



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0159

Introduced 1/18/2011, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Currency Exchange Act. Provides that all funds received by currency exchanges for remittance to utility and other companies be deposited into an escrow account no later than the next business day and the escrow account may not be used for any other use. Increases a community currency exchange license application fee to \$1,500 (rather than \$500) and increases the annual license fee to \$500 (rather than \$200). Requires that the community currency exchange retain a annual surety bond of \$50,000 (rather than \$10,000) or the community currency exchange may be covered by a blanket bond in a principal aggregate sum of not less than \$10,000,000 (rather than \$2,000,000). Requires that the community currency exchange maintain a minimum of \$5,000 of its own cash funds to be available for the uses and purposes of its business. Requires that the community currency exchange deposit into an escrow account all funds received as payment for money orders no later than the next business day. Provides that the Secretary may fine a licensee an amount not to exceed \$10,000 per violation, revoke, or suspend any license issued if the licensee fails to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Secretary. Makes other changes. Effective January 1, 2012.

LRB097 05583 CEL 45645 b

1 AN ACT concerning regulation.

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

4 Section 5. The Currency Exchange Act is amended by changing
5 Sections 1, 2, 3, 3.1, 3.2, 3.3, 4, 4.1, 4.2, 4.3, 5, 6, 7, 10,
6 12, 13, 13.1, 14, 15, 15.1, 15.1a, 15.1b, 15.1d, 15.2, 16, 17,
7 18, 19, 19.3, 19.4, 20, 21, and 22.01 and by adding Section
8 29.5 as follows:

9 (205 ILCS 405/1) (from Ch. 17, par. 4802)

10 Sec. 1. Definitions; application of Act.

11 (a) For the purposes of this Act:

12 "Community currency exchange" means any person, firm,
13 association, partnership, limited liability company, or
14 corporation, except an ambulatory currency exchange as
15 hereinafter defined, banks incorporated under the laws of this
16 State and National Banks organized pursuant to the laws of the
17 United States, engaged in the business or service of, and
18 providing facilities for, cashing checks, drafts, money orders
19 or any other evidences of money acceptable to such community
20 currency exchange, for a fee or service charge or other
21 consideration, or engaged in the business of selling or issuing
22 money orders under his or their or its name, or any other money
23 orders (other than United States Post Office money orders,

1 Postal Telegraph Company money orders, or Western Union
2 Telegraph Company money orders), or engaged in both such
3 businesses, or engaged in performing any one or more of the
4 foregoing services.

5 "Ambulatory Currency Exchange" means any person, firm,
6 association, partnership, limited liability company, or
7 corporation, except banks organized under the laws of this
8 State and National Banks organized pursuant to the laws of the
9 United States, engaged in one or both of the foregoing
10 businesses, or engaged in performing any one or more of the
11 foregoing services, solely on the premises of the employer
12 whose employees are being served.

13 "Location" when used with reference to an ambulatory
14 currency exchange means the premises of the employer whose
15 employees are or are to be served by an ambulatory currency
16 exchange.

17 "Secretary Director" means the Secretary Director of
18 Financial and Professional Regulation ~~Financial Institutions~~.

19 (b) Nothing in this Act shall be held to apply to any
20 person, firm, association, partnership, limited liability
21 company, or corporation who is engaged primarily in the
22 business of transporting for hire, bullion, currency,
23 securities, negotiable or non-negotiable documents, jewels or
24 other property of great monetary value and who in the course of
25 such business and only as an incident thereto, cashes checks,
26 drafts, money orders or other evidences of money directly for,

1 or for the employees of and with the funds of and at a cost only
2 to, the person, firm, association, partnership, limited
3 liability company, or corporation for whom he or it is then
4 actually transporting such bullion, currency, securities,
5 negotiable or non-negotiable documents, jewels, or other
6 property of great monetary value, pursuant to a written
7 contract for such transportation and all incidents thereof, nor
8 shall it apply to any person, firm, association, partnership,
9 limited liability company, or corporation engaged in the
10 business of selling tangible personal property at retail who,
11 in the course of such business and only as an incident thereto,
12 cashes checks, drafts, money orders or other evidences of
13 money.

14 (Source: P.A. 90-545, eff. 1-1-98.)

15 (205 ILCS 405/2) (from Ch. 17, par. 4803)

16 Sec. 2. License required; violation; injunction. No
17 person, firm, association, partnership, limited liability
18 company, or corporation shall engage in the business of a
19 community currency exchange or in the business of an ambulatory
20 currency exchange without first securing a license to do so
21 from the Secretary ~~Director~~.

22 Any person, firm, association, partnership, limited
23 liability company, or corporation issued a license to do so by
24 the Secretary ~~Director~~ shall have authority to operate a
25 community currency exchange or an ambulatory currency

1 exchange, as defined in Section 1 hereof.

2 Any person, firm, association, partnership, limited
3 liability company, or corporation licensed as and engaged in
4 the business of a community currency exchange shall at a
5 minimum offer the service of cashing checks, or drafts, or
6 money orders, or any other evidences of money acceptable to
7 such currency exchange.

8 No ambulatory currency exchange and no community currency
9 exchange shall be conducted on any street, sidewalk or highway
10 used by the public, and no license shall be issued therefor. An
11 ambulatory currency exchange shall be required to and shall
12 secure a license or licenses for the conduct of its business at
13 each and every location served by it, as provided in Section 4
14 hereof, whether the services at any such location are rendered
15 for or without a fee, service charge or other consideration.
16 Each plant or establishment is deemed a separate location. No
17 license issued for the conduct of its business at one location
18 shall authorize the conduct of its business at any other
19 location, nor shall any license authorize the rendering of
20 services by an ambulatory currency exchange to persons other
21 than the employees of the employer named therein. If the
22 employer named in such license shall move his business from the
23 address therein set forth, such license shall thereupon expire,
24 unless the Secretary ~~Director~~ has approved a change of address
25 for such location, as provided in Section 13.

26 Any person, firm, association, partnership, limited

1 liability company, or corporation that violates this Section
2 shall be guilty of a Class A misdemeanor, and the Attorney
3 General or the State's Attorney of the county in which the
4 violation occurs shall file a complaint in the Circuit Court of
5 the county to restrain the violation.

6 (Source: P.A. 90-545, eff. 1-1-98.)

7 (205 ILCS 405/3) (from Ch. 17, par. 4804)

8 Sec. 3. Powers of community currency exchanges. No
9 community or ambulatory currency exchange shall be permitted to
10 accept money or evidences of money as a deposit to be returned
11 to the depositor or upon the depositor's order. ~~and no~~ No
12 community or ambulatory currency exchange shall be permitted to
13 act as bailee or agent for persons, firms, partnerships,
14 limited liability companies, associations or corporations to
15 hold money or evidences thereof or the proceeds therefrom for
16 the use and benefit of the owners thereof, and deliver such
17 money or proceeds of evidence of money upon request and
18 direction of such owner or owners. A community or ambulatory
19 currency exchange may: obtain State automobile and city vehicle
20 licenses for a fee or service charge; render photostat
21 services; render a notary service, either by the proprietor of
22 the currency exchange or any one of its employees authorized by
23 the State of Illinois to act as a notary public; sell travelers
24 checks obtained by the currency exchange from a banking
25 institution under a trust receipt; issue money orders; and

1 accept payment for utility and other companies' bills. †
2 ~~provided, that nothing contained herein shall prevent a~~
3 ~~community or an ambulatory currency exchange from obtaining~~
4 ~~state automobile and city vehicle licenses for a fee or service~~
5 ~~charge, or from rendering a photostat service, or from~~
6 ~~rendering a notary service either by the proprietor of the~~
7 ~~currency exchange or any one of its employees, authorized by~~
8 ~~the State of Illinois to act as a notary public, or from~~
9 ~~selling travelers cheques obtained by the currency exchange~~
10 ~~from a banking institution under a trust receipt, or from~~
11 ~~issuing money orders or from accepting for payment utility~~
12 ~~bills.~~ Any community or ambulatory currency exchange may enter
13 into ~~an~~ agreements with any utility and other companies to act
14 as ~~its~~ the companies' agent for the acceptance of payment of
15 utility and other companies' bills without charge to the
16 ~~utility~~ customer and, acting under such agreement, may receipt
17 for payments in the names of the utility and other companies.
18 Any community or ambulatory currency exchange may also receive
19 payment of utility and other companies' bills for remittance to
20 companies with which it has no such agency agreement and may
21 charge a fee for such service but may not, in such cases, issue
22 a receipt for such payment in the names of the utility and
23 other companies. All funds received by currency exchanges for
24 remittance to utility and other companies must be deposited no
25 later than the next business day into an escrow account in the
26 name of the currency exchange. This account can only be used

1 for the payment of utility bills and other bills as defined by
2 this Section and any other use of the account as security or
3 collateral is not permitted; nor can the account be subject to
4 offset by the currency exchange or any bank. The currency
5 exchange shall file a copy of the account agreement with the
6 Secretary as evidence of compliance with this Section.
7 ~~However, funds received by currency exchanges for remittance to~~
8 ~~utility and other companies with which the currency exchange~~
9 ~~has no agency agreement shall be forwarded to the appropriate~~
10 ~~utility and other companies by the currency exchange before the~~
11 ~~end of the next business day.~~

12 For the purpose of this Section, "utility and other
13 companies" means any utility company and other company with
14 which the currency exchange may or may not have a contractual
15 agreement and for which the currency exchange accepts payments
16 from consumers for remittance to the utility or other company
17 for the payment of bills.

