of the terms  
23 and conditions that must be in the permit, in order to  
24 adequately respond to the objections. Grounds for a USEPA  
25 objection include the failure of the Agency to: (1) submit  
26 the items and notices required under this subsection; (2)

1 submit any other information necessary to adequately  
2 review the proposed CAAPP permit; or (3) process the permit  
3 under subsection 8 of this Section except for minor permit  
4 modifications.

5 e. If USEPA does not object in writing to issuance of a  
6 permit under this subsection, any person may petition USEPA  
7 within 60 days after expiration of the 45-day review period  
8 to make such objection.

9 f. If the permit has not yet been issued and USEPA  
10 objects to the permit as a result of a petition, the Agency  
11 shall not issue the permit until USEPA's objection has been  
12 resolved. The Agency shall provide a 10-day comment period  
13 in accordance with paragraph c of this subsection. A  
14 petition does not, however, stay the effectiveness of a  
15 permit or its requirements if the permit was issued after  
16 expiration of the 45-day review period and prior to a USEPA  
17 objection.

18 g. If the Agency has issued a permit after expiration  
19 of the 45-day review period and prior to receipt of a USEPA  
20 objection under this subsection in response to a petition  
21 submitted pursuant to paragraph e of this subsection, the  
22 Agency may, upon receipt of an objection from USEPA, revise  
23 and resubmit the permit to USEPA pursuant to this  
24 subsection after providing a 10-day comment period in  
25 accordance with paragraph c of this subsection. If the  
26 Agency fails to submit a revised permit in response to the

1 objection, USEPA shall modify, terminate or revoke the  
2 permit. In any case, the source will not be in violation of  
3 the requirement to have submitted a timely and complete  
4 application.

5 h. The Agency shall have the authority to adopt  
6 procedural rules, in accordance with the Illinois  
7 Administrative Procedure Act, as the Agency deems  
8 necessary, to implement this subsection.

9 10. Final Agency Action.

10 a. The Agency shall issue a CAAPP permit, permit  
11 modification, or permit renewal if all of the following  
12 conditions are met:

13 i. The applicant has submitted a complete and  
14 certified application for a permit, permit  
15 modification, or permit renewal consistent with  
16 subsections 5 and 14 of this Section, as applicable,  
17 and applicable regulations.

18 ii. The applicant has submitted with its complete  
19 application an approvable compliance plan, including a  
20 schedule for achieving compliance, consistent with  
21 subsection 5 of this Section and applicable  
22 regulations.

23 iii. The applicant has timely paid the fees  
24 required pursuant to subsection 18 of this Section and  
25 applicable regulations.

1           iv. The Agency has received a complete CAAPP  
2 application and, if necessary, has requested and  
3 received additional information from the applicant  
4 consistent with subsection 5 of this Section and  
5 applicable regulations.

6           v. The Agency has complied with all applicable  
7 provisions regarding public notice and affected State  
8 review consistent with subsection 8 of this Section and  
9 applicable regulations.

10          vi. The Agency has provided a copy of each CAAPP  
11 application, or summary thereof, pursuant to agreement  
12 with USEPA and proposed CAAPP permit required under  
13 subsection 9 of this Section to USEPA, and USEPA has  
14 not objected to the issuance of the permit in  
15 accordance with the Clean Air Act and 40 CFR Part 70.

16          b. The Agency shall have the authority to deny a CAAPP  
17 permit, permit modification, or permit renewal if the  
18 applicant has not complied with the requirements of  
19 paragraphs (a)(i)-(a)(iv) of this subsection or if USEPA  
20 objects to its issuance.

21          c. i. Prior to denial of a CAAPP permit, permit  
22 modification, or permit renewal under this Section,  
23 the Agency shall notify the applicant of the possible  
24 denial and the reasons for the denial.

25          ii. Within such notice, the Agency shall specify an  
26 appropriate date by which the applicant shall



1           adequately respond to the Agency's notice. Such date  
2           shall not exceed 15 days from the date the notification  
3           is received by the applicant. The Agency may grant a  
4           reasonable extension for good cause shown.

5           iii. Failure by the applicant to adequately  
6           respond by the date specified in the notification or by  
7           any granted extension date shall be grounds for denial  
8           of the permit.

9           For purposes of obtaining judicial review under  
10          Sections 40.2 and 41 of this Act, the Agency shall  
11          provide to USEPA and each applicant, and, upon request,  
12          to affected States, any person who participated in the  
13          public comment process, and any other person who could  
14          obtain judicial review under Sections 40.2 and 41 of  
15          this Act, a copy of each CAAPP permit or notification  
16          of denial pertaining to that party.

17          d. The Agency shall have the authority to adopt  
18          procedural rules, in accordance with the Illinois  
19          Administrative Procedure Act, as the Agency deems  
20          necessary, to implement this subsection.

## 21          11. General Permits.

22          a. The Agency may issue a general permit covering  
23          numerous similar sources, except for affected sources for  
24          acid deposition unless otherwise provided in regulations  
25          promulgated under Title IV of the Clean Air Act.

1           b. The Agency shall identify, in any general permit,  
2           criteria by which sources may qualify for the general  
3           permit.

4           c. CAAPP sources that would qualify for a general  
5           permit must apply for coverage under the terms of the  
6           general permit or must apply for a CAAPP permit consistent  
7           with subsection 5 of this Section and applicable  
8           regulations.

9           d. The Agency shall comply with the public comment and  
10          hearing provisions of this Section as well as the USEPA and  
11          affected State review procedures prior to issuance of a  
12          general permit.

13          e. When granting a subsequent request by a qualifying  
14          CAAPP source for coverage under the terms of a general  
15          permit, the Agency shall not be required to repeat the  
16          public notice and comment procedures. The granting of such  
17          request shall not be considered a final permit action for  
18          purposes of judicial review.

19          f. The Agency may not issue a general permit to cover  
20          any discrete emission unit at a CAAPP source if another  
21          CAAPP permit covers emission units at the source.

22          g. The Agency shall have the authority to adopt  
23          procedural rules, in accordance with the Illinois  
24          Administrative Procedure Act, as the Agency deems  
25          necessary, to implement this subsection.

1           12. Operational Flexibility.

2           a. An owner or operator of a CAAPP source may make  
3 changes at the CAAPP source without requiring a prior  
4 permit revision, consistent with subparagraphs (a) (i)  
5 through (a) (iii) of this subsection, so long as the  
6 changes are not modifications under any provision of Title  
7 I of the Clean Air Act and they do not exceed the emissions  
8 allowable under the permit (whether expressed therein as a  
9 rate of emissions or in terms of total emissions), provided  
10 that the owner or operator of the CAAPP source provides  
11 USEPA and the Agency with written notification as required  
12 below in advance of the proposed changes, which shall be a  
13 minimum of 7 days, unless otherwise provided by the Agency  
14 in applicable regulations regarding emergencies. The owner  
15 or operator of a CAAPP source and the Agency shall each  
16 attach such notice to their copy of the relevant permit.

17           i. An owner or operator of a CAAPP source may make  
18 Section 502 (b) (10) changes without a permit revision,  
19 if the changes are not modifications under any  
20 provision of Title I of the Clean Air Act and the  
21 changes do not exceed the emissions allowable under the  
22 permit (whether expressed therein as a rate of  
23 emissions or in terms of total emissions).

24           A. For each such change, the written  
25 notification required above shall include a brief  
26 description of the change within the source, the

1 date on which the change will occur, any change in  
2 emissions, and any permit term or condition that is  
3 no longer applicable as a result of the change.

4 B. The permit shield described in paragraph  
5 7(j) of this Section shall not apply to any change  
6 made pursuant to this subparagraph.

7 ii. An owner or operator of a CAAPP source may  
8 trade increases and decreases in emissions in the CAAPP  
9 source, where the applicable implementation plan  
10 provides for such emission trades without requiring a  
11 permit revision. This provision is available in those  
12 cases where the permit does not already provide for  
13 such emissions trading.

14 A. Under this subparagraph (a)(ii), the  
15 written notification required above shall include  
16 such information as may be required by the  
17 provision in the applicable implementation plan  
18 authorizing the emissions trade, including at a  
19 minimum, when the proposed changes will occur, a  
20 description of each such change, any change in  
21 emissions, the permit requirements with which the  
22 source will comply using the emissions trading  
23 provisions of the applicable implementation plan,  
24 and the pollutants emitted subject to the  
25 emissions trade. The notice shall also refer to the  
26 provisions in the applicable implementation plan

1 with which the source will comply and provide for  
2 the emissions trade.

3 B. The permit shield described in paragraph  
4 7(j) of this Section shall not apply to any change  
5 made pursuant to this subparagraph (a) (ii).  
6 Compliance with the permit requirements that the  
7 source will meet using the emissions trade shall be  
8 determined according to the requirements of the  
9 applicable implementation plan authorizing the  
10 emissions trade.

11 iii. If requested within a CAAPP application, the  
12 Agency shall issue a CAAPP permit which contains terms  
13 and conditions, including all terms required under  
14 subsection 7 of this Section to determine compliance,  
15 allowing for the trading of emissions increases and  
16 decreases at the CAAPP source solely for the purpose of  
17 complying with a federally-enforceable emissions cap  
18 that is established in the permit independent of  
19 otherwise applicable requirements. The owner or  
20 operator of a CAAPP source shall include in its CAAPP  
21 application proposed replicable procedures and permit  
22 terms that ensure the emissions trades are  
23 quantifiable and enforceable. The permit shall also  
24 require compliance with all applicable requirements.

25 A. Under this subparagraph (a)(iii), the  
26 written notification required above shall state

1           when the change will occur and shall describe the  
2           changes in emissions that will result and how these  
3           increases and decreases in emissions will comply  
4           with the terms and conditions of the permit.

5           B. The permit shield described in paragraph  
6           7(j) of this Section shall extend to terms and  
7           conditions that allow such increases and decreases  
8           in emissions.

9           b. An owner or operator of a CAAPP source may make  
10          changes that are not addressed or prohibited by the permit,  
11          other than those which are subject to any requirements  
12          under Title IV of the Clean Air Act or are modifications  
13          under any provisions of Title I of the Clean Air Act,  
14          without a permit revision, in accordance with the following  
15          requirements:

16               (i) Each such change shall meet all applicable  
17               requirements and shall not violate any existing permit  
18               term or condition;

19               (ii) Sources must provide contemporaneous written  
20               notice to the Agency and USEPA of each such change,  
21               except for changes that qualify as insignificant under  
22               provisions adopted by the Agency or the Board. Such  
23               written notice shall describe each such change,  
24               including the date, any change in emissions,  
25               pollutants emitted, and any applicable requirement  
26               that would apply as a result of the change;

1 (iii) The change shall not qualify for the shield  
2 described in paragraph 7(j) of this Section; and

3 (iv) The permittee shall keep a record describing  
4 changes made at the source that result in emissions of  
5 a regulated air pollutant subject to an applicable  
6 Clean Air Act requirement, but not otherwise regulated  
7 under the permit, and the emissions resulting from  
8 those changes.

9 c. The Agency shall have the authority to adopt  
10 procedural rules, in accordance with the Illinois  
11 Administrative Procedure Act, as the Agency deems  
12 necessary to implement this subsection.

13 13. Administrative Permit Amendments.

14 a. The Agency shall take final action on a request for  
15 an administrative permit amendment within 60 days of  
16 receipt of the request. Neither notice nor an opportunity  
17 for public and affected State comment shall be required for  
18 the Agency to incorporate such revisions, provided it  
19 designates the permit revisions as having been made  
20 pursuant to this subsection.

21 b. The Agency shall submit a copy of the revised permit  
22 to USEPA.

23 c. For purposes of this Section the term  
24 "administrative permit amendment" shall be defined as a  
25 permit revision that can accomplish one or more of the

1 changes described below:

2 i. Corrects typographical errors;

3 ii. Identifies a change in the name, address, or  
4 phone number of any person identified in the permit, or  
5 provides a similar minor administrative change at the  
6 source;

7 iii. Requires more frequent monitoring or  
8 reporting by the permittee;

9 iv. Allows for a change in ownership or operational  
10 control of a source where the Agency determines that no  
11 other change in the permit is necessary, provided that  
12 a written agreement containing a specific date for  
13 transfer of permit responsibility, coverage, and  
14 liability between the current and new permittees has  
15 been submitted to the Agency;

16 v. Incorporates into the CAAPP permit the  
17 requirements from preconstruction review permits  
18 authorized under a USEPA-approved program, provided  
19 the program meets procedural and compliance  
20 requirements substantially equivalent to those  
21 contained in this Section;

22 vi. (Blank); or

23 vii. Any other type of change which USEPA has  
24 determined as part of the approved CAAPP permit program  
25 to be similar to those included in this subsection.

26 d. The Agency shall, upon taking final action granting



1 a request for an administrative permit amendment, allow  
2 coverage by the permit shield in paragraph 7(j) of this  
3 Section for administrative permit amendments made pursuant  
4 to subparagraph (c)(v) of this subsection which meet the  
5 relevant requirements for significant permit  
6 modifications.

7 e. Permit revisions and modifications, including  
8 administrative amendments and automatic amendments  
9 (pursuant to Sections 408(b) and 403(d) of the Clean Air  
10 Act or regulations promulgated thereunder), for purposes  
11 of the acid rain portion of the permit shall be governed by  
12 the regulations promulgated under Title IV of the Clean Air  
13 Act. Owners or operators of affected sources for acid  
14 deposition shall have the flexibility to amend their  
15 compliance plans as provided in the regulations  
16 promulgated under Title IV of the Clean Air Act.

17 f. The CAAPP source may implement the changes addressed  
18 in the request for an administrative permit amendment  
19 immediately upon submittal of the request.

20 g. The Agency shall have the authority to adopt  
21 procedural rules, in accordance with the Illinois  
22 Administrative Procedure Act, as the Agency deems  
23 necessary, to implement this subsection.

24 14. Permit Modifications.

25 a. Minor permit modification procedures.

1           i. The Agency shall review a permit modification  
2 using the "minor permit" modification procedures only  
3 for those permit modifications that:

4           A. Do not violate any applicable requirement;

5           B. Do not involve significant changes to  
6 existing monitoring, reporting, or recordkeeping  
7 requirements in the permit;

8           C. Do not require a case-by-case determination  
9 of an emission limitation or other standard, or a  
10 source-specific determination of ambient impacts,  
11 or a visibility or increment analysis;

12           D. Do not seek to establish or change a permit  
13 term or condition for which there is no  
14 corresponding underlying requirement and which  
15 avoids an applicable requirement to which the  
16 source would otherwise be subject. Such terms and  
17 conditions include:

18           1. A federally enforceable emissions cap  
19 assumed to avoid classification as a  
20 modification under any provision of Title I of  
21 the Clean Air Act; and

22           2. An alternative emissions limit approved  
23 pursuant to regulations promulgated under  
24 Section 112(i)(5) of the Clean Air Act;

25           E. Are not modifications under any provision  
26 of Title I of the Clean Air Act; and

1 F. Are not required to be processed as a  
2 significant modification.

3 ii. Notwithstanding subparagraphs (a)(i) and  
4 (b)(ii) of this subsection, minor permit modification  
5 procedures may be used for permit modifications  
6 involving the use of economic incentives, marketable  
7 permits, emissions trading, and other similar  
8 approaches, to the extent that such minor permit  
9 modification procedures are explicitly provided for in  
10 an applicable implementation plan or in applicable  
11 requirements promulgated by USEPA.

12 iii. An applicant requesting the use of minor  
13 permit modification procedures shall meet the  
14 requirements of subsection 5 of this Section and shall  
15 include the following in its application:

16 A. A description of the change, the emissions  
17 resulting from the change, and any new applicable  
18 requirements that will apply if the change occurs;

19 B. The source's suggested draft permit;

20 C. Certification by a responsible official,  
21 consistent with paragraph 5(e) of this Section and  
22 applicable regulations, that the proposed  
23 modification meets the criteria for use of minor  
24 permit modification procedures and a request that  
25 such procedures be used; and

26 D. Completed forms for the Agency to use to

1 notify USEPA and affected States as required under  
2 subsections 8 and 9 of this Section.

3 iv. Within 5 working days of receipt of a complete  
4 permit modification application, the Agency shall  
5 notify USEPA and affected States of the requested  
6 permit modification in accordance with subsections 8  
7 and 9 of this Section. The Agency promptly shall send  
8 any notice required under paragraph 8(d) of this  
9 Section to USEPA.

10 v. The Agency may not issue a final permit  
11 modification until after the 45-day review period for  
12 USEPA or until USEPA has notified the Agency that USEPA  
13 will not object to the issuance of the permit  
14 modification, whichever comes first, although the  
15 Agency can approve the permit modification prior to  
16 that time. Within 90 days of the Agency's receipt of an  
17 application under the minor permit modification  
18 procedures or 15 days after the end of USEPA's 45-day  
19 review period under subsection 9 of this Section,  
20 whichever is later, the Agency shall:

- 21 A. Issue the permit modification as proposed;  
22 B. Deny the permit modification application;  
23 C. Determine that the requested modification  
24 does not meet the minor permit modification  
25 criteria and should be reviewed under the  
26 significant modification procedures; or

1           D. Revise the draft permit modification and  
2           transmit to USEPA the new proposed permit  
3           modification as required by subsection 9 of this  
4           Section.

5           vi. Any CAAPP source may make the change proposed  
6           in its minor permit modification application  
7           immediately after it files such application. After the  
8           CAAPP source makes the change allowed by the preceding  
9           sentence, and until the Agency takes any of the actions  
10          specified in subparagraphs (a)(v)(A) through (a)(v)(C)  
11          of this subsection, the source must comply with both  
12          the applicable requirements governing the change and  
13          the proposed permit terms and conditions. During this  
14          time period, the source need not comply with the  
15          existing permit terms and conditions it seeks to  
16          modify. If the source fails to comply with its proposed  
17          permit terms and conditions during this time period,  
18          the existing permit terms and conditions which it seeks  
19          to modify may be enforced against it.

20          vii. The permit shield under subparagraph 7(j) of  
21          this Section may not extend to minor permit  
22          modifications.

23          viii. If a construction permit is required,  
24          pursuant to Section 39(a) of this Act and regulations  
25          thereunder, for a change for which the minor permit  
26          modification procedures are applicable, the source may

1 request that the processing of the construction permit  
2 application be consolidated with the processing of the  
3 application for the minor permit modification. In such  
4 cases, the provisions of this Section, including those  
5 within subsections 5, 8, and 9, shall apply and the  
6 Agency shall act on such applications pursuant to  
7 subparagraph 14(a)(v). The source may make the  
8 proposed change immediately after filing its  
9 application for the minor permit modification. Nothing  
10 in this subparagraph shall otherwise affect the  
11 requirements and procedures applicable to construction  
12 permits.

13 b. Group Processing of Minor Permit Modifications.

14 i. Where requested by an applicant within its  
15 application, the Agency shall process groups of a  
16 source's applications for certain modifications  
17 eligible for minor permit modification processing in  
18 accordance with the provisions of this paragraph (b).

19 ii. Permit modifications may be processed in  
20 accordance with the procedures for group processing,  
21 for those modifications:

22 A. Which meet the criteria for minor permit  
23 modification procedures under subparagraph  
24 14(a)(i) of this Section; and

25 B. That collectively are below 10 percent of  
26 the emissions allowed by the permit for the

1 emissions unit for which change is requested, 20  
2 percent of the applicable definition of major  
3 source set forth in subsection 2 of this Section,  
4 or 5 tons per year, whichever is least.

5 iii. An applicant requesting the use of group  
6 processing procedures shall meet the requirements of  
7 subsection 5 of this Section and shall include the  
8 following in its application:

9 A. A description of the change, the emissions  
10 resulting from the change, and any new applicable  
11 requirements that will apply if the change occurs.

12 B. The source's suggested draft permit.

13 C. Certification by a responsible official  
14 consistent with paragraph 5(e) of this Section,  
15 that the proposed modification meets the criteria  
16 for use of group processing procedures and a  
17 request that such procedures be used.

18 D. A list of the source's other pending  
19 applications awaiting group processing, and a  
20 determination of whether the requested  
21 modification, aggregated with these other  
22 applications, equals or exceeds the threshold set  
23 under subparagraph (b)(ii)(B) of this subsection.

24 E. Certification, consistent with paragraph  
25 5(e), that the source has notified USEPA of the  
26 proposed modification. Such notification need only

1 contain a brief description of the requested  
2 modification.

3 F. Completed forms for the Agency to use to  
4 notify USEPA and affected states as required under  
5 subsections 8 and 9 of this Section.

6 iv. On a quarterly basis or within 5 business days  
7 of receipt of an application demonstrating that the  
8 aggregate of a source's pending applications equals or  
9 exceeds the threshold level set forth within  
10 subparagraph (b)(ii)(B) of this subsection, whichever  
11 is earlier, the Agency shall promptly notify USEPA and  
12 affected States of the requested permit modifications  
13 in accordance with subsections 8 and 9 of this Section.  
14 The Agency shall send any notice required under  
15 paragraph 8(d) of this Section to USEPA.

16 v. The provisions of subparagraph (a)(v) of this  
17 subsection shall apply to modifications eligible for  
18 group processing, except that the Agency shall take one  
19 of the actions specified in subparagraphs (a)(v)(A)  
20 through (a)(v)(D) of this subsection within 180 days of  
21 receipt of the application or 15 days after the end of  
22 USEPA's 45-day review period under subsection 9 of this  
23 Section, whichever is later.

24 vi. The provisions of subparagraph (a)(vi) of this  
25 subsection shall apply to modifications for group  
26 processing.



1           vii. The provisions of paragraph 7(j) of this  
2 Section shall not apply to modifications eligible for  
3 group processing.

4           c. Significant Permit Modifications.

5           i. Significant modification procedures shall be  
6 used for applications requesting significant permit  
7 modifications and for those applications that do not  
8 qualify as either minor permit modifications or as  
9 administrative permit amendments.

10          ii. Every significant change in existing  
11 monitoring permit terms or conditions and every  
12 relaxation of reporting or recordkeeping requirements  
13 shall be considered significant. A modification shall  
14 also be considered significant if in the judgment of  
15 the Agency action on an application for modification  
16 would require decisions to be made on technically  
17 complex issues. Nothing herein shall be construed to  
18 preclude the permittee from making changes consistent  
19 with this Section that would render existing permit  
20 compliance terms and conditions irrelevant.

21          iii. Significant permit modifications must meet  
22 all the requirements of this Section, including those  
23 for applications (including completeness review),  
24 public participation, review by affected States, and  
25 review by USEPA applicable to initial permit issuance  
26 and permit renewal. The Agency shall take final action

1 on significant permit modifications within 9 months  
2 after receipt of a complete application.

3 d. The Agency shall have the authority to adopt  
4 procedural rules, in accordance with the Illinois  
5 Administrative Procedure Act, as the Agency deems  
6 necessary, to implement this subsection.

7 15. Reopenings for Cause by the Agency.

8 a. Each issued CAAPP permit shall include provisions  
9 specifying the conditions under which the permit will be  
10 reopened prior to the expiration of the permit. Such  
11 revisions shall be made as expeditiously as practicable. A  
12 CAAPP permit shall be reopened and revised under any of the  
13 following circumstances, in accordance with procedures  
14 adopted by the Agency:

15 i. Additional requirements under the Clean Air Act  
16 become applicable to a major CAAPP source for which 3  
17 or more years remain on the original term of the  
18 permit. Such a reopening shall be completed not later  
19 than 18 months after the promulgation of the applicable  
20 requirement. No such revision is required if the  
21 effective date of the requirement is later than the  
22 date on which the permit is due to expire.

23 ii. Additional requirements (including excess  
24 emissions requirements) become applicable to an  
25 affected source for acid deposition under the acid rain

1 program. Excess emissions offset plans shall be deemed  
2 to be incorporated into the permit upon approval by  
3 USEPA.

4 iii. The Agency or USEPA determines that the permit  
5 contains a material mistake or that inaccurate  
6 statements were made in establishing the emissions  
7 standards, limitations, or other terms or conditions  
8 of the permit.

9 iv. The Agency or USEPA determines that the permit  
10 must be revised or revoked to assure compliance with  
11 the applicable requirements.

12 b. In the event that the Agency determines that there  
13 are grounds for revoking a CAAPP permit, for cause,  
14 consistent with paragraph a of this subsection, it shall  
15 file a petition before the Board setting forth the basis  
16 for such revocation. In any such proceeding, the Agency  
17 shall have the burden of establishing that the permit  
18 should be revoked under the standards set forth in this Act  
19 and the Clean Air Act. Any such proceeding shall be  
20 conducted pursuant to the Board's procedures for  
21 adjudicatory hearings and the Board shall render its  
22 decision within 120 days of the filing of the petition. The  
23 Agency shall take final action to revoke and reissue a  
24 CAAPP permit consistent with the Board's order.

25 c. Proceedings regarding a reopened CAAPP permit shall  
26 follow the same procedures as apply to initial permit

1 issuance and shall affect only those parts of the permit  
2 for which cause to reopen exists.

3 d. Reopenings under paragraph (a) of this subsection  
4 shall not be initiated before a notice of such intent is  
5 provided to the CAAPP source by the Agency at least 30 days  
6 in advance of the date that the permit is to be reopened,  
7 except that the Agency may provide a shorter time period in  
8 the case of an emergency.

9 e. The Agency shall have the authority to adopt  
10 procedural rules, in accordance with the Illinois  
11 Administrative Procedure Act, as the Agency deems  
12 necessary, to implement this subsection.

13 16. Reopenings for Cause by USEPA.

14 a. When USEPA finds that cause exists to terminate,  
15 modify, or revoke and reissue a CAAPP permit pursuant to  
16 subsection 15 of this Section, and thereafter notifies the  
17 Agency and the permittee of such finding in writing, the  
18 Agency shall forward to USEPA and the permittee a proposed  
19 determination of termination, modification, or revocation  
20 and reissuance as appropriate, in accordance with  
21 paragraph b of this subsection. The Agency's proposed  
22 determination shall be in accordance with the record, the  
23 Clean Air Act, regulations promulgated thereunder, this  
24 Act and regulations promulgated thereunder. Such proposed  
25 determination shall not affect the permit or constitute a

1 final permit action for purposes of this Act or the  
2 Administrative Review Law. The Agency shall forward to  
3 USEPA such proposed determination within 90 days after  
4 receipt of the notification from USEPA. If additional time  
5 is necessary to submit the proposed determination, the  
6 Agency shall request a 90-day extension from USEPA and  
7 shall submit the proposed determination within 180 days of  
8 receipt of notification from USEPA.

9 b. i. Prior to the Agency's submittal to USEPA of a  
10 proposed determination to terminate or revoke and  
11 reissue the permit, the Agency shall file a petition  
12 before the Board setting forth USEPA's objection, the  
13 permit record, the Agency's proposed determination,  
14 and the justification for its proposed determination.  
15 The Board shall conduct a hearing pursuant to the rules  
16 prescribed by Section 32 of this Act, and the burden of  
17 proof shall be on the Agency.

