

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 1. Short title. This Act may be cited as the  
5 Collateral Recovery Act.

6 Section 5. Findings; purpose. The General Assembly finds  
7 that collateral recovery practices affect public health,  
8 safety, and welfare and declares that the purpose of this Act  
9 is to regulate individuals and entities engaged in the business  
10 of collateral recovery for the protection of the public.

11 Section 10. Definitions. In this Act:

12 "Assignment" means a written authorization by a legal  
13 owner, lien holder, lessor, or lessee to locate or repossess  
14 any collateral, including, but not limited to, collateral  
15 registered under the Illinois Vehicle Code that is subject to a  
16 security agreement that contains a repossession clause.  
17 "Assignment" also means a written authorization by an employer  
18 to recover any collateral entrusted to an employee or former  
19 employee if the possessor is wrongfully in the possession of  
20 the collateral. A photocopy, facsimile copy, or electronic copy  
21 of an assignment shall have the same force and effect as an  
22 original written assignment.

1 "Branch office" means each additional office and secured  
2 storage facility location of a repossession agency conducting  
3 business within the State of Illinois and operating under the  
4 same name as the repossession agency where business is actively  
5 conducted that advertises as performing or is engaged in the  
6 business authorized by the licensure. Each branch office must  
7 be individually licensed.

8 "Collateral" means any vehicle, boat, recreational  
9 vehicle, motor home, motorcycle, or other property that is  
10 subject to a security agreement.

11 "Commission" means the Illinois Commerce Commission.

12 "Debtor" means any person or entity obligated under a  
13 security agreement.

14 "Financial institution" means a bank, a licensee under the  
15 Consumer Installment Loan Act, savings bank, savings and loan  
16 association, or credit union organized and operating under the  
17 laws of this or any other state or of the United States, and  
18 any subsidiary or affiliate thereof.

19 "Legal owner" means a person holding (i) a security  
20 interest in any collateral that is subject to a security  
21 agreement, (ii) a lien against any collateral, or (iii) an  
22 interest in any collateral that is subject to a lease  
23 agreement.

24 "Licensure" means the approval of the required criteria  
25 that has been submitted for review in accordance with the  
26 provisions of this Act.

1 "Licensed recovery manager" means a person who possesses a  
2 valid license in accordance with the provisions of this Act and  
3 is in control or management of an Illinois repossession agency.

4 "Personal effects" means any property contained within or  
5 on repossessed collateral that is not the property of the legal  
6 owner.

7 "Recovery permit" means a permit issued by the Commission  
8 to a repossession agency employee who has met all the  
9 requirements under this Act.

10 "Recovery ticket" means a serialized record obtained from  
11 the Commission for any repossessed vehicle or collateral from  
12 any person, business, financial institution, state agency,  
13 automotive dealership, or towing company that shows a recovery  
14 ticket fee has been paid to the Commission.

15 "Repossession agency" means any person or entity  
16 conducting business within the State of Illinois, that, for any  
17 type of consideration, engages in the business of, accepts  
18 employment to furnish, or agrees to provide or provides  
19 property locating services, property recovery, recovered  
20 property transportation, recovered property storage, or all  
21 services relevant to any of the following:

22 (1) The location, disposition, or recovery of property  
23 as authorized by the self-help provisions of the Uniform  
24 Commercial Code.

25 (2) The location, disposition, or recovery of lost or  
26 stolen property.

1           (3) Securing evidence concerning repossession and  
2 recovery to be used before any court, board, office, or  
3 investigating committee.

4           (4) Inventory of property contained in or on the  
5 collateral or recovered property.

6           (5) The possession of collateral.

7           (6) The prevention of the misappropriation or  
8 concealment of chattel, vehicles, goods, objects,  
9 documents, or papers. A repossession agency must maintain a  
10 secured storage facility.

11           "Repossession agency" does not include any of the  
12 following:

13           (1) An attorney at law who is performing his or her  
14 duties as an attorney at law.

15           (2) The legal owner of collateral that is subject to a  
16 security agreement.

17           (3) An officer or employee of the United States of  
18 America or of this State or a political subdivision of this  
19 State while the officer or employee is engaged in the  
20 performance of his or her official duties.

21           (4) A qualified license or recovery permit holder or a  
22 registrant when performing services for, or on behalf of, a  
23 licensed repossession agency.

24           "Repossession agency employee" means any person or  
25 self-employed independent contractor who is hired by a  
26 repossession agency.

1 "Secured storage facility" means an area located on the  
2 same premises as a repossession agency office or branch office  
3 that is designated for the storage of collateral and has a  
4 perimeter that is secured with a fencing construction that  
5 makes the area not accessible to the public. Each repossession  
6 agency office or branch office must maintain a secured storage  
7 facility.

8 "Security agreement" means an obligation, pledge,  
9 mortgage, chattel mortgage, lease agreement, deposit, or lien,  
10 given by a debtor as security for payment or performance of his  
11 or her debt by furnishing the creditor with a recourse to be  
12 used in case of failure in the principal obligation. "Security  
13 agreement" includes a bailment where an employer-employee  
14 relationship exists or existed between the bailor and the  
15 bailee.

16 Section 15. Powers of Commission.

17 (a) The Commission shall regulate repossession agencies  
18 and their employees, managers or agents in accordance with this  
19 Act, and to that end may establish reasonable requirements with  
20 respect to proper service and practices relating thereto.

21 (b) The Commission shall have the following powers:

22 (1) To require that all employees, agents, or other  
23 personnel used in repossession be employees, agents, or  
24 personnel of a licensed repossession agency.

25 (2) To adopt reasonable and proper rules covering the

1 exercise of powers conferred upon it by this Act, and  
2 reasonable rules governing investigations, hearings, and  
3 proceedings under this Act.

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

7 (4) To create special procedures for the receipt and  
8 handling of consumer complaints.

9 (5) To employ such persons as are needed to administer  
10 and enforce this Act, in such capacities as they are  
11 needed, whether as hearing examiners, special examiners,  
12 enforcement officers, investigators, or otherwise.

13 (c) The staff of the Commission shall have full power and  
14 authority in the performance of their official duties to enter  
15 into or upon any place, building, or premises of any  
16 repossession agency location or branch office location at any  
17 reasonable time for the purpose of inspecting such agency  
18 operating under this Act.

19 Section 20. Rulemaking enforcement.

20 (a) The Commission may adopt any rules and procedures  
21 necessary to enforce and administer the provisions of this Act.

22 (b) The Commission may, by administrative rule, modify any  
23 rules or procedures or adjust any fees necessary to regulate  
24 and enforce the provisions of this Act.

1 Section 25. Recovery ticket.

2 (a) A licensed repossession agency must purchase a recovery  
3 ticket from the Commission for each repossessed vehicle or  
4 collateral. The recovery ticket must show all of the following  
5 information:

6 (1) The date, time, and location of the repossession.

7 (2) The Vehicle Identification Number (VIN), the make,  
8 the model, and the year of the vehicle or collateral  
9 repossessed.

10 (3) The debtor's name, the agency name, the employee's  
11 name, and the recovery permit number.

12 (4) The name and officer identification number of the  
13 local law enforcement officer notified of the  
14 repossession.