18 (Source: P.A. 90-545, eff. 1-1-98.)

19 (205 ILCS 405/3.1) (from Ch. 17, par. 4805)

20 Sec. 3.1. Nothing in this Act shall prevent a currency
21 exchange from rendering State or Federal income tax service;
22 nor shall the rendering of such service be considered a
23 violation of this Act if such service be rendered either by the
24 proprietor or any of his employees. For the purposes of this
25 Section, "tax service" does not include making or offering to

1 make a refund anticipation loan as defined by the Tax Refund
2 Anticipation Loan Disclosure Act.

3 (Source: Laws 1949, p. 336.)

4 (205 ILCS 405/3.2) (from Ch. 17, par. 4806)

5 Sec. 3.2. Community currency exchanges and ambulatory
6 currency exchanges may engage in the distribution of
7 Supplemental Nutrition Assistance Program (SNAP) benefits food
8 stamps in accordance with such regulations as are made by the
9 Secretary Director.

10 (Source: P.A. 80-439.)

11 (205 ILCS 405/3.3) (from Ch. 17, par. 4807)

12 Sec. 3.3. Additional public services.

13 (a) Nothing in this Act shall prevent the Secretary
14 Director from authorizing currency exchanges to render
15 additional services to the public if the services are
16 consistent with the provisions of this Act, are within its
17 meaning, are in the best interest of the public, and benefit
18 the general welfare. The currency exchange must request, in
19 writing, the Secretary's approval of the additional service
20 prior to rendering such additional service to the public. The
21 Secretary may charge an additional service investigation fee of
22 \$100 per application. The Secretary may, at his or her
23 discretion, revoke any authorization under this Section on 30
24 days written notice to the currency exchange.

1 (b) Nothing in this Act shall prevent a community currency
2 exchange from selling candy, gum, other packaged foods, and
3 soft drinks by means of vending machines on its premises.

4 (Source: P.A. 87-258; 88-583, eff. 8-12-94.)

5 (205 ILCS 405/4) (from Ch. 17, par. 4808)

6 Sec. 4. License application; contents; fees. Application
7 for such license shall be in writing under oath and in the form
8 prescribed and furnished by the Secretary ~~Director~~. Each
9 application shall contain the following:

10 (a) The full name and address (both of residence and place
11 of business) of the applicant, and if the applicant is a
12 partnership, limited liability company, or association, of
13 every member thereof, and the name and business address if the
14 applicant is a corporation;

15 (b) The county and municipality, with street and number, if
16 any, where the community currency exchange is to be conducted,
17 if the application is for a community currency exchange
18 license;

19 (c) If the application is for an ambulatory currency
20 exchange license, the name and address of the employer at each
21 location to be served by it; and

22 (d) The applicant's occupation or profession; a detailed
23 statement of his business experience for the 10 years
24 immediately preceding his application; a detailed statement of
25 his finances; his present or previous connection with any other

1 currency exchange; whether he has ever been involved in any
2 civil or criminal litigation, and the material facts pertaining
3 thereto; whether he has ever been committed to any penal
4 institution or admitted to an institution for the care and
5 treatment of mentally ill persons; and the nature of
6 applicant's occupancy of the premises to be licensed where the
7 application is for a community currency exchange license. If
8 the applicant is a partnership, the information specified
9 herein shall be required of each partner. If the applicant is a
10 corporation, the said information shall be required of each
11 officer, director and stockholder thereof along with
12 disclosure of their ownership interests. If the applicant is a
13 limited liability company, the information required by this
14 Section shall be provided with respect to each member and
15 manager along with disclosure of their ownership interests.

16 A community currency exchange license application shall be
17 accompanied by a fee of \$1,500 ~~\$500~~ for the cost of
18 investigating the applicant. If the ownership of a licensee
19 changes, in whole or in part, a new application must be filed
20 pursuant to this Section along with a \$500 fee if the
21 licensee's ownership interests have been transferred or sold to
22 a new person or entity or a fee of \$300 if the licensee's
23 ownership interests have been transferred or sold to a current
24 holder or holders of the licensee's ownership interests. When
25 the application for a community currency exchange license has
26 been approved by the Secretary ~~Director~~ and the applicant so

1 advised, an additional sum of \$500 ~~\$200~~ as an annual license
2 fee for a period terminating on the last day of the current
3 calendar year shall be paid to the Secretary ~~Director~~ by the
4 applicant; provided, that the license fee for an applicant
5 applying for such a license after July 1st of any year shall be
6 \$250 ~~\$100~~ for the balance of such year.

7 An application for an ambulatory currency exchange license
8 shall be accompanied by a fee of \$100, which fee shall be for
9 the cost of investigating the applicant. An approved applicant
10 shall not be required to pay the initial investigation fee of
11 \$100 more than once. When the application for an ambulatory
12 currency exchange license has been approved by the Secretary
13 ~~Director~~, and such applicant so advised, such applicant shall
14 pay an annual license fee of \$25 for each and every location to
15 be served by such applicant; provided that such license fee for
16 an approved applicant applying for such a license after July
17 1st of any year shall be \$12 for the balance of such year for
18 each and every location to be served by such applicant. Such an
19 approved applicant for an ambulatory currency exchange
20 license, when applying for a license with respect to a
21 particular location, shall file with the Secretary ~~Director~~, at
22 the time of filing an application, a letter of memorandum,
23 which shall be in writing and under oath, signed by the owner
24 or authorized representative of the business whose employees
25 are to be served; such letter or memorandum shall contain a
26 statement that such service is desired, and that the person

1 signing the same is authorized so to do. The Secretary ~~Director~~
2 shall thereupon verify the authenticity of the letter or
3 memorandum and the authority of the person who executed it, to
4 do so.

5 (Source: P.A. 92-398, eff. 1-1-02.)

6 (205 ILCS 405/4.1) (from Ch. 17, par. 4809)

7 Sec. 4.1. The General Assembly finds and declares that
8 community currency exchanges provide important and vital
9 services to Illinois citizens, that the number of community
10 currency exchanges should be limited in accordance with the
11 needs of the communities they are to serve, and that it is in
12 the public interest to promote and foster the community
13 currency exchange business and to insure the financial
14 stability thereof. Upon receipt of an application for a license
15 for a community currency exchange, the Secretary ~~Director~~
16 shall cause an investigation of the need of the community for the
17 establishment of a community currency exchange at the location
18 specified in the application and the effect that granting the
19 license will have on the financial stability of other community
20 currency exchanges that may be serving the community in which
21 the business of the applicant is proposed to be conducted.

22 "Community", as used in this Act, means a locality where
23 there may or can be available to the people thereof the
24 services of a community currency exchange reasonably
25 accessible to them. If the issuance of a license to engage in

1 the community currency exchange business at the location
2 specified will not promote the needs and the convenience and
3 advantage of the community in which the business of the
4 applicant is proposed to be conducted, then the application
5 shall be denied.

6 (Source: P.A. 83-652.)

