



Sen. William R. Haine

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09700HB3935sam001

LRB097 15548 JLS 68524 a

1 AMENDMENT TO HOUSE BILL 3935

2 AMENDMENT NO. _____. Amend House Bill 3935 as follows:

3 on page 1, line 5, by replacing "Section 20" with "Sections 11
4 and 20"; and

5 on page 1, by inserting immediately below line 5 the following:

6 "(205 ILCS 670/11) (from Ch. 17, par. 5411)

7 Sec. 11. Books and records - Reports.

8 (a) Every licensee shall retain and use in his business or
9 at another location approved by the Director such records as
10 are required by the Director to enable the Director to
11 determine whether the licensee is complying with the provisions
12 of this Act and the rules and regulations promulgated pursuant
13 to this Act. Every licensee shall preserve the records of any
14 loan for at least 2 years after making the final entry for such
15 loan. Accounting systems maintained in whole or in part by

1 mechanical or electronic data processing methods which provide
2 information equivalent to that otherwise required and follow
3 generally accepted accounting principles are acceptable for
4 that purpose, if approved by the Director in writing.

5 (b) Each licensee shall annually, on or before the first
6 day of March, file a report with the Director giving such
7 relevant information as the Director may reasonably require
8 concerning the business and operations during the preceding
9 calendar year of each licensed place of business conducted by
10 the licensee. The report must be received by the Department on
11 or before March 1. The report shall be made under oath and in a
12 form prescribed by the Director. Whenever a licensee operates 2
13 or more licensed offices or whenever 2 or more affiliated
14 licensees operate licensed offices, a composite report of such
15 group of licensed offices may be filed in lieu of individual
16 reports. The Director may make and publish annually an analysis
17 and recapitulation of such reports. The Director may fine each
18 licensee \$25 for each day beyond March 1 such report is filed.

19 (c) Each licensee shall include in the report filed on or
20 before the first day of March of each year in accordance with
21 subsection (b) of this Section the following information:

22 (1) the number of post-judgment body attachment orders
23 issued in civil actions initiated by the licensee and
24 arising from loans made by the licensee under this Act;

25 (2) for any post-judgment body attachment order
26 reported under paragraph (1) of this subsection, the court

1 and case number in which the body attachment order was
2 issued;

3 (3) for any post-judgment body attachment order
4 reported under paragraph (1) of this subsection, the amount
5 of the cash bond, if any, posted by the judgment debtor;
6 and

7 (4) for any post-judgment body attachment order
8 reported under paragraph (1) of this subsection, a copy of
9 the order, if any, providing for the disposition of the
10 cash bond.

11 (Source: P.A. 92-398, eff. 1-1-02.); and

12 on page 2, line 17, after the period, by inserting "For the
13 purposes of this subsection (d), a loan made to an Illinois
14 consumer at a brick and mortar location in a state other than
15 Illinois is not a loan made pursuant to this Act."; and

16 on page 2, immediately below line 18, by inserting the
17 following:

18 "Section 8. The Collection Agency Act is amended by adding
19 Section 8d as follows:

20 (225 ILCS 425/8d new)

21 Sec. 8d. Post-judgment body attachment orders.

22 (a) Each licensee shall annually, on or before May 31, file

1 a report with the Secretary containing the following
2 information for the previous calendar year:

3 (1) the number of post-judgment body attachment orders
4 issued in civil actions initiated by the licensee;

5 (2) for any post-judgment body attachment order
6 reported under paragraph (1) of this subsection, the court
7 and case number in which the body attachment order was
8 issued;

9 (3) for any post-judgment body attachment order
10 reported under paragraph (1) of this subsection, the amount
11 of the cash bond, if any, posted by the judgment debtor;
12 and

13 (4) for any post-judgment body attachment order
14 reported under paragraph (1) of this subsection, a copy of
15 the order, if any, providing for the disposition of the
16 cash bond.

17 (b) The Secretary may fine each licensee \$25 for each day
18 beyond May 31 that the report is not filed."; and

19 on page 6, line 26, after the period, by inserting "For the
20 purposes of this subsection (h), a loan made to an Illinois
21 consumer at a brick and mortar location in a state other than
22 Illinois is not a loan made pursuant to this Act.".