15 (b) The recovery ticket must be placed with the vehicle or  
16 collateral at the time of repossession and must accompany the  
17 vehicle or collateral until it has been liquidated or returned  
18 to the lien holder or debtor. A copy of the recovery ticket  
19 must be kept for the agency's permanent file for a period of 2  
20 years following the date of repossession. A copy of the  
21 recovery ticket must be returned to the legal owner or  
22 financial institution within 72 hours following the date of  
23 repossession.

24 (c) A fee for the recovery ticket must be collected by the  
25 Commission at the time of purchase. The cost for each recovery  
26 ticket is \$10 and is nonrefundable. Recovery tickets must only

1 be sold in lots of 50 and 100. Only an Illinois licensed  
2 repossession agency may purchase recovery tickets.

3 If a repossession agency's license is revoked by the  
4 Commission, then the repossession agency must return any and  
5 all unused recovery tickets to the Commission immediately upon  
6 license revocation. No refund from the Commission will be  
7 issued for the return of unused recovery tickets.

8 (d) Any agency or employee found to be in possession of a  
9 repossessed vehicle without having a valid recovery ticket is  
10 in violation of this Act and therefore jeopardizing the license  
11 of the employee or the agency that he or she is repossessing  
12 for.

13 Section 30. License or registration required.

14 (a) It shall be unlawful for any person or entity to  
15 repossess a vehicle or collateral in this State, attempt to  
16 repossess a vehicle or collateral in this State, or to hold  
17 himself, herself, or itself out to be a repossession agency  
18 unless licensed under this Act.

19 (b) It shall be unlawful for any person to repossess a  
20 vehicle or collateral in this State, attempt to repossess a  
21 vehicle or collateral in this State, or to hold himself or  
22 herself out to be a licensed recovery manager unless licensed  
23 under this Act.

24 (c) It shall be unlawful for any person to repossess a  
25 vehicle or collateral in this State, attempt to repossess a



1 vehicle or collateral in this State, or hold himself or herself  
2 out to be a repossession agency employee unless he or she holds  
3 a valid recovery permit issued by the Commission under this  
4 Act.

5 (d) This Act does not apply to a financial institution or  
6 the employee of a financial institution when engaged in an  
7 activity otherwise covered by this Act if the activity is  
8 conducted by the employee on behalf of that financial  
9 institution.

10 Section 35. Application for repossession agency licensure.

11 (a) Application for original licensure as a repossession  
12 agency shall be made to the Commission in writing on forms  
13 prescribed by the Commission and shall be accompanied by the  
14 appropriate documentation and the required fee, which fee is  
15 nonrefundable.

16 (b) Every application shall state, in addition to any other  
17 requirements, (i) the name of the applicant, (ii) the name  
18 under which the applicant will do business, (iii) the proposed  
19 location of the agency by number and street and city, and (iv)  
20 the usual business hours that the agency will maintain.

21 (c) No license may be issued (i) in any fictitious name  
22 that may be confused with or is similar to any federal, state,  
23 county, or municipal government function or agency, (ii) in any  
24 name that may tend to describe any business function or  
25 enterprise not actually engaged in by the applicant, (iii) in

1 any name that is the same as or similar to any existing  
2 licensed company and that would tend to deceive the public,  
3 (iv) in any name that would tend to be deceptive or misleading,  
4 or (v) to any repossession agency applicant without that  
5 agency's location or branch office location maintaining a  
6 secured storage facility as defined in Section 10 of this Act.

7 (d) If the applicant for repossession agency licensure is  
8 an individual, then his or her application shall include (i)  
9 the full residential address of the applicant and (ii) either  
10 the sworn statement of the applicant declaring that he or she  
11 is the licensed recovery manager who will be personally in  
12 control of the agency for which the licensure is sought, or the  
13 name and signed sworn statement of the licensed recovery  
14 manager who will be in control of the agency.

15 (e) If the applicant for repossession agency licensure is a  
16 partnership, then the application shall include (i) a statement  
17 of the names and full residential addresses of all partners in  
18 the business and (ii) a sworn statement signed by each partner  
19 verifying the name of the person who is a licensed recovery  
20 manager and will be in control of the business. If a licensed  
21 recovery manager who is not a partner will be in control of the  
22 agency, then he or she must also sign the sworn statement. The  
23 application shall also state whether any of the partners has  
24 ever used an alias.

25 (f) If the applicant for licensure as a repossession agency  
26 is a corporation, then the application shall include (i) the

1 names and full residential addresses of all corporation  
2 officers and (ii) a sworn statement signed by a duly authorized  
3 officer of the corporation verifying the name of the person who  
4 is a licensed recovery manager and will be in control of the  
5 agency. If a licensed recovery manager who is not an officer  
6 will be in control of the agency, then he or she must also sign  
7 the sworn statement. The application shall also state whether  
8 any of the officers has ever used an alias.

9 (g) If the applicant for licensure as a repossession agency  
10 is a limited liability company, then the application shall  
11 include (i) the names and full residential addresses of all  
12 company owners and (ii) a sworn statement signed by each owner  
13 verifying the name of the person who is a licensed recovery  
14 manager and will be in control of the agency. If a licensed  
15 recovery manager who is not an owner will be in control of the  
16 agency, then he or she must also sign the sworn statement. The  
17 application shall also state whether any of the owners has ever  
18 used an alias.

19 (h) Each individual, partner of a partnership, officer of a  
20 corporation, or owner of a limited liability company shall  
21 submit with the application a copy of one form of personal  
22 identification upon which must appear a photograph taken within  
23 one year immediately preceding the date of the filing of the  
24 application.

25 (i) No examination shall be required for licensure as a  
26 repossession agency by the Commission.

1           (j) The Commission may require any additional information  
2 that, in the judgment of the Commission, will enable the  
3 Commission to pass on the qualifications of the applicant for  
4 licensure.

5           (k) Applicants have 90 days from the date of application to  
6 complete the application process. If the application has not  
7 been completed within 90 days, then the application shall be  
8 denied, the fee shall be forfeited, and the applicant must  
9 reapply and meet the requirements in effect at the time of  
10 reapplication.

11           (l) Nothing in this Section precludes a domestic or foreign  
12 limited liability company being licensed as a repossession  
13 agency.

14           (m) A repossession agency license is not transferable.

15           (n) Repossessions performed in this State must be performed  
16 by repossession agencies, their employees, or agents licensed  
17 by the Commission, with the exception of financial institutions  
18 or the employees of a financial institution that are exempt  
19 under subsection (d) of Section 30 of this Act.

20           Section 37. Enforcement. It shall be unlawful for any  
21 repossession agency, employee, or agent of a repossession  
22 agency to operate in this State without a valid license or  
23 recovery permit issued by the Commission. It shall be unlawful  
24 for any person or entity to repossess a vehicle or collateral  
25 in the State without a recovery ticket issued by the

1 Commission. It shall be unlawful for any person or entity to  
2 forward, transfer, or subcontract an assignment to a  
3 repossession agency or its employees or agents who do not have  
4 a valid license or recovery permit issued by the Commission.  
5 The Commission may, at any time during the term of the license,  
6 make inquiry into the licensee's management or conduct of  
7 business to determine compliance with the provisions of this  
8 Act or the rules adopted pursuant to this Act. State, county,  
9 and local municipalities shall work in conjunction with the  
10 Commission in the enforcement of this Act.