18 ii. After due consideration of the written and oral  
19 statements, the testimony and arguments that shall be  
20 submitted at hearing, the Board shall issue and enter  
21 an interim order for the proposed determination, which  
22 shall set forth all changes, if any, required in the  
23 Agency's proposed determination. The interim order  
24 shall comply with the requirements for final orders as  
25 set forth in Section 33 of this Act. Issuance of an  
26 interim order by the Board under this paragraph,

1           however, shall not affect the permit status and does  
2           not constitute a final action for purposes of this Act  
3           or the Administrative Review Law.

4           iii. The Board shall cause a copy of its interim  
5           order to be served upon all parties to the proceeding  
6           as well as upon USEPA. The Agency shall submit the  
7           proposed determination to USEPA in accordance with the  
8           Board's Interim Order within 180 days after receipt of  
9           the notification from USEPA.

10          c. USEPA shall review the proposed determination to  
11          terminate, modify, or revoke and reissue the permit within  
12          90 days of receipt.

13           i. When USEPA reviews the proposed determination  
14           to terminate or revoke and reissue and does not object,  
15           the Board shall, within 7 days of receipt of USEPA's  
16           final approval, enter the interim order as a final  
17           order. The final order may be appealed as provided by  
18           Title XI of this Act. The Agency shall take final  
19           action in accordance with the Board's final order.

20           ii. When USEPA reviews such proposed determination  
21           to terminate or revoke and reissue and objects, the  
22           Agency shall submit USEPA's objection and the Agency's  
23           comments and recommendation on the objection to the  
24           Board and permittee. The Board shall review its interim  
25           order in response to USEPA's objection and the Agency's  
26           comments and recommendation and issue a final order in

1           accordance with Sections 32 and 33 of this Act. The  
2           Agency shall, within 90 days after receipt of such  
3           objection, respond to USEPA's objection in accordance  
4           with the Board's final order.

5           iii.     When     USEPA     reviews     such     proposed  
6           determination to modify and objects, the Agency shall,  
7           within 90 days after receipt of the objection, resolve  
8           the objection and modify the permit in accordance with  
9           USEPA's objection, based upon the record, the Clean Air  
10          Act, regulations promulgated thereunder, this Act, and  
11          regulations promulgated thereunder.

12          d.     If the Agency fails to submit the proposed  
13          determination pursuant to paragraph a of this subsection or  
14          fails to resolve any USEPA objection pursuant to paragraph  
15          c of this subsection, USEPA will terminate, modify, or  
16          revoke and reissue the permit.

17          e.     The Agency shall have the authority to adopt  
18          procedural rules, in accordance with the Illinois  
19          Administrative Procedure Act, as the Agency deems  
20          necessary, to implement this subsection.

21          17. Title IV; Acid Rain Provisions.

22          a.     The Agency shall act on initial CAAPP applications  
23          for affected sources for acid deposition in accordance with  
24          this Section and Title V of the Clean Air Act and  
25          regulations promulgated thereunder, except as modified by

1 Title IV of the Clean Air Act and regulations promulgated  
2 thereunder. The Agency shall issue initial CAAPP permits to  
3 the affected sources for acid deposition which shall become  
4 effective no earlier than January 1, 1995, and which shall  
5 terminate on December 31, 1999, in accordance with this  
6 Section. Subsequent CAAPP permits issued to affected  
7 sources for acid deposition shall be issued for a fixed  
8 term of 5 years. Title IV of the Clean Air Act and  
9 regulations promulgated thereunder, including but not  
10 limited to 40 C.F.R. Part 72, as now or hereafter amended,  
11 are applicable to and enforceable under this Act.

12 b. A designated representative of an affected source  
13 for acid deposition shall submit a timely and complete  
14 Phase II acid rain permit application and compliance plan  
15 to the Agency, not later than January 1, 1996, that meets  
16 the requirements of Titles IV and V of the Clean Air Act  
17 and regulations. The Agency shall act on the Phase II acid  
18 rain permit application and compliance plan in accordance  
19 with this Section and Title V of the Clean Air Act and  
20 regulations promulgated thereunder, except as modified by  
21 Title IV of the Clean Air Act and regulations promulgated  
22 thereunder. The Agency shall issue the Phase II acid rain  
23 permit to an affected source for acid deposition no later  
24 than December 31, 1997, which shall become effective on  
25 January 1, 2000, in accordance with this Section, except as  
26 modified by Title IV and regulations promulgated



1           thereunder; provided that the designated representative of  
2           the source submitted a timely and complete Phase II permit  
3           application and compliance plan to the Agency that meets  
4           the requirements of Title IV and V of the Clean Air Act and  
5           regulations.

6           c. Each Phase II acid rain permit issued in accordance  
7           with this subsection shall have a fixed term of 5 years.  
8           Except as provided in paragraph b above, the Agency shall  
9           issue or deny a Phase II acid rain permit within 18 months  
10          of receiving a complete Phase II permit application and  
11          compliance plan.

12          d. A designated representative of a new unit, as  
13          defined in Section 402 of the Clean Air Act, shall submit a  
14          timely and complete Phase II acid rain permit application  
15          and compliance plan that meets the requirements of Titles  
16          IV and V of the Clean Air Act and its regulations. The  
17          Agency shall act on the new unit's Phase II acid rain  
18          permit application and compliance plan in accordance with  
19          this Section and Title V of the Clean Air Act and its  
20          regulations, except as modified by Title IV of the Clean  
21          Air Act and its regulations. The Agency shall reopen the  
22          new unit's CAAPP permit for cause to incorporate the  
23          approved Phase II acid rain permit in accordance with this  
24          Section. The Phase II acid rain permit for the new unit  
25          shall become effective no later than the date required  
26          under Title IV of the Clean Air Act and its regulations.

1 e. A designated representative of an affected source  
2 for acid deposition shall submit a timely and complete  
3 Title IV NOx permit application to the Agency, not later  
4 than January 1, 1998, that meets the requirements of Titles  
5 IV and V of the Clean Air Act and its regulations. The  
6 Agency shall reopen the Phase II acid rain permit for cause  
7 and incorporate the approved NOx provisions into the Phase  
8 II acid rain permit not later than January 1, 1999, in  
9 accordance with this Section, except as modified by Title  
10 IV of the Clean Air Act and regulations promulgated  
11 thereunder. Such reopening shall not affect the term of the  
12 Phase II acid rain permit.

13 f. The designated representative of the affected  
14 source for acid deposition shall renew the initial CAAPP  
15 permit and Phase II acid rain permit in accordance with  
16 this Section and Title V of the Clean Air Act and  
17 regulations promulgated thereunder, except as modified by  
18 Title IV of the Clean Air Act and regulations promulgated  
19 thereunder.

20 g. In the case of an affected source for acid  
21 deposition for which a complete Phase II acid rain permit  
22 application and compliance plan are timely received under  
23 this subsection, the complete permit application and  
24 compliance plan, including amendments thereto, shall be  
25 binding on the owner, operator and designated  
26 representative, all affected units for acid deposition at

1 the affected source, and any other unit, as defined in  
2 Section 402 of the Clean Air Act, governed by the Phase II  
3 acid rain permit application and shall be enforceable as an  
4 acid rain permit for purposes of Titles IV and V of the  
5 Clean Air Act, from the date of submission of the acid rain  
6 permit application until a Phase II acid rain permit is  
7 issued or denied by the Agency.

8 h. The Agency shall not include or implement any  
9 measure which would interfere with or modify the  
10 requirements of Title IV of the Clean Air Act or  
11 regulations promulgated thereunder.

12 i. Nothing in this Section shall be construed as  
13 affecting allowances or USEPA's decision regarding an  
14 excess emissions offset plan, as set forth in Title IV of  
15 the Clean Air Act or regulations promulgated thereunder.

16 i. No permit revision shall be required for  
17 increases in emissions that are authorized by  
18 allowances acquired pursuant to the acid rain program,  
19 provided that such increases do not require a permit  
20 revision under any other applicable requirement.

21 ii. No limit shall be placed on the number of  
22 allowances held by the source. The source may not,  
23 however, use allowances as a defense to noncompliance  
24 with any other applicable requirement.

25 iii. Any such allowance shall be accounted for  
26 according to the procedures established in regulations

1 promulgated under Title IV of the Clean Air Act.

2 j. To the extent that the federal regulations  
3 promulgated under Title IV, including but not limited to 40  
4 C.F.R. Part 72, as now or hereafter amended, are  
5 inconsistent with the federal regulations promulgated  
6 under Title V, the federal regulations promulgated under  
7 Title IV shall take precedence.

8 k. The USEPA may intervene as a matter of right in any  
9 permit appeal involving a Phase II acid rain permit  
10 provision or denial of a Phase II acid rain permit.

11 l. It is unlawful for any owner or operator to violate  
12 any terms or conditions of a Phase II acid rain permit  
13 issued under this subsection, to operate any affected  
14 source for acid deposition except in compliance with a  
15 Phase II acid rain permit issued by the Agency under this  
16 subsection, or to violate any other applicable  
17 requirements.

18 m. The designated representative of an affected source  
19 for acid deposition shall submit to the Agency the data and  
20 information submitted quarterly to USEPA, pursuant to 40  
21 CFR 75.64, concurrently with the submission to USEPA. The  
22 submission shall be in the same electronic format as  
23 specified by USEPA.

24 n. The Agency shall act on any petition for exemption  
25 of a new unit or retired unit, as those terms are defined  
26 in Section 402 of the Clean Air Act, from the requirements

1 of the acid rain program in accordance with Title IV of the  
2 Clean Air Act and its regulations.

3 o. The Agency shall have the authority to adopt  
4 procedural rules, in accordance with the Illinois  
5 Administrative Procedure Act, as the Agency deems  
6 necessary to implement this subsection.

7 18. Fee Provisions.

8 a. For each 12 month period after the date on which the  
9 USEPA approves or conditionally approves the CAAPP, but in  
10 no event prior to January 1, 1994, a source subject to this  
11 Section or excluded under subsection 1.1 or paragraph 3(c)  
12 of this Section, shall pay a fee as provided in this part  
13 (a) of this subsection 18. However, a source that has been  
14 excluded from the provisions of this Section under  
15 subsection 1.1 or paragraph 3(c) of this Section because  
16 the source emits less than 25 tons per year of any  
17 combination of regulated air pollutants shall pay fees in  
18 accordance with paragraph (1) of subsection (b) of Section  
19 9.6.

20 i. The fee for a source allowed to emit less than  
21 100 tons per year of any combination of regulated air  
22 pollutants shall be \$1,000 ~~\$1,800~~ per year.

23 ii. The fee for a source allowed to emit 100 tons  
24 or more per year of any combination of regulated air  
25 pollutants, except for those regulated air pollutants

1 excluded in paragraph 18(f) of this subsection, shall  
2 be as follows:

3 A. The Agency shall assess an annual fee of  
4 \$13.50 ~~\$18.00~~ per ton for the allowable emissions  
5 of all regulated air pollutants at that source  
6 during the term of the permit. These fees shall be  
7 used by the Agency and the Board to fund the  
8 activities required by Title V of the Clean Air Act  
9 including such activities as may be carried out by  
10 other State or local agencies pursuant to  
11 paragraph (d) of this subsection. The amount of  
12 such fee shall be based on the information supplied  
13 by the applicant in its complete CAAPP permit  
14 application or in the CAAPP permit if the permit  
15 has been granted and shall be determined by the  
16 amount of emissions that the source is allowed to  
17 emit annually, provided however, that no source  
18 shall be required to pay an annual fee in excess of  
19 \$100,000 ~~\$250,000~~. The Agency shall provide as  
20 part of the permit application form required under  
21 subsection 5 of this Section a separate fee  
22 calculation form which will allow the applicant to  
23 identify the allowable emissions and calculate the  
24 fee for the term of the permit. In no event shall  
25 the Agency raise the amount of allowable emissions  
26 requested by the applicant unless such increases

1 are required to demonstrate compliance with terms  
2 of a CAAPP permit.

3 Notwithstanding the above, any applicant may  
4 seek a change in its permit which would result in  
5 increases in allowable emissions due to an  
6 increase in the hours of operation or production  
7 rates of an emission unit or units and such a  
8 change shall be consistent with the construction  
9 permit requirements of the existing State permit  
10 program, under Section 39(a) of this Act and  
11 applicable provisions of this Section. Where a  
12 construction permit is required, the Agency shall  
13 expeditiously grant such construction permit and  
14 shall, if necessary, modify the CAAPP permit based  
15 on the same application.

16 B. The applicant or permittee may pay the fee  
17 annually or semiannually for those fees greater  
18 than \$5,000. However, any applicant paying a fee  
19 equal to or greater than \$100,000 shall pay the  
20 full amount on July 1, for the subsequent fiscal  
21 year, or pay 50% of the fee on July 1 and the  
22 remaining 50% by the next January 1. The Agency may  
23 change any annual billing date upon reasonable  
24 notice, but shall prorate the new bill so that the  
25 permittee or applicant does not pay more than its  
26 required fees for the fee period for which payment

1                   is made.

2                   b. (Blank).

3                   c. (Blank).

4                   d. There is hereby created in the State Treasury a  
5 special fund to be known as the "CAA Permit Fund". All  
6 Funds collected by the Agency pursuant to this subsection  
7 shall be deposited into the Fund. The General Assembly  
8 shall appropriate monies from this Fund to the Agency and  
9 to the Board to carry out their obligations under this  
10 Section. The General Assembly may also authorize monies to  
11 be granted by the Agency from this Fund to other State and  
12 local agencies which perform duties related to the CAAPP.  
13 Interest generated on the monies deposited in this Fund  
14 shall be returned to the Fund.

15                   e. The Agency shall have the authority to adopt  
16 procedural rules, in accordance with the Illinois  
17 Administrative Procedure Act, as the Agency deems  
18 necessary to implement this subsection.

19                   f. For purposes of this subsection, the term "regulated  
20 air pollutant" shall have the meaning given to it under  
21 subsection 1 of this Section but shall exclude the  
22 following:

23                   i. carbon monoxide;

24                   ii. any Class I or II substance which is a  
25 regulated air pollutant solely because it is listed  
26 pursuant to Section 602 of the Clean Air Act; and



1           iii. any pollutant that is a regulated air  
2 pollutant solely because it is subject to a standard or  
3 regulation under Section 112(r) of the Clean Air Act  
4 based on the emissions allowed in the permit effective  
5 in that calendar year, at the time the applicable bill  
6 is generated.

7           19. Air Toxics Provisions.

8           a. In the event that the USEPA fails to promulgate in a  
9 timely manner a standard pursuant to Section 112(d) of the  
10 Clean Air Act, the Agency shall have the authority to issue  
11 permits, pursuant to Section 112(j) of the Clean Air Act  
12 and regulations promulgated thereunder, which contain  
13 emission limitations which are equivalent to the emission  
14 limitations that would apply to a source if an emission  
15 standard had been promulgated in a timely manner by USEPA  
16 pursuant to Section 112(d). Provided, however, that the  
17 owner or operator of a source shall have the opportunity to  
18 submit to the Agency a proposed emission limitation which  
19 it determines to be equivalent to the emission limitations  
20 that would apply to such source if an emission standard had  
21 been promulgated in a timely manner by USEPA. If the Agency  
22 refuses to include the emission limitation proposed by the  
23 owner or operator in a CAAPP permit, the owner or operator  
24 may petition the Board to establish whether the emission  
25 limitation proposal submitted by the owner or operator

1 provides for emission limitations which are equivalent to  
2 the emission limitations that would apply to the source if  
3 the emission standard had been promulgated by USEPA in a  
4 timely manner. The Board shall determine whether the  
5 emission limitation proposed by the owner or operator or an  
6 alternative emission limitation proposed by the Agency  
7 provides for the level of control required under Section  
8 112 of the Clean Air Act, or shall otherwise establish an  
9 appropriate emission limitation, pursuant to Section 112  
10 of the Clean Air Act.

11 b. Any Board proceeding brought under paragraph (a) or  
12 (e) of this subsection shall be conducted according to the  
13 Board's procedures for adjudicatory hearings and the Board  
14 shall render its decision within 120 days of the filing of  
15 the petition. Any such decision shall be subject to review  
16 pursuant to Section 41 of this Act. Where USEPA promulgates  
17 an applicable emission standard prior to the issuance of  
18 the CAAPP permit, the Agency shall include in the permit  
19 the promulgated standard, provided that the source shall  
20 have the compliance period provided under Section 112(i) of  
21 the Clean Air Act. Where USEPA promulgates an applicable  
22 standard subsequent to the issuance of the CAAPP permit,  
23 the Agency shall revise such permit upon the next renewal  
24 to reflect the promulgated standard, providing a  
25 reasonable time for the applicable source to comply with  
26 the standard, but no longer than 8 years after the date on

1           which the source is first required to comply with the  
2           emissions limitation established under this subsection.

3           c. The Agency shall have the authority to implement and  
4           enforce complete or partial emission standards promulgated  
5           by USEPA pursuant to Section 112(d), and standards  
6           promulgated by USEPA pursuant to Sections 112(f), 112(h),  
7           112(m), and 112(n), and may accept delegation of authority  
8           from USEPA to implement and enforce Section 112(l) and  
9           requirements for the prevention and detection of  
10          accidental releases pursuant to Section 112(r) of the Clean  
11          Air Act.

12          d. The Agency shall have the authority to issue permits  
13          pursuant to Section 112(i)(5) of the Clean Air Act.

14          e. The Agency has the authority to implement Section  
15          112(g) of the Clean Air Act consistent with the Clean Air  
16          Act and federal regulations promulgated thereunder. If the  
17          Agency refuses to include the emission limitations  
18          proposed in an application submitted by an owner or  
19          operator for a case-by-case maximum achievable control  
20          technology (MACT) determination, the owner or operator may  
21          petition the Board to determine whether the emission  
22          limitation proposed by the owner or operator or an  
23          alternative emission limitation proposed by the Agency  
24          provides for a level of control required by Section 112 of  
25          the Clean Air Act, or to otherwise establish an appropriate  
26          emission limitation under Section 112 of the Clean Air Act.

1           20. Small Business.

2           a. For purposes of this subsection:

3           "Program" is the Small Business Stationary Source  
4           Technical and Environmental Compliance Assistance Program  
5           created within this State pursuant to Section 507 of the  
6           Clean Air Act and guidance promulgated thereunder, to  
7           provide technical assistance and compliance information to  
8           small business stationary sources;

9           "Small Business Assistance Program" is a component of  
10          the Program responsible for providing sufficient  
11          communications with small businesses through the  
12          collection and dissemination of information to small  
13          business stationary sources; and

14          "Small Business Stationary Source" means a stationary  
15          source that:

16                 1. is owned or operated by a person that employs  
17                 100 or fewer individuals;

18                 2. is a small business concern as defined in the  
19                 "Small Business Act";

20                 3. is not a major source as that term is defined in  
21                 subsection 2 of this Section;

22                 4. does not emit 50 tons or more per year of any  
23                 regulated air pollutant; and

24                 5. emits less than 75 tons per year of all  
25                 regulated pollutants.

1           b. The Agency shall adopt and submit to USEPA, after  
2 reasonable notice and opportunity for public comment, as a  
3 revision to the Illinois state implementation plan, plans  
4 for establishing the Program.

5           c. The Agency shall have the authority to enter into  
6 such contracts and agreements as the Agency deems necessary  
7 to carry out the purposes of this subsection.

8           d. The Agency may establish such procedures as it may  
9 deem necessary for the purposes of implementing and  
10 executing its responsibilities under this subsection.

11           e. There shall be appointed a Small Business Ombudsman  
12 (hereinafter in this subsection referred to as  
13 "Ombudsman") to monitor the Small Business Assistance  
14 Program. The Ombudsman shall be a nonpartisan designated  
15 official, with the ability to independently assess whether  
16 the goals of the Program are being met.

17           f. The State Ombudsman Office shall be located in an  
18 existing Ombudsman office within the State or in any State  
19 Department.

20           g. There is hereby created a State Compliance Advisory  
21 Panel (hereinafter in this subsection referred to as  
22 "Panel") for determining the overall effectiveness of the  
23 Small Business Assistance Program within this State.

24           h. The selection of Panel members shall be by the  
25 following method:

26           1. The Governor shall select two members who are

1 not owners or representatives of owners of small  
2 business stationary sources to represent the general  
3 public;

4 2. The Director of the Agency shall select one  
5 member to represent the Agency; and

6 3. The State Legislature shall select four members  
7 who are owners or representatives of owners of small  
8 business stationary sources. Both the majority and  
9 minority leadership in both Houses of the Legislature  
10 shall appoint one member of the panel.

11 i. Panel members should serve without compensation but  
12 will receive full reimbursement for expenses including  
13 travel and per diem as authorized within this State.

14 j. The Panel shall select its own Chair by a majority  
15 vote. The Chair may meet and consult with the Ombudsman and  
16 the head of the Small Business Assistance Program in  
17 planning the activities for the Panel.

18 21. Temporary Sources.

19 a. The Agency may issue a single permit authorizing  
20 emissions from similar operations by the same source owner  
21 or operator at multiple temporary locations, except for  
22 sources which are affected sources for acid deposition  
23 under Title IV of the Clean Air Act.

24 b. The applicant must demonstrate that the operation is  
25 temporary and will involve at least one change of location

1 during the term of the permit.

2 c. Any such permit shall meet all applicable  
3 requirements of this Section and applicable regulations,  
4 and include conditions assuring compliance with all  
5 applicable requirements at all authorized locations and  
6 requirements that the owner or operator notify the Agency  
7 at least 10 days in advance of each change in location.

8 22. Solid Waste Incineration Units.

9 a. A CAAPP permit for a solid waste incineration unit  
10 combusting municipal waste subject to standards  
11 promulgated under Section 129(e) of the Clean Air Act shall  
12 be issued for a period of 12 years and shall be reviewed  
13 every 5 years, unless the Agency requires more frequent  
14 review through Agency procedures.

15 b. During the review in paragraph (a) of this  
16 subsection, the Agency shall fully review the previously  
17 submitted CAAPP permit application and corresponding  
18 reports subsequently submitted to determine whether the  
19 source is in compliance with all applicable requirements.

20 c. If the Agency determines that the source is not in  
21 compliance with all applicable requirements it shall  
22 revise the CAAPP permit as appropriate.

23 d. The Agency shall have the authority to adopt  
24 procedural rules, in accordance with the Illinois  
25 Administrative Procedure Act, as the Agency deems

1 necessary, to implement this subsection.

2 (Source: P.A. 93-32, eff. 7-1-03; 94-580, eff. 8-12-05.)

3 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

4 Sec. 55.8. Tire retailers.

5 (a) Any person selling new or used tires at retail or  
6 offering new or used tires for retail sale in this State shall:

7 (1) beginning on the effective date of this amendatory  
8 Act of the 96th General Assembly June 20, 2003 ~~(the~~  
9 ~~effective date of Public Act 93-32)~~, collect from retail  
10 customers a fee of \$1 ~~\$2~~ per new or used tire sold and  
11 delivered in this State, to be paid to the Department of  
12 Revenue and deposited into the Used Tire Management Fund,  
13 less a collection allowance of 10 cents per tire to be  
14 retained by the retail seller and a collection allowance of  
15 10 cents per tire to be retained by the Department of  
16 Revenue and paid into the General Revenue Fund;

17 (1.5) (blank) ~~beginning on July 1, 2003, collect from~~  
18 ~~retail customers an additional 50 cents per new or used~~  
19 ~~tire sold and delivered in this State; the money collected~~  
20 ~~from this fee shall be deposited into the Emergency Public~~  
21 ~~Health Fund;~~

22 (2) accept for recycling used tires from customers, at  
23 the point of transfer, in a quantity equal to the number of  
24 new tires purchased; and

25 (3) post in a conspicuous place a written notice at



1           least 8.5 by 11 inches in size that includes the universal  
2           recycling symbol and the following statements: "DO NOT put  
3           used tires in the trash."; "Recycle your used tires."; and  
4           "State law requires us to accept used tires for recycling,  
5           in exchange for new tires purchased."

6           (b) A person who accepts used tires for recycling under  
7           subsection (a) shall not allow the tires to accumulate for  
8           periods of more than 90 days.

9           (c) The requirements of subsection (a) of this Section do  
10          not apply to mail order sales nor shall the retail sale of a  
11          motor vehicle be considered to be the sale of tires at retail  
12          or offering of tires for retail sale. Instead of filing  
13          returns, retailers of tires may remit the tire user fee of  
14          \$1.00 per tire to their suppliers of tires if the supplier of  
15          tires is a registered retailer of tires and agrees or otherwise  
16          arranges to collect and remit the tire fee to the Department of  
17          Revenue, notwithstanding the fact that the sale of the tire is  
18          a sale for resale and not a sale at retail. A tire supplier who  
19          enters into such an arrangement with a tire retailer shall be  
20          liable for the tax on all tires sold to the tire retailer and  
21          must (i) provide the tire retailer with a receipt that  
22          separately reflects the tire tax collected from the retailer on  
23          each transaction and (ii) accept used tires for recycling from  
24          the retailer's customers. The tire supplier shall be entitled  
25          to the collection allowance of 10 cents per tire.

26          The retailer of the tires must maintain in its books and

1 records evidence that the appropriate fee was paid to the tire  
2 supplier and that the tire supplier has agreed to remit the fee  
3 to the Department of Revenue for each tire sold by the  
4 retailer. Otherwise, the tire retailer shall be directly liable  
5 for the fee on all tires sold at retail. Tire retailers paying  
6 the fee to their suppliers are not entitled to the collection  
7 allowance of 10 cents per tire.

8 (d) The requirements of subsection (a) of this Section  
9 shall apply exclusively to tires to be used for vehicles  
10 defined in Section 1-217 of the Illinois Vehicle Code, aircraft  
11 tires, special mobile equipment, and implements of husbandry.

12 (e) The requirements of paragraph (1) of subsection (a) do  
13 not apply to the sale of reprocessed tires. For purposes of  
14 this Section, "reprocessed tire" means a used tire that has  
15 been recapped, retreaded, or regrooved and that has not been  
16 placed on a vehicle wheel rim.

17 (Source: P.A. 95-49, eff. 8-10-07; 95-331, eff. 8-21-07;  
18 95-876, eff. 8-21-08.)

19 (415 ILCS 5/56.4) (from Ch. 111 1/2, par. 1056.4)

20 Sec. 56.4. Medical waste manifests.

21 (a) Manifests for potentially infectious medical waste  
22 shall consist of an original (the first page of the form) and 3  
23 copies. Upon delivery of potentially infectious medical waste  
24 by a generator to a transporter, the transporter shall deliver  
25 one copy of the completed manifest to the generator. Upon

1 delivery of potentially infectious medical waste by a  
2 transporter to a treatment or disposal facility, the  
3 transporter shall keep one copy of the completed manifest, and  
4 the transporter shall deliver the original and one copy of the  
5 completed manifest to the treatment or disposal facility. The  
6 treatment or disposal facility shall keep one copy of the  
7 completed manifest and return the original to the generator  
8 within 35 days. The manifest, as provided for in this Section,  
9 shall not terminate while being transferred between the  
10 generator, transporter, transfer station, or storage facility,  
11 unless transfer activities are conducted at the treatment or  
12 disposal facility. The manifest shall terminate at the  
13 treatment or disposal facility.