7 (205 ILCS 405/4.2) (from Ch. 17, par. 4810)

8 Sec. 4.2. Whensoever the ownership of any Currency
9 Exchange, theretofore licensed under the provisions of this
10 Act, shall be held or contained in any estate subject to the
11 control and supervision of any Administrator, Executor or
12 Guardian appointed, approved or qualified by any Court of the
13 State of Illinois, having jurisdiction so to do, such
14 Administrator, Executor or Guardian may, upon the entry of an
15 order by such Court granting leave to continue the operation of
16 such Currency Exchange, apply to the Secretary ~~Director~~ of
17 ~~Financial Institutions~~ for a license under the provisions of
18 this Act. When any such Administrator, Executor or Guardian
19 shall apply for a Currency Exchange License pursuant to the
20 provisions of this Section, and shall otherwise fully comply
21 with all of the provisions of this Act relating to the
22 application for a Currency Exchange license, the Secretary
23 ~~Director~~ may issue to such applicant a Currency Exchange
24 license. Any Currency Exchange license theretofore issued to a
25 Currency Exchange, for which an application for a license shall

1 be sought under the provisions of this Section, if not
2 previously surrendered, lapsed, or revoked, shall be
3 surrendered, revoked or otherwise terminated before a license
4 shall be issued pursuant to application made therefor under
5 this Section.

6 (Source: P.A. 92-16, eff. 6-28-01.)

7 (205 ILCS 405/4.3) (from Ch. 17, par. 4811)

8 Sec. 4.3. Upon receipt of an application from an ambulatory
9 currency exchange for the conduct of its business at a location
10 to be served by it, the Secretary ~~Director of Financial~~
11 ~~Institutions~~ shall cause an investigation to be made to
12 determine whether to issue said license. No fee shall be
13 charged for the investigation of an application for a location
14 license. The Secretary ~~Director~~ shall employ the following
15 criteria in making his determination:

16 (1) the economic benefit and convenience to the persons to
17 be served at the location for which a license has been
18 requested;

19 (2) the effect that granting a license will have on the
20 financial stability of community currency exchanges;

21 (3) safety benefits, if any, which may accrue from the
22 granting of the location license;

23 (4) the effects, if any, which granting of a license will
24 have on traffic, and traffic congestion in the immediate area
25 of the location to be served;

1 (5) such other factors as the Secretary ~~Director~~ shall deem
2 proper and relevant.

3 (Source: P.A. 85-1356.)

4 (205 ILCS 405/5) (from Ch. 17, par. 4812)

5 Sec. 5. Bond; condition; amount.

6 (a) Before any license shall be issued to a community
7 currency exchange the applicant shall file annually with and
8 have approved by the Secretary ~~Director~~ a surety bond, issued
9 by a bonding company authorized to do business in this State in
10 the principal sum of \$50,000 ~~\$10,000~~. Such bond shall run to
11 the Secretary ~~Director~~ and shall be for the benefit of any
12 creditors of such currency exchange for any liability incurred
13 by the currency exchange on any money orders, including any
14 fees and penalties incurred by the remitter should the money
15 order be returned unpaid, issued or sold by the currency
16 exchange and for any liability incurred by the currency
17 exchange for any sum or sums due to any payee or endorsee of
18 any check, draft or money order left with the currency exchange
19 for collection, and for any liability incurred by the currency
20 exchange in connection with the rendering of any of the
21 services referred to in Section 3 of this Act.

22 From time to time the Secretary ~~Director~~ may determine the
23 amount of liabilities as described herein and shall require the
24 licensee to file a bond in an additional sum if the same is
25 determined to be necessary in accordance with the requirements

1 of this Section. In no case shall the bond be less than the
2 initial \$50,000 ~~\$10,000~~, nor more than the outstanding
3 liabilities.

4 (b) In lieu of the surety bond requirements of subsection
5 (a), a community currency exchange licensee may submit evidence
6 satisfactory to the Secretary ~~Director~~ that the community
7 currency exchange licensee is covered by a blanket bond that
8 covers multiple licensees who are members of a statewide
9 association of community currency exchanges. Such a blanket
10 bond must be issued by a bonding company authorized to do
11 business in this State and in a principal aggregate sum of not
12 less than \$10,000,000 ~~\$2,000,000~~.

13 (c) An ambulatory currency exchange may sell or issue money
14 orders at any location with regard to which it is issued a
15 license pursuant to this Act, including existing licensed
16 locations, without the necessity of a further application or
17 hearing and without regard to any exceptions contained in
18 existing licenses, upon the filing with the Secretary ~~Director~~
19 of a surety bond approved by the Secretary ~~Director~~ and issued
20 by a bonding company or insurance company authorized to do
21 business in Illinois, in the principal sum of \$100,000. Such
22 bond may be a blanket bond covering all locations at which the
23 ambulatory currency exchange may sell or issue money orders,
24 and shall run to the Secretary ~~Director~~ for the use and benefit
25 of any creditors of such ambulatory currency exchange for any
26 liability incurred by the ambulatory currency exchange on any

1 money orders issued or sold by it. Such bond shall be renewed
2 annually. If after the expiration of one year from the date of
3 approval of such bond by the Secretary ~~Director~~, it shall
4 appear that the average amount of such liability during the
5 year has exceeded \$100,000, the Secretary ~~Director~~ shall
6 require the licensee to furnish a bond for the ensuing year, to
7 be approved by the Secretary ~~Director~~, for an additional
8 principal sum of \$1,000 for each \$1,000 of such liability or
9 fraction thereof in excess of the original \$100,000, except
10 that the maximum amount of such bond shall not be required to
11 exceed \$250,000.

12 (Source: P.A. 93-614, eff. 11-18-03.)

13 (205 ILCS 405/6) (from Ch. 17, par. 4813)

14 Sec. 6. Insurance against loss.

15 (a) Every applicant for a license hereunder shall, after
16 his application for a license has been approved, file with and
17 have approved by the Secretary ~~of Financial and Professional~~
18 ~~Regulation~~, a policy or policies of insurance issued by an
19 insurance company or indemnity company authorized to do
20 business under the law of this State, which shall insure the
21 applicant against loss by theft, burglary, robbery or forgery
22 in a principal sum as hereinafter provided; if the average
23 amount of cash and liquid funds to be kept on hand in the
24 office of the community currency exchange during the year will
25 not be in excess of \$10,000 the policy or policies shall be in

1 the principal sum of \$10,000. If such average amount will be in
2 excess of \$10,000, the policy or policies shall be for an
3 additional principal sum of \$500 for each \$1,000 or fraction
4 thereof of such excess over the original \$10,000. From time to
5 time, the Secretary may determine the amount of cash and liquid
6 funds on hand in the office of any community currency exchange
7 and shall require the licensee to submit additional policies if
8 the same are determined to be necessary in accordance with the
9 requirements of this Section.

10 However, any community currency exchange licensed under
11 this Act may meet the insurance ~~bonding~~ requirements of this
12 subsection (a) by submitting evidence satisfactory to the
13 Secretary that the licensee is covered by a blanket insurance
14 policy ~~bond~~ that covers multiple licensees. The blanket
15 insurance policy ~~bond~~: (i) shall insure the licensee against
16 loss by theft, robbery, or forgery; (ii) shall be issued by an
17 insurance ~~a bonding~~ company authorized to do business in this
18 State; and (iii) shall be in the principal sum of an amount
19 equal to the maximum amount required under this Section for any
20 one licensee covered by the insurance policy ~~bond~~.

21 Any such policy or policies, with respect to forgery, may
22 carry a condition that the community currency exchange assumes
23 the first \$1,000 of each claim thereunder.

24 (b) Before an ambulatory currency exchange shall sell or
25 issue money orders, it shall file with and have approved by the
26 Secretary, a policy or policies of insurance issued by an

1 insurance company or indemnity company authorized to do
2 business under the laws of this State, which shall insure such
3 ambulatory currency exchange against loss by theft, burglary,
4 robbery, forgery or embezzlement in the principal sum of not
5 less than \$500,000. If the average amount of cash and liquid
6 funds to be kept on hand during the year will exceed \$500,000,
7 the policy or policies shall be for an additional principal sum
8 of \$500 for each \$1,000 or fraction thereof in excess of
9 \$500,000. From time to time the Secretary may determine the
10 amount of cash and liquid funds kept on hand by an ambulatory
11 currency exchange and shall require it to submit such
12 additional policies as are determined to be required within the
13 limits of this Section. No ambulatory currency exchange subject
14 to this Section shall be required to furnish more than one
15 policy of insurance if the policy furnished insures it against
16 the foregoing losses at all locations served by it.