11 Section 40. Qualifications for recovery manager;  
12 identification card.

13 (a) An applicant is qualified for licensure as a recovery  
14 manager if that person meets all of the following requirements:

15 (1) Is 21 years of age or older.

16 (2) Has not been convicted in any jurisdiction of any  
17 felony or at least 10 years has passed from the time of  
18 discharge from any sentence imposed for a felony.

19 (3) Has completed no less than 5,000 hours of actual  
20 compensated collateral recovery work as an employee of a  
21 repossession agency, a financial institution, or a vehicle  
22 dealer in the 3 years immediately preceding the filing of  
23 an application, acceptable proof of which must be submitted  
24 to the Commission.

25 (4) Has submitted to the Commission 2 sets of

1 fingerprints, which shall be checked against the  
2 fingerprint records on file with the Illinois Commerce  
3 Commission Police and the Federal Bureau of Investigation  
4 in the manner set forth in Section 60 of this Act.

5 (5) Has successfully completed the Certified Asset  
6 Recovery Specialist (C.A.R.S.) program, or any other  
7 nationally recognized certification program.

8 (6) Has paid the required application fees.

9 (b) Upon the issuance of a recovery manager license, the  
10 Commission shall issue the license holder a suitable pocket  
11 identification card that shall include a photograph of the  
12 license holder. The identification card must contain the name  
13 of the license holder and that of the repossession agency that  
14 employs the license holder, in addition to any other  
15 information required by the Commission.

16 (c) A recovery manager license is not transferable.

17 Section 45. Repossession agency employee requirements.

18 (a) All employees of a licensed repossession agency whose  
19 duties include the actual repossession of collateral must apply  
20 for a recovery permit. The holder of a repossession agency  
21 license issued under this Act, known in this Section as the  
22 "employer", may employ in the conduct of the business under the  
23 following provisions:

24 (1) No person may be issued a recovery permit who meets  
25 any of the following criteria:

1 (A) Is younger than 21 years of age.

2 (B) Has been determined by the Commission to be  
3 unfit by reason of conviction of an offense in this or  
4 another state, other than a minor traffic offense. The  
5 Commission shall adopt rules for making those  
6 determinations.

7 (C) Has had a license or recovery permit denied,  
8 suspended, or revoked under this Act.

9 (D) Has not successfully completed the Certified  
10 Asset Recovery Specialist (C.A.R.S.) program, or any  
11 other nationally recognized certification program.

12 (2) No person may be employed by a repossession agency  
13 under this Section until he or she has executed and  
14 furnished to the Commission, on forms furnished by the  
15 Commission, a verified statement to be known as an  
16 "Employee's Statement" setting forth all of the following:

17 (A) The person's full name, age, and residence  
18 address.

19 (B) The business or occupation engaged in for the 5  
20 years immediately before the date of the execution of  
21 the statement, the place where the business or  
22 occupation was engaged in, and the names of the  
23 employers, if any.

24 (C) That the person has not had a license or  
25 recovery permit denied, revoked, or suspended under  
26 this Act.

1 (D) Any conviction of a felony.

2 (E) Any other information as may be required by any  
3 rule of the Commission to show the good character,  
4 competency, and integrity of the person executing the  
5 statement.

6 (b) Each applicant for a recovery permit shall have his or  
7 her fingerprints submitted to the Commission in an electronic  
8 format that complies with the form and manner for requesting  
9 and furnishing criminal history record information as  
10 prescribed by the Illinois Commerce Commission Police. These  
11 fingerprints shall be checked against the Illinois Commerce  
12 Commission Police and Federal Bureau of Investigation criminal  
13 history record databases now and hereafter filed. The  
14 Commission shall charge applicants a fee for conducting the  
15 criminal history records check, which shall not exceed the  
16 actual cost of the records check. The Illinois Commerce  
17 Commission Police shall furnish, pursuant to positive  
18 identification, records of Illinois convictions to the  
19 Commission. The Commission, in its discretion, may allow an  
20 applicant who does not have reasonable access to a designated  
21 vendor to provide his or her fingerprints in an alternative  
22 manner. The Commission, in its discretion, may also use other  
23 procedures in performing or obtaining criminal history records  
24 checks of applicants. Instead of submitting his or her  
25 fingerprints, an individual may submit proof that is  
26 satisfactory to the Commission that an equivalent security



1 clearance has been conducted.

2 (c) Qualified applicants shall purchase a recovery permit  
3 from a vendor designated by the Commission and in a form that  
4 the Commission prescribes. The Commission shall notify the  
5 submitting person within 10 days after receipt of the  
6 application of its intent to issue or deny the recovery permit.  
7 The holder of a recovery permit shall carry the recovery permit  
8 at all times while actually engaged in the performance of the  
9 duties of his or her employment. Expiration and requirements  
10 for renewal of recovery permits shall be established by rule of  
11 the Commission. Possession of a recovery permit does not in any  
12 way imply that the holder of the recovery permit is employed by  
13 any agency unless the recovery permit is accompanied by the  
14 employee identification card required by subsection (e) of this  
15 Section.

16 (d) Each employer shall maintain a record of each employee  
17 that is accessible to the duly authorized representatives of  
18 the Commission. The record shall contain all of the following  
19 information:

20 (1) A photograph taken within 10 days after the date  
21 that the employee begins employment with the employer. The  
22 photograph shall be replaced with a current photograph  
23 every 3 calendar years.

24 (2) The Employee's Statement specified in paragraph  
25 (2) of subsection (a) of this Section.

26 (3) All correspondence or documents relating to the

1 character and integrity of the employee received by the  
2 employer from any official source or law enforcement  
3 agency.

4 (4) In the case of former employees, the employee  
5 identification card of that person issued under subsection  
6 (e) of this Section.

7 (e) Every employer shall furnish an employee  
8 identification card to each of his or her employees. This  
9 subsection (e) shall not apply to office or clerical personnel.  
10 This employee identification card shall contain a recent  
11 photograph of the employee, the employee's name, the name and  
12 agency license number of the employer, the employee's personal  
13 description, the signature of the employer, the signature of  
14 that employee, the date of issuance, and an employee  
15 identification card number.

16 (f) No employer may issue an employee identification card  
17 to any person who is not employed by the employer in accordance  
18 with this Section or falsely state or represent that a person  
19 is or has been in his or her employ. It is unlawful for an  
20 applicant for registration to file with the Commission the  
21 fingerprints of a person other than himself or herself or to  
22 fail to exercise due diligence in resubmitting replacement  
23 fingerprints for those employees who have had original  
24 fingerprint submissions returned as unclassifiable.

25 (g) Every employer shall obtain the identification card of  
26 every employee who terminates employment with the employer.

1           (h) No agency may employ any person to perform any activity  
2 under this Act unless the person possesses a valid license or  
3 recovery permit under this Act.

4           (i) Notwithstanding the provisions of subsection (h) of  
5 this Section, an agency may employ a person in a temporary  
6 capacity if all of the following conditions are met:

7               (1) The agency completes in its entirety and submits to  
8 the Commission an application for a recovery permit,  
9 including the required fees.

10              (2) The agency has verification from the Commission  
11 that the applicant has no record of any criminal conviction  
12 pursuant to the criminal history records check conducted by  
13 the Illinois Commerce Commission Police. The agency shall  
14 maintain the verification of the results of the Illinois  
15 Commerce Commission Police criminal history records check  
16 as part of the employee record as required under subsection  
17 (d) of this Section.