14 (b) Potentially infectious medical waste manifests shall  
15 be in a form prescribed and provided by the Agency. Generators  
16 and transporters of potentially infectious medical waste and  
17 facilities accepting potentially infectious medical waste are  
18 not required to submit copies of such manifests to the Agency.  
19 The manifest described in this Section shall be used for the  
20 transportation of potentially infectious medical waste instead  
21 of the manifest described in Section 22.01 of this Act. Copies  
22 of each manifest shall be retained for 3 years by generators,  
23 transporters, and facilities, and shall be available for  
24 inspection and copying by the Agency.

25 (c) The Agency shall assess a fee of \$2 ~~\$4.00~~ for each  
26 potentially infectious medical waste manifest provided by the

1 Agency.

2 (d) All fees collected by the Agency under this Section  
3 shall be deposited into the Environmental Protection Permit and  
4 Inspection Fund. The Agency may establish procedures relating  
5 to the collection of fees under this Section. The Agency shall  
6 not refund any fee paid to it under this Section.

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

8 (415 ILCS 5/56.5) (from Ch. 111 1/2, par. 1056.5)

9 Sec. 56.5. Medical waste hauling fees.

10 (a) The Agency shall annually collect a \$1,000 ~~\$2000~~ fee  
11 for each potentially infectious medical waste hauling permit  
12 application and, in addition, shall collect a fee of \$250 for  
13 each potentially infectious medical waste hauling vehicle  
14 identified in the annual permit application and for each  
15 vehicle that is added to the permit during the annual period.  
16 Each applicant required to pay a fee under this Section shall  
17 submit the fee along with the permit application. The Agency  
18 shall deny any permit application for which a fee is required  
19 under this Section that does not contain the appropriate fee.

20 (b) All fees collected by the Agency under this Section  
21 shall be deposited into the Environmental Protection Permit and  
22 Inspection Fund. The Agency may establish procedures relating  
23 to the collection of fees under this Section. The Agency shall  
24 not refund any fee paid to it under this Section.

25 (c) The Agency shall not collect a fee under this Section

1 from any hospital that transports only potentially infectious  
2 medical waste generated by its own activities or by members of  
3 its medical staff.

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

5 (415 ILCS 5/56.6) (from Ch. 111 1/2, par. 1056.6)

6 Sec. 56.6. Medical waste transportation fees.

7 (a) The Agency shall collect from each transporter of  
8 potentially infectious medical waste required to have a permit  
9 under Section 56.1(f) of this Act a fee in the amount of 1.5 ~~3~~  
10 cents per pound of potentially infectious medical waste  
11 transported. The Agency shall collect from each transporter of  
12 potentially infectious medical waste not required to have a  
13 permit under Section 56.1(f) (1) (A) of this Act a fee in the  
14 amount of 1.5 ~~3~~ cents per pound of potentially infectious  
15 medical waste transported to a site or facility not owned,  
16 controlled, or operated by the transporter. The Agency shall  
17 deny any permit required under Section 56.1(f) of this Act from  
18 any applicant who has not paid to the Agency all fees due under  
19 this Section.

20 A fee in the amount of 1.5 ~~3~~ cents per pound of potentially  
21 infectious medical waste shall be collected by the Agency from  
22 a potentially infectious medical waste storage site or  
23 treatment facility receiving potentially infectious medical  
24 waste, unless the fee has been previously paid by a  
25 transporter.

1 (b) The Agency shall establish procedures, not later than  
2 January 1, 1992, relating to the collection of the fees  
3 authorized by this Section. These procedures shall include, but  
4 not be limited to: (i) necessary records identifying the  
5 quantities of potentially infectious medical waste  
6 transported; (ii) the form and submission of reports to  
7 accompany the payment of fees to the Agency; and (iii) the time  
8 and manner of payment of fees to the Agency, which payments  
9 shall be not more often than quarterly.

10 (c) All fees collected by the Agency under this Section  
11 shall be deposited into the Environmental Protection Permit and  
12 Inspection Fund. The Agency may establish procedures relating  
13 to the collection of fees under this Section. The Agency shall  
14 not refund any fee paid to it under this Section.

15 (d) The Agency shall not collect a fee under this Section  
16 from a person transporting potentially infectious medical  
17 waste to a hospital when the person is a member of the  
18 hospital's medical staff.

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

20 (415 ILCS 5/9.12 rep.)

21 (415 ILCS 5/9.13 rep.)

22 (415 ILCS 5/12.5 rep.)

23 (415 ILCS 5/12.6 rep.)

24 Section 145. The Environmental Protection Act is amended by  
25 repealing Sections 9.12, 9.13, 12.5, and 12.6.

1           Section 150. The Illinois Pesticide Act is amended by  
2 changing Sections 6 and 22.1 as follows:

3           (415 ILCS 60/6) (from Ch. 5, par. 806)

4           Sec. 6. Registration.

5           1. Every pesticide which is distributed, sold, offered for  
6 sale within this State, delivered for transportation or  
7 transported in interstate commerce or between points within the  
8 State through any point outside the State, shall be registered  
9 with the Director or his designated agent, subject to  
10 provisions of this Act. Such registration shall be renewed  
11 annually with registrations expiring December 31 each year.  
12 Registration is not required if a pesticide is shipped from one  
13 plant or warehouse to another plant or warehouse by the same  
14 person and is used solely at such plant or warehouse as a  
15 constituent part to make a pesticide which is registered under  
16 provisions of this Act and FIFRA.

17           2. Registration applicant shall file a statement with the  
18 Director which shall include:

19           A. The name and address of the applicant and the name  
20 and address of the person whose name will appear on the  
21 label if different from the applicant's.

22           B. The name of the pesticide.

23           C. A copy of the labeling accompanying the pesticide  
24 under customary conditions of distribution, sale and use,

1 including ingredient statement, direction for use, use  
2 classification, and precautionary or warning statements.

3 3. The Director may require the submission of complete  
4 formula data.

5 4. The Director may require a full description of tests  
6 made and the results thereof, upon which the claims are based,  
7 for any pesticide not registered pursuant to FIFRA, or on any  
8 pesticide under consideration to be classified for restricted  
9 use.

10 A. The Director will not consider data he required of  
11 the initial registrant of a pesticide in support of another  
12 applicants' registration unless the subsequent applicant  
13 has obtained written permission to use such data.

14 B. In the case of renewal registration, the Director  
15 may accept a statement only with respect to information  
16 which is different from that furnished previously.

17 5. The Director may prescribe other requirements to support  
18 a pesticide registration by regulation.

19 6. For the years preceding the year 2004, any registrant  
20 desiring to register a pesticide product at any time during one  
21 year shall pay the annual registration fee of \$100 per product  
22 registered for that applicant. For the years 2004 through 2008  
23 ~~and thereafter~~, the annual product registration fee is \$200 per  
24 product. For the years 2009 and thereafter, the annual product  
25 registration fee is \$130.

26 In addition, for the years preceding the year 2004 any



1 business registering a pesticide product at any time during one  
2 year shall pay the annual business registration fee of \$250.  
3 For the years 2004 through 2008 ~~and thereafter~~, the annual  
4 business registration fee shall be \$400. For the years 2009 and  
5 thereafter, the annual business registration fee is \$300. Each  
6 legal entity of the business shall pay the annual business  
7 registration fee.

8 For the years preceding the year 2004, any applicant  
9 requesting an experimental use permit shall pay the annual fee  
10 of \$100 per permit and all special local need pesticide  
11 registration applicants shall pay an annual fee of \$100 per  
12 product. For the years 2004 through 2008 ~~and thereafter~~, the  
13 annual experimental use permit fee and special local need  
14 pesticide registration fee is \$200 per permit. For the annual  
15 experimental use permit fee and special local need pesticide  
16 registration fee is \$130. Subsequent SLN registrations for a  
17 pesticide already registered shall be exempted from the  
18 registration fee.

19 A. All registration accepted and approved by the  
20 Director shall expire on the 31st day of December in any  
21 one year unless cancelled. Registration for a special local  
22 need may be granted for a specific period of time with the  
23 approval date and expiration date specified.

24 B. If a registration for special local need granted by  
25 the Director does not receive approval of the Administrator  
26 of USEPA, the registration shall expire on the date of the

1 Administrator's disapproval.

2 7. Registrations approved and accepted by the Director and  
3 in effect on the 31st day of December, for which renewal  
4 application is made, shall continue in full force and effect  
5 until the Director notifies the registrant that the renewal has  
6 been approved and accepted or the registration is denied under  
7 this Act. Renewal registration forms will be provided to  
8 applicants by the Director.

9 8. If the renewal of a pesticide registration is not filed  
10 within 30 days of the date of expiration, a penalty late  
11 registration assessment of \$200 ~~\$300~~ per product shall apply in  
12 lieu of the normal annual product registration fee. The late  
13 registration assessment shall not apply if the applicant  
14 furnishes an affidavit certifying that no unregulated  
15 pesticide was distributed or sold during the period of  
16 registration. The late assessment is not a bar to prosecution  
17 for doing business without proper registry.

18 9. The Director may prescribe by regulation to allow  
19 pesticide use for a special local need, pursuant to FIFRA.

20 10. The Director may prescribe by regulation the provisions  
21 for and requirements of registering a pesticide intended for  
22 experimental use.

23 11. The Director shall not make any lack of essentiality a  
24 criterion for denial of registration of any pesticide. Where 2  
25 pesticides meet the requirements, one should not be registered  
26 in preference to the other.

1           12. It shall be the duty of the pesticide registrant to  
2 properly dispose of any pesticide the registration of which has  
3 been suspended, revoked or cancelled or which is otherwise not  
4 properly registered in the State.

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

6           (415 ILCS 60/22.1) (from Ch. 5, par. 822.1)

7           Sec. 22.1. Pesticide Control Fund. There is hereby created  
8 in the State Treasury a special fund to be known as the  
9 Pesticide Control Fund. All registration, penalty and license  
10 fees collected by the Department pursuant to this Act shall be  
11 deposited into the Fund. The amount annually collected as fees  
12 shall be appropriated by the General Assembly to the Department  
13 for the purposes of conducting a public educational program on  
14 the proper use of pesticides, for other activities related to  
15 the enforcement of this Act, and for administration of the  
16 Insect Pest and Plant Disease Act. However, the increase in  
17 fees in Sections 6, 10, and 13 of this Act resulting from this  
18 amendatory Act of 1990 shall be used by the Department for the  
19 purpose of carrying out the Department's powers and duties as  
20 set forth in paragraph 8 of Section 19 of this Act. The monies  
21 collected under Section 13.1 of this Act shall be deposited in  
22 the Agrichemical Incident Response Fund. In addition, for the  
23 years 2004 through 2008 ~~and thereafter~~, \$125 of each pesticide  
24 annual business registration fee and \$50 of each pesticide  
25 product annual registration fee collected by the Department

1 pursuant to Section 6, paragraph 6 of this Act shall be  
2 deposited by the Department directly into the State's General  
3 Revenue Fund.

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

5 (415 ILCS 120/35 rep.)

6 Section 155. The Alternate Fuels Act is amended by  
7 repealing Section 35 .

8 Section 160. The Alternate Fuels Act is amended by changing  
9 Section 40 as follows:

10 (415 ILCS 120/40)

11 Sec. 40. Appropriations from the Alternate Fuels Fund.

12 (a) (Blank). ~~User Fees Funds. The Agency shall estimate the~~  
13 ~~amount of user fees expected to be collected under Section 35~~  
14 ~~of this Act for each fiscal year. User fee funds shall be~~  
15 ~~deposited into and distributed from the Alternate Fuels Fund in~~  
16 ~~the following manner:~~

17 ~~(1) In each of fiscal years 1999, 2000, 2001, 2002, and~~  
18 ~~2003, an amount not to exceed \$200,000, and beginning in~~  
19 ~~fiscal year 2004 an annual amount not to exceed \$225,000,~~  
20 ~~may be appropriated to the Agency from the Alternate Fuels~~  
21 ~~Fund to pay its costs of administering the programs~~  
22 ~~authorized by Section 30 of this Act. Up to \$200,000 may be~~  
23 ~~appropriated to the Office of the Secretary of State in~~

1 ~~each of fiscal years 1999, 2000, 2001, 2002, and 2003 from~~  
2 ~~the Alternate Fuels Fund to pay the Secretary of State's~~  
3 ~~costs of administering the programs authorized under this~~  
4 ~~Act. Beginning in fiscal year 2004 and in each fiscal year~~  
5 ~~thereafter, an amount not to exceed \$225,000 may be~~  
6 ~~appropriated to the Secretary of State from the Alternate~~  
7 ~~Fuels Fund to pay the Secretary of State's costs of~~  
8 ~~administering the programs authorized under this Act.~~

9 ~~(2) In fiscal years 1999, 2000, 2001, and 2002, after~~  
10 ~~appropriation of the amounts authorized by item (1) of~~  
11 ~~subsection (a) of this Section, the remaining moneys~~  
12 ~~estimated to be collected during each fiscal year shall be~~  
13 ~~appropriated as follows: 80% of the remaining moneys shall~~  
14 ~~be appropriated to fund the programs authorized by Section~~  
15 ~~30, and 20% shall be appropriated to fund the programs~~  
16 ~~authorized by Section 25. In fiscal year 2004 and each~~  
17 ~~fiscal year thereafter, after appropriation of the amounts~~  
18 ~~authorized by item (1) of subsection (a) of this Section,~~  
19 ~~the remaining moneys estimated to be collected during each~~  
20 ~~fiscal year shall be appropriated as follows: 70% of the~~  
21 ~~remaining moneys shall be appropriated to fund the programs~~  
22 ~~authorized by Section 30 and 30% shall be appropriated to~~  
23 ~~fund the programs authorized by Section 31.~~

24 ~~(3) (Blank).~~

25 ~~(4) Moneys appropriated to fund the programs~~  
26 ~~authorized in Sections 25 and 30 shall be expended only~~

1 ~~after they have been collected and deposited into the~~  
2 ~~Alternate Fuels Fund.~~

3 (b) General Revenue Fund Appropriations. General Revenue  
4 Fund amounts appropriated to and deposited into the Alternate  
5 Fuels Fund shall be distributed from the Alternate Fuels Fund  
6 in the following manner:

7 (1) In each of fiscal years 2003 and 2004, an amount  
8 not to exceed \$50,000 may be appropriated to the Department  
9 of Commerce and Community Affairs (now Department of  
10 Commerce and Economic Opportunity) from the Alternate  
11 Fuels Fund to pay its costs of administering the programs  
12 authorized by Sections 31 and 32.

13 (2) In each of fiscal years 2003 and 2004, an amount  
14 not to exceed \$50,000 may be appropriated to the Department  
15 of Commerce and Community Affairs (now Department of  
16 Commerce and Economic Opportunity) to fund the programs  
17 authorized by Section 32.

18 (3) In each of fiscal years 2003 and 2004, after  
19 appropriation of the amounts authorized in items (1) and  
20 (2) of subsection (b) of this Section, the remaining moneys  
21 received from the General Revenue Fund shall be  
22 appropriated as follows: 52.632% of the remaining moneys  
23 shall be appropriated to fund the programs authorized by  
24 Sections 25 and 30 and 47.368% of the remaining moneys  
25 shall be appropriated to fund the programs authorized by  
26 Section 31. The moneys appropriated to fund the programs

1 authorized by Sections 25 and 30 shall be used as follows:  
2 20% shall be used to fund the programs authorized by  
3 Section 25, and 80% shall be used to fund the programs  
4 authorized by Section 30.

5 Moneys appropriated to fund the programs authorized in  
6 Section 31 shall be expended only after they have been  
7 deposited into the Alternate Fuels Fund.

8 (Source: P.A. 93-32, eff. 7-1-03; 94-793, eff. 5-19-06.)

9 Section 165. The Environmental Impact Fee Law is amended by  
10 changing Section 315 as follows:

11 (415 ILCS 125/315)

12 (Section scheduled to be repealed on January 1, 2013)

13 Sec. 315. Fee on receivers of fuel for sale or use;  
14 collection and reporting. A person that is required to pay the  
15 fee imposed by this Law shall pay the fee to the Department by  
16 return showing all fuel purchased, acquired, or received and  
17 sold, distributed or used during the preceding calendar month,  
18 including losses of fuel as the result of evaporation or  
19 shrinkage due to temperature variations, and such other  
20 reasonable information as the Department may require. Losses of  
21 fuel as the result of evaporation or shrinkage due to  
22 temperature variations may not exceed 1% of the total gallons  
23 in storage at the beginning of the month, plus the receipts of  
24 gallonage during the month, minus the gallonage remaining in

1 storage at the end of the month. Any loss reported that is in  
2 excess of this amount shall be subject to the fee imposed by  
3 Section 310 of this Law. On and after July 1, 2001, for each  
4 6-month period January through June, net losses of fuel (for  
5 each category of fuel that is required to be reported on a  
6 return) as the result of evaporation or shrinkage due to  
7 temperature variations may not exceed 1% of the total gallons  
8 in storage at the beginning of each January, plus the receipts  
9 of gallonage each January through June, minus the gallonage  
10 remaining in storage at the end of each June. On and after July  
11 1, 2001, for each 6-month period July through December, net  
12 losses of fuel (for each category of fuel that is required to  
13 be reported on a return) as the result of evaporation or  
14 shrinkage due to temperature variations may not exceed 1% of  
15 the total gallons in storage at the beginning of each July,  
16 plus the receipts of gallonage each July through December,  
17 minus the gallonage remaining in storage at the end of each  
18 December. Any net loss reported that is in excess of this  
19 amount shall be subject to the fee imposed by Section 310 of  
20 this Law. For purposes of this Section, "net loss" means the  
21 number of gallons gained through temperature variations minus  
22 the number of gallons lost through temperature variations or  
23 evaporation for each of the respective 6-month periods.

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



1 under this Law with the return filed under Section 2b of the  
2 Motor Fuel Tax Law. If the return is timely filed, the receiver  
3 may take a discount of 2% through June 30, 2003, ~~and~~ 1.75%  
4 through the effective date of this amendatory Act of the 96th  
5 General Assembly, and 2% thereafter to reimburse himself for  
6 the expenses incurred in keeping records, preparing and filing  
7 returns, collecting and remitting the fee, and supplying data  
8 to the Department on request. However, the discount applies  
9 only to the amount of the fee payment that accompanies a return  
10 that is timely filed in accordance with this Section.

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

12 Section 170. The Boiler and Pressure Vessel Safety Act is  
13 amended by changing Section 13 as follows:

14 (430 ILCS 75/13) (from Ch. 111 1/2, par. 3214)

15 Sec. 13. Inspection fees. The owner or user of a boiler or  
16 pressure vessel required by this Act to be inspected by the  
17 Chief Inspector or his Deputy Inspector shall pay directly to  
18 the Office of the State Fire Marshal, upon completion of  
19 inspection, fees established by the Board.

20 ~~Fees On and after October 1, 2003, 50% of the fees for~~  
21 ~~certification of boilers and pressure vessels as described in~~  
22 ~~Section 11 shall be deposited into the General Revenue Fund and~~  
23 ~~the remaining fees~~ received under this Act shall be deposited  
24 in the Fire Prevention Fund.

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

2 Section 175. The Illinois Commercial Feed Act of 1961 is  
3 amended by changing Sections 6 and 14.3 as follows:

4 (505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

5 Sec. 6. Inspection fees and reports.

6 (a) An inspection fee at the rate of \$0.16 ~~20 cents~~ per ton  
7 shall be paid to the Director on commercial feed distributed in  
8 this State by the person who first distributes the commercial  
9 feed subject to the following:

10 (1) The inspection fee is not required on the first  
11 distribution, if made to an Exempt Buyer, who with approval  
12 from the Director, will become responsible for the fee.

13 (2) Customer-formula feeds are hereby exempted if the  
14 inspection fee is paid on the commercial feeds which they  
15 contain.

16 (3) A fee shall not be paid on a commercial feed if the  
17 payment has been made by a previous distributor.

18 (4) In the case of pet food and specialty pet food  
19 which are distributed in the State in packages of 10 pounds  
20 or less, an annual fee of \$50 ~~\$75~~ shall be paid in lieu of  
21 an inspection fee. The inspection fee required by  
22 subsection (a) shall apply to pet food and specialty pet  
23 food distribution in packages exceeding 10 pounds. All fees  
24 collected pursuant to this Section shall be paid into the

1 Feed Control Fund in the State Treasury.

2 (b) The minimum inspection fee shall be \$25 every 6 months.

3 (c) Each person who is liable for the payment of the  
4 inspection fee shall:

5 (1) File, not later than the last day of January and  
6 July of each year, a statement setting forth the number of  
7 net tons of commercial feeds distributed in this State  
8 during the preceding calendar 6 months period; and upon  
9 filing such statement shall pay the inspection fee at the  
10 rate stated in paragraph (a) of this Section. This report  
11 shall be made on a summary form provided by the Director or  
12 on other forms as approved by the Director. If the tonnage  
13 report is not filed and the inspection fee is not paid  
14 within 15 days after the end of the filing date a  
15 collection fee amounting to 10% of the inspection fee that  
16 is due or \$50 whichever is greater, shall be assessed  
17 against the person who is liable for the payment of the  
18 inspection fee in addition to the inspection fee that is  
19 due.

20 (2) Keep such records as may be necessary or required  
21 by the Director to indicate accurately the tonnage of  
22 commercial feed distributed in this State, and the Director  
23 shall have the right to examine such records to verify  
24 statements of tonnage. Failure to make an accurate  
25 statement of tonnage or to pay the inspection fee or comply  
26 as provided herein shall constitute sufficient cause for

1 the cancellation of all registrations or firm licenses on  
2 file for the manufacturer or distributor.

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

4 (505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

5 Sec. 14.3. Feed Control Fund. There is created in the State  
6 Treasury a special fund to be known as the Feed Control Fund.  
7 All firm license, inspection, and penalty fees collected by the  
8 Department under this Act shall be deposited in the Feed  
9 Control Fund. ~~In addition, for the years 2004 and thereafter,~~  
10 ~~\$22 of each annual fee collected by the Department pursuant to~~  
11 ~~Section 6, paragraph 4 of this Act shall be deposited by the~~  
12 ~~Department directly into the State's General Revenue Fund.~~ The  
13 amount annually collected as fees shall be appropriated by the  
14 General Assembly to the Department for activities related to  
15 the enforcement of this Act.

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

17 Section 180. The Illinois Fertilizer Act of 1961 is amended  
18 by changing Sections 4 and 6 as follows:

19 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

20 Sec. 4. Registration.

21 (a) Each brand and grade of commercial fertilizer shall be  
22 registered before being distributed in this State. The  
23 application for registration shall be submitted with a label or

1 facsimile of same to the Director on form furnished by the  
2 Director, and shall be accompanied by a fee of \$10 per grade  
3 within a brand. Upon approval by the Director a copy of the  
4 registration shall be furnished to the applicant. All  
5 registrations expire on December 31 of each year.

6 The application shall include the following information:

7 (1) The net weight

8 (2) The brand and grade

9 (3) The guaranteed analysis

10 (4) The name and address of the registrant.

11 (b) A distributor shall not be required to register any  
12 brand of commercial fertilizer or custom mix which is already  
13 registered under this Act by another person.

14 (c) The plant nutrient content of each and every commercial  
15 fertilizer must remain uniform for the period of registration  
16 and, in no case, shall the percentage of any guaranteed plant  
17 nutrient element be changed in such a manner that the  
18 crop-producing quality of the commercial fertilizer is  
19 lowered.

20 (d) Each custom mixer shall register annually with the  
21 Director on forms furnished by the Director. The application  
22 for registration shall be accompanied by a fee of \$25 ~~\$50~~,  
23 unless the custom mixer elects to register each mixture, paying  
24 a fee of \$5 ~~\$10~~ per mixture. Upon approval by the Director, a  
25 copy of the registration shall be furnished to the applicant.  
26 All registrations expire on December 31 of each year.

1 (e) A custom mix as defined in section 3(f), prepared for  
2 one consumer shall not be co-mingled with the custom mixed  
3 fertilizer prepared for another consumer.

4 (f) All fees collected pursuant to this Section shall be  
5 paid into the State treasury.

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

7 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

8 Sec. 6. Inspection fees.

9 (a) There shall be paid to the Director for all commercial  
10 fertilizers or custom mix distributed in this State an  
11 inspection fee at the rate of \$0.20 ~~25¢~~ per ton. Sales to  
12 manufacturers or exchanges between them are hereby exempted  
13 from the inspection fee.

14 On individual packages of commercial or custom mix or  
15 specialty fertilizers containing 5 pounds or less, or if in  
16 liquid form containers of 4,000 cubic centimeters or less,  
17 there shall be paid instead of the \$0.20 ~~25¢~~ per ton inspection  
18 fee, an annual inspection fee of \$25 for each grade within a  
19 brand sold or distributed. Where a person sells commercial or  
20 custom mix or specialty fertilizers in packages of 5 pounds or  
21 less, or 4,000 cubic centimeters or less if in liquid form, and  
22 also sells in larger packages than 5 pounds or liquid  
23 containers larger than 4,000 cubic centimeters, this annual  
24 inspection fee of \$25 applies only to that portion sold in  
25 packages of 5 pounds or less or 4,000 cubic centimeters or

1 less, and that portion sold in larger packages or containers  
2 shall be subject to the same inspection fee of \$0.20 ~~25¢~~ per  
3 ton as provided in this Act. The increased fees shall be  
4 effective after June 30, 1989.

5 (b) Every person who distributes a commercial fertilizer or  
6 custom mix in this State shall file with the Director, on forms  
7 furnished by the Director, a semi-annual statement for the  
8 periods ending June 30 and December 31, setting forth the  
9 number of net tons of each grade of commercial fertilizers  
10 within a brand or the net tons of custom mix distributed. The  
11 report shall be due on or before the 15th day of the month  
12 following the close of each semi-annual period and upon the  
13 statement shall pay the inspection fee at the rate stated in  
14 paragraph (a) of this Section.

15 One half of the \$0.20 ~~25¢~~ per ton inspection fee shall be  
16 paid into the Fertilizer Control Fund and all other fees  
17 collected under this Section shall be paid into the State  
18 treasury.

19 If the tonnage report is not filed and the payment of  
20 inspection fee is not made within 30 days after the end of the  
21 semi-annual period, a collection fee amounting to 10% (minimum  
22 \$10) of the amount shall be assessed against the registrant.  
23 The amount of fees due shall constitute a debt and become the  
24 basis of a judgment against the registrant. Upon the written  
25 request to the Director additional time may be granted past the  
26 normal date of filing the semi-annual statement.

1           When more than one person is involved in the distribution  
2 of a commercial fertilizer, the last registrant who distributes  
3 to the non-registrant (dealer or consumer) is responsible for  
4 reporting the tonnage and paying the inspection fee.  
5 (Source: P.A. 93-32, eff. 7-1-03.)

6           Section 190. The Illinois Vehicle Code is amended by  
7 changing Sections 2-119, 2-123, 2-124, 3-403, 3-405.1, 3-811,  
8 5-101, 5-102, 6-118, 7-707, 18c-1501, 18c-1502.05, and  
9 18c-1502.10 as follows:

10           (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

11           Sec. 2-119. Disposition of fees and taxes.

12           (a) All moneys received from Salvage Certificates shall be  
13 deposited in the Common School Fund in the State Treasury.