17 Any such policy may contain a condition that the insured
18 assumes a portion of the loss, provided the insured shall file
19 with such policy a sworn financial statement indicating its
20 ability to act as self-insurer in the amount of such deductible
21 portion of the policy without prejudice to the safety of any
22 funds belonging to its customers. If the Secretary is not
23 satisfied as to the financial ability of the ambulatory
24 currency exchange, he may require it to deposit cash or United
25 States Government Bonds in the amount of part or all of the
26 deductible portion of the policy.

1 (Source: P.A. 94-538, eff. 1-1-06.)

2 (205 ILCS 405/7) (from Ch. 17, par. 4814)

3 Sec. 7. Available funds; minimum amount. Each community
4 currency exchange shall have, at all times, a minimum of \$5,000
5 ~~sum~~ of its own cash funds available for the uses and purposes
6 of its business and said minimum sum shall be exclusive of and
7 in addition to funds received for exchange or transfer; and in
8 addition thereto each such licensee shall at all times have on
9 hand an amount of liquid funds sufficient to pay on demand all
10 outstanding money orders issued by it. ~~Prior to January 1,~~
11 ~~1979, this minimum sum shall be \$4,000. After January 1, 1979,~~
12 ~~this minimum sum shall be \$5,000.~~

13 Each licensee must deposit funds received as payment for
14 money orders into an escrow account in the name of the currency
15 exchange no later than the next business day. This account can
16 only be used for the payment of money orders. This account
17 cannot be used as security or collateral for any transaction,
18 nor can the account be subject to offset by the currency
19 exchange. The currency exchange shall file a copy of the
20 account agreement with the Secretary as evidence of compliance
21 with this Section.

22 In the event a receiver is appointed in accordance with
23 Section 15.1 of this Act, and the Secretary ~~Director~~ determines
24 that the business of the currency exchange should be
25 liquidated, and if it shall appear that the said minimum sum

1 was not on hand or available at the time of the appointment of
2 the receiver, then the receiver shall have the right to recover
3 in any court of competent jurisdiction from the owner or owners
4 of such currency exchange, or from the stockholders and
5 directors thereof if such currency exchange was operated by a
6 corporation, or from the members if the currency exchange was
7 operated as a limited liability company, said sum or that part
8 thereof which was not on hand or available at the time of the
9 appointment of such receiver. Nothing contained in this Section
10 shall limit or impair the liability of any bonding or insurance
11 company on any bond or insurance policy relating to such
12 community currency exchange issued pursuant to the
13 requirements of this Act, nor shall anything contained herein
14 limit or impair such other rights or remedies as the receiver
15 may otherwise have.

16 (Source: P.A. 90-545, eff. 1-1-98.)

17 (205 ILCS 405/10) (from Ch. 17, par. 4817)

18 Sec. 10. Qualifications of applicant; denial of license;
19 review. The applicant, and its officers, directors and
20 stockholders, if a corporation, and its managers and members,
21 if a liability company, shall be vouched for by 2 reputable
22 citizens of this State setting forth that the individual
23 mentioned is (a) personally known to them to be trustworthy and
24 reputable, (b) that he has business experience qualifying him
25 to competently conduct, operate, own or become associated with

1 a currency exchange, (c) that he has a good business reputation
2 and is worthy of a license. Thereafter, the Secretary ~~Director~~
3 shall, upon approval of the application filed with him, issue
4 to the applicant, qualifying under this Act, a license to
5 operate a currency exchange. If it is a license for a community
6 currency exchange, the same shall be valid only at the place of
7 business specified in the application. If it is a license for
8 an ambulatory currency exchange, it shall entitle the applicant
9 to operate only at the location or locations specified in the
10 application, provided the applicant shall secure separate and
11 additional licenses for each of such locations. Such licenses
12 shall remain in full force and effect, until they are
13 surrendered by the licensee, or revoked, or expire, as herein
14 provided. If the Secretary ~~Director~~ shall not so approve, he
15 shall not issue such license or licenses and shall notify the
16 applicant of such denial, retaining the full investigation fee
17 to cover the cost of investigating the community currency
18 exchange applicant. The Secretary ~~Director~~ shall approve or
19 deny every application hereunder within 90 days from the filing
20 of a complete application thereof; except that in respect to an
21 application by an approved ambulatory currency exchange for a
22 license with regard to a particular location to be served by
23 it, the same shall be approved or denied within 20 days from
24 the filing thereof. If the application is denied, the Secretary
25 ~~Director~~ shall send by United States mail notice of such denial
26 to the applicant at the address set forth in the application.

1 If an application is denied, the applicant may, within 10
2 days from the date of the notice of denial, make written
3 request to the Secretary ~~Director~~ for a hearing on the
4 application, and the Secretary ~~Director~~ shall set a time and
5 place for the hearing. The hearing shall be set for a date
6 after the receipt by the Secretary ~~Director~~ of the request for
7 hearing, and written notice of the time and place of the
8 hearing shall be mailed to the applicant at least 15 days
9 before the date of the hearing. The applicant shall pay the
10 actual cost of making the transcript of the hearing prior to
11 the Secretary's ~~Director's~~ issuing his decision following the
12 hearing. If, following the hearing, the application is denied,
13 the Secretary ~~Director~~ shall, within 20 days thereafter prepare
14 and keep on file in his office a written order of denial
15 thereof, which shall contain his findings with respect thereto
16 and the reasons supporting the denial, and shall send by United
17 States Mail a copy thereof to the applicant at the address set
18 forth in the application, within 5 days after the filing of
19 such order. A review of any such decision may be had as
20 provided in Section 22.01 of this Act.

21 (Source: P.A. 90-545, eff. 1-1-98.)

22 (205 ILCS 405/12) (from Ch. 17, par. 4820)

23 Sec. 12. If the Secretary ~~Director~~ shall find at any time
24 that the bond required by Section 5 is insecure or exhausted or
25 otherwise doubtful, an additional bond in like amount to be

1 approved by the Secretary ~~Director~~ shall be filed by the
2 licensee within 30 days after written demand therefor upon the
3 licensee by the Secretary ~~Director~~.

4 (Source: Laws 1957, p. 320.)

5 (205 ILCS 405/13) (from Ch. 17, par. 4821)

6 Sec. 13. No more than one place of business shall be
7 maintained under the same community currency exchange license,
8 but the Secretary ~~Director~~ may issue more than one license to
9 the same licensee upon compliance with the provisions of this
10 Act governing an original issuance of a license, for each new
11 license.

12 Whenever a community currency exchange or an ambulatory
13 currency exchange shall wish to change its name in its license,
14 it shall file an application for approval thereof with the
15 Secretary ~~Director~~, and if the change is approved by the
16 Secretary ~~Director~~ he shall attach to the license, in writing,
17 a rider stating the licensee's new name.

18 If an ambulatory currency exchange has serviced a licensed
19 location for 2 years or longer and the employer whose employees
20 are served at that location has moved his place of business,
21 the currency exchange may continue its service to the employees
22 of that employer at the new address of that employer's place of
23 business by filing a notice of the change of address with the
24 Secretary ~~Director~~ and by relinquishing its license to conduct
25 its business at the employer's old address upon receipt of a

1 license to conduct its business at the employer's new address.
2 Nothing in this Act shall preclude or prevent an ambulatory
3 currency exchange from filing an application to conduct its
4 business at the old address of an employer who moved his place
5 of business after the ambulatory currency exchange receives a
6 license to conduct its business at the employer's new address
7 through the filing of a notice of its change of address with
8 the Secretary ~~Director~~ and the relinquishing of its license to
9 conduct its business at the employer's old address.

10 Whenever a currency exchange wishes to make any other
11 change in the address set forth in any of its licenses, it
12 shall apply to the Secretary ~~Director~~ for approval of such
13 change of address. Every application for approval of a change
14 of address shall be treated by the Secretary ~~Director~~ in the
15 same manner as is otherwise provided in this Act for the
16 treatment of proposed places of business or locations as
17 contained in new applications for licenses; and if any fact or
18 condition then exists with respect to the application for
19 change of address, which fact or condition would otherwise
20 authorize denial of a new application for a license because of
21 the address of the proposed location or place of business, then
22 such application for change of address shall not be approved.
23 Whenever a community currency exchange wishes to sell its
24 physical assets, it may do so, however, if the assets are sold
25 with the intention of continuing the operation of a community
26 currency exchange, the purchaser or purchasers must first make

1 application to the Secretary ~~Director~~ for licensure in
2 accordance with Sections 4 and 10 of this Act. If the Secretary
3 ~~Director~~ shall not so approve, he shall not issue such license
4 and shall notify the applicant or applicants of such denial.
5 The investigation fee for a change of location is \$500. ~~shall~~
6 ~~be \$75 on September 22, 1987 and until July 1, 1988, and \$125~~
7 ~~on July 1, 1988 and until July 1, 1989, and \$150 on and after~~
8 ~~July 1, 1989.~~

9 The provisions of Section 10 with reference to notice,
10 hearing and review apply to applications filed pursuant to this
11 Section.