18              (3) The agency exercises due diligence to ensure that  
19 the person is qualified under the requirements of the Act  
20 to be issued a recovery permit.

21              (4) The agency maintains a separate roster of the names  
22 of all employees whose applications are currently pending  
23 with the Commission and submits the roster to the  
24 Commission on a monthly basis. Rosters are to be maintained  
25 by the agency for a period of at least 24 months. An agency  
26 may employ an employee applicant only if (i) it either

1 submits an employee application and all required forms and  
2 fees or confirms with the Commission that an employee  
3 application and all required forms and fees have been  
4 submitted by another agency, and (ii) all other  
5 requirements of this Section are met. The Commission shall  
6 have the authority to revoke, without a hearing, the  
7 temporary authority of an individual to work upon receipt  
8 of Federal Bureau of Investigation fingerprint data or the  
9 report of another official authority indicating a criminal  
10 conviction. If the Commission has not received a temporary  
11 employee's Federal Bureau of Investigation fingerprint  
12 data within 120 days after the date the Commission received  
13 the Illinois Commerce Commission Police fingerprint data,  
14 then the Commission may, at its discretion, revoke the  
15 employee's temporary authority to work with 15 days written  
16 notice to the individual and the employing agency.

17 An agency may not employ a person in a temporary capacity  
18 if it knows or reasonably should know that the person has been  
19 convicted of a crime under the laws of this State, has been  
20 convicted in another state of any crime that is a crime under  
21 the laws of this State, has been convicted of any crime in  
22 federal court, or has been posted as an unapproved applicant by  
23 the Commission. Notice by the Commission to the agency, via  
24 certified mail, personal delivery, electronic mail, or posting  
25 on an internet site accessible to the agency that the person  
26 has been convicted of a crime shall be deemed constructive

1 knowledge of the conviction on the part of the agency. The  
2 Commission may adopt rules to implement this subsection (i).

3 (j) If information is discovered affecting the  
4 registration of a person whose fingerprints were submitted  
5 under this Section, then the Commission shall so notify the  
6 agency that submitted the fingerprints on behalf of that  
7 person.

8 (k) A person employed under this Section shall have 15  
9 business days within which to notify the Commission of any  
10 change in employer. Upon notification and payment of the  
11 required fee, the Commission shall issue that person a new  
12 recovery card, provided that the person's current employer is a  
13 licensed repossession agency.

14 (l) This Section applies only to those employees of  
15 licensed repossession agencies whose duties include actual  
16 repossession of collateral.

17 Section 50. Fees.

18 (a) The license and permit fees required under this Act are  
19 as follows:

20 (1) Class "R" license (recovery agency), \$825.

21 (2) Class "RR" license (branch office), \$425.

22 (3) Class "MR" license (recovery agency manager),  
23 \$325.

24 (4) Class "E" recovery permit (recovery agent), \$75.

25 (5) Class "EE" recovery permit (recovery agent

1 intern), \$75.

2 (b) The Commission may establish by rule a fee for the  
3 replacement or revision of a license or recovery permit.

4 (c) The fees set forth in this Section must be paid by  
5 certified check or money order, or at the discretion of the  
6 Commission, by agency check at the time the application is  
7 approved, except that an applicant for a Class "E", Class "EE",  
8 or Class "MR" license or permit must pay the license or permit  
9 fee at the time the application is made. If a license or permit  
10 is revoked or denied, or if an application is withdrawn, then  
11 the license or permit fee shall not be refunded.

12 Section 55. Social Security Number or Federal Employee  
13 Identification Number on application. In addition to any other  
14 information required by the Commission to be contained in the  
15 application, every application for original, renewal, or  
16 restored license or permit shall include the applicant's Social  
17 Security Number, if an individual, or Federal Employer  
18 Identification Number, if not an individual. The Commission  
19 shall not disclose an individual's Social Security Number and  
20 must keep that Social Security Number confidential unless  
21 disclosure is required by law.

22 Section 60. Criminal background check. The Commission  
23 shall require that each individual, partner of a partnership,  
24 officer of a corporation, or owner of a limited liability

1 company, as part of the application process, authorize a  
2 criminal history records check to determine if such applicant  
3 has ever been charged with a crime and, if so, the disposition  
4 of those charges. Upon this authorization, each individual,  
5 partner of a partnership, officer of a corporation, or owner of  
6 a limited liability company shall submit his or her  
7 fingerprints to the Commission in the form and manner  
8 prescribed by the Illinois Commerce Commission Police. These  
9 fingerprints shall be checked against the fingerprint records  
10 now and hereafter filed in the Illinois Commerce Commission  
11 Police and Federal Bureau of Investigation criminal history  
12 records databases. The Commission shall charge a fee for  
13 conducting the criminal history records check, which shall be  
14 deposited in the Transportation Regulatory Fund and shall not  
15 exceed the actual cost of the records check. The Illinois  
16 Commerce Commission Police shall provide information  
17 concerning any criminal charges, and their disposition, now or  
18 hereafter filed against an applicant upon request of the  
19 Commission when the request is made in the form and manner  
20 required by the Illinois Commerce Commission Police.

21 Section 65. Licensed recovery manager in control of  
22 repossession agency.

23 (a) As a condition of licensure, a licensed recovery  
24 manager must, at all times, be in control of a repossession  
25 agency. Each licensed repossession agency and licensed branch

1 office location must have a licensed recovery manager on site.  
2 The licensed recovery manager in control must spend over 51% of  
3 the usual business hours conducting business related to  
4 collateral recovery at the licensed location.

5 (b) A licensed recovery manager may only be in control of  
6 one repossession agency or branch office location at one time.  
7 Upon written request by a representative of an agency within 10  
8 days after the loss of the licensed recovery manager in control  
9 due to the death of the license holder or because of an  
10 unanticipated termination of his or her employment, the  
11 Commission shall issue a temporary permit allowing the  
12 continuing operation of a previously licensed repossession  
13 agency. The temporary permit shall be valid for no more than 90  
14 days. Upon written request by the representative of the agency,  
15 an extension of an additional 90 days may be granted by the  
16 Commission for good cause shown. No more than 2 extensions may  
17 be granted to any repossession agency. A temporary permit may  
18 not be issued for loss of the licensed recovery manager in  
19 control if that loss is due to disciplinary action taken by the  
20 Commission.

21 (c) Whenever a licensed recovery manager in control of a  
22 repossession agency ceases to be in control, the licensed  
23 agency shall file notice with the Commission within 30 days  
24 after the cessation. If the repossession agency fails to give  
25 written notice at the end of the 30-day period, then the  
26 agency's license shall automatically be suspended. If the



1 notice is filed, then the license shall remain in force for a  
2 period of 90 days after the filing of the notice. At the end of  
3 the 90-day period or an additional period, not to exceed one  
4 year, as specified by the Commission, if written notice is not  
5 given that a licensed recovery manager is then in control of  
6 the agency, then the agency's license shall automatically be  
7 suspended. A license suspended under this Section may be  
8 reinstated upon payment of a reinstatement fee, to be  
9 determined by the Commission, and submission of a reinstatement  
10 application.