14           (b) Beginning January 1, 1990 and concluding December 31,  
15 1994, of the money collected for each certificate of title,  
16 duplicate certificate of title and corrected certificate of  
17 title, \$0.50 shall be deposited into the Used Tire Management  
18 Fund. Beginning January 1, 1990 and concluding December 31,  
19 1994, of the money collected for each certificate of title,  
20 duplicate certificate of title and corrected certificate of  
21 title, \$1.50 shall be deposited in the Park and Conservation  
22 Fund.

23           Beginning January 1, 1995, of the money collected for each  
24 certificate of title, duplicate certificate of title and



1 corrected certificate of title, \$2 shall be deposited in the  
2 Park and Conservation Fund. The moneys deposited in the Park  
3 and Conservation Fund pursuant to this Section shall be used  
4 for the acquisition and development of bike paths as provided  
5 for in Section 805-420 of the Department of Natural Resources  
6 (Conservation) Law (20 ILCS 805/805-420).

7 Beginning January 1, 2000, of the moneys collected for each  
8 certificate of title, duplicate certificate of title, and  
9 corrected certificate of title, \$48 shall be deposited into the  
10 Road Fund and \$4 shall be deposited into the Motor Vehicle  
11 License Plate Fund, except that if the balance in the Motor  
12 Vehicle License Plate Fund exceeds \$40,000,000 on the last day  
13 of a calendar month, then during the next calendar month the \$4  
14 shall instead be deposited into the Road Fund.

15 Beginning January 1, 2005, of the moneys collected for each  
16 delinquent vehicle registration renewal fee, \$20 shall be  
17 deposited into the General Revenue Fund.

18 Except as otherwise provided in this Code, all remaining  
19 moneys collected for certificates of title, and all moneys  
20 collected for filing of security interests, shall be placed in  
21 the General Revenue Fund in the State Treasury.

22 (c) All moneys collected for that portion of a driver's  
23 license fee designated for driver education under Section 6-118  
24 shall be placed in the Driver Education Fund in the State  
25 Treasury.

26 (d) Beginning January 1, 1999, of the monies collected as a

1 registration fee for each motorcycle, motor driven cycle and  
2 motorized pedalcycle, 27% of each annual registration fee for  
3 such vehicle and 27% of each semiannual registration fee for  
4 such vehicle is deposited in the Cycle Rider Safety Training  
5 Fund.

6 (e) Of the monies received by the Secretary of State as  
7 registration fees or taxes or as payment of any other fee, as  
8 provided in this Act, except fees received by the Secretary  
9 under paragraph (7) of subsection (b) of Section 5-101 and  
10 Section 5-109 of this Code, 37% shall be deposited into the  
11 State Construction Fund.

12 (f) Of the total money collected for a CDL instruction  
13 permit or original or renewal issuance of a commercial driver's  
14 license (CDL) pursuant to the Uniform Commercial Driver's  
15 License Act (UCDLA): (i) \$6 of the total fee for an original or  
16 renewal CDL, and \$6 of the total CDL instruction permit fee  
17 when such permit is issued to any person holding a valid  
18 Illinois driver's license, shall be paid into the  
19 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License  
20 Information System/American Association of Motor Vehicle  
21 Administrators network Trust Fund) and shall be used for the  
22 purposes provided in Section 6z-23 of the State Finance Act and  
23 (ii) \$20 of the total fee for an original or renewal CDL or  
24 commercial driver instruction permit shall be paid into the  
25 Motor Carrier Safety Inspection Fund, which is hereby created  
26 as a special fund in the State Treasury, to be used by the

1 Department of State Police, subject to appropriation, to hire  
2 additional officers to conduct motor carrier safety  
3 inspections pursuant to Chapter 18b of this Code.

4 (g) All remaining moneys received by the Secretary of State  
5 as registration fees or taxes or as payment of any other fee,  
6 as provided in this Act, except fees received by the Secretary  
7 under paragraph (7) (A) of subsection (b) of Section 5-101 and  
8 Section 5-109 of this Code, shall be deposited in the Road Fund  
9 in the State Treasury. Moneys in the Road Fund shall be used  
10 for the purposes provided in Section 8.3 of the State Finance  
11 Act.

12 (h) (Blank).

13 (i) (Blank).

14 (j) (Blank).

15 (k) There is created in the State Treasury a special fund  
16 to be known as the Secretary of State Special License Plate  
17 Fund. Money deposited into the Fund shall, subject to  
18 appropriation, be used by the Office of the Secretary of State  
19 (i) to help defray plate manufacturing and plate processing  
20 costs for the issuance and, when applicable, renewal of any new  
21 or existing special registration plates authorized under this  
22 Code and (ii) for grants made by the Secretary of State to  
23 benefit Illinois Veterans Home libraries.

24 On or before October 1, 1995, the Secretary of State shall  
25 direct the State Comptroller and State Treasurer to transfer  
26 any unexpended balance in the Special Environmental License

1 Plate Fund, the Special Korean War Veteran License Plate Fund,  
2 and the Retired Congressional License Plate Fund to the  
3 Secretary of State Special License Plate Fund.

4 (l) The Motor Vehicle Review Board Fund is created as a  
5 special fund in the State Treasury. Moneys deposited into the  
6 Fund under paragraph (7) of subsection (b) of Section 5-101 and  
7 Section 5-109 shall, subject to appropriation, be used by the  
8 Office of the Secretary of State to administer the Motor  
9 Vehicle Review Board, including without limitation payment of  
10 compensation and all necessary expenses incurred in  
11 administering the Motor Vehicle Review Board under the Motor  
12 Vehicle Franchise Act.

13 (m) Effective July 1, 1996, there is created in the State  
14 Treasury a special fund to be known as the Family  
15 Responsibility Fund. Moneys deposited into the Fund shall,  
16 subject to appropriation, be used by the Office of the  
17 Secretary of State for the purpose of enforcing the Family  
18 Financial Responsibility Law.

19 (n) The Illinois Fire Fighters' Memorial Fund is created as  
20 a special fund in the State Treasury. Moneys deposited into the  
21 Fund shall, subject to appropriation, be used by the Office of  
22 the State Fire Marshal for construction of the Illinois Fire  
23 Fighters' Memorial to be located at the State Capitol grounds  
24 in Springfield, Illinois. Upon the completion of the Memorial,  
25 moneys in the Fund shall be used in accordance with Section  
26 3-634.

1 (o) Of the money collected for each certificate of title  
2 for all-terrain vehicles and off-highway motorcycles, \$17  
3 shall be deposited into the Off-Highway Vehicle Trails Fund.

4 (p) (Blank). ~~For audits conducted on or after July 1, 2003~~  
5 ~~pursuant to Section 2-124(d) of this Code, 50% of the money~~  
6 ~~collected as audit fees shall be deposited into the General~~  
7 ~~Revenue Fund.~~

8 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840,  
9 eff. 7-30-04.)

10 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

11 Sec. 2-123. Sale and Distribution of Information.

12 (a) Except as otherwise provided in this Section, the  
13 Secretary may make the driver's license, vehicle and title  
14 registration lists, in part or in whole, and any statistical  
15 information derived from these lists available to local  
16 governments, elected state officials, state educational  
17 institutions, and all other governmental units of the State and  
18 Federal Government requesting them for governmental purposes.  
19 The Secretary shall require any such applicant for services to  
20 pay for the costs of furnishing such services and the use of  
21 the equipment involved, and in addition is empowered to  
22 establish prices and charges for the services so furnished and  
23 for the use of the electronic equipment utilized.

24 (b) The Secretary is further empowered to and he may, in  
25 his discretion, furnish to any applicant, other than listed in

1 subsection (a) of this Section, vehicle or driver data on a  
2 computer tape, disk, other electronic format or computer  
3 processable medium, or printout at a fixed fee of \$250 for  
4 orders received before October 1, 2003 and for orders received  
5 on an after the effective date of this amendatory Act of the  
6 96th General Assembly and \$500 for orders received on or after  
7 October 1, 2003 until the effective date of this amendatory Act  
8 of the 96th General Assembly, in advance, and require in  
9 addition a further sufficient deposit based upon the Secretary  
10 of State's estimate of the total cost of the information  
11 requested and a charge of \$25 for orders received before  
12 October 1, 2003 and for orders received on an after the  
13 effective date of this amendatory Act of the 96th General  
14 Assembly and \$50 for orders received on or after October 1,  
15 2003 until the effective date of this amendatory Act of the  
16 96th General Assembly, per 1,000 units or part thereof  
17 identified or the actual cost, whichever is greater. The  
18 Secretary is authorized to refund any difference between the  
19 additional deposit and the actual cost of the request. This  
20 service shall not be in lieu of an abstract of a driver's  
21 record nor of a title or registration search. This service may  
22 be limited to entities purchasing a minimum number of records  
23 as required by administrative rule. The information sold  
24 pursuant to this subsection shall be the entire vehicle or  
25 driver data list, or part thereof. The information sold  
26 pursuant to this subsection shall not contain personally

1 identifying information unless the information is to be used  
2 for one of the purposes identified in subsection (f-5) of this  
3 Section. Commercial purchasers of driver and vehicle record  
4 databases shall enter into a written agreement with the  
5 Secretary of State that includes disclosure of the commercial  
6 use of the information to be purchased.

7 (b-1) The Secretary is further empowered to and may, in his  
8 or her discretion, furnish vehicle or driver data on a computer  
9 tape, disk, or other electronic format or computer processible  
10 medium, at no fee, to any State or local governmental agency  
11 that uses the information provided by the Secretary to transmit  
12 data back to the Secretary that enables the Secretary to  
13 maintain accurate driving records, including dispositions of  
14 traffic cases. This information may be provided without fee not  
15 more often than once every 6 months.

16 (c) Secretary of State may issue registration lists. The  
17 Secretary of State may compile a list of all registered  
18 vehicles. Each list of registered vehicles shall be arranged  
19 serially according to the registration numbers assigned to  
20 registered vehicles and may contain in addition the names and  
21 addresses of registered owners and a brief description of each  
22 vehicle including the serial or other identifying number  
23 thereof. Such compilation may be in such form as in the  
24 discretion of the Secretary of State may seem best for the  
25 purposes intended.

26 (d) The Secretary of State shall furnish no more than 2

1 current available lists of such registrations to the sheriffs  
2 of all counties and to the chiefs of police of all cities and  
3 villages and towns of 2,000 population and over in this State  
4 at no cost. Additional copies may be purchased by the sheriffs  
5 or chiefs of police at the fee of \$500 each or at the cost of  
6 producing the list as determined by the Secretary of State.  
7 Such lists are to be used for governmental purposes only.

8 (e) (Blank).

9 (e-1) (Blank).

10 (f) The Secretary of State shall make a title or  
11 registration search of the records of his office and a written  
12 report on the same for any person, upon written application of  
13 such person, accompanied by a fee of \$5 for each registration  
14 or title search. The written application shall set forth the  
15 intended use of the requested information. No fee shall be  
16 charged for a title or registration search, or for the  
17 certification thereof requested by a government agency. The  
18 report of the title or registration search shall not contain  
19 personally identifying information unless the request for a  
20 search was made for one of the purposes identified in  
21 subsection (f-5) of this Section. The report of the title or  
22 registration search shall not contain highly restricted  
23 personal information unless specifically authorized by this  
24 Code.

25 The Secretary of State shall certify a title or  
26 registration record upon written request. The fee for



1 certification shall be \$5 in addition to the fee required for a  
2 title or registration search. Certification shall be made under  
3 the signature of the Secretary of State and shall be  
4 authenticated by Seal of the Secretary of State.

5 The Secretary of State may notify the vehicle owner or  
6 registrant of the request for purchase of his title or  
7 registration information as the Secretary deems appropriate.

8 No information shall be released to the requestor until  
9 expiration of a 10 day period. This 10 day period shall not  
10 apply to requests for information made by law enforcement  
11 officials, government agencies, financial institutions,  
12 attorneys, insurers, employers, automobile associated  
13 businesses, persons licensed as a private detective or firms  
14 licensed as a private detective agency under the Private  
15 Detective, Private Alarm, Private Security, Fingerprint  
16 Vendor, and Locksmith Act of 2004, who are employed by or are  
17 acting on behalf of law enforcement officials, government  
18 agencies, financial institutions, attorneys, insurers,  
19 employers, automobile associated businesses, and other  
20 business entities for purposes consistent with the Illinois  
21 Vehicle Code, the vehicle owner or registrant or other entities  
22 as the Secretary may exempt by rule and regulation.

23 Any misrepresentation made by a requestor of title or  
24 vehicle information shall be punishable as a petty offense,  
25 except in the case of persons licensed as a private detective  
26 or firms licensed as a private detective agency which shall be

1 subject to disciplinary sanctions under Section 40-10 of the  
2 Private Detective, Private Alarm, Private Security,  
3 Fingerprint Vendor, and Locksmith Act of 2004.

4 (f-5) The Secretary of State shall not disclose or  
5 otherwise make available to any person or entity any personally  
6 identifying information obtained by the Secretary of State in  
7 connection with a driver's license, vehicle, or title  
8 registration record unless the information is disclosed for one  
9 of the following purposes:

10 (1) For use by any government agency, including any  
11 court or law enforcement agency, in carrying out its  
12 functions, or any private person or entity acting on behalf  
13 of a federal, State, or local agency in carrying out its  
14 functions.

15 (2) For use in connection with matters of motor vehicle  
16 or driver safety and theft; motor vehicle emissions; motor  
17 vehicle product alterations, recalls, or advisories;  
18 performance monitoring of motor vehicles, motor vehicle  
19 parts, and dealers; and removal of non-owner records from  
20 the original owner records of motor vehicle manufacturers.

21 (3) For use in the normal course of business by a  
22 legitimate business or its agents, employees, or  
23 contractors, but only:

24 (A) to verify the accuracy of personal information  
25 submitted by an individual to the business or its  
26 agents, employees, or contractors; and

1 (B) if such information as so submitted is not  
2 correct or is no longer correct, to obtain the correct  
3 information, but only for the purposes of preventing  
4 fraud by, pursuing legal remedies against, or  
5 recovering on a debt or security interest against, the  
6 individual.

7 (4) For use in research activities and for use in  
8 producing statistical reports, if the personally  
9 identifying information is not published, redisclosed, or  
10 used to contact individuals.

11 (5) For use in connection with any civil, criminal,  
12 administrative, or arbitral proceeding in any federal,  
13 State, or local court or agency or before any  
14 self-regulatory body, including the service of process,  
15 investigation in anticipation of litigation, and the  
16 execution or enforcement of judgments and orders, or  
17 pursuant to an order of a federal, State, or local court.

18 (6) For use by any insurer or insurance support  
19 organization or by a self-insured entity or its agents,  
20 employees, or contractors in connection with claims  
21 investigation activities, antifraud activities, rating, or  
22 underwriting.

23 (7) For use in providing notice to the owners of towed  
24 or impounded vehicles.

25 (8) For use by any person licensed as a private  
26 detective or firm licensed as a private detective agency

1 under the Private Detective, Private Alarm, Private  
2 Security, Fingerprint Vendor, and Locksmith Act of 2004,  
3 private investigative agency or security service licensed  
4 in Illinois for any purpose permitted under this  
5 subsection.

6 (9) For use by an employer or its agent or insurer to  
7 obtain or verify information relating to a holder of a  
8 commercial driver's license that is required under chapter  
9 313 of title 49 of the United States Code.

10 (10) For use in connection with the operation of  
11 private toll transportation facilities.

12 (11) For use by any requester, if the requester  
13 demonstrates it has obtained the written consent of the  
14 individual to whom the information pertains.

15 (12) For use by members of the news media, as defined  
16 in Section 1-148.5, for the purpose of newsgathering when  
17 the request relates to the operation of a motor vehicle or  
18 public safety.

19 (13) For any other use specifically authorized by law,  
20 if that use is related to the operation of a motor vehicle  
21 or public safety.

22 (f-6) The Secretary of State shall not disclose or  
23 otherwise make available to any person or entity any highly  
24 restricted personal information obtained by the Secretary of  
25 State in connection with a driver's license, vehicle, or title  
26 registration record unless specifically authorized by this

1 Code.

2 (g) 1. The Secretary of State may, upon receipt of a  
3 written request and a fee of \$6 before October 1, 2003 and  
4 on and after the effective date of this amendatory Act of  
5 the 96th General Assembly and a fee of \$12 on and after  
6 October 1, 2003 until the effective date of this amendatory  
7 Act of the 96th General Assembly, furnish to the person or  
8 agency so requesting a driver's record. Such document may  
9 include a record of: current driver's license issuance  
10 information, except that the information on judicial  
11 driving permits shall be available only as otherwise  
12 provided by this Code; convictions; orders entered  
13 revoking, suspending or cancelling a driver's license or  
14 privilege; and notations of accident involvement. All  
15 other information, unless otherwise permitted by this  
16 Code, shall remain confidential. Information released  
17 pursuant to a request for a driver's record shall not  
18 contain personally identifying information, unless the  
19 request for the driver's record was made for one of the  
20 purposes set forth in subsection (f-5) of this Section. The  
21 Secretary of State may, without fee, allow a parent or  
22 guardian of a person under the age of 18 years, who holds  
23 an instruction permit or graduated driver's license, to  
24 view that person's driving record online, through a  
25 computer connection. The parent or guardian's online  
26 access to the driving record will terminate when the

1 instruction permit or graduated driver's license holder  
2 reaches the age of 18.

3 2. The Secretary of State shall not disclose or  
4 otherwise make available to any person or entity any highly  
5 restricted personal information obtained by the Secretary  
6 of State in connection with a driver's license, vehicle, or  
7 title registration record unless specifically authorized  
8 by this Code. The Secretary of State may certify an  
9 abstract of a driver's record upon written request  
10 therefor. Such certification shall be made under the  
11 signature of the Secretary of State and shall be  
12 authenticated by the Seal of his office.

13 3. All requests for driving record information shall be  
14 made in a manner prescribed by the Secretary and shall set  
15 forth the intended use of the requested information.

16 The Secretary of State may notify the affected driver  
17 of the request for purchase of his driver's record as the  
18 Secretary deems appropriate.

19 No information shall be released to the requester until  
20 expiration of a 10 day period. This 10 day period shall not  
21 apply to requests for information made by law enforcement  
22 officials, government agencies, financial institutions,  
23 attorneys, insurers, employers, automobile associated  
24 businesses, persons licensed as a private detective or  
25 firms licensed as a private detective agency under the  
26 Private Detective, Private Alarm, Private Security,

1 Fingerprint Vendor, and Locksmith Act of 2004, who are  
2 employed by or are acting on behalf of law enforcement  
3 officials, government agencies, financial institutions,  
4 attorneys, insurers, employers, automobile associated  
5 businesses, and other business entities for purposes  
6 consistent with the Illinois Vehicle Code, the affected  
7 driver or other entities as the Secretary may exempt by  
8 rule and regulation.

9 Any misrepresentation made by a requestor of driver  
10 information shall be punishable as a petty offense, except  
11 in the case of persons licensed as a private detective or  
12 firms licensed as a private detective agency which shall be  
13 subject to disciplinary sanctions under Section 40-10 of  
14 the Private Detective, Private Alarm, Private Security,  
15 Fingerprint Vendor, and Locksmith Act of 2004.

16 4. The Secretary of State may furnish without fee, upon  
17 the written request of a law enforcement agency, any  
18 information from a driver's record on file with the  
19 Secretary of State when such information is required in the  
20 enforcement of this Code or any other law relating to the  
21 operation of motor vehicles, including records of  
22 dispositions; documented information involving the use of  
23 a motor vehicle; whether such individual has, or previously  
24 had, a driver's license; and the address and personal  
25 description as reflected on said driver's record.

26 5. Except as otherwise provided in this Section, the

1 Secretary of State may furnish, without fee, information  
2 from an individual driver's record on file, if a written  
3 request therefor is submitted by any public transit system  
4 or authority, public defender, law enforcement agency, a  
5 state or federal agency, or an Illinois local  
6 intergovernmental association, if the request is for the  
7 purpose of a background check of applicants for employment  
8 with the requesting agency, or for the purpose of an  
9 official investigation conducted by the agency, or to  
10 determine a current address for the driver so public funds  
11 can be recovered or paid to the driver, or for any other  
12 purpose set forth in subsection (f-5) of this Section.

13 The Secretary may also furnish the courts a copy of an  
14 abstract of a driver's record, without fee, subsequent to  
15 an arrest for a violation of Section 11-501 or a similar  
16 provision of a local ordinance. Such abstract may include  
17 records of dispositions; documented information involving  
18 the use of a motor vehicle as contained in the current  
19 file; whether such individual has, or previously had, a  
20 driver's license; and the address and personal description  
21 as reflected on said driver's record.

22 6. Any certified abstract issued by the Secretary of  
23 State or transmitted electronically by the Secretary of  
24 State pursuant to this Section, to a court or on request of  
25 a law enforcement agency, for the record of a named person  
26 as to the status of the person's driver's license shall be



1           prima facie evidence of the facts therein stated and if the  
2           name appearing in such abstract is the same as that of a  
3           person named in an information or warrant, such abstract  
4           shall be prima facie evidence that the person named in such  
5           information or warrant is the same person as the person  
6           named in such abstract and shall be admissible for any  
7           prosecution under this Code and be admitted as proof of any  
8           prior conviction or proof of records, notices, or orders  
9           recorded on individual driving records maintained by the  
10          Secretary of State.

11           7. Subject to any restrictions contained in the  
12          Juvenile Court Act of 1987, and upon receipt of a proper  
13          request and a fee of \$6 before October 1, 2003 and on and  
14          after the effective date of this amendatory Act of the 96th  
15          General Assembly and a fee of \$12 on or after October 1,  
16          2003 until the effective date of this amendatory Act of the  
17          96th General Assembly, the Secretary of State shall provide  
18          a driver's record to the affected driver, or the affected  
19          driver's attorney, upon verification. Such record shall  
20          contain all the information referred to in paragraph 1 of  
21          this subsection (g) plus: any recorded accident  
22          involvement as a driver; information recorded pursuant to  
23          subsection (e) of Section 6-117 and paragraph (4) of  
24          subsection (a) of Section 6-204 of this Code. All other  
25          information, unless otherwise permitted by this Code,  
26          shall remain confidential.

1           (h) The Secretary shall not disclose social security  
2 numbers or any associated information obtained from the Social  
3 Security Administration except pursuant to a written request  
4 by, or with the prior written consent of, the individual  
5 except: (1) to officers and employees of the Secretary who have  
6 a need to know the social security numbers in performance of  
7 their official duties, (2) to law enforcement officials for a  
8 lawful, civil or criminal law enforcement investigation, and if  
9 the head of the law enforcement agency has made a written  
10 request to the Secretary specifying the law enforcement  
11 investigation for which the social security numbers are being  
12 sought, (3) to the United States Department of Transportation,  
13 or any other State, pursuant to the administration and  
14 enforcement of the Commercial Motor Vehicle Safety Act of 1986,  
15 (4) pursuant to the order of a court of competent jurisdiction,  
16 or (5) to the Department of Healthcare and Family Services  
17 (formerly Department of Public Aid) for utilization in the  
18 child support enforcement duties assigned to that Department  
19 under provisions of the Illinois Public Aid Code after the  
20 individual has received advanced meaningful notification of  
21 what redisclosure is sought by the Secretary in accordance with  
22 the federal Privacy Act.

23           (i) (Blank).

24           (j) Medical statements or medical reports received in the  
25 Secretary of State's Office shall be confidential. No  
26 confidential information may be open to public inspection or

1 the contents disclosed to anyone, except officers and employees  
2 of the Secretary who have a need to know the information  
3 contained in the medical reports and the Driver License Medical  
4 Advisory Board, unless so directed by an order of a court of  
5 competent jurisdiction.

6 (k) All fees collected under this Section shall be paid  
7 into the Road Fund of the State Treasury, except that (i) for  
8 fees collected before October 1, 2003, \$3 of the \$6 fee for a  
9 driver's record shall be paid into the Secretary of State  
10 Special Services Fund, (ii) for fees collected on and after  
11 October 1, 2003 until the effective date of this amendatory Act  
12 of the 96th General Assembly, of the \$12 fee for a driver's  
13 record, \$3 shall be paid into the Secretary of State Special  
14 Services Fund and \$6 shall be paid into the General Revenue  
15 Fund, and (iii) for fees collected on and after October 1, 2003  
16 until the effective date of this amendatory Act of the 96th  
17 General Assembly, 50% of the amounts collected pursuant to  
18 subsection (b) shall be paid into the General Revenue Fund.

19 (l) (Blank).

20 (m) Notations of accident involvement that may be disclosed  
21 under this Section shall not include notations relating to  
22 damage to a vehicle or other property being transported by a  
23 tow truck. This information shall remain confidential,  
24 provided that nothing in this subsection (m) shall limit  
25 disclosure of any notification of accident involvement to any  
26 law enforcement agency or official.

1           (n) Requests made by the news media for driver's license,  
2 vehicle, or title registration information may be furnished  
3 without charge or at a reduced charge, as determined by the  
4 Secretary, when the specific purpose for requesting the  
5 documents is deemed to be in the public interest. Waiver or  
6 reduction of the fee is in the public interest if the principal  
7 purpose of the request is to access and disseminate information  
8 regarding the health, safety, and welfare or the legal rights  
9 of the general public and is not for the principal purpose of  
10 gaining a personal or commercial benefit. The information  
11 provided pursuant to this subsection shall not contain  
12 personally identifying information unless the information is  
13 to be used for one of the purposes identified in subsection  
14 (f-5) of this Section.

15           (o) The redisclosure of personally identifying information  
16 obtained pursuant to this Section is prohibited, except to the  
17 extent necessary to effectuate the purpose for which the  
18 original disclosure of the information was permitted.

19           (p) The Secretary of State is empowered to adopt rules to  
20 effectuate this Section.

21           (Source: P.A. 94-56, eff. 6-17-05; 95-201, eff. 1-1-08; 95-287,  
22 eff. 1-1-08; 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;  
23 95-876, eff. 8-21-08.)

24           (625 ILCS 5/2-124) (from Ch. 95 1/2, par. 2-124)

25           Sec. 2-124. Audits, interest and penalties.

1           (a) Audits. The Secretary of State or employees and agents  
2 designated by him, may audit the books, records, tax returns,  
3 reports, and any and all other pertinent records or documents  
4 of any person licensed or registered, or required to be  
5 licensed or registered, under any provisions of this Act, for  
6 the purpose of determining whether such person has not paid any  
7 fees or taxes required to be paid to the Secretary of State and  
8 due to the State of Illinois. For purposes of this Section,  
9 "person" means an individual, corporation, or partnership, or  
10 an officer or an employee of any corporation, including a  
11 dissolved corporation, or a member or an employee of any  
12 partnership, who as an officer, employee, or member under a  
13 duty to perform the act in respect to which the violation  
14 occurs.

15           (b) Joint Audits. The Secretary of State may enter into  
16 reciprocal audit agreements with officers, agents or agencies  
17 of another State or States, for joint audits of any person  
18 subject to audit under this Act.