12 (Source: P.A. 85-1209.)

13 (205 ILCS 405/13.1) (from Ch. 17, par. 4822)

14 Sec. 13.1. Consolidation of business locations. Whenever 2
15 or more licensees desire to consolidate their places of
16 business, they shall make application for such consolidation to
17 the Secretary ~~Director~~ upon a form provided by him or her. This
18 application shall state: (a) the name to be adopted and the
19 location at which the business is to be located, which name and
20 location shall be the same as one of the consolidating
21 licensees; (b) that the owners or all partners or all
22 stockholders or all members, as the case may be, of the
23 licensees involved in the contemplated consolidation, have
24 approved the application; (c) a certification by the secretary,
25 if any of the licensees be corporations, that the contemplated

1 consolidation has been approved by all of the stockholders at a
2 properly convened stockholders meeting; (d) other relevant
3 information the Secretary ~~Director~~ may require. Simultaneously
4 with the approval of the application by the Secretary ~~Director~~,
5 the licensee or licensees who will cease doing business shall:
6 (a) surrender their license or licenses to the Secretary
7 ~~Director~~; (b) transfer all of their assets and liabilities to
8 the licensee continuing to operate by virtue of the
9 application; (c) apply to the Secretary of State, if they be
10 corporations, for surrender of their corporate charter in
11 accordance with the provisions of the Business Corporation Act
12 of 1983.

13 An application for consolidation shall be approved or
14 rejected by the Secretary ~~Director~~ within 30 days after receipt
15 by him of such application and supporting documents required
16 thereunder. The Secretary may impose a consolidation fee of
17 \$100 per application.

18 Such consolidation shall not affect suits pending in which
19 the surrendering licensees are parties; nor shall such
20 consolidation affect causes of action nor the rights of persons
21 in particular; nor shall suits brought against such licensees
22 in their former names be abated for that cause.

23 Nothing contained herein shall limit or prohibit any action
24 or remedy available to a licensee or to the Secretary ~~Director~~
25 under Sections 15, 15.1 to 15.1e or 15.2 of this Act.

26 (Source: P.A. 90-545, eff. 1-1-98.)

1 (205 ILCS 405/14) (from Ch. 17, par. 4823)

2 Sec. 14. Every licensee, shall, on or before November 15,
3 pay to the Secretary ~~Director~~ the annual license fee or fees
4 for the next succeeding calendar year and shall at the same
5 time file with the Secretary ~~Director~~ the annual report
6 required by Section 16 of this Act, and the annual bond or
7 bonds, and the insurance policy or policies as and if required
8 by this Act. The annual license fee for each community currency
9 exchange is \$500. ~~shall be \$150 on the effective date of this~~
10 ~~amendatory Act of 1987 and until January 1, 1989, and \$180 on~~
11 ~~January 1, 1989 and until January 1, 1990, and \$200 on and~~
12 ~~after January 1, 1990.~~ The annual license fee for each location
13 served by an ambulatory currency exchange shall be \$25.

14 (Source: P.A. 85-708.)

15 (205 ILCS 405/15) (from Ch. 17, par. 4824)

16 Sec. 15. The Secretary may, after 10 days notice by
17 registered mail to the licensee at the address set forth in the
18 license stating the contemplated action and in general the
19 grounds therefore, fine the licensee an amount not exceeding
20 \$10,000 per violation or revoke or suspend any license issued
21 if he or she finds that ~~Director may, upon 10 days notice to~~
22 ~~the licensee by United States mail directed to the licensee at~~
23 ~~the address set forth in the license, stating the contemplated~~
24 ~~action and in general the grounds therefor, and upon reasonable~~

1 ~~opportunity to be heard prior to such action, fine, suspend or~~
2 ~~revoke any license issued hereunder if he shall find that:~~

3 (a) the ~~The~~ licensee has failed to pay the annual
4 license fee or to maintain in effect the required bond or
5 bonds or insurance policy or policies ~~or to comply with any~~
6 ~~order, decision, or finding of the Director made pursuant~~
7 ~~to this Act; or that~~

8 (b) the licensee has failed to comply with any
9 provision of this Act or any order, decision, finding,
10 rule, regulation, or direction of the Secretary lawfully
11 made under the authority of this Act; or

12 (c) the ~~The~~ licensee has violated any provision of this
13 Act or any regulation or direction made by the Secretary
14 ~~Director~~ under this Act; or ~~that~~

15 (d) any ~~(e) Any~~ fact or condition exists which, if it
16 had existed at the time of the original application for
17 such license, would have warranted the Secretary ~~Director~~
18 in refusing the issuance of the license; or ~~that~~

19 (e) the ~~(d) The~~ licensee has not operated the currency
20 exchange or at the location licensed, for a period of 60
21 ~~sixty~~ consecutive days, unless the licensee was prevented
22 from operating during such period by reason of events or
23 acts beyond the licensee's control.

24 ~~Prior to suspension or revocation of the licenses issued~~
25 ~~hereunder, the Director may but is not required to fine a~~
26 ~~licensee up to a maximum of \$100 a day.~~

1 The Secretary ~~Director~~ may fine, suspend or revoke only the
2 particular license or licenses for particular places of
3 business or locations with respect to which grounds for
4 revocation may occur or exist; except that if he shall find
5 that such grounds for revocation are of general application to
6 all places of business or locations, or that such grounds for
7 fines, suspension or revocation have occurred or exist with
8 respect to a substantial number of places of business or
9 locations, he may fine, suspend or revoke all of the licenses
10 issued to such licensee.

11 An order assessing a fine, an order revoking or suspending
12 a license, or an order denying renewal of a license shall take
13 effect on service of the order unless the licensee requests a
14 hearing, in writing, within 10 days after the date of service.
15 In the event a hearing is requested, the order shall be stayed
16 until a final administrative order is entered. If the licensee
17 requests a hearing, the Secretary shall schedule a hearing
18 within 30 days after the request for a hearing unless otherwise
19 agreed to by the parties. The hearing shall be held at the time
20 and place designated by the Secretary.

21 The Secretary and any administrative law judge designated
22 by him or her shall have the power to administer oaths and
23 affirmations, subpoena witnesses and compel their attendance,
24 take evidence, and require the production of books, papers,
25 correspondence, and other records or information that he or she
26 considers relevant or material to the inquiry.

1 In case of contumacy or refusal of a witness to obey a
2 subpoena, any circuit court of this State whose jurisdiction
3 encompasses where the hearing is located may issue an order
4 requiring such witness to appear before the Secretary or the
5 hearing officer, to produce documentary evidence, or to give
6 testimony touching the matter in question; and the court may
7 punish any failures to obey such orders of the court as
8 contempt.

9 A licensee may surrender any license by delivering to the
10 Secretary ~~Director~~ written notice that he, they or it thereby
11 surrenders such license, but such surrender shall not affect
12 such licensee's civil or criminal liability for acts committed
13 prior to such surrender, or affect the liability on his, their
14 or its bond or bonds, or his, their or its policy or policies
15 of insurance, required by this Act, or entitle such licensee to
16 a return of any part of the annual license fee or fees.

17 Every license issued hereunder shall remain in force until
18 the same shall expire, or shall have been surrendered,
19 suspended or revoked in accordance with this Act, but the
20 Secretary ~~Director~~ may on his own motion, issue new licenses to
21 a licensee whose license or licenses shall have been revoked if
22 no fact or condition then exists which clearly would have
23 warranted the Secretary ~~Director~~ in refusing originally the
24 issuance of such license under this Act.