11 (d) Except as otherwise provided in this Act, no person may  
12 serve as the licensed recovery manager in control of a licensed  
13 repossession agency if that person has ever had a repossession  
14 agency's license revoked or if the person was a partner,  
15 managing employee, owner, or officer of a repossession agency  
16 the license of which has been revoked for cause.

17 (e) The license of the recovery manager in control of a  
18 licensed repossession agency, together with the agency's  
19 license, shall be conspicuously displayed at the agency  
20 location of which the recovery manager is in control.

21 (f) A license extended under this Section is subject to all  
22 other provisions of this Act.

23 Section 70. License extension in cases of death or  
24 disassociation.

25 (a) In the case of the death of a person who is licensed

1 individually as a repossession agency, a member of the  
2 deceased's immediate family shall be entitled to continue  
3 operating the agency under the same license for up to 120 days  
4 following the date of death, provided that written notice is  
5 given to the Commission within 30 days following the date of  
6 death. At the end of the 120-day period, the license shall  
7 automatically be revoked.

8 (b) In the case of the death or disassociation of a partner  
9 of a partnership licensed as a repossession agency, the company  
10 shall notify the Commission, in writing, within 30 days from  
11 the death or disassociation of the partner. If they fail to  
12 notify the Commission within the 30-day period, then the  
13 license shall automatically be revoked at the end of that  
14 period. If proper notice is given, then the license shall  
15 remain in force for 90 days following the date of death or  
16 disassociation of the partner. At the end of the 90-day period,  
17 the license shall automatically be revoked.

18 (c) A license extended under this Section is subject to all  
19 other provisions of this Act.

20 Section 75. Licenses and recovery permits; renewals;  
21 restoration; person in military service.

22 (a) An original Class "R" license, Class "RR" license, and  
23 Class "MR" license shall expire 2 years after the date of  
24 issuance.

25 (b) An original Class "E" recovery permit and Class "EE"

1 recovery permit shall expire one year after the date of  
2 issuance.

3 (c) A renewal Class "R" license, Class "RR" license and  
4 Class "MR" license shall expire 2 years after the date of  
5 renewal.

6 (d) A renewal Class "E" recovery permit and Class "EE"  
7 recovery permit shall expire one year after the date of  
8 renewal.

9 (e) The following are guidelines for the classes of  
10 licensure and registration:

11 (1) Any person, firm, company, partnership, or  
12 corporation that engages in business as a recovery agency  
13 shall have a Class "R" license. A Class "R" license is  
14 valid for only one location.

15 (2) Each branch office of a Class "R" agency shall have  
16 a Class "RR" license.

17 (3) Any individual who performs the services of a  
18 manager for a Class "R" recovery agency or a Class "RR"  
19 branch office must have a Class "MR" license.

20 (4) Any individual who performs recovery services as a  
21 repossession agency employee for a Class "R" recovery  
22 agency or a Class "RR" branch office must have a Class "E"  
23 recovery permit.

24 (5) Any individual who performs repossessions as an  
25 intern under the direction and control of a designated,  
26 sponsoring Class "E" recovery permit or a designated,

1 sponsoring Class "MR" license shall have a Class "EE"  
2 recovery permit.

3 (6) An individual shall have a Class "E" recovery  
4 permit if he or she owns or is an employee of a Class "R"  
5 agency or Class "RR" branch office.

6 (7) Class "R", Class "RR", Class "MR", Class "E", and  
7 Class "EE" licenses and recovery permits are not  
8 transferable.

9 (f) At least 90 days prior to the expiration of a license  
10 or recovery permit, the Commission shall mail to the license or  
11 permit holder a renewal form in the form and manner prescribed  
12 by the Commission. The license holder or recovery permit holder  
13 must complete and mail the renewal form to the Commission, pay  
14 any fines assessed, and pay any renewal fee required by the  
15 Commission.

16 (g) Any person or entity that has permitted a license or  
17 recovery permit to expire may have that license or recovery  
18 permit restored by making an application to the Commission  
19 within one year after the expiration of a repossession agency's  
20 license or a qualified manager license or within 30 days after  
21 the expiration of a recovery permit, filing proof acceptable to  
22 the Commission of fitness to have the license or recovery  
23 permit restored, and paying the required restoration fee.  
24 However, any person whose license or recovery permit expired  
25 while (i) in federal service on active duty with the Armed  
26 Forces of the United States or called into service or training

1 with the State militia or (ii) in training or education under  
2 the supervision of the United States preliminary to induction  
3 into military service may have his or her license or recovery  
4 permit renewed or restored without paying any lapsed renewal  
5 fees, if within 2 years after honorable termination of the  
6 service, training, or education, except under condition other  
7 than honorable, he or she furnishes the Commission with  
8 satisfactory evidence to the effect that he or she has been so  
9 engaged and that the service, training, or education has been  
10 so terminated.

11 (h) A suspended repossession agency license, recovery  
12 manager license, or recovery permit is subject to expiration as  
13 set forth in this Section. Renewal of a certificate or  
14 registration card does not entitle the license holder or  
15 recovery permit holder, while the license or recovery permit  
16 remains suspended and until it is reinstated, to engage in the  
17 licensed or permitted activity.

18 (i) A revoked repossession agency license, recovery  
19 manager license, or recovery permit is subject to expiration as  
20 set forth in this Section; however, it may not be renewed. If a  
21 revoked license or recovery permit is reinstated after its  
22 expiration, then the license holder or recovery permit holder,  
23 as a condition of reinstatement, shall pay a reinstatement fee  
24 in an amount equal to the renewal fee in effect on the last  
25 regular renewal date prior to the date on which the license or  
26 recovery permit is reinstated and any additional delinquency

1 fee required by the Commission.

2 (j) Any person or entity that notifies the Commission, in  
3 writing on forms prescribed by the Commission, may place a  
4 license or recovery permit on inactive status and shall be  
5 excused from the payment of renewal fees until the person or  
6 entity notifies the Commission in writing of the intention to  
7 resume active practice. Any person or entity requesting that a  
8 license or recovery permit be changed from inactive to active  
9 status shall be required to pay the current renewal fee.

10 (k) Any repossession agency license holder, recovery  
11 manager license holder, or recovery permit holder whose license  
12 or recovery permit is nonrenewed or on inactive status shall  
13 not engage in the practice of recovery in this State or use the  
14 title or advertise that he, she, or it performs the services of  
15 a licensed repossession agency, licensed recovery manager, or  
16 repossession agency employee.

17 (l) Any person violating subsection (k) of this Section  
18 shall be considered to be operating a repossession agency  
19 without a license, acting as a recovery manager without a  
20 license, or acting as a repossession agency employee without a  
21 recovery permit and is subject to the disciplinary provisions  
22 of this Act.

23 (m) A repossession agency license, recovery manager  
24 license, or recovery permit that is not renewed within 3 years  
25 after its expiration may not be renewed, restored, reinstated,  
26 or reissued thereafter. The holder of the license or recovery

1 permit may obtain a new license or recovery permit only upon  
2 compliance with all of the provisions of this Act concerning  
3 the issuance of original licenses or recovery permits.

4 Section 80. Refusal, revocation, or suspension.

5 (a) The Commission may refuse to issue or renew or may  
6 revoke any license or recovery permit or may suspend, place on  
7 probation, fine, or take any disciplinary action that the  
8 Commission may deem proper, including fines not to exceed  
9 \$2,500 for each violation, with regard to any license holder or  
10 recovery permit holder for one or any combination of the  
11 following causes:

12 (1) Knowingly making any misrepresentation for the  
13 purpose of obtaining a license or recovery permit.