19           (c) Special Audits. If the Secretary of State is not  
20 satisfied with the books, records and documents made available  
21 for an audit, or if the Secretary of State is unable to  
22 determine therefrom whether any fees or taxes are due to the  
23 State of Illinois, or if there is cause to believe that the  
24 person audited has declined or refused to supply the books,  
25 records and documents necessary to determine whether a  
26 deficiency exists, the Secretary of State may either seek a

1 court order for production of any and all books, records and  
2 documents he deems relevant and material, or, in his  
3 discretion, the Secretary of State may instead give written  
4 notice to such person requiring him to produce any and all  
5 books, records and documents necessary to properly audit and  
6 determine whether any fees or taxes are due to the State of  
7 Illinois. If such person fails, refuses or declines to comply  
8 with either the court order or written notice within the time  
9 specified, the Secretary of State shall then order a special  
10 audit at the expense of the person affected. Upon completion of  
11 the special audit, the Secretary of State shall determine if  
12 any fees or taxes required to be paid under this Act have not  
13 been paid, and make an assessment of any deficiency based upon  
14 the books, records and documents available to him, and in an  
15 assessment, he may rely upon records of other persons having an  
16 operation similar to that of the person audited specially. A  
17 person audited specially and subject to a court order and in  
18 default thereof, shall in addition, be subject to any penalty  
19 or punishment imposed by the court entering the order.

20 (d) Deficiency; Audit Costs. When a deficiency is found and  
21 any fees or taxes required to be paid under this Act have not  
22 been paid to the State of Illinois, the Secretary of State may  
23 impose an audit fee of \$50 ~~\$100~~ per day, or \$25 ~~\$50~~ per  
24 half-day, per auditor, plus in the case of out-of-state travel,  
25 transportation expenses incurred by the auditor or auditors.  
26 Where more than one person is audited on the same out-of-state

1 trip, the additional transportation expenses may be  
2 apportioned. The actual costs of a special audit shall be  
3 imposed upon the person audited.

4 (e) Interest. When a deficiency is found and any fees or  
5 taxes required to be paid under this Act have not been paid to  
6 the State of Illinois, the amount of the deficiency, if greater  
7 than \$100 for all registration years examined, shall also bear  
8 interest at the rate of 1/2 of 1% per month or fraction  
9 thereof, from the date when the fee or tax due should have been  
10 paid under the provisions of this Act, subject to a maximum of  
11 6% per annum.

12 (f) Willful Negligence. When a deficiency is determined by  
13 the Secretary to be caused by the willful neglect or negligence  
14 of the person audited, an additional 10% penalty, that is 10%  
15 of the amount of the deficiency or assessment, shall be  
16 imposed, and the 10% penalty shall bear interest at the rate of  
17 1/2 of 1% on and after the 30th day after the penalty is  
18 imposed until paid in full.

19 (g) Fraud or Evasion. When a deficiency is determined by  
20 the Secretary to be caused by fraud or willful evasion of the  
21 provisions of this Act, an additional penalty, that is 20% of  
22 the amount of the deficiency or assessment, shall be imposed,  
23 and the 20% penalty shall bear interest at the rate of 1/2 of  
24 1% on and after the 30th day after the penalty is imposed until  
25 paid in full.

26 (h) Notice. The Secretary of State shall give written

1 notice to any person audited, of the amount of any deficiency  
2 found or assessment made, of the costs of an audit or special  
3 audit, and of the penalty imposed, and payment shall be made  
4 within 30 days of the date of the notice unless such person  
5 petitions for a hearing.

6       However, except in the case of fraud or willful evasion, or  
7 the inaccessibility of books and records for audit or with the  
8 express consent of the person audited, no notice of a  
9 deficiency or assessment shall be issued by the Secretary for  
10 more than 3 registration years. This limitation shall commence  
11 on any January 1 as to calendar year registrations and on any  
12 July 1 as to fiscal year registrations. This limitation shall  
13 not apply for any period during which the person affected has  
14 declined or refuses to make his books and records available for  
15 audit, nor during any period of time in which an Order of any  
16 Court has the effect of enjoining or restraining the Secretary  
17 from making an audit or issuing a notice. Notwithstanding, each  
18 person licensed under the International Registration Plan and  
19 audited by this State or any member jurisdiction shall follow  
20 the assessment and refund procedures as adopted and amended by  
21 the International Registration Plan members. The Secretary of  
22 State shall have the final decision as to which registrants may  
23 be subject to the netting of audit fees as outlined in the  
24 International Registration Plan. Persons audited may be  
25 subject to a review process to determine the final outcome of  
26 the audit finding. This process shall follow the adopted



1 procedure as outlined in the International Registration Plan.  
2 All decisions by the IRP designated tribunal shall be binding.

3 (i) Every person subject to licensing or registration and  
4 audit under the provisions of this Chapter shall retain all  
5 pertinent licensing and registration documents, books,  
6 records, tax returns, reports and all supporting records and  
7 documents for a period of 4 years.

8 (j) Hearings. Any person receiving written notice of a  
9 deficiency or assessment may, within 30 days after the date of  
10 the notice, petition for a hearing before the Secretary of  
11 State or his duly appointed hearing officer to contest the  
12 audit in whole or in part, and the petitioner shall  
13 simultaneously file a certified check or money order, or  
14 certificate of deposit, or a surety bond approved by the  
15 Secretary in the amount of the deficiency or assessment.  
16 Hearings shall be held pursuant to the provisions of Section  
17 2-118 of this Act.

18 (k) Judgments. The Secretary of State may enforce any  
19 notice of deficiency or assessment pursuant to the provisions  
20 of Section 3-831 of this Act.

21 (Source: P.A. 92-69, eff. 7-12-01; 93-32, eff. 7-1-03.)

22 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)  
23 Sec. 3-403. Trip and Short-term permits.

24 (a) The Secretary of State may issue a short-term permit to  
25 operate a nonregistered first or second division vehicle within

1 the State of Illinois for a period of not more than 7 days. Any  
2 second division vehicle operating on such permit may operate  
3 only on empty weight. The fee for the short-term permit shall  
4 be \$6 for permits purchased on or before June 30, 2003 and on  
5 or after the effective date of this amendatory Act of the 96th  
6 General Assembly and \$10 for permits purchased on or after July  
7 1, 2003 until the effective date of this amendatory Act of the  
8 96th General Assembly. For short-term permits purchased on or  
9 after July 1, 2003 until the effective date of this amendatory  
10 Act of the 96th General Assembly, \$4 of the fee collected for  
11 the purchase of each permit shall be deposited into the General  
12 Revenue Fund.

13 This permit may also be issued to operate an unladen  
14 registered vehicle which is suspended under the Vehicle  
15 Emissions Inspection Law and allow it to be driven on the roads  
16 and highways of the State in order to be repaired or when  
17 travelling to and from an emissions inspection station.

18 (b) The Secretary of State may, subject to reciprocal  
19 agreements, arrangements or declarations made or entered into  
20 pursuant to Section 3-402, 3-402.4 or by rule, provide for and  
21 issue registration permits for the use of Illinois highways by  
22 vehicles of the second division on an occasional basis or for a  
23 specific and special short-term use, in compliance with rules  
24 and regulations promulgated by the Secretary of State, and upon  
25 payment of the prescribed fee as follows:

26 One-trip permits. A registration permit for one trip, or

1 one round-trip into and out of Illinois, for a period not to  
2 exceed 72 consecutive hours or 3 calendar days may be provided,  
3 for a fee as prescribed in Section 3-811.

4 One-Month permits. A registration permit for 30 days may be  
5 provided for a fee of \$13 for registration plus 1/10 of the  
6 flat weight tax. The minimum fee for such permit shall be \$31.

7 In-transit permits. A registration permit for one trip may  
8 be provided for vehicles in transit by the driveaway or towaway  
9 method and operated by a transporter in compliance with the  
10 Illinois Motor Carrier of Property Law, for a fee as prescribed  
11 in Section 3-811.

12 Illinois Temporary Apportionment Authorization Permits. An  
13 apportionment authorization permit for forty-five days for the  
14 immediate operation of a vehicle upon application for and prior  
15 to receiving apportioned credentials or interstate credentials  
16 from the State of Illinois. The fee for such permit shall be  
17 \$3.

18 Illinois Temporary Prorate Authorization Permit. A prorate  
19 authorization permit for forty-five days for the immediate  
20 operation of a vehicle upon application for and prior to  
21 receiving prorate credentials or interstate credentials from  
22 the State of Illinois. The fee for such permit shall be \$3.

23 (c) The Secretary of State shall promulgate by such rule or  
24 regulation, schedules of fees and taxes for such permits and in  
25 computing the amount or amounts due, may round off such amount  
26 to the nearest full dollar amount.

1 (d) The Secretary of State shall further prescribe the form  
2 of application and permit and may require such information and  
3 data as necessary and proper, including confirming the status  
4 or identity of the applicant and the vehicle in question.

5 (e) Rules or regulations promulgated by the Secretary of  
6 State under this Section shall provide for reasonable and  
7 proper limitations and restrictions governing the application  
8 for and issuance and use of permits, and shall provide for the  
9 number of permits per vehicle or per applicant, so as to  
10 preclude evasion of annual registration requirements as may be  
11 required by this Act.

12 (f) Any permit under this Section is subject to suspension  
13 or revocation under this Act, and in addition, any such permit  
14 is subject to suspension or revocation should the Secretary of  
15 State determine that the vehicle identified in any permit  
16 should be properly registered in Illinois. In the event any  
17 such permit is suspended or revoked, the permit is then null  
18 and void, may not be re-instated, nor is a refund therefor  
19 available. The vehicle identified in such permit may not  
20 thereafter be operated in Illinois without being properly  
21 registered as provided in this Chapter.

22 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

23 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

24 Sec. 3-405.1. Application for vanity and personalized  
25 license plates.

1 (a) Vanity license plates mean any license plates, assigned  
2 to a passenger motor vehicle of the first division, to a motor  
3 vehicle of the second division registered at not more than  
4 8,000 pounds, to a trailer weighing 8,000 pounds or less paying  
5 the flat weight tax, or to a recreational vehicle, which  
6 display a registration number containing 4 ~~±~~ to 7 letters ~~and~~  
7 ~~no numbers or 1, 2, or 3 numbers and no letters~~ as requested by  
8 the owner of the vehicle and license plates issued to retired  
9 members of Congress under Section 3-610.1 or to retired members  
10 of the General Assembly as provided in Section 3-606.1. A  
11 license plate consisting of 3 letters and no numbers or of 1,  
12 2, or 3 numbers, upon its becoming available, is a vanity  
13 license plate. Personalized license plates mean any license  
14 plates, assigned to a passenger motor vehicle of the first  
15 division, to a motor vehicle of the second division ~~registered~~  
16 ~~at not more than 8,000 pounds,~~ to a trailer weighing 8,000  
17 pounds or less paying the flat weight tax, or to a recreational  
18 vehicle, which display a registration number containing a  
19 combination ~~one of the following combinations~~ of letters and  
20 numbers as prescribed by rule, as requested by the owner of the  
21 vehicle. ±

22 ~~Standard Passenger Plates~~

23 ~~First Division Vehicles~~

24 ~~1 letter plus 0 99~~

1 ~~2 letters plus 0-99~~

2 ~~3 letters plus 0-99~~

3 ~~4 letters plus 0-99~~

4 ~~5 letters plus 0-99~~

5 ~~6 letters plus 0-9~~

6 Second Division Vehicles

7 ~~8,000 pounds or less, Trailers~~

8 ~~8,000 pounds or less paying the flat~~

9 ~~weight tax, and Recreation Vehicles~~

10 ~~0-999 plus 1 letter~~

11 ~~0-999 plus 2 letters~~

12 ~~0-999 plus 3 letters~~

13 ~~0-99 plus 4 letters~~

14 ~~0-9 plus 5 letters~~

15 (b) For any registration period commencing after the  
16 effective date of this amendatory Act of the 96th General  
17 Assembly December 31, 2003, any person who is the registered  
18 owner of a passenger motor vehicle of the first division, of a  
19 motor vehicle of the second division registered at not more  
20 than 8,000 pounds, of a trailer weighing 8,000 pounds or less  
21 paying the flat weight tax, or of a recreational vehicle  
22 registered with the Secretary of State or who makes application  
23 for an original registration of such a motor vehicle or renewal

1 registration of such a motor vehicle may, upon payment of a fee  
2 prescribed in Section 3-806.1 ~~or Section 3-806.5~~, apply to the  
3 Secretary of State for ~~vanity or~~ personalized license plates.

4 (c) Except as otherwise provided in this Chapter 3, vanity  
5 and personalized license plates as issued under this Section  
6 shall be the same color and design as other passenger vehicle  
7 license plates and shall not in any manner conflict with any  
8 other existing passenger, commercial, trailer, motorcycle, or  
9 special license plate series. However, special registration  
10 plates issued under Sections 3-611 and 3-616 for vehicles  
11 operated by or for persons with disabilities may also be vanity  
12 or personalized license plates.

13 (d) Vanity and personalized license plates shall be issued  
14 only to the registered owner of the vehicle on which they are  
15 to be displayed, except as provided in Sections 3-611 and 3-616  
16 for special registration plates for vehicles operated by or for  
17 persons with disabilities.

18 (e) An applicant for the issuance of vanity or personalized  
19 license plates or subsequent renewal thereof shall file an  
20 application in such form and manner and by such date as the  
21 Secretary of State may, in his discretion, require.

22 No vanity nor personalized license plates shall be  
23 approved, manufactured, or distributed that contain any  
24 characters, symbols other than the international accessibility  
25 symbol for vehicles operated by or for persons with  
26 disabilities, foreign words, or letters of punctuation.

1 (f) Vanity and personalized license plates as issued  
2 pursuant to this Act may be subject to the Staggered  
3 Registration System as prescribed by the Secretary of State.

4 (Source: P.A. 95-287, eff. 1-1-08.)

5 (625 ILCS 5/3-811) (from Ch. 95 1/2, par. 3-811)

6 Sec. 3-811. Drive-away and other permits - Fees.

7 (a) Dealers may obtain drive-away permits for use as  
8 provided in this Code, for a fee of \$6 per permit for permits  
9 purchased on or before June 30, 2003 and on and after the  
10 effective date of this amendatory Act of the 96th General  
11 Assembly and \$10 for permits purchased on or after July 1, 2003  
12 until the effective date of this amendatory Act of the 96th  
13 General Assembly. For drive-away permits purchased on or after  
14 July 1, 2003 until the effective date of this amendatory Act of  
15 the 96th General Assembly, \$4 of the fee collected for the  
16 purchase of each permit shall be deposited into the General  
17 Revenue Fund.

18 (b) Transporters may obtain one-trip permits for vehicles  
19 in transit for use as provided in this Code, for a fee of \$6 per  
20 permit for permits purchased on or before June 30, 2003 and on  
21 and after the effective date of this amendatory Act of the 96th  
22 General Assembly and \$10 for permits purchased on or after July  
23 1, 2003 until the effective date of this amendatory Act of the  
24 96th General Assembly. For one-trip permits purchased on or  
25 after July 1, 2003 until the effective date of this amendatory



1 Act of the 96th General Assembly, \$4 of the fee collected from  
2 the purchase of each permit shall be deposited into the General  
3 Revenue Fund.

4 (c) Non-residents may likewise obtain a drive-away permit  
5 from the Secretary of State to export a motor vehicle purchased  
6 in Illinois, for a fee of \$6 per permit for permits purchased  
7 on or before June 30, 2003 and on and after the effective date  
8 of this amendatory Act of the 96th General Assembly and \$10 for  
9 permits purchased on or after July 1, 2003 until the effective  
10 date of this amendatory Act of the 96th General Assembly. For  
11 drive-away permits purchased on or after July 1, 2003 until the  
12 effective date of this amendatory Act of the 96th General  
13 Assembly, \$4 of the fee collected for the purchase of each  
14 permit shall be deposited into the General Revenue Fund.

15 (d) One-trip permits may be obtained for an occasional  
16 single trip by a vehicle as provided in this Code, upon payment  
17 of a fee of \$19.

18 (e) One month permits may likewise be obtained for the fees  
19 and taxes prescribed in this Code and as promulgated by the  
20 Secretary of State.

21 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

22 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)  
23 Sec. 5-101. New vehicle dealers must be licensed.

24 (a) No person shall engage in this State in the business of  
25 selling or dealing in, on consignment or otherwise, new

1 vehicles of any make, or act as an intermediary or agent or  
2 broker for any licensed dealer or vehicle purchaser other than  
3 as a salesperson, or represent or advertise that he is so  
4 engaged or intends to so engage in such business unless  
5 licensed to do so in writing by the Secretary of State under  
6 the provisions of this Section.

7 (b) An application for a new vehicle dealer's license shall  
8 be filed with the Secretary of State, duly verified by oath, on  
9 such form as the Secretary of State may by rule or regulation  
10 prescribe and shall contain:

11 1. The name and type of business organization of the  
12 applicant and his established and additional places of  
13 business, if any, in this State.

14 2. If the applicant is a corporation, a list of its  
15 officers, directors, and shareholders having a ten percent  
16 or greater ownership interest in the corporation, setting  
17 forth the residence address of each; if the applicant is a  
18 sole proprietorship, a partnership, an unincorporated  
19 association, a trust, or any similar form of business  
20 organization, the name and residence address of the  
21 proprietor or of each partner, member, officer, director,  
22 trustee, or manager.

23 3. The make or makes of new vehicles which the  
24 applicant will offer for sale at retail in this State.

25 4. The name of each manufacturer or franchised  
26 distributor, if any, of new vehicles with whom the

1 applicant has contracted for the sale of such new vehicles.  
2 As evidence of this fact, the application shall be  
3 accompanied by a signed statement from each such  
4 manufacturer or franchised distributor. If the applicant  
5 is in the business of offering for sale new conversion  
6 vehicles, trucks or vans, except for trucks modified to  
7 serve a special purpose which includes but is not limited  
8 to the following vehicles: street sweepers, fertilizer  
9 spreaders, emergency vehicles, implements of husbandry or  
10 maintenance type vehicles, he must furnish evidence of a  
11 sales and service agreement from both the chassis  
12 manufacturer and second stage manufacturer.

13 5. A statement that the applicant has been approved for  
14 registration under the Retailers' Occupation Tax Act by the  
15 Department of Revenue: Provided that this requirement does  
16 not apply to a dealer who is already licensed hereunder  
17 with the Secretary of State, and who is merely applying for  
18 a renewal of his license. As evidence of this fact, the  
19 application shall be accompanied by a certification from  
20 the Department of Revenue showing that that Department has  
21 approved the applicant for registration under the  
22 Retailers' Occupation Tax Act.

23 6. A statement that the applicant has complied with the  
24 appropriate liability insurance requirement. A Certificate  
25 of Insurance in a solvent company authorized to do business  
26 in the State of Illinois shall be included with each

1 application covering each location at which he proposes to  
2 act as a new vehicle dealer. The policy must provide  
3 liability coverage in the minimum amounts of \$100,000 for  
4 bodily injury to, or death of, any person, \$300,000 for  
5 bodily injury to, or death of, two or more persons in any  
6 one accident, and \$50,000 for damage to property. Such  
7 policy shall expire not sooner than December 31 of the year  
8 for which the license was issued or renewed. The expiration  
9 of the insurance policy shall not terminate the liability  
10 under the policy arising during the period for which the  
11 policy was filed. Trailer and mobile home dealers are  
12 exempt from this requirement.

13 If the permitted user has a liability insurance policy  
14 that provides automobile liability insurance coverage of  
15 at least \$100,000 for bodily injury to or the death of any  
16 person, \$300,000 for bodily injury to or the death of any 2  
17 or more persons in any one accident, and \$50,000 for damage  
18 to property, then the permitted user's insurer shall be the  
19 primary insurer and the dealer's insurer shall be the  
20 secondary insurer. If the permitted user does not have a  
21 liability insurance policy that provides automobile  
22 liability insurance coverage of at least \$100,000 for  
23 bodily injury to or the death of any person, \$300,000 for  
24 bodily injury to or the death of any 2 or more persons in  
25 any one accident, and \$50,000 for damage to property, or  
26 does not have any insurance at all, then the dealer's

1 insurer shall be the primary insurer and the permitted  
2 user's insurer shall be the secondary insurer.

3 When a permitted user is "test driving" a new vehicle  
4 dealer's automobile, the new vehicle dealer's insurance  
5 shall be primary and the permitted user's insurance shall  
6 be secondary.

7 As used in this paragraph 6, a "permitted user" is a  
8 person who, with the permission of the new vehicle dealer  
9 or an employee of the new vehicle dealer, drives a vehicle  
10 owned and held for sale or lease by the new vehicle dealer  
11 which the person is considering to purchase or lease, in  
12 order to evaluate the performance, reliability, or  
13 condition of the vehicle. The term "permitted user" also  
14 includes a person who, with the permission of the new  
15 vehicle dealer, drives a vehicle owned or held for sale or  
16 lease by the new vehicle dealer for loaner purposes while  
17 the user's vehicle is being repaired or evaluated.

18 As used in this paragraph 6, "test driving" occurs when  
19 a permitted user who, with the permission of the new  
20 vehicle dealer or an employee of the new vehicle dealer,  
21 drives a vehicle owned and held for sale or lease by a new  
22 vehicle dealer that the person is considering to purchase  
23 or lease, in order to evaluate the performance,  
24 reliability, or condition of the vehicle.

25 As used in this paragraph 6, "loaner purposes" means  
26 when a person who, with the permission of the new vehicle

1 dealer, drives a vehicle owned or held for sale or lease by  
2 the new vehicle dealer while the user's vehicle is being  
3 repaired or evaluated.

4 7. (A) An application for a new motor vehicle dealer's  
5 license shall be accompanied by the following license fees:

6 \$100 ~~\$1,000~~ for applicant's established place of  
7 business, and \$50 ~~\$100~~ for each additional place of  
8 business, if any, to which the application pertains;  
9 but if the application is made after June 15 of any  
10 year, the license fee shall be \$50 ~~\$500~~ for applicant's  
11 established place of business plus \$25 ~~\$50~~ for each  
12 additional place of business, if any, to which the  
13 application pertains. License fees shall be returnable  
14 only in the event that the application is denied by the  
15 Secretary of State. All moneys received by the  
16 Secretary of State as license fees under paragraph  
17 (7) (A) of subsection (b) of this Section prior to  
18 applications for the 2004 licensing year and received  
19 on or after the effective date of this amendatory Act  
20 of the 96th General Assembly shall be deposited into  
21 the Motor Vehicle Review Board Fund and shall be used  
22 to administer the Motor Vehicle Review Board under the  
23 Motor Vehicle Franchise Act. Of the money received by  
24 the Secretary of State as license fees under paragraph  
25 (7) (A) of subsection (b) of this Section for the 2004  
26 licensing year and until the effective date of this

1 amendatory Act of the 96th General Assembly  
2 ~~thereafter~~, 10% shall be deposited into the Motor  
3 Vehicle Review Board Fund and shall be used to  
4 administer the Motor Vehicle Review Board under the  
5 Motor Vehicle Franchise Act and 90% shall be deposited  
6 into the General Revenue Fund.

7 (B) An application for a new vehicle dealer's  
8 license, other than for a new motor vehicle dealer's  
9 license, shall be accompanied by the following license  
10 fees:

11 \$50 ~~\$1,000~~ for applicant's established place of  
12 business, and \$50 for each additional place of  
13 business, if any, to which the application pertains;  
14 but if the application is made after June 15 of any  
15 year, the license fee shall be \$25 ~~\$500~~ for applicant's  
16 established place of business plus \$12.50 ~~\$25~~ for each  
17 additional place of business, if any, to which the  
18 application pertains. License fees shall be returnable  
19 only in the event that the application is denied by the  
20 Secretary of State. Of the money received by the  
21 Secretary of State as license fees under this  
22 subsection for the 2004 licensing year and until the  
23 effective date of this amendatory Act of the 96th  
24 General Assembly thereafter, 95% shall be deposited  
25 into the General Revenue Fund.

26 8. A statement that the applicant's officers,

1 directors, shareholders having a 10% or greater ownership  
2 interest therein, proprietor, a partner, member, officer,  
3 director, trustee, manager or other principals in the  
4 business have not committed in the past 3 years any one  
5 violation as determined in any civil, criminal or  
6 administrative proceedings of any one of the following  
7 Acts:

8 (A) The Anti Theft Laws of the Illinois Vehicle  
9 Code;

10 (B) The Certificate of Title Laws of the Illinois  
11 Vehicle Code;

12 (C) The Offenses against Registration and  
13 Certificates of Title Laws of the Illinois Vehicle  
14 Code;

15 (D) The Dealers, Transporters, Wreckers and  
16 Rebuilders Laws of the Illinois Vehicle Code;

17 (E) Section 21-2 of the Criminal Code of 1961,  
18 Criminal Trespass to Vehicles; or

19 (F) The Retailers' Occupation Tax Act.

20 9. A statement that the applicant's officers,  
21 directors, shareholders having a 10% or greater ownership  
22 interest therein, proprietor, partner, member, officer,  
23 director, trustee, manager or other principals in the  
24 business have not committed in any calendar year 3 or more  
25 violations, as determined in any civil, criminal or  
26 administrative proceedings, of any one or more of the



1 following Acts:

2 (A) The Consumer Finance Act;

3 (B) The Consumer Installment Loan Act;

4 (C) The Retail Installment Sales Act;

5 (D) The Motor Vehicle Retail Installment Sales  
6 Act;

7 (E) The Interest Act;

8 (F) The Illinois Wage Assignment Act;

9 (G) Part 8 of Article XII of the Code of Civil  
10 Procedure; or

11 (H) The Consumer Fraud Act.

12 10. A bond or certificate of deposit in the amount of  
13 \$20,000 for each location at which the applicant intends to  
14 act as a new vehicle dealer. The bond shall be for the term  
15 of the license, or its renewal, for which application is  
16 made, and shall expire not sooner than December 31 of the  
17 year for which the license was issued or renewed. The bond  
18 shall run to the People of the State of Illinois, with  
19 surety by a bonding or insurance company authorized to do  
20 business in this State. It shall be conditioned upon the  
21 proper transmittal of all title and registration fees and  
22 taxes (excluding taxes under the Retailers' Occupation Tax  
23 Act) accepted by the applicant as a new vehicle dealer.

24 11. Such other information concerning the business of  
25 the applicant as the Secretary of State may by rule or  
26 regulation prescribe.

1           12. A statement that the applicant understands Chapter  
2           One through Chapter Five of this Code.

3           (c) Any change which renders no longer accurate any  
4           information contained in any application for a new vehicle  
5           dealer's license shall be amended within 30 days after the  
6           occurrence of such change on such form as the Secretary of  
7           State may prescribe by rule or regulation, accompanied by an  
8           amendatory fee of \$2.

9           (d) Anything in this Chapter 5 to the contrary  
10          notwithstanding no person shall be licensed as a new vehicle  
11          dealer unless:

12           1. He is authorized by contract in writing between  
13           himself and the manufacturer or franchised distributor of  
14           such make of vehicle to so sell the same in this State, and

15           2. Such person shall maintain an established place of  
16           business as defined in this Act.