25 ~~No license shall be revoked until the licensee has had~~
26 ~~notice of a hearing thereon and an opportunity to be heard.~~

1 ~~When any license is so revoked, the Director shall within~~
2 ~~twenty (20) days thereafter, prepare and keep on file in his~~
3 ~~office, a written order or decision of revocation which shall~~
4 ~~contain his findings with respect thereto and the reasons~~
5 ~~supporting the revocation and shall send by United States mail~~
6 ~~a copy thereof to the licensee at the address set forth in the~~
7 ~~license within five (5) days after the filing in his office of~~
8 ~~such order, finding or decision. A review of any such order,~~
9 ~~finding or decision may be had as provided in Section 22.01 of~~
10 ~~this Act.~~

11 (Source: P.A. 80-1101.)

12 (205 ILCS 405/15.1) (from Ch. 17, par. 4825)

13 Sec. 15.1. If the Secretary ~~Director~~ determines that any
14 licensee is insolvent or is violating this Act, or if the
15 owner, executor, or successor in interest of a currency
16 exchange abandons the currency exchange, he or she shall
17 appoint a receiver, who shall, under his or her direction, for
18 the purpose of receivership, take possession of and title to
19 the books, records, and assets of every description of the
20 community currency exchange. The Secretary may ~~Director shall~~
21 require of the receiver such security as he or she deems proper
22 and, upon appointment of the receiver, shall have published,
23 once each week for 4 consecutive weeks in a newspaper having a
24 general circulation in the community, a notice calling on all
25 persons who have claims against the community currency

1 exchange, to present them to the receiver.

2 Within 10 days after the receiver takes possession of the
3 property, the licensee may apply to the Circuit Court of the
4 county where the community currency exchange is located
5 ~~Sangamon County~~ to enjoin further proceedings in the premises.

6 The receiver may operate the community currency exchange
7 until the Secretary ~~Director~~ determines that possession should
8 be restored to the licensee or that the business should be
9 liquidated.

10 (Source: Laws 1961, p. 3522.)

11 (205 ILCS 405/15.1a) (from Ch. 17, par. 4826)

12 Sec. 15.1a. If the Secretary ~~Director~~ determines that a
13 business in receivership should be liquidated, he shall direct
14 the Attorney General to file a complaint in the Circuit Court
15 of the county in which such community currency exchange is
16 located, in the name of the People of the State of Illinois,
17 for the orderly liquidation and dissolution of the community
18 currency exchange and for an injunction restraining the
19 licensee or the officers and directors thereof from continuing
20 the operation of the community currency exchange.

21 The receiver shall, 30 days from the day the Secretary
22 ~~Director~~ determines that the business should be liquidated,
23 file with the Secretary ~~Director~~ and with the clerk of such
24 court as has charge of the liquidation, a correct list of all
25 creditors who have not presented their claims. The list shall

1 show the amount of the claim after allowing all just credits,
2 deductions and set-offs as shown by the books of the currency
3 exchange. These claims shall be deemed proven unless objections
4 are filed by some interested party within the time fixed by the
5 Secretary ~~Director~~ or court that has charge of the liquidation.
6 (Source: P.A. 79-1361.)

7 (205 ILCS 405/15.1b) (from Ch. 17, par. 4827)

8 Sec. 15.1b. Liquidation; distribution; priority. The
9 General Assembly finds and declares that community currency
10 exchanges provide important and vital services to Illinois
11 citizens. The General Assembly also finds that in providing
12 such services, community currency exchanges transact extensive
13 business involving check cashing and the writing of money
14 orders in communities in which banking services are generally
15 unavailable. It is therefore declared to be the policy of this
16 State that customers who receive these services must be
17 protected from insolvencies of currency exchanges and
18 interruptions of services. To carry out this policy and to
19 insure that customers of community currency exchanges are
20 protected in the event it is determined that a community
21 currency exchange in receivership should be liquidated in
22 accordance with Section 15.1a of this Act, the Secretary
23 ~~Director~~ shall make a distribution of moneys collected by the
24 receiver in the following order of priority: First, allowed
25 claims for the actual necessary expenses of the receivership of

1 the community currency exchange being liquidated, including
2 (a) reasonable receiver fees and receiver's attorney's fees
3 approved by the Secretary ~~Director~~, (b) all expenses of any
4 preliminary or other examinations into the condition of the
5 community currency exchange or receivership, (c) all expenses
6 incurred by the Secretary ~~Director~~ which are incident to
7 possession and control of any property or records of the
8 community currency exchange, and (d) reasonable expenses
9 incurred by the Secretary ~~Director~~ as the result of business
10 agreements or contractual arrangements necessary to insure
11 that the services of the community currency exchanges are
12 delivered to the community without interruption. Said business
13 agreements or contractual arrangements may include, but are not
14 limited to, agreements made by the Secretary ~~Director~~, or by
15 the Receiver with the approval of the Secretary ~~Director~~, with
16 banks, money order companies, bonding companies and other types
17 of financial institutions; Second, allowed claims by a
18 purchaser of money orders issued on demand of the community
19 currency exchange being liquidated; Third, allowed claims
20 arising by virtue of and to the extent of the amount a utility
21 customer deposits with the community currency exchange being
22 liquidated which are not remitted to the utility company;
23 Fourth, allowed claims arising by virtue of and to the extent
24 of the amount paid by a purchaser of Illinois license plates,
25 vehicle stickers sold for State and municipal governments in
26 Illinois, and temporary Illinois registration permits

1 purchased at the currency exchange being liquidated; Fifth,
2 allowed unsecured claims for wages or salaries, excluding
3 vacation, severance and sick leave pay earned by employee
4 earned within 90 days prior to the appointment of a Receiver;
5 Sixth, secured claims; Seventh, allowed unsecured claims of any
6 tax, and interest and penalty on the tax; Eighth ~~Seventh~~,
7 allowed unsecured claims other than a kind specified in
8 paragraph one, two and three of this Section, filed with the
9 Secretary ~~Director~~ within the time the Secretary ~~Director~~ fixes
10 for filing claims; Ninth ~~Eighth~~, allowed unsecured claims,
11 other than a kind specified in paragraphs one, two and three of
12 this Section filed with the Secretary ~~Director~~ after the time
13 fixed for filing claims by the Secretary ~~Director~~; Tenth ~~Ninth~~,
14 allowed creditor claims asserted by an owner, member, or
15 stockholder of the community currency exchange in liquidation;
16 Eleventh ~~Tenth~~, after one year from the final dissolution of
17 the currency exchange, all assets not used to satisfy allowed
18 claims shall be distributed pro rata to the owner, owners,
19 members, or stockholders of the currency exchange.

20 The Secretary ~~Director~~ shall pay all claims of equal
21 priority according to the schedule set out above, and shall not
22 pay claims of lower priority until all higher priority claims
23 are satisfied. If insufficient assets are available to meet all
24 claims of equal priority, those assets shall be distributed pro
25 rata among those claims. All unclaimed assets of a currency
26 exchange shall be deposited with the Secretary ~~Director~~ to be

1 paid out by him when proper claims therefor are presented to
2 the Secretary ~~Director~~. If there are funds remaining after the
3 conclusion of a receivership of an abandoned currency exchange,
4 the remaining funds shall be considered unclaimed property and
5 remitted to the State Treasurer under the Uniform Disposition
6 of Unclaimed Property Act.

7 (Source: P.A. 90-545, eff. 1-1-98.)

8 (205 ILCS 405/15.1d) (from Ch. 17, par. 4829)

9 Sec. 15.1d. At the close of a receivership, the receiver
10 shall turn over to the Secretary ~~Director~~ all books of account
11 and ledgers of such currency exchange for preservation. All
12 records of such receiverships heretofore and hereafter
13 received by the Secretary ~~Director~~ shall be held by him or her
14 for a period of 2 years after the close of the receivership and
15 at the termination of the 2 year period may then be destroyed.

16 All expenses of the receivership, including reasonable
17 receiver's and attorney's fees approved by the Secretary
18 ~~Director~~, and all expenses of any preliminary or other
19 examinations into the condition of the community currency
20 exchange or receivership, and all expenses incident to the
21 possession and control of any property or records of the
22 community currency exchange incurred by the Secretary ~~Director~~
23 shall be paid out of the assets of the community currency
24 exchange. The foregoing expenses shall be paid prior to and
25 ahead of all claims.

1 (Source: P.A. 83-345.)