14 (2) Violations of this Act or its rules.

15 (3) Conviction of any crime under the laws of the  
16 United States or any state or territory thereof that is (i)  
17 a felony, (ii) a misdemeanor, an essential element of which  
18 is dishonesty, or (iii) a crime that is related to the  
19 practice of the profession.

20 (4) Aiding or abetting another in violating any  
21 provision of this Act or its rules.

22 (5) Engaging in dishonorable, unethical, or  
23 unprofessional conduct of a character likely to deceive,  
24 defraud, or harm the public as defined by rule.

25 (6) Violation of any court order from any State or

1 public agency engaged in the enforcement of payment of  
2 child support arrearages or for noncompliance with certain  
3 processes relating to paternity or support proceeding.

4 (7) Solicitation of professional services by using  
5 false or misleading advertising.

6 (8) A finding that the license or recovery permit was  
7 obtained by fraudulent means.

8 (9) Practicing or attempting to practice under a name  
9 other than the full name shown on the license or recovery  
10 permit or any other legally authorized name.

11 (b) The Commission may refuse to issue or may suspend the  
12 license or recovery permit of any person or entity who fails to  
13 file a return, pay the tax, penalty, or interest shown in a  
14 filed return, or pay any final assessment of tax, penalty, or  
15 interest, as required by any tax Act administered by the  
16 Department of Revenue, until the time the requirements of the  
17 tax Act are satisfied. The Commission may take into  
18 consideration any pending tax disputes properly filed with the  
19 Department of Revenue.

20 Section 85. Consideration of past crimes.

21 (a) Notwithstanding the prohibitions set forth in Sections  
22 40 and 45 of this Act, when considering the denial of a license  
23 or recovery permit on the grounds of conviction of a crime, the  
24 Commission, in evaluating the rehabilitation of the applicant  
25 and the applicant's present eligibility for a license or



1 recovery permit, shall consider each of the following criteria:

2 (1) The nature and severity of the act or crime under  
3 consideration as grounds for denial.

4 (2) Evidence of any act committed subsequent to the act  
5 or crime under consideration as grounds for denial, which  
6 also could be considered as grounds for disciplinary action  
7 under this Act.

8 (3) The amount of time that has lapsed since the  
9 commission of the act or crime referred to in item (1) or  
10 (2) of this subsection (a).

11 (4) The extent to which the applicant has complied with  
12 any terms of parole, probation, restitution, or any other  
13 sanctions lawfully imposed against the applicant.

14 (5) Evidence, if any, of rehabilitation submitted by  
15 the applicant.

16 (b) When considering the suspension or revocation of a  
17 license or recovery permit on the grounds of conviction of a  
18 crime, the Commission, in evaluating the rehabilitation of the  
19 applicant and the applicant's present eligibility for a license  
20 or recovery permit, shall consider each of the following  
21 criteria:

22 (1) The nature and severity of the act or offense.

23 (2) The license holder's or recovery permit holder's  
24 criminal record in its entirety.

25 (3) The amount of time that has lapsed since the  
26 commission of the act or offense.

1           (4) Whether the license holder or recovery permit  
2 holder has complied with any terms of parole, probation,  
3 restitution, or any other sanctions lawfully imposed  
4 against him or her.

5           (5) If applicable, evidence of expungement  
6 proceedings.

7           (6) Evidence, if any, of rehabilitation submitted by  
8 the license holder or recovery permit holder.

9           Section 90. Insurance required. No repossession agency  
10 license shall be issued unless the applicant first files with  
11 the Commission a certification of insurance evidencing  
12 coverage in the amount required under this Section. The  
13 coverage shall provide the Commission as an additional insured  
14 for the purpose of receiving all notices of modifications or  
15 cancellations of such insurance. Coverage shall be written by  
16 an insurance company that is lawfully engaged to provide  
17 insurance coverage in Illinois. Coverage shall provide for a  
18 combined single limit policy in the amount of at least  
19 \$1,000,000 per occurrence, which policy shall include  
20 commercial general liability for wrongful repossession, garage  
21 keepers, on hook, and drive-away. Coverage shall provide for a  
22 dishonesty bond policy in the amount of at least \$1,000,000.  
23 Coverage shall insure for the liability of all employees  
24 licensed or registered by the Commission while acting in the  
25 course of their employment. The agency shall notify the

1 Commission immediately upon cancellation of the insurance  
2 policy, whether the cancellation was initiated by the insurance  
3 company or the insured agency. The agency's license shall  
4 automatically be suspended on the date of cancellation of the  
5 policy, unless new evidence of insurance is provided to the  
6 Commission prior to the effective date of cancellation.

7 Section 95. Display of license required. At all times, a  
8 repossession agency's license shall be conspicuously displayed  
9 at the agency location on record with the Commission.

10 Section 100. Local government; home rule.

11 (a) Nothing in this Act shall prevent local authorities in  
12 any municipality, county, or municipality and county, by  
13 ordinance and within the exercise of the police power of the  
14 municipality or county, from requiring repossession agency and  
15 recovery manager license holders to register their names and  
16 file a copy of their State identification cards with the  
17 municipality, county, or municipality and county.

18 (b) A municipality or county, including a home rule unit,  
19 may not regulate individuals and entities engaged in the  
20 business of collateral recovery in a manner that is less  
21 stringent than the standards established under this Act. To the  
22 extent that any regulation by a municipality or county,  
23 including a home rule unit, is less stringent than the  
24 standards established under this Act, it is superseded by this

1 Act. This Section is a limitation under subsection (i) of  
2 Section 6 of Article VII of the Illinois Constitution on the  
3 concurrent exercise by home rule units of powers and functions  
4 exercised by the State.

5 Section 105. Notification of law enforcement. Prior to a  
6 repossession, the licensed repossession agency or repossession  
7 agency employee must notify the appropriate law enforcement  
8 agency located in the jurisdiction in which the licensed  
9 repossession agency or repossession agency employee plans to  
10 perform the repossession. Upon completion of the repossession,  
11 the licensed repossession agency or repossession agency  
12 employee must notify the appropriate law enforcement agency  
13 that the repossession has occurred within its jurisdiction.

14 Section 110. repossession of vehicles.

15 (a) With regard to collateral subject to a security  
16 agreement, repossession occurs when the licensed repossession  
17 agency employee gains entry into the collateral, the collateral  
18 becomes connected to a tow vehicle, or the licensed  
19 repossession agency employee has physical care, custody, or  
20 control of the collateral.

21 (b) The licensed repossession agency shall confirm with the  
22 legal owner of a recovered vehicle whether the legal owner  
23 holds a security interest in the personal effects or other  
24 property contained in or on the recovered vehicle.

1           (c) If personal effects or other property not covered by a  
2 security agreement are contained in or on a recovered vehicle  
3 at the time it is recovered, then the personal effects and  
4 other property not covered by a security agreement must be  
5 completely and accurately inventoried, and a record of the  
6 inventory shall be maintained on file with the licensed  
7 repossession agency for a period of 2 years following the date  
8 of repossession. The licensed repossession agency shall hold  
9 all personal effects and other property not covered by a  
10 security agreement until the licensed repossession agency  
11 either returns the personal effects and other property to the  
12 debtor or disposes of the personal effects and other property  
13 in accordance with this Section.