17          (e) The Secretary of State shall, within a reasonable time  
18          after receipt, examine an application submitted to him under  
19          this Section and unless he makes a determination that the  
20          application submitted to him does not conform with the  
21          requirements of this Section or that grounds exist for a denial  
22          of the application, under Section 5-501 of this Chapter, grant  
23          the applicant an original new vehicle dealer's license in  
24          writing for his established place of business and a  
25          supplemental license in writing for each additional place of  
26          business in such form as he may prescribe by rule or regulation

1 which shall include the following:

2 1. The name of the person licensed;

3 2. If a corporation, the name and address of its  
4 officers or if a sole proprietorship, a partnership, an  
5 unincorporated association or any similar form of business  
6 organization, the name and address of the proprietor or of  
7 each partner, member, officer, director, trustee or  
8 manager;

9 3. In the case of an original license, the established  
10 place of business of the licensee;

11 4. In the case of a supplemental license, the  
12 established place of business of the licensee and the  
13 additional place of business to which such supplemental  
14 license pertains;

15 5. The make or makes of new vehicles which the licensee  
16 is licensed to sell.

17 (f) The appropriate instrument evidencing the license or a  
18 certified copy thereof, provided by the Secretary of State,  
19 shall be kept posted conspicuously in the established place of  
20 business of the licensee and in each additional place of  
21 business, if any, maintained by such licensee.

22 (g) Except as provided in subsection (h) hereof, all new  
23 vehicle dealer's licenses granted under this Section shall  
24 expire by operation of law on December 31 of the calendar year  
25 for which they are granted unless sooner revoked or cancelled  
26 under the provisions of Section 5-501 of this Chapter.

1 (h) A new vehicle dealer's license may be renewed upon  
2 application and payment of the fee required herein, and  
3 submission of proof of coverage under an approved bond under  
4 the "Retailers' Occupation Tax Act" or proof that applicant is  
5 not subject to such bonding requirements, as in the case of an  
6 original license, but in case an application for the renewal of  
7 an effective license is made during the month of December, the  
8 effective license shall remain in force until the application  
9 is granted or denied by the Secretary of State.

10 (i) All persons licensed as a new vehicle dealer are  
11 required to furnish each purchaser of a motor vehicle:

12 1. In the case of a new vehicle a manufacturer's  
13 statement of origin and in the case of a used motor vehicle  
14 a certificate of title, in either case properly assigned to  
15 the purchaser;

16 2. A statement verified under oath that all identifying  
17 numbers on the vehicle agree with those on the certificate  
18 of title or manufacturer's statement of origin;

19 3. A bill of sale properly executed on behalf of such  
20 person;

21 4. A copy of the Uniform Invoice-transaction reporting  
22 return referred to in Section 5-402 hereof;

23 5. In the case of a rebuilt vehicle, a copy of the  
24 Disclosure of Rebuilt Vehicle Status; and

25 6. In the case of a vehicle for which the warranty has  
26 been reinstated, a copy of the warranty.

1           (j) Except at the time of sale or repossession of the  
2 vehicle, no person licensed as a new vehicle dealer may issue  
3 any other person a newly created key to a vehicle unless the  
4 new vehicle dealer makes a copy of the driver's license or  
5 State identification card of the person requesting or obtaining  
6 the newly created key. The new vehicle dealer must retain the  
7 copy for 30 days.

8           A new vehicle dealer who violates this subsection (j) is  
9 guilty of a petty offense. Violation of this subsection (j) is  
10 not cause to suspend, revoke, cancel, or deny renewal of the  
11 new vehicle dealer's license.

12           This amendatory Act of 1983 shall be applicable to the 1984  
13 registration year and thereafter.

14           (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32,  
15 eff. 7-1-03.)

16           (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

17           Sec. 5-102. Used vehicle dealers must be licensed.

18           (a) No person, other than a licensed new vehicle dealer,  
19 shall engage in the business of selling or dealing in, on  
20 consignment or otherwise, 5 or more used vehicles of any make  
21 during the year (except house trailers as authorized by  
22 paragraph (j) of this Section and rebuilt salvage vehicles sold  
23 by their rebuilders to persons licensed under this Chapter), or  
24 act as an intermediary, agent or broker for any licensed dealer  
25 or vehicle purchaser (other than as a salesperson) or represent

1 or advertise that he is so engaged or intends to so engage in  
2 such business unless licensed to do so by the Secretary of  
3 State under the provisions of this Section.

4 (b) An application for a used vehicle dealer's license  
5 shall be filed with the Secretary of State, duly verified by  
6 oath, in such form as the Secretary of State may by rule or  
7 regulation prescribe and shall contain:

8 1. The name and type of business organization  
9 established and additional places of business, if any, in  
10 this State.

11 2. If the applicant is a corporation, a list of its  
12 officers, directors, and shareholders having a ten percent  
13 or greater ownership interest in the corporation, setting  
14 forth the residence address of each; if the applicant is a  
15 sole proprietorship, a partnership, an unincorporated  
16 association, a trust, or any similar form of business  
17 organization, the names and residence address of the  
18 proprietor or of each partner, member, officer, director,  
19 trustee or manager.

20 3. A statement that the applicant has been approved for  
21 registration under the Retailers' Occupation Tax Act by the  
22 Department of Revenue. However, this requirement does not  
23 apply to a dealer who is already licensed hereunder with  
24 the Secretary of State, and who is merely applying for a  
25 renewal of his license. As evidence of this fact, the  
26 application shall be accompanied by a certification from

1 the Department of Revenue showing that the Department has  
2 approved the applicant for registration under the  
3 Retailers' Occupation Tax Act.

4 4. A statement that the applicant has complied with the  
5 appropriate liability insurance requirement. A Certificate  
6 of Insurance in a solvent company authorized to do business  
7 in the State of Illinois shall be included with each  
8 application covering each location at which he proposes to  
9 act as a used vehicle dealer. The policy must provide  
10 liability coverage in the minimum amounts of \$100,000 for  
11 bodily injury to, or death of, any person, \$300,000 for  
12 bodily injury to, or death of, two or more persons in any  
13 one accident, and \$50,000 for damage to property. Such  
14 policy shall expire not sooner than December 31 of the year  
15 for which the license was issued or renewed. The expiration  
16 of the insurance policy shall not terminate the liability  
17 under the policy arising during the period for which the  
18 policy was filed. Trailer and mobile home dealers are  
19 exempt from this requirement.

20 If the permitted user has a liability insurance policy  
21 that provides automobile liability insurance coverage of  
22 at least \$100,000 for bodily injury to or the death of any  
23 person, \$300,000 for bodily injury to or the death of any 2  
24 or more persons in any one accident, and \$50,000 for damage  
25 to property, then the permitted user's insurer shall be the  
26 primary insurer and the dealer's insurer shall be the

1 secondary insurer. If the permitted user does not have a  
2 liability insurance policy that provides automobile  
3 liability insurance coverage of at least \$100,000 for  
4 bodily injury to or the death of any person, \$300,000 for  
5 bodily injury to or the death of any 2 or more persons in  
6 any one accident, and \$50,000 for damage to property, or  
7 does not have any insurance at all, then the dealer's  
8 insurer shall be the primary insurer and the permitted  
9 user's insurer shall be the secondary insurer.

10 When a permitted user is "test driving" a used vehicle  
11 dealer's automobile, the used vehicle dealer's insurance  
12 shall be primary and the permitted user's insurance shall  
13 be secondary.

14 As used in this paragraph 4, a "permitted user" is a  
15 person who, with the permission of the used vehicle dealer  
16 or an employee of the used vehicle dealer, drives a vehicle  
17 owned and held for sale or lease by the used vehicle dealer  
18 which the person is considering to purchase or lease, in  
19 order to evaluate the performance, reliability, or  
20 condition of the vehicle. The term "permitted user" also  
21 includes a person who, with the permission of the used  
22 vehicle dealer, drives a vehicle owned or held for sale or  
23 lease by the used vehicle dealer for loaner purposes while  
24 the user's vehicle is being repaired or evaluated.

25 As used in this paragraph 4, "test driving" occurs when  
26 a permitted user who, with the permission of the used



1 vehicle dealer or an employee of the used vehicle dealer,  
2 drives a vehicle owned and held for sale or lease by a used  
3 vehicle dealer that the person is considering to purchase  
4 or lease, in order to evaluate the performance,  
5 reliability, or condition of the vehicle.

6 As used in this paragraph 4, "loaner purposes" means  
7 when a person who, with the permission of the used vehicle  
8 dealer, drives a vehicle owned or held for sale or lease by  
9 the used vehicle dealer while the user's vehicle is being  
10 repaired or evaluated.

11 5. An application for a used vehicle dealer's license  
12 shall be accompanied by the following license fees:

13 \$50 ~~\$1,000~~ for applicant's established place of  
14 business, and \$25 ~~\$50~~ for each additional place of  
15 business, if any, to which the application pertains;  
16 however, if the application is made after June 15 of any  
17 year, the license fee shall be \$25 ~~\$500~~ for applicant's  
18 established place of business plus \$12.50 ~~\$25~~ for each  
19 additional place of business, if any, to which the  
20 application pertains. License fees shall be returnable  
21 only in the event that the application is denied by the  
22 Secretary of State. Of the money received by the Secretary  
23 of State as license fees under this Section for the 2004  
24 licensing year and until the effective date of this  
25 amendatory Act of the 96th General Assembly thereafter, 95%  
26 shall be deposited into the General Revenue Fund.

1           6. A statement that the applicant's officers,  
2 directors, shareholders having a 10% or greater ownership  
3 interest therein, proprietor, partner, member, officer,  
4 director, trustee, manager or other principals in the  
5 business have not committed in the past 3 years any one  
6 violation as determined in any civil, criminal or  
7 administrative proceedings of any one of the following  
8 Acts:

9           (A) The Anti Theft Laws of the Illinois Vehicle  
10 Code;

11           (B) The Certificate of Title Laws of the Illinois  
12 Vehicle Code;

13           (C) The Offenses against Registration and  
14 Certificates of Title Laws of the Illinois Vehicle  
15 Code;

16           (D) The Dealers, Transporters, Wreckers and  
17 Rebuilders Laws of the Illinois Vehicle Code;

18           (E) Section 21-2 of the Illinois Criminal Code of  
19 1961, Criminal Trespass to Vehicles; or

20           (F) The Retailers' Occupation Tax Act.

21           7. A statement that the applicant's officers,  
22 directors, shareholders having a 10% or greater ownership  
23 interest therein, proprietor, partner, member, officer,  
24 director, trustee, manager or other principals in the  
25 business have not committed in any calendar year 3 or more  
26 violations, as determined in any civil or criminal or

1 administrative proceedings, of any one or more of the  
2 following Acts:

3 (A) The Consumer Finance Act;

4 (B) The Consumer Installment Loan Act;

5 (C) The Retail Installment Sales Act;

6 (D) The Motor Vehicle Retail Installment Sales  
7 Act;

8 (E) The Interest Act;

9 (F) The Illinois Wage Assignment Act;

10 (G) Part 8 of Article XII of the Code of Civil  
11 Procedure; or

12 (H) The Consumer Fraud Act.

13 8. A bond or Certificate of Deposit in the amount of  
14 \$20,000 for each location at which the applicant intends to  
15 act as a used vehicle dealer. The bond shall be for the  
16 term of the license, or its renewal, for which application  
17 is made, and shall expire not sooner than December 31 of  
18 the year for which the license was issued or renewed. The  
19 bond shall run to the People of the State of Illinois, with  
20 surety by a bonding or insurance company authorized to do  
21 business in this State. It shall be conditioned upon the  
22 proper transmittal of all title and registration fees and  
23 taxes (excluding taxes under the Retailers' Occupation Tax  
24 Act) accepted by the applicant as a used vehicle dealer.

25 9. Such other information concerning the business of  
26 the applicant as the Secretary of State may by rule or

1 regulation prescribe.

2 10. A statement that the applicant understands Chapter  
3 1 through Chapter 5 of this Code.

4 (c) Any change which renders no longer accurate any  
5 information contained in any application for a used vehicle  
6 dealer's license shall be amended within 30 days after the  
7 occurrence of each change on such form as the Secretary of  
8 State may prescribe by rule or regulation, accompanied by an  
9 amendatory fee of \$2.

10 (d) Anything in this Chapter to the contrary  
11 notwithstanding, no person shall be licensed as a used vehicle  
12 dealer unless such person maintains an established place of  
13 business as defined in this Chapter.

14 (e) The Secretary of State shall, within a reasonable time  
15 after receipt, examine an application submitted to him under  
16 this Section. Unless the Secretary makes a determination that  
17 the application submitted to him does not conform to this  
18 Section or that grounds exist for a denial of the application  
19 under Section 5-501 of this Chapter, he must grant the  
20 applicant an original used vehicle dealer's license in writing  
21 for his established place of business and a supplemental  
22 license in writing for each additional place of business in  
23 such form as he may prescribe by rule or regulation which shall  
24 include the following:

25 1. The name of the person licensed;

26 2. If a corporation, the name and address of its

1 officers or if a sole proprietorship, a partnership, an  
2 unincorporated association or any similar form of business  
3 organization, the name and address of the proprietor or of  
4 each partner, member, officer, director, trustee or  
5 manager;

6 3. In case of an original license, the established  
7 place of business of the licensee;

8 4. In the case of a supplemental license, the  
9 established place of business of the licensee and the  
10 additional place of business to which such supplemental  
11 license pertains.

12 (f) The appropriate instrument evidencing the license or a  
13 certified copy thereof, provided by the Secretary of State  
14 shall be kept posted, conspicuously, in the established place  
15 of business of the licensee and in each additional place of  
16 business, if any, maintained by such licensee.

17 (g) Except as provided in subsection (h) of this Section,  
18 all used vehicle dealer's licenses granted under this Section  
19 expire by operation of law on December 31 of the calendar year  
20 for which they are granted unless sooner revoked or cancelled  
21 under Section 5-501 of this Chapter.

22 (h) A used vehicle dealer's license may be renewed upon  
23 application and payment of the fee required herein, and  
24 submission of proof of coverage by an approved bond under the  
25 "Retailers' Occupation Tax Act" or proof that applicant is not  
26 subject to such bonding requirements, as in the case of an

1 original license, but in case an application for the renewal of  
2 an effective license is made during the month of December, the  
3 effective license shall remain in force until the application  
4 for renewal is granted or denied by the Secretary of State.

5 (i) All persons licensed as a used vehicle dealer are  
6 required to furnish each purchaser of a motor vehicle:

7 1. A certificate of title properly assigned to the  
8 purchaser;

9 2. A statement verified under oath that all identifying  
10 numbers on the vehicle agree with those on the certificate  
11 of title;

12 3. A bill of sale properly executed on behalf of such  
13 person;

14 4. A copy of the Uniform Invoice-transaction reporting  
15 return referred to in Section 5-402 of this Chapter;

16 5. In the case of a rebuilt vehicle, a copy of the  
17 Disclosure of Rebuilt Vehicle Status; and

18 6. In the case of a vehicle for which the warranty has  
19 been reinstated, a copy of the warranty.

20 (j) A real estate broker holding a valid certificate of  
21 registration issued pursuant to "The Real Estate Brokers and  
22 Salesmen License Act" may engage in the business of selling or  
23 dealing in house trailers not his own without being licensed as  
24 a used vehicle dealer under this Section; however such broker  
25 shall maintain a record of the transaction including the  
26 following:

- 1 (1) the name and address of the buyer and seller,
- 2 (2) the date of sale,
- 3 (3) a description of the mobile home, including the
- 4 vehicle identification number, make, model, and year, and
- 5 (4) the Illinois certificate of title number.

6 The foregoing records shall be available for inspection by  
7 any officer of the Secretary of State's Office at any  
8 reasonable hour.

9 (k) Except at the time of sale or repossession of the  
10 vehicle, no person licensed as a used vehicle dealer may issue  
11 any other person a newly created key to a vehicle unless the  
12 used vehicle dealer makes a copy of the driver's license or  
13 State identification card of the person requesting or obtaining  
14 the newly created key. The used vehicle dealer must retain the  
15 copy for 30 days.

16 A used vehicle dealer who violates this subsection (k) is  
17 guilty of a petty offense. Violation of this subsection (k) is  
18 not cause to suspend, revoke, cancel, or deny renewal of the  
19 used vehicle dealer's license.

20 (l) Used vehicle dealers licensed under this Section shall  
21 provide the Secretary of State a register for the sale at  
22 auction of each salvage or junk certificate vehicle. Each  
23 register shall include the following information:

- 24 1. The year, make, model, style and color of the
- 25 vehicle;
- 26 2. The vehicle's manufacturer's identification number

1 or, if applicable, the Secretary of State or Illinois  
2 Department of State Police identification number;

3 3. The date of acquisition of the vehicle;

4 4. The name and address of the person from whom the  
5 vehicle was acquired;

6 5. The name and address of the person to whom any  
7 vehicle was disposed, the person's Illinois license number  
8 or if the person is an out-of-state salvage vehicle buyer,  
9 the license number from the state or jurisdiction where the  
10 buyer is licensed; and

11 6. The purchase price of the vehicle.

12 The register shall be submitted to the Secretary of State  
13 via written or electronic means within 10 calendar days from  
14 the date of the auction.

15 (Source: P.A. 95-783, eff. 1-1-09.)

16 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

17 Sec. 6-118. Fees.

18 (a) The fee for licenses and permits under this Article is  
19 as follows:

20 Original driver's license ..... \$10

21 Original or renewal driver's license

22 issued to 18, 19 and 20 year olds ..... 5

23 All driver's licenses for persons

24 age 69 through age 80 ..... 5

25 All driver's licenses for persons



1           age 81 through age 86 ..... 2

2       All driver's licenses for persons

3           age 87 or older ..... 0

4       Renewal driver's license (except for

5           applicants ages 18, 19 and 20 or

6           age 69 and older) ..... 10

7       Original instruction permit issued to

8           persons (except those age 69 and older)

9           who do not hold or have not previously

10          held an Illinois instruction permit or

11          driver's license ..... 20

12       Instruction permit issued to any person

13           holding an Illinois driver's license

14           who wishes a change in classifications,

15           other than at the time of renewal ..... 5

16       Any instruction permit issued to a person

17           age 69 and older ..... 5

18       Instruction permit issued to any person,

19           under age 69, not currently holding a

20           valid Illinois driver's license or

21           instruction permit but who has

22           previously been issued either document

23           in Illinois ..... 10

24       Restricted driving permit ..... 8

25       Monitoring device driving permit ..... 8

26       Duplicate or corrected driver's license

1 or permit ..... 5

2 Duplicate or corrected restricted

3 driving permit ..... 5

4 Duplicate or corrected monitoring

5 device driving permit ..... 5

6 Original or renewal M or L endorsement..... 5

7 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

8 The fees for commercial driver licenses and permits  
9 under Article V shall be as follows:

10 Commercial driver's license:

- 11 \$6 for the CDLIS/AAMVAnet Fund
- 12 (Commercial Driver's License Information
- 13 System/American Association of Motor Vehicle
- 14 Administrators network Trust Fund);
- 15 \$20 for the Motor Carrier Safety Inspection Fund;
- 16 \$10 for the driver's license;
- 17 and \$24 for the CDL: ..... \$60

18 Renewal commercial driver's license:

- 19 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 20 \$20 for the Motor Carrier Safety Inspection Fund;
- 21 \$10 for the driver's license; and
- 22 \$24 for the CDL: ..... \$60

23 Commercial driver instruction permit

24 issued to any person holding a valid  
25 Illinois driver's license for the  
26 purpose of changing to a

1 CDL classification: \$6 for the  
 2 CDLIS/AAMVAnet Trust Fund;  
 3 \$20 for the Motor Carrier  
 4 Safety Inspection Fund; and  
 5 \$24 for the CDL classification ..... \$50  
 6 Commercial driver instruction permit  
 7 issued to any person holding a valid  
 8 Illinois CDL for the purpose of  
 9 making a change in a classification,  
 10 endorsement or restriction ..... \$5  
 11 CDL duplicate or corrected license ..... \$5

12 In order to ensure the proper implementation of the Uniform  
 13 Commercial Driver License Act, Article V of this Chapter, the  
 14 Secretary of State is empowered to pro-rate the \$24 fee for the  
 15 commercial driver's license proportionate to the expiration  
 16 date of the applicant's Illinois driver's license.

17 The fee for any duplicate license or permit shall be waived  
 18 for any person age 60 or older who presents the Secretary of  
 19 State's office with a police report showing that his license or  
 20 permit was stolen.

21 No additional fee shall be charged for a driver's license,  
 22 or for a commercial driver's license, when issued to the holder  
 23 of an instruction permit for the same classification or type of  
 24 license who becomes eligible for such license.

25 (b) Any person whose license or privilege to operate a  
 26 motor vehicle in this State has been suspended or revoked under

1 Section 3-707, any provision of Chapter 6, Chapter 11, or  
 2 Section ~~7-205, 7-303, or~~ 7-702 of the Family Financial  
 3 Responsibility Law of this Code, shall in addition to any other  
 4 fees required by this Code, pay a reinstatement fee as follows:

|   |   |                              |
|---|---|------------------------------|
| 5 | Suspension under Section 3-707 .....            | \$100                        |
| 6 | Summary suspension under Section 11-501.1 ..... | <u>\$60</u> <del>\$250</del> |
| 7 | Other suspension .....                          | <u>\$30</u> <del>\$70</del>  |
| 8 | Revocation .....                                | <u>\$60</u> <del>\$500</del> |

9 However, any person whose license or privilege to operate a  
 10 motor vehicle in this State has been suspended or revoked for a  
 11 second or subsequent time for a violation of Section 11-501 or  
 12 11-501.1 of this Code or a similar provision of a local  
 13 ordinance or a similar out-of-state offense or Section 9-3 of  
 14 the Criminal Code of 1961 and each suspension or revocation was  
 15 for a violation of Section 11-501 or 11-501.1 of this Code or a  
 16 similar provision of a local ordinance or a similar  
 17 out-of-state offense or Section 9-3 of the Criminal Code of  
 18 1961 shall pay, in addition to any other fees required by this  
 19 Code, a reinstatement fee as follows:

|    |   |                               |
|----|---|-------------------------------|
| 20 | Summary suspension under Section 11-501.1 ..... | <u>\$250</u> <del>\$500</del> |
| 21 | Revocation .....                                | <u>\$250</u> <del>\$500</del> |

22 (c) All fees collected under the provisions of this Chapter  
 23 6 shall be paid into the Road Fund in the State Treasury except  
 24 as follows:

- 25 1. The following amounts shall be paid into the Driver  
 26 Education Fund:

1 (A) \$16 of the \$20 fee for an original driver's  
2 instruction permit;

3 (B) \$5 of the \$10 fee for an original driver's  
4 license;

5 (C) \$5 of the \$10 fee for a 4 year renewal driver's  
6 license;

7 (D) \$4 of the \$8 fee for a restricted driving  
8 permit; and

9 (E) \$4 of the \$8 fee for a monitoring device  
10 driving permit.

11 2. \$30 of the \$60 ~~\$250~~ fee for reinstatement of a  
12 license summarily suspended under Section 11-501.1 shall  
13 be deposited into the Drunk and Drugged Driving Prevention  
14 Fund. However, for a person whose license or privilege to  
15 operate a motor vehicle in this State has been suspended or  
16 revoked for a second or subsequent time for a violation of  
17 Section 11-501 or 11-501.1 of this Code or Section 9-3 of  
18 the Criminal Code of 1961, \$190 of the \$250 ~~\$500~~ fee for  
19 reinstatement of a license summarily suspended under  
20 Section 11-501.1, and \$190 of the \$250 ~~\$500~~ fee for  
21 reinstatement of a revoked license shall be deposited into  
22 the Drunk and Drugged Driving Prevention Fund.

23 3. \$6 of such original or renewal fee for a commercial  
24 driver's license and \$6 of the commercial driver  
25 instruction permit fee when such permit is issued to any  
26 person holding a valid Illinois driver's license, shall be

1 paid into the CDLIS/AAMVAnet Trust Fund.

2 4. The ~~\$30 of the \$70~~ fee for reinstatement of a  
3 license suspended under the Family Financial  
4 Responsibility Law shall be paid into the Family  
5 Responsibility Fund.

6 5. The \$5 fee for each original or renewal M or L  
7 endorsement shall be deposited into the Cycle Rider Safety  
8 Training Fund.

9 6. \$20 of any original or renewal fee for a commercial  
10 driver's license or commercial driver instruction permit  
11 shall be paid into the Motor Carrier Safety Inspection  
12 Fund.

13 7. (Blank). ~~The following amounts shall be paid into~~  
14 ~~the General Revenue Fund:~~

15 ~~(A) \$190 of the \$250 reinstatement fee for a~~  
16 ~~summary suspension under Section 11-501.1;~~

17 ~~(B) \$40 of the \$70 reinstatement fee for any other~~  
18 ~~suspension provided in subsection (b) of this Section;~~  
19 ~~and~~

20 ~~(C) \$440 of the \$500 reinstatement fee for a first~~  
21 ~~offense revocation and \$310 of the \$500 reinstatement~~  
22 ~~fee for a second or subsequent revocation.~~

23 (Source: P.A. 94-1035, eff. 7-1-07; 95-855, eff. 1-1-09.)

24 (625 ILCS 5/7-707)

25 Sec. 7-707. Payment of reinstatement fee. When a person

1 receives notice from the Secretary of State that the suspension  
2 of driving privileges has been terminated based upon (i)  
3 receipt of notification from the circuit clerk of the person's  
4 compliance as obligor with a court order of support or (ii)  
5 receipt of notification from the Illinois Department of  
6 Healthcare and Family Services that the person whose driving  
7 privileges were terminated has paid the delinquency in full or  
8 has arranged for payment of the delinquency and the current  
9 support obligation in a manner satisfactory to the Department  
10 (in a case in which the person's driving privileges were  
11 suspended upon a certification by the Department under  
12 subsection (c) of Section 7-702), the obligor shall pay a \$30  
13 ~~\$70~~ reinstatement fee to the Secretary of State as set forth in  
14 Section 6-118 of this Code. The \$30 ~~of the \$70~~ fee shall be  
15 deposited into the Family Responsibility Fund. In accordance  
16 with subsection (e) of Section 6-115 of this Code, the  
17 Secretary of State may decline to process a renewal of a  
18 driver's license of a person who has not paid this fee.

19 (Source: P.A. 95-685, eff. 10-23-07.)

20 (625 ILCS 5/18c-1501) (from Ch. 95 1/2, par. 18c-1501)

21 Sec. 18c-1501. Franchise, Franchise Renewal, Filing and  
22 Other Fees for Motor Carriers of Property.

23 (1) Franchise, Franchise Renewal, Filing, and Other Fee  
24 Levels in Effect Absent Commission Regulations Prescribing  
25 Different Fee Levels. The levels of franchise, franchise

1 renewal, filing, and other fees for motor carriers of property  
2 in effect, absent Commission regulations prescribing different  
3 fee levels, shall be:

4 (a) Franchise and franchise renewal fees: \$19 for each  
5 motor vehicle operated by a motor carrier of property in  
6 intrastate commerce, and \$2 for each motor vehicle operated  
7 by a motor carrier of property in interstate commerce.