2 (205 ILCS 405/15.2) (from Ch. 17, par. 4831)

3 Sec. 15.2. No community currency exchange shall determine
4 its affairs and close up its business unless it shall first
5 deposit with the Secretary ~~Director~~ an amount of money equal to
6 the whole of its debts, liabilities and lawful demands against
7 it including the costs and expenses of this proceeding, and
8 shall surrender to the Secretary ~~Director~~ its community
9 currency exchange license, and shall file with the Secretary
10 ~~Director~~ a statement of termination signed by the licensee of
11 such community currency exchange, containing a pronouncement
12 of intent to close up its business and liquidate its
13 liabilities, and also containing a sworn list itemizing in full
14 all such debts, liabilities and lawful demands against it.
15 Corporate licensees shall attach to, and make a part of such
16 statement of termination, a copy of a resolution providing for
17 the determination and closing up of the licensee's affairs,
18 certified by the secretary of such licensee and duly adopted at
19 a shareholders' meeting by the holders of at least two-thirds
20 of the outstanding shares entitled to vote at such meeting.
21 Upon the filing with the Secretary ~~Director~~ of a statement of
22 termination the Secretary ~~Director~~ shall cause notice thereof
23 to be published once each week for three consecutive weeks in a
24 public newspaper of general circulation published in the city
25 or village where such community currency exchange is located,

1 and if no newspaper shall be there published, then in a public
2 newspaper of general circulation nearest to said city or
3 village; and such publication shall give notice that the debts,
4 liabilities and lawful demands against such community currency
5 exchange will be redeemed by the Secretary ~~Director~~ on demand
6 in writing made by the owner thereof, at any time within three
7 years from the date of first publication. After the expiration
8 of such three year period, the Secretary ~~Director~~ shall return
9 to the person or persons designated in the statement of
10 termination to receive such repayment and in the proportion
11 therein specified, any balance of money then remaining in his
12 possession, if any there be, after first deducting therefrom
13 all unpaid costs and expenses incurred in connection with this
14 proceeding. The Secretary ~~Director~~ shall receive for his
15 services, exclusive of costs and expenses, two per cent of any
16 amount up to \$5,000.00, and one per cent of any amount in
17 excess of \$5,000.00, deposited with him hereunder by any one
18 community currency exchange. Nothing contained herein shall
19 affect or impair the liability of any bonding or insurance
20 company on any bond or insurance policy issued under this Act
21 relating to such community currency exchange.

22 (Source: Laws 1957, p. 320.)

23 (205 ILCS 405/16) (from Ch. 17, par. 4832)

24 Sec. 16. Annual report; investigation; costs.

25 (a) Each licensee shall annually, on or before the 1st day

1 of March, file a report with the Secretary ~~Director~~ for the
2 calendar year period from January 1st through December 31st,
3 ~~except that the report filed on or before March 15, 1990 shall~~
4 ~~cover the period from October 1, 1988 through December 31,~~
5 ~~1989, (which shall be used only for the official purposes of~~
6 ~~the Director)~~ giving such relevant information as the Secretary
7 ~~Director~~ may reasonably require concerning, and for the purpose
8 of examining, the business and operations during the preceding
9 fiscal year period of each licensed currency exchange conducted
10 by such licensee within the State. Such report shall be made
11 under oath and shall be in the form prescribed by the
12 Secretary. ~~The Secretary Director and the Director~~ may at any
13 time, and shall at least once in each year, investigate the
14 currency exchange business of any licensee and of every person,
15 partnership, association, limited liability company, and
16 corporation who or which shall be engaged in the business of
17 operating a currency exchange. For that purpose, the Secretary
18 ~~Director~~ shall have free access to the offices and places of
19 business and to such records of all such persons, firms,
20 partnerships, associations, limited liability companies and
21 members thereof, and corporations and to the officers and
22 directors thereof that shall relate to such currency exchange
23 business. The investigation may be conducted in conjunction
24 with representatives of other State agencies or agencies of
25 another state or of the United States as determined by the
26 Secretary ~~Director~~. The Secretary ~~Director~~ may at any time

1 inspect the locations served by an ambulatory currency
2 exchange, for the purpose of determining whether such currency
3 exchange is complying with the provisions of this Act at each
4 location served. The Secretary ~~Director~~ may require by subpoena
5 the attendance of and examine under oath all persons whose
6 testimony he may require relative to such business, and in such
7 cases the Secretary ~~Director~~, or any qualified representative
8 of the Secretary ~~Director~~ whom the Secretary ~~Director~~ may
9 designate, may administer oaths to all such persons called as
10 witnesses, and the Secretary ~~Director~~, or any such qualified
11 representative of the Secretary ~~Director~~, may conduct such
12 examinations, and there shall be paid to the Secretary ~~Director~~
13 for each such examination a fee of \$250 ~~\$225~~ for each day or
14 part thereof for each qualified representative designated and
15 required to conduct the examination; provided, however, that in
16 the case of an ambulatory currency exchange, such fee shall be
17 \$150 ~~\$75~~ for each day or part thereof ~~and shall not be~~
18 ~~increased by reason of the number of locations served by it.~~

19 (b) All information collected by the Department under an
20 examination or investigation of an ambulatory or community
21 currency exchange, including, but not limited to, information
22 collected to investigate any complaint against an ambulatory or
23 community currency exchange filed with the Department, shall be
24 maintained for the confidential use of the Department and shall
25 not be disclosed. The Department may not disclose such
26 information to anyone other than the licensee, law enforcement

1 officials, other regulatory agencies that have an appropriate
2 regulatory interest as determined by the Secretary, or to a
3 party presenting a lawful subpoena to the Department.
4 Information and documents disclosed to a federal, State,
5 county, or local law enforcement agency shall not be disclosed
6 by the agency for any purpose to any other agency or person. An
7 order issued by the Department against an ambulatory or
8 community currency exchange shall be a public record and any
9 documents produced in discovery, filed with the administrative
10 law judge, or introduced at a hearing shall be a public record,
11 except as otherwise prohibited by law.

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

13 (205 ILCS 405/17) (from Ch. 17, par. 4833)

14 Sec. 17. ~~A.~~ Every licensee shall keep and use in his
15 business such books, accounts and records as will enable the
16 Secretary ~~Director~~ to determine whether such licensee is
17 complying with the provisions of this Act and with the rules,
18 regulations and directions made by the Secretary ~~Director~~
19 hereunder.

20 ~~B.~~ Each licensee shall record or cause to be recorded the
21 following information with respect to each money order it sells
22 or issues: (1) The amount; (2) the month and year of sale or
23 issuance; and (3) the serial number.

24 Each licensee shall preserve the record required by this
25 subsection for at least 17 years or until the money order to

1 which it pertains is returned to the licensee. Each money order
2 returned to the licensee shall be preserved for not less than 3
3 years from the month and year of sale or issuance by the
4 licensee. The licensee shall keep the record, or an authentic
5 microfilm copy thereof, required to be preserved by this
6 subsection within this state at a place readily accessible to
7 the Secretary ~~Director~~ and his representatives. If a licensee
8 sells or transfers his business at a location or an address,
9 his obligations under this paragraph devolve upon the successor
10 licensee and subsequent successor licensees, if any, at such
11 location or address. If a licensee ceases to do business in
12 this state, he shall deposit the records and money orders he is
13 required to preserve, with the Secretary ~~Director~~.

14 (Source: Laws 1963, p. 1634.)

15 (205 ILCS 405/18) (from Ch. 17, par. 4834)

16 Sec. 18. The applicant for a community currency exchange
17 license shall have a permanent address as evidenced by a lease
18 of at least six months duration or other suitable evidence of
19 permanency, and the license issued, pursuant to the application
20 shall be valid only at that address or any new address approved
21 by the Secretary ~~Director~~.

22 (Source: Laws 1957, p. 320.)

23 (205 ILCS 405/19) (from Ch. 17, par. 4835)

24 Sec. 19. The Department ~~Director~~ may make and enforce such

1 reasonable rules ~~, relevant regulations,~~ directions, orders,
2 decisions and findings as the execution and enforcement of the
3 provisions of this Act require, and as are not inconsistent
4 within this Act. ~~may be necessary for the execution and~~
5 ~~enforcement of this Act and the purposes sought to be attained~~
6 ~~herein.~~ All such rules ~~regulations,~~ directions, orders,
7 decisions and findings shall be filed and entered by the
8 Secretary ~~Director~~ in an indexed permanent book or record, or
9 electronic record, with the effective date thereof suitably
10 indicated, and such book or record shall be a public document.
11 All rules ~~regulations~~ and directions, which are of a general
12 character, shall be made available in electronic form to all
13 licensees within 10 days after filing and all licenses shall
14 receive by mail notice of any changes. ~~printed and copies~~
15 ~~thereof mailed to all licensees within 10 days after filing as~~
16 ~~aforsaid.~~ Copies of all findings, orders and decisions shall
17 be mailed to the parties affected thereby by United States mail
18 within 5 days of such filing.