14           (d) Within 5 working days following the date of  
15 repossession, the licensed repossession agency shall give  
16 written notification to the debtor of the whereabouts of  
17 personal effects or other property inventoried. At least 45  
18 days prior to disposing of such personal effects or other  
19 property, the licensed repossession agency shall, by United  
20 States Postal Service proof of mailing or certified mail,  
21 notify the debtor of the intent to dispose of the property.  
22 Should the debtor, or his or her lawful designee, appear to  
23 retrieve the personal property prior to the date on which the  
24 licensed repossession agency is allowed to dispose of the  
25 property, the licensed repossession agency shall surrender the  
26 personal property to that individual upon payment of any

1 reasonably incurred expenses for inventory and storage.

2 (e) If personal property is not claimed within 45 days of  
3 the notice of intent to dispose, then the licensed repossession  
4 agency may dispose of the personal property at its discretion,  
5 except that illegal items or contraband shall be surrendered to  
6 a law enforcement agency, and the licensed repossession agency  
7 shall retain a receipt or other proof of surrender as part of  
8 the inventory and disposal records it maintains. The inventory  
9 of the personal property and the records regarding any disposal  
10 of personal property shall be maintained for a period of 2  
11 years in the permanent records of the licensed repossession  
12 agency and shall be made available upon request to the  
13 Commission.

14 Section 115. Deposit of fees and fines. All of the fees and  
15 fines collected under this Act shall be deposited into the  
16 Transportation Regulatory Fund and, subject to appropriation,  
17 may be used by the Commission for the administration of this  
18 Act.

19 Section 120. Payments; penalty for insufficient funds. Any  
20 person or entity who delivers a check or other payment to the  
21 Commission that is returned to the Commission unpaid by the  
22 financial institution upon which it is drawn shall pay to the  
23 Commission, in addition to the amount already owed to the  
24 Commission, a fine amount as determined by the Commission. The

1 fines imposed by this Section are in addition to any other  
2 discipline provided under this Act prohibiting unlicensed or  
3 unregistered practice or practice on a nonrenewed license or  
4 recovery permit. The Commission shall notify the person or  
5 entity that fees and fines shall be paid to the Commission by  
6 certified check or money order within 30 calendar days after  
7 notification. If, after the expiration of 30 days from the date  
8 of notification, the person or entity has failed to submit the  
9 necessary remittance, then the Commission shall automatically  
10 terminate the license or recovery permit or deny the  
11 application without hearing. If, after termination or denial,  
12 the person seeks a license or recovery permit, then the person  
13 or entity shall apply to the Commission for restoration or  
14 issuance of the license or recovery permit and pay all fees and  
15 fines due to the Commission. The Commission may establish a fee  
16 for the processing of an application for restoration of a  
17 license or recovery permit to pay all expenses of processing  
18 the application. The Commission may waive the fines due under  
19 this Section in individual cases where the Commission finds  
20 that the fines would be unreasonable or unnecessarily  
21 burdensome.

22 Section 125. Filings, formal complaints. All repossession  
23 activity correspondence relating to complaints and alleged  
24 violations of this Act shall be submitted to the Commission in  
25 writing on forms and in a manner prescribed by the Commission.

1           Section 130. Roster.    The Commission shall maintain a  
2 roster of names and addresses of all persons who hold valid  
3 licenses and recovery permits and all persons whose licenses or  
4 recovery permits have been suspended or revoked within the  
5 previous year.

6           Section 135. Violations; injunctions; cease and desist  
7 order.

8           (a) If any person or entity violates a provision of this  
9 Act, then the Commission may, in the name of the People of the  
10 State of Illinois, through the Attorney General of the State of  
11 Illinois, petition for an order enjoining the violation or for  
12 an order enforcing compliance with this Act. Upon the filing of  
13 a verified petition in court, the court may issue a temporary  
14 restraining order, without notice or bond, and may  
15 preliminarily and permanently enjoin the violation. If it is  
16 established that the person or entity has violated or is  
17 violating the injunction, the court may punish the offender for  
18 contempt of court. Proceedings under this Section are in  
19 addition to, and not in lieu of, all other remedies and  
20 penalties provided by this Act.

21           (b) If any person or entity practices as a repossession  
22 agency or a recovery manager or holds himself, herself, or  
23 itself out as such without having a valid license or recovery  
24 permit under this Act, then any license holder or recovery



1 permit holder, any person injured thereby, or any resident of  
2 or legal entity within the State may, in addition to the  
3 Commission, petition for relief as provided in subsection (a)  
4 of this Section.

5 (c) Whenever, in the opinion of the Commission, any person  
6 or entity violates any provision of this Act, the Commission  
7 may issue a rule to show cause why an order to cease and desist  
8 should not be entered against that person or entity. The rule  
9 shall clearly set forth the grounds relied upon by the  
10 Commission and shall provide a period of 7 days from the date  
11 of the rule to file an answer to the satisfaction of the  
12 Commission. Failure to answer to the satisfaction of the  
13 Commission shall cause an order to cease and desist to be  
14 issued immediately.

15 Section 140. Investigation; notice and hearing. The  
16 Commission may investigate the actions or qualifications of any  
17 person or entity holding or claiming to hold a license or  
18 recovery permit. The Commission may take any immediate  
19 disciplinary action that the Commission may deem proper if a  
20 person or entity repossesses a vehicle or collateral in the  
21 State without a valid license and permit. For all other  
22 disciplinary actions against a license or recovery permit  
23 holder, the Commission shall (i) notify the accused in writing  
24 of any charges made and the time and place for a hearing on the  
25 charges at least 30 days before the date set for the hearing,

1 (ii) direct the accused to file a written answer to the charges  
2 under oath within 20 days after the service on the person or  
3 entity of such notice, and (iii) inform the accused that  
4 failure to file an answer shall result in a default judgment  
5 against the person or entity and the person's or entity's  
6 license or recovery permit may be suspended, revoked, placed on  
7 probationary status, or other disciplinary action taken with  
8 regard to the license or recovery permit as the Commission may  
9 deem proper.

10 In case the person or entity, after receiving notice, fails  
11 to file an answer, the person's or entity's license or recovery  
12 permit may, in the discretion of the Commission, be suspended,  
13 revoked, placed on probationary status, or the Commission, may  
14 take whatever disciplinary action it deems proper, including  
15 the imposition of a fine, without a hearing, if the act or acts  
16 charged constitute sufficient grounds for such action under  
17 this Act. This written notice and any notice in the subsequent  
18 proceedings may be served by personal delivery to the accused,  
19 or by registered or certified mail to the address last  
20 specified by the accused in the last notification to the  
21 Commission.

22 The written answer shall be served by personal delivery,  
23 certified delivery, or certified or registered mail to the  
24 Commission. At the time and place fixed in the notice, the  
25 Commission shall proceed to hear the charges and the parties or  
26 their counsel shall be accorded ample opportunity to present

1 such statements, testimony, evidence, and argument as may be  
2 pertinent to the charges or to the defense thereto. The  
3 Commission may continue such hearing from time to time. At the  
4 discretion of the Commission, the accused person's or entity's  
5 license or recovery permit may be suspended or revoked, if the  
6 evidence constitutes sufficient grounds for such action under  
7 this Act.