8 (b) Filing fees: \$100 for each application seeking a  
9 Commission license or other authority, the reinstatement  
10 of a cancelled license or authority, or authority to  
11 establish a rate, other than by special permission,  
12 excluding both released rate applications and rate filings  
13 which may be investigated or suspended but which require no  
14 prior authorization for filing; \$25 for each released rate  
15 application and each application to register as an  
16 interstate carrier; \$15 for each application seeking  
17 special permission in regard to rates; and \$15 for each  
18 equipment lease.

19 (2) Adjustment of Fee Levels. The Commission may, by  
20 rulemaking in accordance with provisions of The Illinois  
21 Administrative Procedure Act, adjust franchise, franchise  
22 renewal, filing, and other fees for motor carriers of property  
23 by increasing or decreasing them from levels in effect absent  
24 Commission regulations prescribing different fee levels.  
25 Franchise and franchise renewal fees prescribed by the  
26 Commission for motor carriers of property shall not exceed:



1 (a) \$50 for each motor vehicle operated by a household  
2 goods carrier in intrastate commerce;

3 (a-5) \$5 ~~\$15~~ for each motor vehicle operated by a  
4 public carrier in intrastate commerce; and

5 (b) \$7 for each motor vehicle operated by a motor  
6 carrier of property in interstate commerce.

7 (3) Late-Filing Fees.

8 (a) Commission to Prescribe Late-Filing Fees. The  
9 Commission may prescribe fees for the late filing of proof  
10 of insurance, operating reports, franchise or franchise  
11 renewal fee applications, or other documents required to be  
12 filed on a periodic basis with the Commission.

13 (b) Late-filing Fees to Accrue Automatically.  
14 Late-filing fees shall accrue automatically from the  
15 filing deadline set forth in Commission regulations, and  
16 all persons or entities required to make such filings shall  
17 be on notice of such deadlines.

18 (c) Maximum Fees. Late-filing fees prescribed by the  
19 Commission shall not exceed \$100 for an initial period,  
20 plus \$10 for each day after the expiration of the initial  
21 period. The Commission may provide for waiver of all or  
22 part of late-filing fees accrued under this subsection on a  
23 showing of good cause.

24 (d) Effect of Failure to Make Timely Filings and Pay  
25 Late-Filing Fees. Failure of a person to file proof of  
26 continuous insurance coverage or to make other periodic

1 filings required under Commission regulations shall make  
2 licenses and registrations held by the person subject to  
3 revocation or suspension. The licenses or registrations  
4 cannot thereafter be returned to good standing until after  
5 payment of all late-filing fees accrued and not waived  
6 under this subsection.

7 (4) Payment of Fees.

8 (a) Franchise and Franchise Renewal Fees. Franchise  
9 and franchise renewal fees for motor carriers of property  
10 shall be due and payable on or before the 31st day of  
11 December of the calendar year preceding the calendar year  
12 for which the fees are owing, unless otherwise provided in  
13 Commission regulations.

14 (b) Filing and Other Fees. Filing and other fees  
15 (including late-filing fees) shall be due and payable on  
16 the date of filing, or on such other date as is set forth  
17 in Commission regulations.

18 (5) When Fees Returnable.

19 (a) Whenever an application to the Illinois Commerce  
20 Commission is accompanied by any fee as required by law and  
21 such application is refused or rejected, said fee shall be  
22 returned to said applicant.

23 (b) The Illinois Commerce Commission may reduce by  
24 interlineation the amount of any personal check or  
25 corporate check or company check drawn on the account of  
26 and delivered by any person for payment of a fee required

1 by the Illinois Commerce Commission.

2 (c) Any check altered pursuant to above shall be  
3 endorsed by the Illinois Commerce Commission as follows:  
4 "This check is warranted to subsequent holders and to the  
5 drawee to be in the amount \$ ."

6 (d) All applications to the Illinois Commerce  
7 Commission requiring fee payment upon reprinting shall  
8 contain the following authorization statement: "My  
9 signature authorizes the Illinois Commerce Commission to  
10 lower the amount of check if fee submitted exceeds correct  
11 amount."

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

13 (625 ILCS 5/18c-1502.05)

14 Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers.  
15 Beginning with the effective date of this amendatory Act of the  
16 96th General Assembly ~~calendar year 2004~~, every rail carrier  
17 shall pay to the Commission for each calendar year a route  
18 mileage fee of \$37 ~~\$45~~ for each route mile of railroad right of  
19 way owned by the rail carrier in Illinois. The fee shall be  
20 based on the number of route miles as of January 1 of the year  
21 for which the fee is due, and the payment of the route mileage  
22 fee shall be due by February 1 of each calendar year.

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

24 (625 ILCS 5/18c-1502.10)

1           Sec. 18c-1502.10. Railroad-Highway Grade Crossing and  
2           Grade Separation Fee. Beginning with the effective date of this  
3           amendatory Act of the 96th General Assembly ~~calendar year 2004~~,  
4           every rail carrier shall pay to the Commission for each  
5           calendar year a fee of \$23 ~~\$20~~ for each location at which the  
6           rail carrier's track crosses a public road, highway, or street,  
7           whether the crossing be at grade, by overhead structure, or by  
8           subway. The fee shall be based on the number of the crossings  
9           as of January 1 of each calendar year, and the fee shall be due  
10          by February 1 of each calendar year.

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

12           (625 ILCS 5/3-806.5 rep.)

13          Section 195. The Illinois Vehicle Code is amended by  
14          repealing Section 3-806.5.

15          Section 200. The Boat Registration and Safety Act is  
16          amended by changing Sections 3-2 and 3-7 as follows:

17           (625 ILCS 45/3-2) (from Ch. 95 1/2, par. 313-2)

18          Sec. 3-2. Identification number application. The owner of  
19          each watercraft requiring numbering by this State shall file an  
20          application for number with the Department on forms approved by  
21          it. The application shall be signed by the owner of the  
22          watercraft and shall be accompanied by a fee as follows:

1           A. Class A (all canoes, kayaks, and  
 2 non-motorized paddle boats) ..... \$6

3           B. Class 1 (all watercraft less  
 4 than 16 feet in length, except  
 5 canoes, kayaks, and non-motorized paddle boats) .. \$15

6           C. Class 2 (all watercraft 16  
 7 feet or more but less than 26 feet in length  
 8 except canoes, kayaks, and non-motorized paddle  
 9 boats) ..... \$20 ~~\$45~~

10          D. Class 3 (all watercraft 26 feet or more  
 11 but less than 40 feet in length) ..... \$25 ~~\$75~~

12          E. Class 4 (all watercraft 40 feet in length  
 13 or more) ..... \$30 ~~\$100~~

14          Upon receipt of the application in approved form, and when  
 15 satisfied that no tax imposed pursuant to the "Municipal Use  
 16 Tax Act" or the "County Use Tax Act" is owed, or that such tax  
 17 has been paid, the Department shall enter the same upon the  
 18 records of its office and issue to the applicant a certificate  
 19 of number stating the number awarded to the watercraft and the  
 20 name and address of the owner.

21          (Source: P.A. 93-32, eff. 7-1-03; 94-45, eff. 1-1-06.)

22                 (625 ILCS 45/3-7) (from Ch. 95 1/2, par. 313-7)

23                 Sec. 3-7. Loss of certificate. Should a certificate of  
 24 number or registration expiration decal become lost,  
 25 destroyed, or mutilated beyond legibility, the owner of the

1 watercraft shall make application to the Department for the  
2 replacement of the certificate or decal, giving his name,  
3 address, and the number of his boat and shall at the same time  
4 pay to the Department a fee of \$1 ~~\$5~~.

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

6 Section 205. The Illinois Controlled Substances Act is  
7 amended by changing Section 303 as follows:

8 (720 ILCS 570/303) (from Ch. 56 1/2, par. 1303)

9 Sec. 303. (a) The Department of Professional Regulation  
10 shall license an applicant to manufacture, distribute or  
11 dispense controlled substances included in Sections 204, 206,  
12 208, 210 and 212 of this Act or purchase, store, or administer  
13 euthanasia drugs unless it determines that the issuance of that  
14 license would be inconsistent with the public interest. In  
15 determining the public interest, the Department of  
16 Professional Regulation shall consider the following:

17 (1) maintenance of effective controls against  
18 diversion of controlled substances into other than lawful  
19 medical, scientific, or industrial channels;

20 (2) compliance with applicable Federal, State and  
21 local law;

22 (3) any convictions of the applicant under any law of  
23 the United States or of any State relating to any  
24 controlled substance;

1           (4) past experience in the manufacture or distribution  
2 of controlled substances, and the existence in the  
3 applicant's establishment of effective controls against  
4 diversion;

5           (5) furnishing by the applicant of false or fraudulent  
6 material in any application filed under this Act;

7           (6) suspension or revocation of the applicant's  
8 Federal registration to manufacture, distribute, or  
9 dispense controlled substances, or purchase, store, or  
10 administer euthanasia drugs, as authorized by Federal law;

11           (7) whether the applicant is suitably equipped with the  
12 facilities appropriate to carry on the operation described  
13 in his application;

14           (8) whether the applicant is of good moral character  
15 or, if the applicant is a partnership, association,  
16 corporation or other organization, whether the partners,  
17 directors, governing committee and managing officers are  
18 of good moral character;

19           (9) any other factors relevant to and consistent with  
20 the public health and safety; and

21           (10) evidence from court, medical disciplinary and  
22 pharmacy board records and those of State and Federal  
23 investigatory bodies that the applicant has not or does not  
24 prescribe controlled substances within the provisions of  
25 this Act.

26           (b) No license shall be granted to or renewed for any

1 person who has within 5 years been convicted of a wilful  
2 violation of any law of the United States or any law of any  
3 State relating to controlled substances, or who is found to be  
4 deficient in any of the matters enumerated in subsections  
5 (a) (1) through (a) (8).

6 (c) Licensure under subsection (a) does not entitle a  
7 registrant to manufacture, distribute or dispense controlled  
8 substances in Schedules I or II other than those specified in  
9 the registration.

10 (d) Practitioners who are licensed to dispense any  
11 controlled substances in Schedules II through V are authorized  
12 to conduct instructional activities with controlled substances  
13 in Schedules II through V under the law of this State.

14 (e) If an applicant for registration is registered under  
15 the Federal law to manufacture, distribute or dispense  
16 controlled substances, or purchase, store, or administer  
17 euthanasia drugs, upon filing a completed application for  
18 licensure in this State and payment of all fees due hereunder,  
19 he shall be licensed in this State to the same extent as his  
20 Federal registration, unless, within 30 days after completing  
21 his application in this State, the Department of Professional  
22 Regulation notifies the applicant that his application has not  
23 been granted. A practitioner who is in compliance with the  
24 Federal law with respect to registration to dispense controlled  
25 substances in Schedules II through V need only send a current  
26 copy of that Federal registration to the Department of



1 Professional Regulation and he shall be deemed in compliance  
2 with the registration provisions of this State.

3 (e-5) Beginning July 1, 2003 and until the effective date  
4 of this amendatory Act of the 96th General Assembly, all of the  
5 fees and fines collected under this Section 303 shall be  
6 deposited into the Illinois State Pharmacy Disciplinary Fund.

7 (f) The fee for registration as a manufacturer or wholesale  
8 distributor of controlled substances shall be \$50.00 per year,  
9 except that the fee for registration as a manufacturer or  
10 wholesale distributor of controlled substances that may be  
11 dispensed without a prescription under this Act shall be \$15.00  
12 per year. The expiration date and renewal period for each  
13 controlled substance license issued under this Act shall be set  
14 by rule.

15 (Source: P.A. 93-32, eff. 7-1-03; 93-626, eff. 12-23-03.)

16 Section 210. The Unified Code of Corrections is amended by  
17 changing Section 5-9-1 as follows:

18 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

19 Sec. 5-9-1. Authorized fines.

20 (a) An offender may be sentenced to pay a fine which shall  
21 not exceed for each offense:

22 (1) for a felony, \$25,000 or the amount specified in  
23 the offense, whichever is greater, or where the offender is  
24 a corporation, \$50,000 or the amount specified in the

1 offense, whichever is greater;

2 (2) for a Class A misdemeanor, \$2,500 or the amount  
3 specified in the offense, whichever is greater;

4 (3) for a Class B or Class C misdemeanor, \$1,500;

5 (4) for a petty offense, \$1,000 or the amount specified  
6 in the offense, whichever is less;

7 (5) for a business offense, the amount specified in the  
8 statute defining that offense.

9 (b) A fine may be imposed in addition to a sentence of  
10 conditional discharge, probation, periodic imprisonment, or  
11 imprisonment.

12 (c) There shall be added to every fine imposed in  
13 sentencing for a criminal or traffic offense, except an offense  
14 relating to parking or registration, or offense by a  
15 pedestrian, an additional penalty of \$10 for each \$40, or  
16 fraction thereof, of fine imposed. The additional penalty of  
17 \$10 for each \$40, or fraction thereof, of fine imposed, if not  
18 otherwise assessed, shall also be added to every fine imposed  
19 upon a plea of guilty, stipulation of facts or findings of  
20 guilty, resulting in a judgment of conviction, or order of  
21 supervision in criminal, traffic, local ordinance, county  
22 ordinance, and conservation cases (except parking,  
23 registration, or pedestrian violations), or upon a sentence of  
24 probation without entry of judgment under Section 10 of the  
25 Cannabis Control Act, Section 410 of the Illinois Controlled  
26 Substances Act, or Section 70 of the Methamphetamine Control

1 and Community Protection Act.

2 Such additional amounts shall be assessed by the court  
3 imposing the fine and shall be collected by the Circuit Clerk  
4 in addition to the fine and costs in the case. Each such  
5 additional penalty shall be remitted by the Circuit Clerk  
6 within one month after receipt to the State Treasurer. The  
7 State Treasurer shall deposit \$1 for each \$40, or fraction  
8 thereof, of fine imposed into the LEADS Maintenance Fund. The  
9 State Treasurer shall deposit \$1 for each \$40, or fraction  
10 thereof, of fine imposed into the Law Enforcement Camera Grant  
11 Fund. The remaining surcharge amount shall be deposited into  
12 the Traffic and Criminal Conviction Surcharge Fund, unless the  
13 fine, costs or additional amounts are subject to disbursement  
14 by the circuit clerk under Section 27.5 of the Clerks of Courts  
15 Act. Such additional penalty shall not be considered a part of  
16 the fine for purposes of any reduction in the fine for time  
17 served either before or after sentencing. Not later than March  
18 1 of each year the Circuit Clerk shall submit a report of the  
19 amount of funds remitted to the State Treasurer under this  
20 subsection (c) during the preceding calendar year. Except as  
21 otherwise provided by Supreme Court Rules, if a court in  
22 imposing a fine against an offender levies a gross amount for  
23 fine, costs, fees and penalties, the amount of the additional  
24 penalty provided for herein shall be computed on the amount  
25 remaining after deducting from the gross amount levied all fees  
26 of the Circuit Clerk, the State's Attorney and the Sheriff.

1 After deducting from the gross amount levied the fees and  
2 additional penalty provided for herein, less any other  
3 additional penalties provided by law, the clerk shall remit the  
4 net balance remaining to the entity authorized by law to  
5 receive the fine imposed in the case. For purposes of this  
6 Section "fees of the Circuit Clerk" shall include, if  
7 applicable, the fee provided for under Section 27.3a of the  
8 Clerks of Courts Act and the fee, if applicable, payable to the  
9 county in which the violation occurred pursuant to Section  
10 5-1101 of the Counties Code.

11 (c-5) In addition to the fines imposed by subsection (c),  
12 any person convicted or receiving an order of supervision for  
13 driving under the influence of alcohol or drugs shall pay an  
14 additional \$100 fee to the clerk. This additional fee, less 2  
15 1/2% that shall be used to defray administrative costs incurred  
16 by the clerk, shall be remitted by the clerk to the Treasurer  
17 within 60 days after receipt for deposit into the Trauma Center  
18 Fund. This additional fee of \$100 shall not be considered a  
19 part of the fine for purposes of any reduction in the fine for  
20 time served either before or after sentencing. Not later than  
21 March 1 of each year the Circuit Clerk shall submit a report of  
22 the amount of funds remitted to the State Treasurer under this  
23 subsection (c-5) during the preceding calendar year.

24 The Circuit Clerk may accept payment of fines and costs by  
25 credit card from an offender who has been convicted of a  
26 traffic offense, petty offense or misdemeanor and may charge

1 the service fee permitted where fines and costs are paid by  
2 credit card provided for in Section 27.3b of the Clerks of  
3 Courts Act.

4 (c-7) In addition to the fines imposed by subsection (c),  
5 any person convicted or receiving an order of supervision for  
6 driving under the influence of alcohol or drugs shall pay an  
7 additional \$5 fee to the clerk. This additional fee, less 2  
8 1/2% that shall be used to defray administrative costs incurred  
9 by the clerk, shall be remitted by the clerk to the Treasurer  
10 within 60 days after receipt for deposit into the Spinal Cord  
11 Injury Paralysis Cure Research Trust Fund. This additional fee  
12 of \$5 shall not be considered a part of the fine for purposes  
13 of any reduction in the fine for time served either before or  
14 after sentencing. Not later than March 1 of each year the  
15 Circuit Clerk shall submit a report of the amount of funds  
16 remitted to the State Treasurer under this subsection (c-7)  
17 during the preceding calendar year.

18 (c-9) (Blank).

19 (d) In determining the amount and method of payment of a  
20 fine, except for those fines established for violations of  
21 Chapter 15 of the Illinois Vehicle Code, the court shall  
22 consider:

23 (1) the financial resources and future ability of the  
24 offender to pay the fine; and

25 (2) whether the fine will prevent the offender from  
26 making court ordered restitution or reparation to the

1 victim of the offense; and

2 (3) in a case where the accused is a dissolved  
3 corporation and the court has appointed counsel to  
4 represent the corporation, the costs incurred either by the  
5 county or the State for such representation.

6 (e) The court may order the fine to be paid forthwith or  
7 within a specified period of time or in installments.

8 (f) All fines, costs and additional amounts imposed under  
9 this Section for any violation of Chapters 3, 4, 6, and 11 of  
10 the Illinois Vehicle Code, or a similar provision of a local  
11 ordinance, and any violation of the Child Passenger Protection  
12 Act, or a similar provision of a local ordinance, shall be  
13 collected and disbursed by the circuit clerk as provided under  
14 Section 27.5 of the Clerks of Courts Act.

15 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;  
16 94-652, eff. 8-22-05; 94-987, eff. 6-30-06.)

17 Section 215. The Business Corporation Act of 1983 is  
18 amended by changing Sections 15.10, 15.12, 15.15, 15.45, 15.75,  
19 and 15.95 as follows:

20 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

21 Sec. 15.10. Fees for filing documents. The Secretary of  
22 State shall charge and collect for:

23 (a) Filing articles of incorporation, \$75 ~~\$150~~.

24 (b) Filing articles of amendment, \$25 ~~\$50~~, unless the

1 amendment is a restatement of the articles of incorporation, in  
2 which case the fee shall be \$100 ~~\$150~~.

3 (c) Filing articles of merger or consolidation, \$100, but  
4 if the merger or consolidation involves more than 2  
5 corporations, \$50 for each additional corporation.

6 (d) Filing articles of share exchange, \$100.

7 (e) Filing articles of dissolution, \$5.

8 (f) Filing application to reserve a corporate name, \$25.

9 (g) Filing a notice of transfer of a reserved corporate  
10 name, \$25.

11 (h) Filing statement of change of address of registered  
12 office or change of registered agent, or both, \$5 ~~\$25~~.

13 (i) Filing statement of the establishment of a series of  
14 shares, \$25.

15 (j) Filing an application of a foreign corporation for  
16 authority to transact business in this State, \$75 ~~\$150~~.

17 (k) Filing an application of a foreign corporation for  
18 amended authority to transact business in this State, \$25.

19 (l) Filing a copy of amendment to the articles of  
20 incorporation of a foreign corporation holding authority to  
21 transact business in this State, \$25 ~~\$50~~, unless the amendment  
22 is a restatement of the articles of incorporation, in which  
23 case the fee shall be \$100 ~~\$150~~.

24 (m) Filing a copy of articles of merger of a foreign  
25 corporation holding a certificate of authority to transact  
26 business in this State, \$100, but if the merger involves more

1 than 2 corporations, \$50 for each additional corporation.

2 (n) Filing an application for withdrawal and final report  
3 or a copy of articles of dissolution of a foreign corporation,  
4 \$25.

5 (o) Filing an annual report, interim annual report, or  
6 final transition annual report of a domestic or foreign  
7 corporation, \$25 ~~\$75~~.

8 (p) Filing an application for reinstatement of a domestic  
9 or a foreign corporation, \$100 ~~\$200~~.

10 (q) Filing an application for use of an assumed corporate  
11 name, \$150 for each year or part thereof ending in 0 or 5, \$120  
12 for each year or part thereof ending in 1 or 6, \$90 for each  
13 year or part thereof ending in 2 or 7, \$60 for each year or part  
14 thereof ending in 3 or 8, \$30 for each year or part thereof  
15 ending in 4 or 9, between the date of filing the application  
16 and the date of the renewal of the assumed corporate name; and  
17 a renewal fee for each assumed corporate name, \$150.

18 (r) To change an assumed corporate name for the period  
19 remaining until the renewal date of the original assumed name,  
20 \$25.

21 (s) Filing an application for cancellation of an assumed  
22 corporate name, \$5.

23 (t) Filing an application to register the corporate name of  
24 a foreign corporation, \$50; and an annual renewal fee for the  
25 registered name, \$50.

26 (u) Filing an application for cancellation of a registered



1 name of a foreign corporation, \$25.

2 (v) Filing a statement of correction, \$25 ~~\$50~~.

3 (w) Filing a petition for refund or adjustment, \$5.

4 (x) Filing a statement of election of an extended filing  
5 month, \$25.

6 (y) Filing any other statement or report, \$5.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 (805 ILCS 5/15.12)

9 Sec. 15.12. Disposition of fees. Of the total money  
10 collected for the filing of an annual report under this Act,  
11 \$10 ~~\$15~~ of the filing fee shall be paid into the Secretary of  
12 State Special Services Fund. The remaining \$15 ~~\$60~~ shall be  
13 deposited into the General Revenue Fund in the State Treasury.

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

15 (805 ILCS 5/15.15) (from Ch. 32, par. 15.15)

16 Sec. 15.15. Miscellaneous charges. The Secretary of State  
17 shall charge and collect;

18 (a) For furnishing a copy or certified copy of any  
19 document, instrument, or paper relating to a corporation, \$0.50  
20 per page, not not less than \$5, and \$5 for the certificate and  
21 for affixing the seal thereto ~~or for a certificate, \$25~~.

22 (b) At the time of any service of process, notice or demand  
23 on him or her as resident agent of a corporation, \$10, which  
24 amount may be recovered as taxable costs by the party to the

1 suit or action causing such service to be made if such party  
2 prevails in the suit or action.

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

4 (805 ILCS 5/15.45) (from Ch. 32, par. 15.45)

5 Sec. 15.45. Rate of franchise taxes payable by domestic  
6 corporations.

7 (a) The annual franchise tax payable by each domestic  
8 corporation shall be computed at the rate of 1/12 of 1/10 of 1%  
9 for each calendar month or fraction thereof for the period  
10 commencing on the first day of July 1983 to the first day of  
11 the anniversary month in 1984, but in no event shall the amount  
12 of the annual franchise tax be less than \$2.08333 per month  
13 assessed on a minimum of \$25 per annum or more than  
14 \$83,333.333333 per month; commencing on January 1, 1984 to the  
15 first day of the anniversary month in 2004 and beginning again  
16 on the effective date of this amendatory Act of the 96th  
17 General Assembly, the annual franchise tax payable by each  
18 domestic corporation shall be computed at the rate of 1/10 of  
19 1% for the 12-months' period commencing on the first day of the  
20 anniversary month or, in cases where a corporation has  
21 established an extended filing month, the extended filing month  
22 of the corporation, but in no event shall the amount of the  
23 annual franchise tax be less than \$25 nor more than \$1,000,000  
24 per annum; commencing with the first anniversary month that  
25 occurs after December, 2003 until the effective date of this

1 amendatory Act of the 96th General Assembly, the annual  
2 franchise tax payable by each domestic corporation shall be  
3 computed at the rate of 1/10 of 1% for the 12-months' period  
4 commencing on the first day of the anniversary month or, in  
5 cases where a corporation has established an extended filing  
6 month, the extended filing month of the corporation, but in no  
7 event shall the amount of the annual franchise tax be less than  
8 \$25 nor more than \$2,000,000 per annum.

9 (b) The annual franchise tax payable by each domestic  
10 corporation at the time of filing a statement of election and  
11 interim annual report in connection with an anniversary month  
12 prior to January, 2004 and in connection with an anniversary  
13 month on or after the effective date of this amendatory Act of  
14 the 96th General Assembly shall be computed at the rate of 1/10  
15 of 1% for the 12 month period commencing on the first day of  
16 the anniversary month of the corporation next following such  
17 filing, but in no event shall the amount of the annual  
18 franchise tax be less than \$25 nor more than \$1,000,000 per  
19 annum; commencing with the first anniversary month that occurs  
20 after December, 2003 until the effective date of this  
21 amendatory Act of the 96th General Assembly, the annual  
22 franchise tax payable by each domestic corporation at the time  
23 of filing a statement of election and interim annual report  
24 shall be computed at the rate of 1/10 of 1% for the 12-month  
25 period commencing on the first day of the anniversary month of  
26 the corporation next following such filing, but in no event

1 shall the amount of the annual franchise tax be less than \$25  
2 nor more than \$2,000,000 per annum.

3 (c) The annual franchise tax payable at the time of filing  
4 the final transition annual report in connection with an  
5 anniversary month prior to January, 2004 and in connection with  
6 an anniversary month on or after the effective date of this  
7 amendatory Act of the 96th General Assembly shall be an amount  
8 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of  
9 paid-in capital represented in this State as shown in the final  
10 transition annual report multiplied by (ii) the number of  
11 months commencing with the anniversary month next following the  
12 filing of the statement of election until, but excluding, the  
13 second extended filing month, less the annual franchise tax  
14 theretofore paid at the time of filing the statement of  
15 election, but in no event shall the amount of the annual  
16 franchise tax be less than \$2.08333 per month assessed on a  
17 minimum of \$25 per annum or more than \$83,333.333333 per month;  
18 commencing with the first anniversary month that occurs after  
19 December, 2003 until the effective date of this amendatory Act  
20 of the 96th General Assembly, the annual franchise tax payable  
21 at the time of filing the final transition annual report shall  
22 be an amount equal to (i) 1/12 of 1/10 of 1% per month of the  
23 proportion of paid-in capital represented in this State as  
24 shown in the final transition annual report multiplied by (ii)  
25 the number of months commencing with the anniversary month next  
26 following the filing of the statement of election until, but

1 excluding, the second extended filing month, less the annual  
2 franchise tax theretofore paid at the time of filing the  
3 statement of election, but in no event shall the amount of the  
4 annual franchise tax be less than \$2.08333 per month assessed  
5 on a minimum of \$25 per annum or more than \$166,666.666666 per  
6 month.