19 (Source: Laws 1957, p. 320.)

20 (205 ILCS 405/19.3) (from Ch. 17, par. 4838)

21 Sec. 19.3. (A) The General Assembly hereby finds and
22 declares: community currency exchanges and ambulatory currency
23 exchanges provide important and vital services to Illinois
24 citizens. In so doing, they transact extensive business
25 involving check cashing and the writing of money orders in

1 communities in which banking services are generally
2 unavailable. Customers of currency exchanges who receive these
3 services must be protected from being charged unreasonable and
4 unconscionable rates for cashing checks and purchasing money
5 orders. The Illinois Department of Financial and Professional
6 Regulation ~~Institutions~~ has the responsibility for regulating
7 the operations of currency exchanges and has the expertise to
8 determine reasonable maximum rates to be charged for check
9 cashing and money order purchases. Therefore, it is in the
10 public interest, convenience, welfare and good to have the
11 Department establish reasonable maximum rate schedules for
12 check cashing and the issuance of money orders and to require
13 community and ambulatory currency exchanges to prominently
14 display to the public the fees charged for all services. The
15 Secretary ~~Director~~ shall review, each year, the cost of
16 operation of the Currency Exchange Section ~~Division~~ and the
17 revenue generated from currency exchange examinations and
18 report to the General Assembly if the need exists for an
19 increase in the fees mandated by this Act to maintain the
20 Currency Exchange Section ~~Division~~ at a fiscally
21 self-sufficient level. The Secretary ~~Director~~ shall include in
22 such report the total amount of funds remitted to the State and
23 delivered to the State Treasurer by currency exchanges pursuant
24 to the Uniform Disposition of Unclaimed Property Act.

25 (B) The Secretary ~~Director~~ shall, by rules adopted in
26 accordance with the Illinois Administrative Procedure Act,

1 expeditiously formulate and issue schedules of reasonable
2 maximum rates which can be charged for check cashing and
3 writing of money orders by community currency exchanges and
4 ambulatory currency exchanges.

5 (1) In determining the maximum rate schedules for the
6 purposes of this Section the Secretary ~~Director~~ shall take
7 into account:

8 (a) Rates charged in the past for the cashing of
9 checks and the issuance of money orders by community
10 and ambulatory currency exchanges.

11 (b) Rates charged by banks or other business
12 entities for rendering the same or similar services and
13 the factors upon which those rates are based.

14 (c) The income, cost and expense of the operation
15 of currency exchanges.

16 (d) Rates charged by currency exchanges or other
17 similar entities located in other states for the same
18 or similar services and the factors upon which those
19 rates are based.

20 (e) Rates charged by the United States Postal
21 Service for the issuing of money orders and the factors
22 upon which those rates are based.

23 (f) A reasonable profit for a currency exchange
24 operation.

25 (2) (a) The schedule of reasonable maximum rates
26 established pursuant to this Section may be modified by the

1 Secretary ~~Director~~ from time to time pursuant to rules
2 adopted in accordance with the Illinois Administrative
3 Procedure Act.

4 (b) Upon the filing of a verified petition setting
5 forth allegations demonstrating reasonable cause to
6 believe that the schedule of maximum rates previously
7 issued and promulgated should be adjusted, the Secretary
8 ~~Director~~ shall expeditiously:

9 (i) reject the petition if it fails to demonstrate
10 reasonable cause to believe that an adjustment is
11 necessary; or

12 (ii) conduct such hearings, in accordance with
13 this Section, as may be necessary to determine whether
14 the petition should be granted in whole or in part.

15 (c) No petition may be filed pursuant to subparagraph
16 (a) of paragraph (2) of subsection (B) unless:

17 (i) at least nine months have expired since the
18 last promulgation of schedules of maximum rates; and

19 (ii) at least one-fourth of all community currency
20 exchange licensees join in a petition or, in the case
21 of ambulatory currency exchanges, a licensee or
22 licensees authorized to serve at least 100 locations
23 join in a petition.

24 (3) Any currency exchange may charge lower fees than those
25 of the applicable maximum fee schedule after filing with the
26 Secretary ~~Director~~ a schedule of fees it proposes to use.

1 (Source: P.A. 91-16, eff. 7-1-99.)

2 (205 ILCS 405/19.4) (from Ch. 17, par. 4839)

3 Sec. 19.4. The fees charged by community and ambulatory
4 currency exchanges for rendering any service authorized by this
5 Act shall be prominently displayed on the premises of the
6 community currency exchange or at the location served by the
7 ambulatory currency exchange in such fashion as shall be
8 required by the Secretary ~~Director~~.

9 (Source: P.A. 81-964.)

10 (205 ILCS 405/20) (from Ch. 17, par. 4840)

11 Sec. 20. Every person having taken an oath in any
12 proceeding or matter wherein an oath is required by this Act,
13 who shall swear willfully ~~wilfully~~, corruptly or falsely in a
14 matter material to the issue or point in question, or shall
15 suborn any other person to swear as aforesaid, shall be guilty
16 of perjury or subornation of perjury, as the case may be.

17 (Source: Laws 1943, vol. 1, p. 233.)

18 (205 ILCS 405/21) (from Ch. 17, par. 4841)

19 Sec. 21. Except as otherwise provided for in this Act,
20 whenever the Secretary ~~Director~~ is required to give notice to
21 any applicant or licensee, such requirement shall be complied
22 with if, within the time fixed herein, such notice shall be
23 enclosed in an envelope plainly addressed to such applicant or

1 licensee, as the case may be, at the address set forth in the
2 application or license, as the case may be, United States
3 postage fully prepaid, and deposited, registered, in the United
4 States mail.

5 (Source: Laws 1957, p. 320.)

6 (205 ILCS 405/22.01) (from Ch. 17, par. 4843)

7 Sec. 22.01. All final administrative decisions of the
8 Secretary ~~Director~~ hereunder shall be subject to judicial
9 review pursuant to the provisions of the Administrative Review
10 Law, and all amendments and modifications thereof, and the
11 rules adopted pursuant thereto. The term "administrative
12 decision" is defined as in Section 3-101 of the Code of Civil
13 Procedure. The person seeking judicial review shall pay to the
14 Secretary ~~Director~~ the costs of preparing and certifying the
15 record of proceedings before the Secretary ~~Director~~.

16 (Source: P.A. 82-783.)

17 (205 ILCS 405/29.5 new)

18 Sec. 29.5. Cease and desist. The Secretary may issue a
19 cease and desist order to any currency exchange or other person
20 doing business without the require license, when in the opinion
21 of the Secretary, the currency exchange or other person is
22 violating or is about to violate any provision of this Act or
23 any rule or requirement imposed in writing by the Department.

24 The cease and desist order permitted by this Section may be

1 issued prior to a hearing.

2 The Secretary shall serve notice of his or her action,
3 including, but not limited to, a statement of reasons for the
4 action, either personally or by certified mail, return receipt
5 requested. Service by certified mail shall be deemed completed
6 when the notice is deposited in the U.S. mail.

7 Within 10 days after service of a cease and desist order,
8 the licensee or other person may request, in writing, a
9 hearing. The Secretary shall schedule a hearing within 30 days
10 after the request for a hearing unless otherwise agreed to by
11 the parties.

12 If it is determined that the Secretary has the authority to
13 issue the cease and desist order, he or she may issue such
14 orders as reasonably necessary to correct, eliminate, or remedy
15 such conduct.

16 The powers vested in the Secretary by this Section are
17 additional to any and all other powers and remedies vested in
18 the Secretary by law, and nothing in this Section shall be
19 construed as requiring that the Secretary shall employ the
20 power conferred in this Section instead of or as a condition
21 precedent to the exercise of any other power or remedy vested
22 in the Secretary.

23 The currency exchange, or other person doing business
24 without the required license, shall pay the actual costs of the
25 hearing.

1 (205 ILCS 405/10.1 rep.)

2 (205 ILCS 405/22.03 rep.)

3 (205 ILCS 405/25 rep.)

4 Section 10. The Currency Exchange Act is amended by
5 repealing Sections 10.1, 22.03, and 25.

6 Section 99. Effective date. This Act takes effect January
7 1, 2012.

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