8 Section 145. Record of proceeding. The Commission, at its  
9 expense, shall preserve a record of all proceedings at the  
10 formal hearing of any case. The notice of hearing, complaint  
11 and all other documents in the nature of pleadings and written  
12 motions filed in the proceedings, the transcript of testimony,  
13 and orders of the Commission shall be in the record of the  
14 proceedings.

15 Section 150. Subpoenas; oaths; attendance of witnesses.  
16 The Commission has the power to subpoena and to bring before it  
17 any person and to take testimony either orally or by  
18 deposition, or both, with the same fees and mileage and in the  
19 same manner as is prescribed in civil cases in the courts of  
20 this State. The Commission and the designated hearing officer  
21 have the power to administer oaths to witnesses at any hearing  
22 that the Commission is authorized to conduct and any other  
23 oaths authorized in any Act administered by the Commission. Any  
24 circuit court may, upon application of the Commission or its

1 designee or of the applicant, license holder, or recovery  
2 permit holder against whom proceedings under this Act are  
3 pending, enter an order requiring the attendance of witnesses  
4 and their testimony, and the production of documents, papers,  
5 files, books, and records in connection with any hearing or  
6 investigation. The court may compel obedience to its order by  
7 proceedings for contempt.

8       Section 155. Recommendations for disciplinary action. At  
9 the conclusion of the hearing, the Commission shall prepare a  
10 written report of its findings and recommendations. The report  
11 shall contain a finding whether or not the accused person or  
12 entity violated this Act or failed to comply with the  
13 conditions required in this Act. The finding is not admissible  
14 in evidence against the person in a criminal prosecution  
15 brought for the violation of this Act, but the hearing and  
16 finding are not a bar to a criminal prosecution brought for the  
17 violation of this Act.

18       Section 160. Rehearing. In any hearing involving  
19 disciplinary action against a license holder or recovery permit  
20 holder, a copy of the Commission's report shall be served upon  
21 the respondent by the Commission, either personally or as  
22 provided in this Act for the service of the notice of hearing.  
23 Within 20 calendar days after service, the respondent may  
24 present to the Commission a motion in writing for a rehearing

1 that shall specify the particular grounds for rehearing. If no  
2 motion for rehearing is filed, then upon the expiration of the  
3 time specified for filing a motion, or if a motion for  
4 rehearing is denied, then upon denial, the Commission may enter  
5 an order in accordance with its own recommendations except as  
6 provided in this Act. If the respondent orders from the  
7 reporting service, and pays for, a transcript of the record  
8 within the time for filing a motion for rehearing, then the 20  
9 calendar day period within which a motion may be filed shall  
10 commence upon the delivery of the transcript to the respondent.

11 Section 165. Appointment of a hearing officer. The  
12 Commission has the authority to appoint any attorney duly  
13 licensed to practice law in the State of Illinois to serve as  
14 the hearing officer in any action for refusal to issue or renew  
15 a license or recovery permit or to discipline a license holder  
16 or recovery permit holder. The hearing officer has full  
17 authority to conduct the hearing. The hearing officer shall  
18 report his or her findings and recommendations to the  
19 Commission. The Commission has 60 calendar days from receipt of  
20 the report to review the report of the hearing officer. If the  
21 Commission disagrees with the recommendation of the hearing  
22 officer, then the Commission may issue an order in  
23 contravention of the recommendation.

24 Section 170. Hearing by other examiner. Whenever the

1 Commission is not satisfied that substantial justice has been  
2 done in revoking or suspending a license or recovery permit, or  
3 refusing to issue or renew a license or recovery permit, the  
4 Commission may order a rehearing by the same or other  
5 examiners.

6 Section 175. Order; certified copy. An order or a  
7 certified copy thereof, over the seal of the Commission, shall  
8 be prima facie proof:

9 (a) that the seal is the genuine seal of the Commission;  
10 and

11 (b) that the Commission is duly appointed and qualified.

12 Section 180. Restoration. At any time after the suspension  
13 or revocation of any license or recovery permit, the Commission  
14 may restore the license or recovery permit to the accused  
15 person, unless after an investigation and a hearing the  
16 Commission determines that restoration is not in the public  
17 interest.

18 Section 185. License and recovery permit surrender. Upon  
19 the revocation or suspension of any license or recovery permit,  
20 the license holder or recovery permit holder shall immediately  
21 surrender the license or recovery permit to the Commission. If  
22 the license holder or recovery permit holder fails to do so,  
23 then the Commission has the right to seize the license or

1 recovery permit.

2 Section 190. Summary suspension. The Commission may  
3 summarily suspend the license of a repossession agency, the  
4 license of a recovery manager, or the recovery permit of an  
5 employee without a hearing, simultaneously with the  
6 institution of proceedings for a hearing provided for in this  
7 Act, if the Commission finds that evidence in its possession  
8 indicates that a repossession agency's, recovery manager's, or  
9 employee's continuation in the business of collateral recovery  
10 would constitute an imminent danger to the public. In the event  
11 that the Commission summarily suspends a license or recovery  
12 permit without a hearing, a hearing by the Commission must be  
13 held within 30 calendar days after the suspension has occurred.

14 Section 195. Judicial review. All final administrative  
15 decisions of the Commission are subject to judicial review  
16 under the Administrative Review Law and its rules. The term  
17 "administrative decision" is defined as in Section 3-101 of the  
18 Code of Civil Procedure. Proceedings for judicial review shall  
19 be commenced in the circuit court of the county in which the  
20 party applying for review resides; but if the party is not a  
21 resident of this State, the venue shall be in Sangamon County.

22 Section 200. Certification of records. The Commission  
23 shall not be required to certify any record to the court or

1 file any answer in court or otherwise appear in any court in a  
2 judicial review proceeding, unless there is filed in the court,  
3 with the complaint, a receipt from the Commission acknowledging  
4 payment of the costs of furnishing and certifying the record.  
5 Failure on the part of the plaintiff to file such a receipt in  
6 court shall be grounds for dismissal of the action.

7 Section 205. Violations; criminal penalties. Any person  
8 who is found to have violated any provision of this Act is  
9 guilty of a Class A misdemeanor for the first offense, and a  
10 Class 4 felony for a second or subsequent offense.

11 Section 210. Illinois Administrative Procedure Act. The  
12 Illinois Administrative Procedure Act is expressly adopted and  
13 incorporated in this Act as if all of the provisions of that  
14 Act were included in this Act, except that the provision of  
15 paragraph (d) of Section 10-65 of the Illinois Administrative  
16 Procedure Act, which provides that at hearings the license  
17 holder has the right to show compliance with all lawful  
18 requirements for retention, continuation, or renewal of the  
19 license, is specifically excluded. For the purpose of this Act,  
20 the notice required under Section 10-25 of the Illinois  
21 Administrative Procedure Act is deemed sufficient when mailed  
22 to the last known address of a party.

23 Section 215. The Regulatory Sunset Act is amended by adding



1 Section 4.32 as follows:

2 (5 ILCS 80/4.32 new)

3 Sec. 4.32. Act repealed on January 1, 2022. The following

4 Act is repealed on January 1, 2022:

5 The Collateral Recovery Act.

6 Section 999. Effective date. This Act takes effect on July

7 1, 2012.