7 (d) The initial franchise tax payable after January 1,  
8 1983, but prior to January 1, 1991, by each domestic  
9 corporation shall be computed at the rate of 1/10 of 1% for the  
10 12 months' period commencing on the first day of the  
11 anniversary month in which the certificate of incorporation is  
12 issued to the corporation under Section 2.10 of this Act, but  
13 in no event shall the franchise tax be less than \$25 nor more  
14 than \$1,000,000 per annum. The initial franchise tax payable on  
15 or after January 1, 1991, but prior to January 1, 2004 and  
16 payable on or after the effective date of this amendatory Act  
17 of the 96th General Assembly, by each domestic corporation  
18 shall be computed at the rate of 15/100 of 1% for the 12 month  
19 period commencing on the first day of the anniversary month in  
20 which the certificate articles of incorporation is issued to  
21 the corporation under ~~are filed in accordance with~~ Section 2.10  
22 of this Act, but in no event shall the initial franchise tax be  
23 less than \$25 nor more than \$1,000,000 per annum plus 1/20th of  
24 1% of the basis therefor. The initial franchise tax payable on  
25 or after January 1, 2004 until the effective date of this  
26 amendatory Act of the 96th General Assembly, by each domestic

1 corporation shall be computed at the rate of 15/100 of 1% for  
2 the 12-month period commencing on the first day of the  
3 anniversary month in which the articles of incorporation are  
4 filed in accordance with Section 2.10 of this Act, but in no  
5 event shall the initial franchise tax be less than \$25 nor more  
6 than \$2,000,000 per annum plus 1/10th of 1% of the basis  
7 therefor.

8 (e) Each additional franchise tax payable by each domestic  
9 corporation for the period beginning January 1, 1983 through  
10 December 31, 1983 shall be computed at the rate of 1/12 of 1/10  
11 of 1% for each calendar month or fraction thereof, between the  
12 date of each respective increase in its paid-in capital and its  
13 anniversary month in 1984; thereafter until the last day of the  
14 month that is both after December 31, 1990 and the third month  
15 immediately preceding the anniversary month in 1991, each  
16 additional franchise tax payable by each domestic corporation  
17 shall be computed at the rate of 1/12 of 1/10 of 1% for each  
18 calendar month, or fraction thereof, between the date of each  
19 respective increase in its paid-in capital and its next  
20 anniversary month; however, if the increase occurs within the 2  
21 month period immediately preceding the anniversary month, the  
22 tax shall be computed to the anniversary month of the next  
23 succeeding calendar year. Commencing with increases in paid-in  
24 capital that occur subsequent to both December 31, 1990 and the  
25 last day of the third month immediately preceding the  
26 anniversary month in 1991, the additional franchise tax payable

1 by a domestic corporation shall be computed at the rate of  
2 15/100 of 1%.

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

4 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

5 Sec. 15.75. Rate of franchise taxes payable by foreign  
6 corporations.

7 (a) The annual franchise tax payable by each foreign  
8 corporation shall be computed at the rate of 1/12 of 1/10 of 1%  
9 for each calendar month or fraction thereof for the period  
10 commencing on the first day of July 1983 to the first day of  
11 the anniversary month in 1984, but in no event shall the amount  
12 of the annual franchise tax be less than \$2.083333 per month  
13 based on a minimum of \$25 per annum or more than \$83,333.333333  
14 per month; commencing on January 1, 1984 to the first day of  
15 the anniversary month in 2004 and commencing on or after the  
16 effective date of this amendatory Act of the 96th General  
17 Assembly, the annual franchise tax payable by each foreign  
18 corporation shall be computed at the rate of 1/10 of 1% for the  
19 12-months' period commencing on the first day of the  
20 anniversary month or, in the case of a corporation that has  
21 established an extended filing month, the extended filing month  
22 of the corporation, but in no event shall the amount of the  
23 annual franchise tax be less than \$25 nor more than \$1,000,000  
24 per annum; commencing on January 1, 2004 until the effective  
25 date of this amendatory Act of the 96th General Assembly, the

1 annual franchise tax payable by each foreign corporation shall  
2 be computed at the rate of 1/10 of 1% for the 12-month period  
3 commencing on the first day of the anniversary month or, in the  
4 case of a corporation that has established an extended filing  
5 month, the extended filing month of the corporation, but in no  
6 event shall the amount of the annual franchise tax be less than  
7 \$25 nor more than \$2,000,000 per annum.

8 (b) The annual franchise tax payable by each foreign  
9 corporation at the time of filing a statement of election and  
10 interim annual report in connection with an anniversary month  
11 prior to January, 2004 and in connection with an anniversary  
12 month on or after the effective date of this amendatory Act of  
13 the 96th General Assembly shall be computed at the rate of 1/10  
14 of 1% for the 12 month period commencing on the first day of  
15 the anniversary month of the corporation next following the  
16 filing, but in no event shall the amount of the annual  
17 franchise tax be less than \$25 nor more than \$1,000,000 per  
18 annum; commencing with the first anniversary month that occurs  
19 after December, 2003 until the effective date of this  
20 amendatory Act of the 96th General Assembly, the annual  
21 franchise tax payable by each foreign corporation at the time  
22 of filing a statement of election and interim annual report  
23 shall be computed at the rate of 1/10 of 1% for the 12-month  
24 period commencing on the first day of the anniversary month of  
25 the corporation next following such filing, but in no event  
26 shall the amount of the annual franchise tax be less than \$25



1 nor more than \$2,000,000 per annum.

2 (c) The annual franchise tax payable at the time of filing  
3 the final transition annual report in connection with an  
4 anniversary month prior to January, 2004 and in connection with  
5 an anniversary month on or after the effective date of this  
6 amendatory Act of the 96th General Assembly shall be an amount  
7 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of  
8 paid-in capital represented in this State as shown in the final  
9 transition annual report multiplied by (ii) the number of  
10 months commencing with the anniversary month next following the  
11 filing of the statement of election until, but excluding, the  
12 second extended filing month, less the annual franchise tax  
13 theretofore paid at the time of filing the statement of  
14 election, but in no event shall the amount of the annual  
15 franchise tax be less than \$2.083333 per month based on a  
16 minimum of \$25 per annum or more than \$83,333.333333 per month;  
17 commencing with the first anniversary month that occurs after  
18 December, 2003 until the effective date of this amendatory Act  
19 of the 96th General Assembly, the annual franchise tax payable  
20 at the time of filing the final transition annual report shall  
21 be an amount equal to (i) 1/12 of 1/10 of 1% per month of the  
22 proportion of paid-in capital represented in this State as  
23 shown in the final transition annual report multiplied by (ii)  
24 the number of months commencing with the anniversary month next  
25 following the filing of the statement of election until, but  
26 excluding, the second extended filing month, less the annual

1 franchise tax theretofore paid at the time of filing the  
2 statement of election, but in no event shall the amount of the  
3 annual franchise tax be less than \$2.083333 per month based on  
4 a minimum of \$25 per annum or more than \$166,666.666666 per  
5 month.

6 (d) The initial franchise tax payable after January 1,  
7 1983, but prior to January 1, 1991, by each foreign corporation  
8 shall be computed at the rate of 1/10 of 1% for the 12 months'  
9 period commencing on the first day of the anniversary month in  
10 which the application for authority is filed by the corporation  
11 under Section 13.15 of this Act, but in no event shall the  
12 franchise tax be less than \$25 nor more than \$1,000,000 per  
13 annum. Except in the case of a foreign corporation that has  
14 begun transacting business in Illinois prior to January 1,  
15 1991, the initial franchise tax payable on or after January 1,  
16 1991, by each foreign corporation, shall be computed at the  
17 rate of 15/100 of 1% for the 12-month period commencing on the  
18 first day of the anniversary month in which the application for  
19 authority is filed by the corporation under Section 13.15 of  
20 this Act, but in no event shall the franchise tax for a taxable  
21 year commencing prior to January 1, 2004 or commencing on or  
22 after the effective date of this amendatory Act of the 96th  
23 General Assembly be less than \$25 nor more than \$1,000,000 per  
24 annum plus 1/20 of 1% of the basis therefor and in no event  
25 shall the franchise tax for a taxable year commencing on or  
26 after January 1, 2004 or commencing before the effective date

1 of this amendatory Act of the 96th General Assembly be less  
2 than \$25 or more than \$2,000,000 per annum plus 1/20 of 1% of  
3 the basis therefor.

4 (e) Whenever the application for authority indicates that  
5 the corporation commenced transacting business:

6 (1) prior to January 1, 1991, the initial franchise tax  
7 shall be computed at the rate of 1/12 of 1/10 of 1% for  
8 each calendar month; or

9 (2) after December 31, 1990, the initial franchise tax  
10 shall be computed at the rate of 1/12 of 15/100 of 1% for  
11 each calendar month.

12 (f) Each additional franchise tax payable by each foreign  
13 corporation for the period beginning January 1, 1983 through  
14 December 31, 1983 shall be computed at the rate of 1/12 of 1/10  
15 of 1% for each calendar month or fraction thereof between the  
16 date of each respective increase in its paid-in capital and its  
17 anniversary month in 1984; thereafter until the last day of the  
18 month that is both after December 31, 1990 and the third month  
19 immediately preceding the anniversary month in 1991, each  
20 additional franchise tax payable by each foreign corporation  
21 shall be computed at the rate of 1/12 of 1/10 of 1% for each  
22 calendar month, or fraction thereof, between the date of each  
23 respective increase in its paid-in capital and its next  
24 anniversary month; however, if the increase occurs within the 2  
25 month period immediately preceding the anniversary month, the  
26 tax shall be computed to the anniversary month of the next

1 succeeding calendar year. Commencing with increases in paid-in  
2 capital that occur subsequent to both December 31, 1990 and the  
3 last day of the third month immediately preceding the  
4 anniversary month in 1991, the additional franchise tax payable  
5 by a foreign corporation shall be computed at the rate of  
6 15/100 of 1%.

7 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03.)

8 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

9 Sec. 15.95. Department of Business Services Special  
10 Operations Fund.

11 (a) A special fund in the State treasury known as the  
12 Division of Corporations Special Operations Fund is renamed the  
13 Department of Business Services Special Operations Fund.  
14 Moneys deposited into the Fund shall, subject to appropriation,  
15 be used by the Department of Business Services of the Office of  
16 the Secretary of State, hereinafter "Department", to create and  
17 maintain the capability to perform expedited services in  
18 response to special requests made by the public for same day or  
19 24 hour service. Moneys deposited into the Fund shall be used  
20 for, but not limited to, expenditures for personal services,  
21 retirement, social security, contractual services, equipment,  
22 electronic data processing, and telecommunications.

23 (b) The balance in the Fund at the end of any fiscal year  
24 shall not exceed \$400,000 ~~\$600,000~~ and any amount in excess  
25 thereof shall be transferred to the General Revenue Fund.

1 (c) All fees payable to the Secretary of State under this  
2 Section shall be deposited into the Fund. No other fees or  
3 taxes collected under this Act shall be deposited into the  
4 Fund.

5 (d) "Expedited services" means services rendered within  
6 the same day, or within 24 hours from the time, the request  
7 therefor is submitted by the filer, law firm, service company,  
8 or messenger physically in person or, at the Secretary of  
9 State's discretion, by electronic means, to the Department's  
10 Springfield Office and includes requests for certified copies,  
11 photocopies, and certificates of good standing or fact made to  
12 the Department's Springfield Office in person or by telephone,  
13 or requests for certificates of good standing or fact made in  
14 person or by telephone to the Department's Chicago Office.

15 (e) Fees for expedited services shall be as follows:

16 Restatement of articles, \$100 ~~\$200~~;

17 Merger, consolidation or exchange, \$100 ~~\$200~~;

18 Articles of incorporation, \$50 ~~\$100~~;

19 Articles of amendment, \$50 ~~\$100~~;

20 Revocation of dissolution, \$50 ~~\$100~~;

21 Reinstatement, \$50 ~~\$100~~;

22 Application for authority, \$50 ~~\$100~~;

23 Cumulative report of changes in issued shares or paid-in  
24 capital, \$50 ~~\$100~~;

25 Report following merger or consolidation, \$50 ~~\$100~~;

26 Certificate of good standing or fact, \$10 ~~\$20~~;

1 All other filings, copies of documents, annual reports  
2 filed on or after January 1, 1984, and copies of documents of  
3 dissolved or revoked corporations having a file number over  
4 5199, \$25 ~~\$50~~.

5 (f) Expedited services shall not be available for a  
6 statement of correction, a petition for refund or adjustment,  
7 or a request involving annual reports filed before January 1,  
8 1984 or involving dissolved corporations with a file number  
9 below 5200.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (805 ILCS 15/5.1 rep.)

12 Section 220. The Medical Corporation Act is amended by  
13 repealing Section 5.1.

14 Section 225. The Limited Liability Company Act is amended  
15 by changing Sections 45-45, 50-10, 50-15, and 50-50 as follows:

16 (805 ILCS 180/45-45)

17 Sec. 45-45. Transaction of business without admission.

18 (a) A foreign limited liability company transacting  
19 business in this State may not maintain a civil action in any  
20 court of this State until the limited liability company is  
21 admitted to transact business in this State.

22 (b) The failure of a foreign limited liability company to  
23 be admitted to transact business in this State does not impair

1 the validity of any contract or act of the foreign limited  
2 liability company or prevent the foreign limited liability  
3 company from defending any civil action in any court of this  
4 State.

5 (c) A foreign limited liability company, by transacting  
6 business in this State without being admitted to do so,  
7 appoints the Secretary of State as its agent upon whom any  
8 notice, process, or demand may be served.

9 (d) A foreign limited liability company that transacts  
10 business in this State without being admitted to do so shall be  
11 liable to the State for the years or parts thereof during which  
12 it transacted business in this State without being admitted in  
13 an amount equal to all fees that would have been imposed by  
14 this Article upon that limited liability company had it been  
15 duly admitted, filed all reports required by this Article, and  
16 paid all penalties imposed by this Article. If a limited  
17 liability company fails to be admitted to do business in this  
18 State within 60 days after it commences transacting business in  
19 Illinois, it is liable for a penalty of \$1,000 ~~\$2,000~~ plus \$50  
20 ~~\$100~~ for each month or fraction thereof in which it has  
21 continued to transact business in this State without being  
22 admitted to do so. The Attorney General shall bring proceedings  
23 to recover all amounts due this State under this Article.

24 (e) A member of a foreign limited liability company is not  
25 liable for the debts and obligations of the limited liability  
26 company solely by reason of the company's having transacted

1 business in this State without being admitted to do so.

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

3 (805 ILCS 180/50-10)

4 Sec. 50-10. Fees.

5 (a) The Secretary of State shall charge and collect in  
6 accordance with the provisions of this Act and rules  
7 promulgated under its authority all of the following:

8 (1) Fees for filing documents.

9 (2) Miscellaneous charges.

10 (3) Fees for the sale of lists of filings and for  
11 copies of any documents.

12 (b) The Secretary of State shall charge and collect for all  
13 of the following:

14 (1) Filing articles of organization (domestic),  
15 application for admission (foreign), and restated articles  
16 of organization (domestic), \$400 ~~\$500~~. Notwithstanding the  
17 foregoing, the fee for filing articles of organization  
18 (domestic), application for admission (foreign), and  
19 restated articles of organization (domestic) in connection  
20 with a limited liability company with a series pursuant to  
21 Section 37-40 of this Act is \$750.

22 (2) Filing amendments (domestic or foreign), \$100  
23 ~~\$150~~.

24 (3) Filing articles of dissolution or application for  
25 withdrawal, \$100.



- 1 (4) Filing an application to reserve a name, \$300.
- 2 (5) Renewal fee for reserved name, \$100.
- 3 (6) Filing a notice of a transfer of a reserved name,  
4 \$100.
- 5 (7) Registration of a name, \$300.
- 6 (8) Renewal of registration of a name, \$100.
- 7 (9) Filing an application for use of an assumed name  
8 under Section 1-20 of this Act, \$150 for each year or part  
9 thereof ending in 0 or 5, \$120 for each year or part  
10 thereof ending in 1 or 6, \$90 for each year or part thereof  
11 ending in 2 or 7, \$60 for each year or part thereof ending  
12 in 3 or 8, \$30 for each year or part thereof ending in 4 or  
13 9, and a renewal for each assumed name, \$150.
- 14 (10) Filing an application for change of an assumed  
15 name, \$100.
- 16 (11) Filing an annual report of a limited liability  
17 company or foreign limited liability company, \$250, if  
18 filed as required by this Act, plus a penalty if  
19 delinquent. Notwithstanding the foregoing, the fee for  
20 filing an annual report of a limited liability company or  
21 foreign limited liability company is \$250 plus \$50 for each  
22 series for which a certificate of designation has been  
23 filed pursuant to Section 37-40 of this Act, plus a penalty  
24 if delinquent.
- 25 (12) Filing an application for reinstatement of a  
26 limited liability company or foreign limited liability

1 company \$500.

2 (13) Filing Articles of Merger, \$100 plus \$50 for each  
3 party to the merger in excess of the first 2 parties.

4 (14) Filing an Agreement of Conversion or Statement of  
5 Conversion, \$100.

6 (15) Filing a statement of change of address of  
7 registered office or change of registered agent, or both,  
8 or filing a statement of correction, \$25.

9 (16) Filing a petition for refund, \$15.

10 (17) Filing any other document, \$100.

11 (18) Filing a certificate of designation of a limited  
12 liability company with a series pursuant to Section 37-40  
13 of this Act, \$50.

14 (c) The Secretary of State shall charge and collect all of  
15 the following:

16 (1) For furnishing a copy or certified copy of any  
17 document, instrument, or paper relating to a limited  
18 liability company or foreign limited liability company, or  
19 for a certificate, \$25.

20 (2) For the transfer of information by computer process  
21 media to any purchaser, fees established by rule.

22 (Source: P.A. 94-605, eff. 1-1-06; 94-607, eff. 8-16-05;  
23 95-331, eff. 8-21-07.)

24 (805 ILCS 180/50-15)

25 Sec. 50-15. Penalty.

1 (a) The Secretary of State shall declare any limited  
2 liability company or foreign limited liability company to be  
3 delinquent and not in good standing if any of the following  
4 occur:

5 (1) It has failed to file its annual report and pay the  
6 requisite fee as required by this Act before the first day  
7 of the anniversary month in the year in which it is due.

8 (2) It has failed to appoint and maintain a registered  
9 agent in Illinois within 60 days of notification of the  
10 Secretary of State by the resigning registered agent.

11 (3) (Blank).

12 (b) If the limited liability company or foreign limited  
13 liability company has not corrected the default within the time  
14 periods prescribed by this Act, the Secretary of State shall be  
15 empowered to invoke any of the following penalties:

16 (1) For failure or refusal to comply with subsection  
17 (a) of this Section within 60 days after the due date, a  
18 penalty of \$100 plus \$50 for each month or fraction thereof  
19 until returned to good standing or until administratively  
20 dissolved by the Secretary of State ~~\$300 plus \$100 for each~~  
21 ~~year or fraction thereof beginning with the second year of~~  
22 ~~delinquency until returned to good standing or until~~  
23 ~~reinstatement is effected.~~

24 (2) The Secretary of State shall not file any  
25 additional documents, amendments, reports, or other papers  
26 relating to any limited liability company or foreign

1 limited liability company organized under or subject to the  
2 provisions of this Act until any delinquency under  
3 subsection (a) is satisfied.

4 (3) In response to inquiries received in the Office of  
5 the Secretary of State from any party regarding a limited  
6 liability company that is delinquent, the Secretary of  
7 State may show the limited liability company as not in good  
8 standing.

9 (Source: P.A. 93-32, eff. 12-1-03; 94-605, eff. 1-1-06.)

10 (805 ILCS 180/50-50)

11 Sec. 50-50. Department of Business Services Special  
12 Operations Fund.

13 (a) A special fund in the State treasury is created and  
14 shall be known as the Department of Business Services Special  
15 Operations Fund. Moneys deposited into the Fund shall, subject  
16 to appropriation, be used by the Department of Business  
17 Services of the Office of the Secretary of State, hereinafter  
18 "Department", to create and maintain the capability to perform  
19 expedited services in response to special requests made by the  
20 public for same-day or 24-hour service. Moneys deposited into  
21 the Fund shall be used for, but not limited to, expenditures  
22 for personal services, retirement, Social Security,  
23 contractual services, equipment, electronic data processing,  
24 and telecommunications.

25 (b) The balance in the Fund at the end of any fiscal year

1 shall not exceed \$400,000 ~~\$600,000~~, and any amount in excess  
2 thereof shall be transferred to the General Revenue Fund.

3 (c) All fees payable to the Secretary of State under this  
4 Section shall be deposited into the Fund. No other fees or  
5 charges collected under this Act shall be deposited into the  
6 Fund.

7 (d) "Expedited services" means services rendered within  
8 the same day, or within 24 hours from the time, the request  
9 therefor is submitted by the filer, law firm, service company,  
10 or messenger physically in person or, at the Secretary of  
11 State's discretion, by electronic means, to the Department's  
12 Springfield Office and includes requests for certified copies,  
13 photocopies, and certificates of good standing made to the  
14 Department's Springfield Office in person or by telephone, or  
15 requests for certificates of good standing made in person or by  
16 telephone to the Department's Chicago Office.

17 (e) Fees for expedited services shall be as follows:

18 Restated articles of organization, \$100 ~~\$200~~;

19 Merger or conversion, \$100 ~~\$200~~;

20 Articles of organization, \$50 ~~\$100~~;

21 Articles of amendment, \$50 ~~\$100~~;

22 Reinstatement, \$50 ~~\$100~~;

23 Application for admission to transact business, \$50 ~~\$100~~;

24 Certificate of good standing or abstract of computer  
25 record, \$10 ~~\$20~~;

26 All other filings, copies of documents, annual reports, and

1 copies of documents of dissolved or revoked limited liability  
2 companies, \$25 ~~\$50~~.

3 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03.)

4 (815 ILCS 5/18.1 rep.)

5 Section 235. The Illinois Securities Law of 1953 is amended  
6 by repealing Section 18.1.

7 Section 240. The Workers' Compensation Act is amended by  
8 changing Section 4d as follows:

9 (820 ILCS 305/4d)

10 Sec. 4d. Illinois Workers' Compensation Commission  
11 Operations Fund Fee.

12 (a) As of July 30, 2004 (the effective date of Public Act  
13 93-840) and until the effective date of this amendatory Act of  
14 the 96th General Assembly ~~this amendatory Act of the 93rd~~  
15 ~~General Assembly~~, each employer that self-insures its  
16 liabilities arising under this Act or Workers' Occupational  
17 Diseases Act shall pay a fee measured by the annual actual  
18 wages paid in this State of such an employer in the manner  
19 provided in this Section. Such proceeds shall be deposited in  
20 the Illinois Workers' Compensation Commission Operations Fund.  
21 If an employer survives or was formed by a merger,  
22 consolidation, reorganization, or reincorporation, the actual  
23 wages paid in this State of all employers party to the merger,

1 consolidation, reorganization, or reincorporation shall, for  
2 purposes of determining the amount of the fee imposed by this  
3 Section, be regarded as those of the surviving or new employer.

4 (b) Beginning on July 30, 2004 (the effective date of  
5 Public Act 93-840) and until the effective date of this  
6 amendatory Act of the 96th General Assembly and on July 1 of  
7 each year thereafter, the Chairman shall charge and collect an  
8 annual Illinois Workers' Compensation Commission Operations  
9 Fund Fee from every employer subject to subsection (a) of this  
10 Section equal to 0.0075% of its annual actual wages paid in  
11 this State as reported in each employer's annual self-insurance  
12 renewal filed for the previous year as required by Section 4 of  
13 this Act and Section 4 of the Workers' Occupational Diseases  
14 Act. All sums collected by the Commission under the provisions  
15 of this Section shall be paid promptly after the receipt of the  
16 same, accompanied by a detailed statement thereof, into the  
17 Illinois Workers' Compensation Commission Operations Fund. The  
18 fee due pursuant to Public Act 93-840 shall be collected  
19 instead of the fee due on July 1, 2004 under Public Act 93-32.  
20 Payment of the fee due under Public Act 93-840 shall discharge  
21 the employer's obligations due on July 1, 2004.

22 (c) In addition to the authority specifically granted under  
23 Section 16, the Chairman shall have such authority to adopt  
24 rules or establish forms as may be reasonably necessary for  
25 purposes of enforcing this Section. The Commission shall have  
26 authority to defer, waive, or abate the fee or any penalties

1 imposed by this Section if in the Commission's opinion the  
2 employer's solvency and ability to meet its obligations to pay  
3 workers' compensation benefits would be immediately threatened  
4 by payment of the fee due.

5 (d) When an employer fails to pay the full amount of any  
6 annual Illinois Workers' Compensation Commission Operations  
7 Fund Fee of \$100 or more due under this Section, there shall be  
8 added to the amount due as a penalty the greater of \$1,000 or  
9 an amount equal to 5% of the deficiency for each month or part  
10 of a month that the deficiency remains unpaid.

11 (e) The Commission may enforce the collection of any  
12 delinquent payment, penalty or portion thereof by legal action  
13 or in any other manner by which the collection of debts due the  
14 State of Illinois may be enforced under the laws of this State.

15 (f) Whenever it appears to the satisfaction of the Chairman  
16 that an employer has paid pursuant to this Act an Illinois  
17 Workers' Compensation Commission Operations Fund Fee in an  
18 amount in excess of the amount legally collectable from the  
19 employer, the Chairman shall issue a credit memorandum for an  
20 amount equal to the amount of such overpayment. A credit  
21 memorandum may be applied for the 2-year period from the date  
22 of issuance against the payment of any amount due during that  
23 period under the fee imposed by this Section or, subject to  
24 reasonable rule of the Commission including requirement of  
25 notification, may be assigned to any other employer subject to  
26 regulation under this Act. Any application of credit memoranda



1 after the period provided for in this Section is void.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 Section 999. Effective date. This Act takes effect upon  
4 becoming law.

1

## INDEX

2

## Statutes amended in order of appearance

3

15 ILCS 305/5.5

4

20 ILCS 3105/9.02a

from Ch. 127, par. 779.02a

5

25 ILCS 170/5

6

30 ILCS 105/8j rep.

7

35 ILCS 120/2d

from Ch. 120, par. 441d

8

35 ILCS 130/29

from Ch. 120, par. 453.29

9

35 ILCS 505/2b

from Ch. 120, par. 418b

10

35 ILCS 505/6

from Ch. 120, par. 422

11

35 ILCS 505/6a

from Ch. 120, par. 422a

12

35 ILCS 510/1

from Ch. 120, par. 481b.1

13

35 ILCS 510/2

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35 ILCS 510/3

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40 ILCS 5/1A-112

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205 ILCS 105/2B-6

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205 ILCS 305/12

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205 ILCS 635/2-2

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205 ILCS 635/2-6

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210 ILCS 45/3-103

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215 ILCS 5/121-19

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